CHAPTER VII
EPILOGUE

Britain had no philosopher of imperialism, and imperial or colonial government more often came from policies and action than a comprehensive statement of theory. India's conquerors were men moulded in an England untouched by religious or political reforms; in an aristocratic society unexcited by questions of morality. They conquered India but did not despise it. They knew from personal experience that traditional Indian society and political institutions were viable, and in many respects admirably, and did not pretend that their military conquests had produced anything more than the ascendancy of a particular dynasty. The native model appeared to be convenient to them in the realisation of the two-fold objects it had set before itself; namely, (i) the collection of revenue and (ii) the consolidation of its authority in an alien land. The European element was introduced in British-Indian administration which was a bureaucratic form of government. This signified a marriage between the despotic and the bureaucratic institutions. The Indian tradition of territorial organisation and the concentration of powers in the hands of local agents was blended with the notion and practice of centrally appointed professional covenanted
civilians resulting in the imposition of bureaucratic superstructure upon a monarchic foundation. The British district officer came as an agent of centralization armed with powers as extensive as those of his Mughal Proto-type. Indeed he became the Anglo-Saxon reincarnation of *mansabdars* - the embodiment of an oriental principle of government that there should be one officer in each of administration who should be responsible for that area. The Indian system of public administration was of the monarchic variety much more than a blending a Somerset House and the old Bailey, and was perhaps, in its ultimate effects, closest to the French type.

The British colonial administration being based on the district-system with a collector at its head, was analogous to the French Intendancy which worked from 1660 to 1789 in France. During the period, the chief administrative district was the 'Generalite' which was governed by an Intendant appointed by the king and responsible to him alone. This system was used by the French monarchy as an instrument of centralization and as a method to establish absolutism and liquidate local and corporate influences and professions. By 1670, the Intendancy had become a new type of permanent administrators entrenched in every 'Generalite' holding a position which was not an office in the old sense of vendible and hereditary commodity, but
a power revocable at will; dependent on the king and his ministers; the skilled and subtle instrument of the absolutist state. The system of local administration re-organised by Napoleon in 1800 retained the foundations of the pre-revolutionary French administration. In the new system, the Perfect, under absolute central control, became the modern equivalent of the ancient regime and the department became the revolutionary administrative area placed under the charge. The French practised this pattern of local administration in her colonies in Asia and North Africa. This system was followed by such countries of Spain, Belgium and Poland in their colonial possessions in parts of Africa and Asia. Britain, too, had to adopt it for her colonies because she did not then possess a comparable system of local administration within her own borders. Reforms of her local government-system could not be completed before the late years of the 19th century. At any rate, the nature and pattern of the English system of administration at the end of the 18th and the beginning of the 19th century - the period during which the British were busy forging their administrative system in India - were hardly any guide to the British Indian administration. The Napoleonic principle of active administration was a thing which was almost unknown in Europe. Allied to this was the aggressive and authoritarian attitude of Britain
to her colonial possessions in the last years of the 18th century and the beginning of the 19th. Obviously, the pattern of British administration was found inadequate for governing their colonial Indian empire - a backward, oriental society, and they took over much of the centralised and hierarchical mechanics of French administration. The French system served the purpose as desired by the British in India. This had some similarities with the traditional Indian system of territorial organisation and, when applied to the Indian situation, had the great advantage of dispensing with the need for drastic institutional innovation which would have involved great cost, labour and ingenuity and would have looked like disrespect to existing indigenous institutions and administrative usages. This, however, neither implied British attachment to institutional tolerance nor their belief in the natural organic growth of human institutions, appropriate to government. The system was a despotism tempered by the despot's liberal upbringing and by Knowledge of Parliament's usually liberal attitude. But despotism was a system in which people were given what was given for them instead of what they wanted.

In every day internal administration there was no office so important as that of District officer. The British District officer followed the old Roman formula
that he must take care that the State suffered no harm. He must prevent the trouble, if he could to do so; if he could not, he must alleviate it, or quell it, or pacify. He might divide the work, but he could not divide his responsibility. That was his. The District officer has been compared to that of a French prefect, but such a comparison is unjust in many ways. He was not a mere subordinate of a central bureau, the Indian Collector was a strongly individualised worker in every department of rural well-being, with a large measure of local independence and of individual initiative. He used to do in his smaller local sphere all that the Home Secretary superintended in England, and a great deal more, for he was the representative of a paternal and not of a constitutional government. All this implied, not that he was expected to be omniscient but that the District Officer was the Principal officer of government in every branch of the executive administration of the District. At the same time it must not be supposed that he had any irresponsible and arbitrary powers. All his more important duties were strictly regulated either by law or by rules laid down by the government and all his proceedings were subject to the supervision and when necessary to correction.

This form of arbitrary government was suitable for existing Indian social conditions because the mental power
of an Indian peasant was not sufficiently developed to enable him to think in abstract terms such concepts as activity, force, power, energy were to him meaningless, except as attributes of personal being, divine or human, who consciously used them. To him an abstract authority, operating in Delhi or in Whitehall meant nothing. He clothed Government in a man's shape. The Viceroy represented the might and majesty of the empire, but the Viceroy was not so potent as the District officer who had found his way to the hearts of the people by taking an interest in the affairs of the people, listening to their grievances, and taking their faults and shortcomings with that of a humoured tolerance. The Indian people had a love for an autocratic official provided he was sympathetic and just. They even preferred a high handed man if he was accessible and kind.

This was the paternalistic form of District administration which was evolved in Madras under the stewardship of Munro and the members of his schools of thought in contravention to the Corn Wallis School which introduced a over legalistic pattern of district administration worthy of a European nation. The Presidencies of Bengal, Madras and Bombay were governed on such a system laid down by elaborate regulations. But much territories had gradually been added to the British administration and it was plainly
impossible to govern all these new people in accordance with the letter of the law in the older provinces. For backward and simple people as simple a system of administration as possible must be desired which would bring them closely into touch with British officers and would conform with the spirit but not with the letter of Regulations. Those territories were commonly known as non-regulation provinces and the district*, therein were called the non-regulation districts. Unlike their counterparts in the regulation districts, the District officer in the non-regulation districts were known as Deputy Commissioners. A Deputy Commissioner literacy speaking, was an executive who represented the government in the district headed the district team of officers, exercised control over various local bodies, subordinate officers etc. But the jurisdiction of a Deputy Commissioner was extensive enough like his Mughal Prototype in the province known as Subadar. The regulation and non-regulation territories thus represented the extreme of the rule of law and rule of man. But during the twenty years which followed the Mutiny there was a rapid process of assimilation and unification throughout British India. Certain differences had never been eliminated, but the rule of law was soon established throughout the provinces. In subsequent times the various activities of the District officers were further whittled
away by the establishment of highly centralised departments, and later still, by the transfer of certain powers to such elected bodies as local Boards and Municipalities. And later further, when the responsible governments in the provinces had been approaching since 1919 the interference of the politicians came as a challenge to the predominance of the District officers in the sphere of policy making for the government. The subadari system in its extreme form was put to the test of time and was extended to a fraction of British India. These left-over tracts, in contravention to the normal growth of British administration in India, were deregulated and were placed under a complete separate system of district administration. Herein the district officer retained the patriarchal system of administration in its extreme form and character.

The legacy of British administration in the empire was once straddled in Indian ocean area had created a common pattern in the civil services in India, Pakistan, Cylone, Burma and Malaysia quite distinct from those in other commonwealth countries such as Canada, Australia, and the West Indies - or even from the civil service in the United Kingdom. A comparison has been made of the Indian Civil Service with the Imperial Chinese Mandarin at, but though there had interesting parallels, no serious scholar has ever been able to show that the British - Asian
bureaucracy consciously adopted features from China. British India had been for all practical purposes governed under a bureaucratic form of government. At the top of the hierarchy stood what had come to be known as the Indian Civil Service consisting of a little over a thousand officers forming a corps d'elite, once described by Llyod George as the steel frame of the Indian administration. This service, for a major portion of British rule in India, constituted both the "Government" and "Administration" or both the policymaking and executive body. The members of the Indian Civil Service posted in the district throughout the country exercised a general superintendence and control over the whole field of administration, while their comp­peers at the headquarters of the provinces or at Calcutta or Delhi and Simla controlled the policy of administration. It would perhaps not be an exaggeration to say that until the emergence of responsible government, India was governed by the Indian Civil Service and no where its exact counter part was available in the world. The principal features which distinguished the Indian Civil service were open entr^ based on academic competition, permanency of tenure irrespective of party political charge, a division in the grades or classes according to whether the function was responsible or merely routine, a regular graduated scale of pay, and a system of promotion based on merit. Lord Dufferin showered the most flattering comments about the
Indian Civil Service:

There is no service like it in the world. For ingenuity, courage, right judgement, disinterested devotion to duty, endurance, open hertedness, and, at the same time loyalty to one another and their chiefs, they are to my knowledge, superior to any other class of Englishmen.

India had been very often, regarded as the brightest jewel in the Imperial Crown of Great Britain, but the lusture of the jewel shone only at a distance as throughout the Victorian era, any close contact with India appeared to have carried a definite stigma in the thinking of the aristocracy. The aristocracy had assumed a responsibility for India with reluctance and disinterest. India was a kind of dinner bell which cleared the aristocracy-dominated parliament. The membets of the House of Commons rarely debated Indian questions seriously. The prevelance of this attitude had unfortunate effects on attempts of the Government of India to enlist the services of promising Englishmen not only for the regular covenanted Civil Service but also special non-civilian appointments, including the viceroyalty even,. The Indian Civil Service had always displayed essentially a middle class character.

Though of middle class origin, the civilians had an aspiration and tendency to imitate the distasteful habits of the aristocracy. Englishmen came to India, not to exemplify the supposed middle class virtues but to acquire
supposed aristocratic vices. Consequently, the English created for themselves in India a social world intended to be much like life in England as possible. It was highly an artificial society, so tightly knit that it exerted a compelling pressure on all its members. The first merchant adventurers made fabulous fortunes in a brief span of years and returned England with the ambition to move in aristocratic Circles. The Sons of the middle class who accepted the positions in India in the 19th century were equally attracted by the lure of a large income. But the attraction had now become a large salary rather than the prospect of unlimited fortunes, and entailed a career-long commitment to life in India. The salary was not so large as to stir ambitions of savings enough in short order to return to England with the means to lead life like an aristocrat. The ambition of using India as an avenue of advancement in the English social scale was not lost sight of; it was simply transplanted to Indian soil. Englishmen in India were thus committed, by the unwritten terms of the understanding which had brought them to India to living in a manner well above the station from which they had sprung up in England. Virtually, Indian career turned Englishmen into "Instant Aristocrats". The effects of such efforts, so far as actually impressing the English aristocracy at home was concerned, resembled that of most efforts
of "Imitation Gentleman", The "Nabobs" who had returned immensely wealthy from India had been able to buy their way into society, as well as into Parliament. The British-Indian aristocrats who ultimately turned into a ruling caste had nothing more substantial to support their claims than pretence. The transformation of the middle class character of the Civil service into pretension - aristocracy found its origin in the nature of British imperialism. The British imperialism, precisely because it was national, was inescapably characterised by rigorous social exclusiveness unlike the Roman imperial heritage.

The lowly social image of Indian Civil Service reflected on the recruitment of young men of desired educational background. Among those talented university men who came forward in the early years of competition, several after passing successfully found it more to their advantage to throw up their Indian career and Indian prospects and remained at home. By 1866/ as revealed in the examination result, competition failed to attract not only graduates but even university students. In 1864, Sir Charles Wood, one of those responsible for the shifting from patronage to competition, urged with disgust that the unsatisfactory type of persons were succeeding in the examinations. Many pragmatic thrifty middle class people doubtlessly questioned the merit of spending a great amount for a Son's university
education when a shorter and less expensive education at the ramblers proved sufficiently to gain success at the examination. The more able university students simply declined to compete, and therefore non-University ramblers had a more than even chance of success, as was clearly and increasingly demonstrated in the examination results.

Thus the lowly socio-educational profile of the civilians mad the viceroy to form derogatory evaluation of the Indian Civil service. Lord Lytton, who wrote unkind remarks about covenanted civilians, confided to Sir Fitz James Stephen that he had formed the lowest estimate of the ability of these men. Sir Stephen replied with the amazing statement that Lytton's greatest difficulty in India would be having to do first-class work with 2nd, 3rd and 4th rate tools. With others of his social class. Sir Stephen apprehended that increasing number of the competition men among the higher ranks of the service would weaken its efficiency and competency, since nineteen Civilians in twenty were most common place and the least dignified of the 2nd and 3rd class Englishmen.

The almost continuous territorial expansion during the period 1800 - 1850 created such a demand for senior officials that the covenanted service was unable to meet with all needs from its own cadre. The expansion of British power during the early 19th century led to the annexation
of areas less amenable to rule by ledger and law books than Bengal or Madras; such areas were excluded from the 'Regulation' or laws of the presidencies. This was partly because the cadre of the covenanted service, with its carefully controlled recruitment, could not cope with the demands of the newly annexed provinces and districts, some appointments in the non-regulation provinces and districts went to the uncovenanted civilians, i.e. the men who came to the front in a time of unrest and challenge, or on account of their special and peculiar knowledge and experience. But the major source of personnel for the administration of the non-regulation provinces was the army establishment of the Company. Like their uncovenanted civilian colleagues, the military civilians were recruited in India. Except in matters of pension they were treated practically on an equality with their covenanted colleagues, but were debarred by the operation of the Statute of 1861 from holding the posts of Secretary and Junior Secretary to the Local Government and were in practice very seldom appointed to the highest judicial offices. The appointment of army officers in civil situations happened to be result of a well calculated policy of the Company's administration. The Court of Directors were extremely jealous of the growth of military influence at their settlements and turned their soldiers into civilians.
Gradually, the non-regulation provinces and Districts were assimilated to the regulation model of administration and civil services. The non-regulation Commissions had been gaining regulation-civil services by gradual addition to increase proportion of civilian elements in the appointments in different stages of the 19th century. Assam Commission was not an exception to it. But the charge of Khasi-Jaintia Hills District was predominantly left with the soldier-civilians throughout the 19th century and an early part of the 20th. The soldier-civilians left their definite imprint on the nature and character of the district administration of Khasi-Jaintia Hills, because these hills instead of coming under a regular system of administration was relegated to deregulation from non-regulation in character.

The foundation of the British political system was not rooted in the past. The administration of the country under the direct domination of the crown of England much to former rulers of India, but the protectorate was almost exclusively the creation of the British. The Mughals aimed at domination, not sovereignty and the Marathas evolved no policy whatsoever. During the first period of their connection with the native states the British endeavoured as far as possible, to live within a ring fence. The treaties which they concluded with native rulers were at that time made as if they were dealing with independent
princes, sovereigns according to international law* In form, the relations between the company and the Indian States seemed to follow the international practice of Europe/ but in substance they followed much more closely the lines of a constitutional development. This confusion of form and substance, of theory and practice, had produced many of the uncertainties and difficulties. An examination of treaties might justify the selection of the year 1813 as marking the period when the theory of the independence of the native princes and the policy of the non-intervention, gave way, in the hands of Lord Hastings and his successors to the doctrine of subordinate isolation, and a general system of British suzerainty in India.

The position in 1858 was exceedingly indefinite. The company's paramountcy was undefined, undefinable, and always tending to expand under strong pressure of political circumstance. So the process was a constitutional and a diplomatic development. The princes who in the 18th century had been de facto sovereigns but de jure dependents, had become de facto dependents though possessing treaties many of which recognised them as de jure sovereigns. The transfer of Government of India to the crown left the British government, in name as well as in reality, as the sovereign authority in India. Treaties were no longer made as if between equals; engagements and Sanads breathed
a new spirit of subordinate co-operation on the part of the native princes. The territories under the suzerainty of the crown became at once as important and integral a part of India as the territories under its direct domination. Together they formed one political system which the Mughals had not completed, and the Marathas never contemplated. On the political system of India, Lord Curzon observed that the ties between the Indian Princes and the British Crown had no parallel in any other country of the world. The political system of India was neither feudalism nor federation, it was embodied into a constitution; it did not always rest upon a treaty; it bore no resemblance to a league. It represented a series of relationships that had grown up between the crown and the Indian Princes under widely differing historical conditions, but which in progress of time had gradually conformed to a simple type.

The power which was devolved upon the suzereign was exercised through political officers who, as a rule used to reside in the states themselves. In the larger states the Government of India was represented by a Resident, and where a number of States formed a natural group, as in Rajputana and Cefateal India, there was a single Agent for the whole group, assisted by local Residents or political Agents according to the importance of the States within it. These officers formed the sole channel
of communication that the native States possessed with the Government of India in its Foreign Department with officials of British India, or other native States and they were expected to advise and assist, the ruling Chiefs in any matter, administrative or otherwise, on which they might have been consulted. In the case of petty states scattered about British provinces, it was usual to entrust the duties of an Agent with the collector or Commissioner within whose territorial jurisdiction they used to lie.

The Khasi and Jaintia Hills were peculiar in consisting partly of Indian States in varying degrees of dependence through their Sānads on the paramount power, and partly of British territory. It was since the acquisition of the Dewany of Bengal that the East India company came into direct contact with the mediaeval Kingdoms of Jaintia and Cachar as well as the tribal communities of their adjoining hills. These sparsely populated territories had no enough economic worth of surplus revenue yielding potentiality to attract the attention of British annexionists. The British colonialism was economically motivated. They had enough initial reservation about the economic and commercial worth of Assam. The chaotic situation prevailing in Assam since the second half of the 18th century proved to be enough ground for British intervention in it. But the strict adherence to the policy
of non-intervention kept the annexationists disinterested about Assam. But when the districts of Bengal bordering Assam were threatened by the Burmese invasion, the Company had to intervene in the affairs of the north east frontier of Bengal. The result was the first Anglo-Burmese war which was terminated in 1826 by the treaty of Yandabo. By this treaty Assam was slipped into the hands of the East India Company. The questions of defence of Bengal compelled the company to keep Assam under British possession. Now the question of consolidation of British authority in Assam was promoted by the British intervention in the Khasi and Jaintia Hills. After the treaty of Yandabo the British colonial interest in Khasi Hills was concerned only with a communicating road from Gauhati to Sylhet through the hills and nothing more than this. But after the Khasi insurrection of 1829 isast India company realised that it was a blunder of laying such a important road through a tract over which government had no control. The government had to review their policy and attitude towards the Khasis. Most of the conquered and subdued territories were restored to the former Chiefs who submitted to the British protection. Excluding the station of Cherrapunji, only three villages of South Khasi Hills were kept under the British supervision with the ostensible object to command the feet of hills adjacent to sylhet and to make the Khasis realise the presence of the government in the
hills so that no further such distasteful occurrence of 1829 could have taken place.

Situation in Assam was changing very fast. Within a short time it was realised that Assam was capable of producing surplus land revenue provided that peace was restored in the borders. To ensure economic prosperity of Assam, the controlling grip of the British was required to be tighten up in the Khasi-Jaintia Hills. The situation took a sharp turn when the prospect of plantation economy was brighten up in Assam. The transfer of government to the crown after the Mutiny marked the beginning of British national colonialism in India in general and Assam in particular. It had its corresponding effects on Khasi-Jaintia Hills.

The East India Company, in defending its exclusive monopoly, claimed that it had employed monopoly in India's own interest, and implied that dissatisfaction with the Company's rule was stimulated by the unprincipled avarice of Englishmen eager to take unfair advantage of England's ascendancy in India. By 1857 a sizeable body of English traders and planters had grown up in India and had organised themselves into a vocal pressure group. They felt that the company was unsympathetic to British commercial interest and reluctant to take the side of English against Indians. The private Englishmen in India, far from feeling
that the English government in India stood firmly behind them, on the contrary felt unrepresented. They instinctively appealed over the heads of the company's administration to opinion in England and to parliament to bring the Company to reason. The argument that the abolitions of the company was in some degree a response to the pressure of white settlers and traders in India was given further support by the fact that at the same time crown rule was being debated in parliament, a committee of parliament was constituted to examine the question of white settlement in India. On 16 March 1858, parliament created the select committee on colonisation and Settlement (India), designed to enquire into the progress and prospect and the best means to be adopted for the promotion of European colonisation and settlement in India especially in the hill districts and healthier climates of that country, parliament which had committed itself to the furtherance of European settlement in 1833 and had instructed the Company to implement and encourage this policy found in 1858 that the company in practice was still unsympathetic to private English exploitation. One purpose the parliament had in view to supersede the company clearly was to reassure English settlers in India that their interests had not been forgotten and to provide a more secured and sympathetic framework for English Commercial exploitation of Indian resources than had so far developed under the
company's administration. At the time of the renewal of charter of 1833, parliament had instructed the company to open its settled territories to unrestricted exploitation by Englishmen, at the juncture, it insisted on a priority for Indian interest. The inherent contradiction in the two policies was not apparent at the time. It was only when a community of private Englishmen had actually established themselves and began to voice their demands for privileged treatment that parliament was forced to choose between a policy of safeguarding British interests and one dedicated to Indian progress towards self-government. In 1833, philanthropic liberation had been in the ascendant, and uncontradicted by the protests of a strong vested interest. Twenty five years later, liberal idealism was waning in English public life, making more appealing the course of least resistance in bowing to the clamours for the protection of British investments in India, even at the expense of India's own interests.

The public had never before taken an interest in Indian events. The English national excitement over the Indian Mutiny was an important episode in the development of popular interests in England's overseas enterprises, which provided the political basis for the imperial adventurers of later years. Several decades later, when a more self-consciously imperial mood began to reemerge, Professor James Seeley coined the famous phrase that
England had acquired an empire "in a fit of absence of mind". This felicitous and flattering paradoxical expression did not mean, however, that the empire had been acquired by accident, but rather in the more precise phrase of Harriet Martineau, "without the national cognizance". The empire was acquired through the initiative of a small number of Englishmen who had not the least illusion about what they were doing. The appearance of popular imperialism, which was crucially important for British-Indian history, owed a considerable debt for the nationalist response to the Mutiny of 1857. Indian Government, which had always been something of a closed preserve, a vested interest, a field of service and enrichment for one segment of the population only, was now adopted as its own by the nation as a whole. India had been in a sense annexed psychologically because of the popular interest which now followed India's reconquest. India "belongs to us" Miss Martineau stated confidently, speaking the national mind. The company's servants had been employed by an autonomous agency charged with the task of India's regeneration; the officials of the crown served British imperial interests, including the protection of the interests of Englishmen residing in India. The official classes lost some of the uniqueness that had set them apart from other English men; but in return were assured that their services
were employed in building up an enduring empire, and their efforts were clearly endorsed by the nation. The main significance of the abolition of the company was thus symbolic endorsement of British permanence in India, whose credibility and justifiability had been slowly growing up in the preceding decades.

In such a changing attitude of the British in India, Khasi and Jaintia Hills were opened to the English national colonialism along with Assam. Emergence of tea industry opened up the flood gate of unrestricted exploitation of Assam's resources. A large European official as well as non-official planter-community came into being. They formed into a society which was dedicated to keep alive the memory of English life under Indian conditions. British imperialism precisely because it was national, characterised by rigorous social exclusiveness, they were after European climate, plantation and vegetation in Indian climate. As a result, a new society of hilldwellling, estate managing Englishmen had developed. The salubrious climate of Khasi-Jaintia Hills and the soil therein fit for European vegetation gave a new filip to the British colonisation of Assam as well as of the hills in question.

The Deputy Commissioner, Khasi-Jaintia Hills District was one of those 250 District officers in British India. Each was in charge of an area which averaged 4,500
square miles, whereas the average area of an English county was about 1,000 square miles. Each was responsible for the collection and custody of hundreds and thousands of rupees of public money*. Each was responsible for the welfare of a population averaging about a million. This population was by no means homogeneous. It included "primitive jungle-dwellers" and highly civilised townsmen; fierce warrior tribes and peaceful cultivators; rich territorial magnates and poverty stricken tenant farmers, ignorant and unlettered rustics and well-educated and sophisticated politicians. It had many beliefs, spoke many languages, and observed many strange customs.

The Deputy Commissioner, Khasi-Jaintia Hills had his predecessors in the political Agent, Khasi Hills Political Agency and the principal Assistant commissioners under the Assam Commission. They left behind a legacy of District Administration in these hills which was scrupulously followed by the Deputy Commissioner. The Deputy Commissioner, used to perform the function of a District officer in a non-regulation district of Assam. While the plains Districts of Assam were gradually acquiring regulation character in the District administration, the Khasi-Jaintia Hills District was brought under a system of administration which was completely dissimilar to that of Assam valley districts.

Among the hills intersecting the British possessions in North East India, the Garo Hills first came under the
political contact of the British. But due to colonial exigency the Khasis were effectively dealt with. Under the progress of consolidation of British power in the North East India-and for the promotion of new colonialism of the British nation in India few more hill tracts were required to be opened up. The Government gradually developed a suitable administrative arrangement for those hill tracts. The system of hill administration which was dissimilar to the rest of settled territories in British India was more or less uniform everywhere.

An experiment in Malpaharia tract of Rajmahal Hills provided the model for the pattern of administration in the various tribal areas of the country. In actual effect it meant that though physically the tribal areas were made more accessible to the rest of the country, psychologically an image of their being different was gradually built up and administratively they were kept in isolation. The essence of Malpaharia system was introduced in the hills of Assam including Khasi-Jaintia Hills by enacting an Act XXII of 1869 (Garo Hills Act of 1869). This deregulationised the hill districts of Assam. So long, Khasi-Jaintia Hills were a non-regulation tract, now onwards would be treated as a de regulation tract along with Garo Hills and Naga Hills Districts.

In 1874 the Indian legislature passed the scheduled
Districts Act (Act XIV of 1874) which ratified the Garo Hills Act. The Regulation II of 1880 further clarified the position by excluding the specified tracts from the operation of certain Acts and Regulations in practice generally in British India. The Regulation III of 1884 extended the Regulation II of 1880 to the Khasi-Jaintia Hills. This policy of keeping the tribal areas administration separate was continued in the Government of India Act, 1919 and 1935. The Act of 1919 under Section 52A(3) empowered the Governor-General in council to declare any territory to be a Backward Tract and with the sanction of the Secretary of state to direct that the Government of India Act should be applied to the territory with such exceptions and modifications as might be prescribed in his notification. Thereafter he might direct any Act of the Indian legislature should not be applied to the territory or should be applied with such modifications as he might prescribe. Further, he might have authorised the Governor General in Council to issue similar directions in respect of the Acts of the provincial legislature. The power of issuing Regulations by executive order in regard to these territories was maintained. Considered from the point of view of the representation of people in the legislature the Assam tracts along with Darjeeling and Lahul had representation only through nomination unlike Laccadive Islands, Chittagong Hill Tracts, Spiti and Angul
which were not represented at all, and Madras Agency Tracts and Backward Areas of Bihar and Orissa were included in the constituencies, returning members to the Provincial legislatures, and also they had nominated members to represent the so-called aboriginal's interests. The actual implementation of the 1919 Act did not follow a uniform pattern in all the provinces. It differed from province to province, depending upon the strength of the nationalist movement and the orientation of the tribals themselves, In Bihar and Orissa for instance, the Ministers dealt with their transferred subjects more or less in the same manner in Backward Tracts, as in rest of the provinces, but in Assam, their authority in the Backward Tracts were extremely limited. In the Government of India Act of 1935, the policy of keeping the tribals administratively separate and perpetuating distrust about non-tribal neighbours, was further intensified. Through the provision for delimitation of Excluded and partially Excluded Areas, unless the Governor directed its application by notification. In applying any Act, the Governor might have made such modifications or exceptions as he thought fit. The Governor might have taken regulations for the peace and good Government of any such areas, including Regulations for the repeal or amendment of any existing Indian law. There were some important differences between an Excluded and a partially excluded Area, In regard to Excluded Areas the
Governor was required to exercise his functions in his own discretion, but in regard to partially Excluded Areas he could seek the advice of the Ministers. But whereas in the case of a normal portion of a province the Minister's right to tender advice was backed by the power of the legislature to withhold expenditure, in case of a partially Excluded Area, it was not. Further in respect of a partially Excluded Area, free discussion in the legislature without the Governor's previous assent was possible, whereas discussion of or asking of questions on any matter arising out of or affecting the administration of an Excluded Area was not permitted without the consent of the Governor. The Khasi-Jaintia Hills District along with Garo Hills and Mikir Hills were notified as partially Excluded Areas, whereas Naga Hills, North Cachar Hills and the Agency Tracts of Assam were notified as Excluded Areas.

While the rule of law was extended to the normally administered districts of British India including the valley districts of Assam, Khasi-Jaintia Hills along with other Hill districts and Frontier tracts were administered by some special rules which delegated to the Deputy Commissioner almost unfettered powers in executive as well in judicial administration, while in the valley districts of Assam the several Heads of the Departments taken away much authorities of the Deputy Commissioner, in the Hill Districts the Deputy Commissioner was given full control over the Departmental establishments in the district.
While in the plains districts the municipal administration went out of the control of the Deputy Commissioner/ in the Khasi-Jaintia Hills the Deputy Commissioner was the ex-officio Chairman of the Shillong Municipality and the effective controlling hadd in the civic body, in this regard he enjoyed a special privilege in comparison to Deputy Commissioners of other Hill districts as these had no municipal administration developed yet, while the Deputy Commissioner of Assam plains had jealous rivals in the politicians since 1919, the Deputy Commissioner of Khasi-Jaintia Hills along with his counterparts in other Hills were least affected by nationalist movement and interference by local Indian politicians in the administration. In one respect, unlike the Deputy Commissioners of Hills Districts, the District officer of Khasi-Jaintia Hills District was alike his counterparts in the plains districts. As Shillong was the headquarters of the local administration, it was felt desirable to introduce normal administration there. This territory, comprising the Shillong municipal and cantonment areas, was separated from the Khasi-Jaintia Hills District and was administered as a normal unit of administration. Finally, the Deputy Commissioner, Khasi-Jaintia Hills played equally an important role with the tea-districts of Assam as promoter of the colonial interests of the tea-drinking Britain being the in charge of the headquarters-district of the province.
The twenty-five Khasi states were among 562 Indian states covering an area of 60,000 square miles, with a population of nearly 80 millions/ or about forty per cent of the total population of the Indian peninsula. The Khasi states like the feudatory states of the Central Provinces were placed under the political charge of a Deputy Commissioner. But with regard to the pattern of political administration the nearest kins of the Khasi states were the Qurhjal states of Chottanagpur, and tributary states of Orissa. These states were exempted from the operation of ordinary laws of British India. The Chiefs were entitled to dispose of civil matters and minor criminal offences occurring within their jurisdictions. They sent up heinous offences for the orders of the Deputy Commissioner or Commissioner as the case might be. The Deputy Commissioner or Commissioner used to exercise general control over their administration, save for a shadowy limited judicial jurisdiction which was allowed to be retained by the Chief, the British officers exercised entirely the external sovereignty for those states, and even shared with them their internal ones to its maximum.

The political system which was evolved in the Khasi-Jaintia Hills were out of several treaties, engagements and agreements concluded with the Chiefs, sanads
granted to the Chiefs, and several Statutes, Acts, Regulations and Rules that were extended to the Chiefs' ships. But the government's bid to extend political control on the Khasi Chiefs went on unabating even without reference to formal engagements and agreements entered into with them. The several agreements concluded prior to 1858 were not uniform and the relations between the government and the chiefs never had been formally defined. Authority under which the British ruled the Khasi states was not derived from any provision of any Regulation worth quoting. This undefined nature of relations was perhaps suited to the colonial needs of the British and it was felt advantageous to dispose of each question on its merit. Throughout the British rule in India, there had been confusion and doubt as to the proper status and position of the Khasi states as well as the Chiefs therein under British Indian political system.

The control of the Government on the Khasi states was almost all pervasive. This was exercised through the agency of Deputy Commissioner, Khasi-Jaintia Hills. A time came when it was hard to distinguish a British village and a Khasi state in regard to administration therein.

The position of Deputy commissioner as political officer was by no means an easy position. It called for
great qualities of character, tact, sympathy, patience, and good manners. He had to identify himself with interests of both the paramount power and the Chief and people of the states, and yet he was not to interfere in internal administration of the states. The political officer had dual capacity as the mouthpiece of government as also the interpreter of the sentiments and aspirations of the state. The Political Officers required to have all the qualities and accomplishments of a diplomatic officer. For the Khasi Hills, the political officer required to be something more than elsewhere expected to be. In addition to his position as a political officer he was supposed to be an excellent judge, magistrate, Police officer, fiscal officer and what not, unlike in other princely states, the primary duty of the political officer of the Khasi states was to control the internal administration keeping the chief in the background as a shadowy and very insignificant judicial authority only.

Thus the Deputy Commissioner, Khasi-Jaintia Hills was an institution by himself. Nowhere in India he had an equal. There had been no precedence of an administrative legacy left behind by the Deputy Commissioner, Khasi-Jaintia Hills. In a territory having five distinct administrative units of divergent nature and method of administration, the Khasi-Jaintia Hills virtually was turned to be a cockpit of administrative experiments of
the British in India. The Deputy Commissioner was an officer upon whom the concentrated authority of such a magnitude was devolved upon which had ever been entrusted to a single man but the Deputy Commissioner, Khasi-Jaintia Hills. Most probably he was the last remnance of an oriental despotism in India.

Such an important institution was represented by an officer of the Assam Commission which was a mixed commission of civilians, soldier-civilians and uncovenanted civilians up to 1907, after which it was made a regular civilians-oriented commission. As the province was too small, its higher posts too few, and the prospect of service too unattractive to admit of its supporting a separate Civil service - Civilians of proved bad lot was deputed to Assam from the Bengal Civil list for a period of five years and after which they had the option of reverting to Bengal. The soldier-civilians and uncovenanted civilians remained stationary in Assam. These officers were treated unsuitable for appointment in the so-called Regulation provinces because they had no adequate training and academic qualifications like their counterparts civilian officials. The charge of Khasi-Jaintia Hills was definitely a first rate work to be executed by 2nd, 3rd and even 4th rate tools like the civilians having lowly social and educational image in England, and the soldiers and uncovenanted ones who were of still further inferior image in the service in India.
APPENDIX M

Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills*

No 1252 U, dated the 29th November 1906 - under the Powers vested in him by Section 6 of Act XIV of 1874, the Lieutenant Governor is pleased to prescribe the following rules for the administration of Justice and police in the Khasi and Jaintia Hills district. This cancels all previous orders on the subject, but does not affect the rules published with the Chief Commissioners of Assam's Notification No. 142 J, dated the 23rd December 1888:

1. GENERAL

1. The administration of the country known as the Khasi and Jaintia Hills is vested in the Lieutenant Governor of Eastern Bengal and Assam, the Commissioner of Surma Valley and Hill Districts, the Deputy commissioner of the Khasi and Jaintia Hills, his Assistants and the Native Siems, Wahadadars, Sardars, Dolois, Pators and Lyngdohs, or such other classes of officers as the Governor General in council may see fit from time to time to appoint in that behalf, subject to the exceptions and restrictions and rules hereinafter recorded.
The following rules apply to all villages and tracts subject to British jurisdiction -

II  POLICE

3. The Police of the Khasi and Jaintia Hills shall consist of -

(a) Regular Police subject to Act V of 1861;

(b) Rural Police consisting of Sardars, Dolois, Pattors, Lyngdohs and other village authorities recognised as such by the Deputy Commissioner with their subordinate village authorities.

4. The control of the rural Police in the Khasi and Jaintia Hills is vested in the Deputy Commissioner of Surma valley and Hill Districts (and of such other officers as the Lieutenant Governor in Council may from time to time appoint). Misconduct on the part of rural Police is punishable by fine which may be extended to Rs.500 or by punishment to an extent which would be awardable under the Penal Code for a like offence. Imprisonment may be awarded in lieu of fine, but only by the Deputy Commissioner or other officers duly authorised."

$» An appeal lies from all orders of Sardars, Dolois and other Chief authorities in Police matters to the Deputy Commissioner, whose orders are final. But the Lieutenant Governor or commissioner may call for the proceedings of any officer subordinate to him and modify or reverse any order passed.

* As amended by Notification No. 3825J, dated 2nd September 1907,
6. The regular Police form part of the police force of the Province under the control of the Inspector General of Police, Eastern Bengal and Assam, and are subject to the ordinary rules of the Police, except in so far as these may be from time to time modified by Government or the Inspector General of Police in their application to the Khasi and Jaintia Hills. The Deputy Commissioner shall exercise the powers of a Superintendent of police, and the Assistant and Extra Assistant Commissioner the powers of an Assistant Superintendent of Police.*

7o The regular police shall only act, when required to do so by general or special orders of the Lieutenant Governor, Commissioner, Deputy Commissioner, or other officer duly authorised, who may assign to the force any portion of the duties of police, under Act V of 1861, in any locality.

8. The ordinary duties of Police shall be discharged by the sardars and dolois and other village authorities duly authorised by the Deputy Commissioner. They shall arrest all criminals and repress all disorders within their respective jurisdictions.

9. It is the duty of the Sardars, dolois, and other chief village authorities to report to the Deputy commissioner all crimes, violent-deaths, or serious accidents occurring in their

* As amended by Notification No. 3825 J, dated the 2nd September 1907.
districts, and all occurrences whether within or beyond their jurisdictions, which may come to their knowledge, likely to affect the public peace at the earliest possible moment and the deliver up offenders as soon as may be to the officer authorised to try them,

100 The sardars, dolois, and other village authorities shall watch and report and in every emergent case may apprehend and deliver up vagrants, or bad and suspicious characters found in their jurisdictions.

11 On the occurrence of any heinous crime* in his district, any village officer, who may be by custom or appointment charged with the duty of arresting criminals, shall atonce report to the Sardar or Doloi, or other chief village authority who, if the offender has not been apprehended, will proceed without delay to the place where the crime occurred and enquire into the matters* of a crime beyond his cognizance has been committed, he will immediately report it to the Deputy Commissioner, or other duly authorised officers, whether the offender has been apprehended or not*

12 Sardars, Dolois and other village authorities may pursue with hue and cry and apprehend an offender ffcefcng beyond their jurisdiction and arrest him, but ordinarily

---

*Rebellion, Riot, counterfeiting coin or passing counterfeit coin. Murder, wounding to the injury of life or limbs. Rape, theft, Robbery, Dacoity, cattle-stealing, arson, housebreaking, forgery.
no Sardar, doloi, or village authority shall attempt to arrest an offender beyond his own jurisdiction without the cognizance and co-operation or the Sardar, doloi or chief village authority or the village to which the offender has fled. When an offender is traced from one village to another, it will be sufficient to point him out to the Sardar, doloi or other competent authority or the village to which the offender has fled, and request him to make the arrest.

13o When the Sardars, or dolois or chief village authorities feel unable to arrest an offender, they must apply to the Deputy Commissioner, or any officer duly authorised, to grant them the aid of the regular police.

14. The Sardars, dolois, and other chief village authorities are empowered to arrest or cause to be arrested and may also fine, all drunkards and other disorderly persons found browing out of their houses, and all persons found gambling; the fine not to exceed that awardable under their powers in criminal matters as hereinafter defined.

15. All the inhabitants of the Khasi and jaintia Hills are bound to aid the regular police and village authorities, when required to do so, in the maintenance of order, or the apprehension of offenders. Any person failing to do so is liable to fine, the fine to be adjudged by the Sardar, doloi.
or other chief village authority, to the extent he is empowered to award in criminal cases, or by the Deputy Commissioner if fine beyond the amount the village authorities are authorised to impose is considered necessary. When the particular persons blameable for failure to aid in any community cannot be ascertained, the sardar, doloi or Chief village authority shall be considered responsible; and if it appears that the community is to blame and that particular offenders can not be discovered, a fine may be imposed upon the community, but by the Deputy commissioners only.

III CRIMINAL JUSTICE

16. Criminal justice shall be ordinarily administered by the Deputy commissioners, his Assistant, and by the Sardars, dolois, and other chief village authorities of the different communities.

17. The Deputy Commissioner shall be competent to pass sentence of death, transportation, or imprisonment up to the maximum amount: provided that all sentences of death or transportation shall be subject to the confirmation of the lieutenant Governor, and provided that all sentences of imprisonment of seven years and upwards shall not be subject to the confirmation of the Commissioner.

The Lieutenant Governor, commissioner, or Deputy Commissioner may call for the proceedings of any office subordinate to him and reduce, enhance, or cancel any sentence
passed or remand the case for retrial, but no offence shall be punished by a sentence exceeding that awardable under the Indian Penal code. Assistants to the Deputy Commissioner shall exercise such powers, not exceeding those of a Magistrate of the first class as defined in the Criminal Procedure Code, as they may be invested with by the Lieutenant Governor.

18. Any sardar, doloi or other chief village authority may be empowered by the Deputy Commissioners to dispose of cases of persons charged with any of the following offences -

- Injury to property not exceeding Rs.50.
- Injury to person not affecting life or limb.
- House Trespass.
- Theft where the value of the property does not exceed Rs.5.

They may impose a fine for any offence they are competent to try to the extent of Rs.50. They may award restitution or compensation to the extent of the injury sustained, and enforce it by distraint of the property of the offender. In cases in which the fine is not paid or realised either in whole or in part, they shall represent the facts and send in the offender to the Deputy Commissioner who may retry the case and impose such other punishment as he is competent to inflict. Each Sardar, doloi, or other chief village authority who may be empowered as above shall receive a sanad of recognition under the signature of the Deputy Commissioner.

19. Sardars, dolois and other duly-recognised village
authorities may carry out their decision, or order of attachment of property as soon as judgement is pronounced, but in no case is property so attached to be sold, if the party convicted claim to appeal within eight days, without the orders of Deputy Commissioner.

(a) sardars, dolois, or other duly-recognised village authorities may not decide in cases where their father, mother, son, daughter, wife or the children, husbands, wives of any of these are concerned; or

(b) where the defendant is not a native of the Khasi and Jaintia Hills, or is not resident within their jurisdiction; or

(c) when the offence is one against the state, or has caused death or danger of life, or amounts to robbery or theft other than petty theft where the value of the property stolen does not exceed Rs.5, or concerns counterfeiting of coin, or the making of fraudulent documents, or the like.

20o The Sardars, dolois or other duly recognised village authorities shall not decide any case save in open Darbar, in presence of at least three witnesses and the complainant and accused, whose attendance they are empowered to compel. Either party may appeal from the decision at the time decision is pronounced, or within eight days thereof, to the Deputy Commissioner or his Assistant, in which case the Sardar or doli, or other duty recognised authority, shall take the parties, or cause them to be sent before the Deputy Commissioners, or his Assistant, with one of the persons required to attend as a Court witness. The case shall then be tried denovo.
21. An appeal lies from the decision of an Assistant to the Deputy Commissioner if preferred within sixteen days:

Provided that no appeal shall lie against the following sentences when passed by a Magistrate of the first class, viz.:

(1) sentence of imprisonment only, when the term does not exceed one month;
(2) Sentence of fine only, when the amount of fine does not exceed Rs.507
(9) sentence of whipping only.*

22. No appeal shall lie as a matter of right from any sentence passed by a Deputy Commissioner involving less than three years' imprisonment. An appeal shall lie to the Commissioner against sentences of three years imprisonment and upwards, and to the Lieutenant Governor from all sentences of death or transportation. Appeals must be presented within 30 days of the date of the order appealed against, excluding the time required for procuring copy of the order: provided that an appeal from a sentence of death shall be preferred within seven days of the date of sentence.

The Governor General in Council reserves to himself the prerogative of reviewing the proceedings of the Lieutenant Governor and his subordinates and passing such orders as he may deem fit.

* Proviso to Rule 21 added by Notification No. 3850P, dated the 18 December 1912.
22A Appeals to the commissioner shall ordinarily be presented in his court or transmitted to him through the post.

The Secretary to the Government in the judicial Department at Shillong shall have authority to receive petitions of appeal for transmission and to grant bail pending the decision of such appeal, provided that this power shall not be exercised unless the Commissioner is on tour and at a distance from a telegraph office.

23o The procedure of the Commissioner, the Deputy Commissioner and his Assistants shall be in the spirit of the Criminal Procedure Code, as far as it is applicable to the circumstances of the district and consistent with these rules. The chief exceptions are:

(a) only verbal order or notice of summons, etc., shall be requisite, except when the regular police are employed, or the person concerned is not resident or in the district at the time, or if in the district but resident beyond it, where his place of abode is not known. But orders or summons shall be for a fixed day, not exceeding 16 days from that upon which the order is issued, and the order shall be made known to the person affected, or to some adult members of his family, or proclaimed at the place he was last known to be at, in sufficient time to allow him, if he see fit, to appear.

(b) A note of the substance of all the proceedings in cases tried before them must be kept by the Deputy Commissioner and Assistant Commissioner in the form prescribed by Section 228, Act X of 1872.*

* Corresponds to Section 263 of Act V of 1898.
three years or upwards a full note of the evidence and proceedings must be kept. Examinations and proceedings shall generally be recorded in English only.

(c) The proceedings of Sardars and dolois, or other recognised village authorities, need not be in writing. But of at the trial before the village authorities any person who can write can be found, a brief note of the proceedings is to be made.

(d) All fines levied by the Sardars, dolois or other duty recognised village authorities shall be paid to the Deputy Commissioner, or Assistant Commissioner, or other officers empowered to receive them, within 8 days from the date of realisation. The Deputy Commissioner is authorised to pay to those village authorities who give him satisfaction such statei stipends as he may think desirable: provided that the total amount so disbursed shall not exceed the sum of the fines realised by all village authorities during the year.

(e) It shall be discretionary to examine witnesses on oath in any form, or to warn them that they are liable to the punishment of perjury if they state that which they know to be false.

24. The Deputy Commissioner and Assistant Commissioner shall keep the registers hereafter specified, and make returns of copies of the entries therein monthly to the commissioner:

Register of crimes committed.
Register of criminal cases decided by the Deputy Commissioner and Assistant Commissioner.
Register of fines levied by Deputy Commissioner and Assistant Commissioners, and Sardars, Dolois, or other duly - recognised village authorities.
Register of licenses to carry firearms.

IV CIVIL RULES

25. The administration of Civil justice in the Khasi and Jaintia Hills is entrusted to the Deputy commissioner, his Assistants, Sirdars and dolois and other Chief village authorities.
26. Sardars & Dollois and other chief village authorities may be recognized by the Deputy commissioner by Sanad under his signature as competent to try cases without limit as the amount, but with the following reservations:

(a) They may not try suits in which their fathers, mothers, sons, daughters, uncles, aunts, sisters, brothers, the children of foregoing, their wives or persons in the above relation to a wife, or any near relative are parties, nor suits in which a native of the plains, or native of another sardar-ship or dolloiship not resident in their jurisdiction are parties,

(b) All suits must be decided in open darbar in the presence of the parties and at least three respectable witnesses.

27 Sardars & Dollois and other duly-recognised village authorities have power to compel attendance of parties to any suit and their witnesses, all such persons being resident within their own jurisdiction, and to fine, within the limit of Rs.50, persons willfully failing to attend. They have power to award all costs, also compensation, to defendant for unfounded or vexations suits brought against them.

28 All proceedings shall be viva voce, and the Sardars and dollois or other duly recognized village authorities shall not be called upon to make either record or registry of their decision. After hearing both parties and their witnesses (if any) they shall, with or without the opinion of assessors, as they think fit, pronounce a decision forthwith. But if, at the trial before the village authorities, any person who can write can be found, a brief note of the proceedings is to be made.
29. Sardars or dollois or other duly recognized village authorities may carry out their decisions at once, and order attachment of property to be made, but in no case is property so attached to be sold if the party claim to appeal within 8 days. On such appeal being made, they shall send the parties and their witnesses the Deputy Commissioner or Assistant Commissioner forthwith, or as soon as may be, and either accompany them or send one respectable person who has been present at the trial within them.

30. All notices given by Sardars and dollois, or other duly recognized village authorities to parties or witnesses shall be verbal, and for a fixed day not exceeding 8 days from the day it is given. If a case be postponed, it shall be fixed for a day not exceeding 8 days from the order, and the case may be subsequently adjourned for periods not exceeding 8 days on good cause shown.

31. The Deputy commissioner and Assistant commissioner shall not ordinarily been suits triable by Sardars and dollois, or other duly recognized village authorities, but they have a discretion to do so when they think right, and suits, when under these rules the village authorities cannot try, must be tried by the Deputy commissioner or Commissioner. A Register of all suits tried by the Deputy Commissioner and Assistant Commissioner shall be kept in such form as the Lieutenant Governor shall direct.
32. The Deputy Commissioner and Assistant commissioner shall, in all cases in which the parties are indigenous inhabitants of the hills, endeavour to induce them to submit their case to a panchayat. If they agree to this, each party shall name an equal number of arbitrators and shall choose or leave the arbitrators to choose an umpire. The name of residence of arbitrators and umpire and the matter of dispute, must be recorded before the proceedings commence and the court will direct the sardar or Dolloi or other recognized authority to assemble the Panchayat and witnesses within eight days. When the case has been decided, the umpire shall appear with the parties before the court which shall proceed to record the decision and enforce it as its own. From such decision there shall be no appeal.

33. An appeal shall lie from the decision of the sardar or dolloi or other duly-recognized village authority to the Deputy Commissioner or Assistant Commissioner. A record will be made of the matters in dispute and the decision of the village authority. If necessary, the court shall examine the parties and if the decision appears to be just, will affirm and enforce it as one of its own. If the court sees reason to doubt the justice of the decision, it will try the case denovo, or refer it to a panchayat as above.

34. Houses, needful clothing, cooking utensils, or
implements whereby the owner subsists shall not be attached, sold, or transferred in execution of decree unless themselves the subject of the suit.

35. There shall be no imprisonment for debt, excepting in cases where the Deputy Commissioner is satisfied that fraudulent disposal or concealment of property has taken place, in such cases the debtor may be detained for a period not exceeding six months.

36. The Lieutenant Governor, commissioner, or Deputy commissioner may, on application or otherwise, call for the proceedings of any case decided by any offices subordinate to him and pass such orders as he may deem fit.

An appeal shall lie to the Deputy Commissioner against any decision of any of his Assistants, and to the Commissioner against an original decision of the Deputy Commissioner if the value of the suit be rupees five hundred or over, or if the suit involve a question of tribal rights or customs, or of right to, or possession of, immovable property: provided that the petition of appeal accompanied by a copy of the order appealed against and by a clear statement of the grounds of appeal be filed within 30 days from the date of decision, excluding the time required for obtaining a copy of the decision. An appeal which lies to the Commissioner may be presented to the Deputy Commissioner, who shall, if it be in order and presented in due time, endorse upon it the date of receipt and transmit it with the records of the case to the commissioner.
The decree of the appellate court shall be transferred to the court passing the original order for execution as a decree of its own.

37. The courts of the commissioner/ Deputy Commissioner and Assistant commissioners shall be guided by the spirit, but not bound by the letter, of the code of criminal Procedure.

38. No professional pleader or muktear sJraall be allowed to appear in any case, except in cases before the Deputy Commissioner or Assistant Commissioner, with the special permission of the judge trying the case, or if the defendant reside beyond the jurisdiction of the court, but relations may appear for persons incapacitated by age, sex, or sickness.

39. It shall be discretionary to examine witnesses on oath in any term, or to warn them that they are liable to the punishment of perjury if they state that which they know to be false o

40. The following registers shall be kept in the civil courts of the district :-

   (1) Petition Registers
   (2) Register of suits tried
   (3) Register of execution cases

*~/See E.B. & A Gazettte of 8th Dec. 1906 part II, pages 1229 to 1233~/
APPENDIX N

The 29th March 1937

Rules for the Administration of Justice & Police
In the Khasi and Jaintia Hills

No. 2618 - A.P. = under the powers vested in him
by sec. 6 of the scheduled Districts Act, XIV of 1874,
the governor is pleased to prescribe the following
rules for the administration of justice and police
in the Khasi and Jaintia Hills district. This
cancels all previous orders on the subject :-

I GENERAL

1. The rules extend to the whole of the British territory
of the Khasi and Jaintia Hills District except part III which
extends only to so much of the British territory of the Khasi
and jaintia Hills as falls outside the limits of Shillong
Municipality and cantonment.

II POLICE

2. The Police of the Khasi and Jaintia Hills shall
consist of -

(a) Regular Police subject to Act V of 1861;

(b) Rural police, consisting of Sardars, dolois/pators, Lyngdohs and other village authorities
   recognised as such by the Deputy commissioner.

3. The control of the rural police in the Khasi and Jaintia
hills is vested in the Deputy commissioner acting under the
orders of the commissioner of Surma valley and Hill districts (and of such other officers as the Governor may from time to time appoint). Misconduct on the part of rural police is punishable by dismissal or by fine which may amount to Rs.500 or by punishment to an extent which would be awardable under the Penal Code for a like offence. Imprisonment may be awarded in lieu of fine/ but only by the Deputy commissioner or other officers duly authorised.

4o Rural police shall not be deemed to be police officers for the purposes of Section 26 of the Indian Evidence Act or the Section 162 of criminal procedure.

5. An appeal lies from all orders of sardars, dolois an other chief village authorities in police matters to the Deputy commissioner whose orders are final. But the Governor or Commissioner may call for proceedings of any offices subordinate to him and modify or reverse any order passed.

6. The regular police form part of the general police force of the province under the control of the Inspector General of Police, Assam, and are subject to the ordinary rules of the Police, except in so far as these may be from time to time modified by the Governor the Inspector General of police in their application to the Khasi and Jaintia Hills. The Deputy commissioner shall exercise the powers of a Superintendent of police and the Sub-Divisional Officer, Jowai
and the Assistant or Extra Assistant commissioner the powers of an Assistant Superintendent of Police.

7. The regular police shall only act, when required to do so by general or special order of the governor, Commissioner Deputy commissioner, or other officer duly authorised, who may assign to the force any portion of the duties of Police under Act V of 1861, in any, locality.

8. The ordinary duties of police shall be discharged by the sardars and dolois and other village authorities duly authorised by the Deputy commissioner. They shall arrest all criminals and repress all disorders within their respective jurisdictions.

9. It is the duty of the sardars, dolois, and other chief village authorities to report to the Deputy commissioner all crimes, violent deaths, or serious accidents occurring in their districts, and all occurrences whether within or beyond their jurisdictions, which may come to their knowledge, likely to affect the public peace, at the earliest possible moments and to deliver up offenders as soon as may be to the officer authorised to try them.

10. The Sardars, dolois, and other village authorities shall watch and report and in every emergent case may apprehend and deliver up regrants, or bad and suspicious characters found in their jurisdictions.
11. On the occurrence of any heinous crimes* in this district/ any village officer, who may be by custom or appointment charged with the duty

• Heinous crimes: Rebellion, of arresting criminals, shall at

Riots, once apprehend the offender, if able,

Counterfeit, and in any case at once report to

coins or passing counterfeit crimes, the sardar or doloi or other chief

Murder, wounding to the injury of life or limbs, village authority who, if the offender

counterfeit crimes. has not been apprehended, will prefect

Rape, without delay to the place where the

Robber, crime occurred and enquire into the

Dacoity, matter. If a crime beyond his cognizance has been committed,

Cattle-stealing, he will immediately report it to the Deputy commissioner, or

Arson, other duly authorised officers, whether the offender has been

House-breaing apprehended or not.

forgery.

12. Sardars, dolois, and other village authorities may pursue with hue and cry and apprehend fleeing beyond their jurisdiction and arrest him, but ordinarily no sardar, doloi, or village authority shall attempt to arrest an offender beyond his own jurisdiction without the cognizance and cooperation of the sardar, doloi or chief village authority of the village to which the offender has fled. When an offender is traced from one village to another, it will be sufficient to point him out to the sardar, doloi or other competent authority of the village to which the offender has fled, and request him to make the arrest.
13. When the Sardars, dolois, or other chief village authorities feel unable to arrest an offender, they must apply to the Deputy commissioner, or any officer duly authorised, so grant them such aid as he or such officers may consider necessary.

14. The Sardar, dolois, and other chief village authorities are empowered to arrest or cause to be arrested, and may also fine, all drunkard and other disorderly persons found brawling out of their houses, and all persons found gambling; the fine not to exceed that awardable under the powers in criminal matters as hereinafter defined.

15. All the inhabitants of the Khasi and Jaintia Hills are bound to aid the regular police and village authorities, when required to do so in the maintenance of order, or the apprehension of offenders. Any person failing to do so is liable to fine, the fine to be adjudged by the sardar, doloi, or other chief village authority, to the extent he is empowered to award in criminal cases, or by the Deputy Commissioner, if fine beyond the amount the village authorities are authorised to impose is considered necessary when the particular persons blameable for failure to aid in any community cannot be ascertained; the sardar, Doloi or chief village authority shall be considered responsible, and if it appears that the community is to blame and that particular
offenders cannot be discovered, a fine may be imposed upon the community but by the Deputy Commissioner only.

III CRIMINAL JUSTICE

Part - A

15A The rules in this part shall not apply to the trial of criminal esses in which the accused or any one of the accused is a European British subject as defined in the Criminal Procedure codd.

16. Criminal justice shall be ordinarily administered by the Deputy Commissioner, his Assistants, and by the Sardars, dolois and other chief village authorities of the different communities.

17. The Deputy Commissioner shall be competent to pass sentence of death, transportation, or imprisonment up to the maximum amount provided for the offence, of whipping and of a fine up to any amount: Provided that all sentences of death and transportation shall be subject to the confirmation of the Governors, in his personal capacity and provided that all sentences of imprisonment of seven years and upwards shall be subject to the confirmation of the Commissioner.

The Governor in his personal capacity. Commissioner, or Deputy Commissioner may call for the proceedings of any officer subordinate to him and reduce, enhance or cancel any
sentence passed or remand the case for retrial, but no offence* shall be punished by a sentence exceeding that awardable under the Indian Penal code Assistants to the Deputy Commissioner shall exercise such powers, not exceeding those of a Magistrate of the first class as defined in the criminal Procedure Code, as they may be inves?4with by the governor:

Provided that the Commissioner's power under this rule shall not extend to any case in which a sentence of death has been passed by the Deputy g-commissioner, the proceedings in such cases being submitted direct to the Governor, and only a copy of the Judgement sent to the commissioner for his information.

17A When the Deputy Commissioner passes sentence of death/ the proceedings shall be submitted to the Governor and the sentence shall not be executed unless it is confirmed by the Governor in his personal capacity.

17B The Deputy Commissioner shall inform the accused of the period (namely 7 days) within which, if he wishes to appeal, his appeal should be preferredo

17C In any case submitted under Rule 17A the Governor in his personal capacity -

(a) may confirm the sentence or pass any other sentence warranted by law, or

(b) may annul the conviction and convict the accused of any offence of which the Deputy
Commissioner might have convicted him, or order a new trial on the same or an amended charge, or

(c) may acquit the accused person: provided that no order of confirmation shall be made for preferring an appeal has expired, or if an appeal is presented within such period, until such appeal is disposed of.

17D. When a sentence of death passed by a Deputy Commissioner is submitted to the Governor for confirmation the Deputy Commissioner shall, on receiving the order of confirmation or other order of the Governor thereon, cause such order to be carried into effect by issuing a warrant in the form given in scheduled v, No. XXXV of the Criminal Procedure Code, or some similar form, or taking such other steps as may be necessary.

17E The Deputy Commissioner shall fix the time and place of execution, and the time fixed shall not be less than 21 or more than 28 days from the date of issue of warrant.

18o Any Sardar, doloi or other chief village authority may be empowered by the Deputy Commissioner to dispose of cases of persons charged with any of the following offences:

- Injury to property not exceeding Rs.50.
- Injury to person not effecting a limb.
- House trespass.
- Theft.

They may impose a fine for any offence they are competent to try to the extent of Rs.50. They may award restitution or compensation to the extent of the injury sustained, and enforce it by distraint of the property of the offenders. In cases in which the fine is not paid or realised either inn
whole or in part, they shall represent the facts and send in the offender to Deputy Commissioner, who may re-try the case and impose such other punishment as he is competent to inflict. Each Sardar, doloi, or other chief village authority who maybe empowered as above shall receive a sanad of recognition under the signature of the Deputy Commissioner.

19o Sardars, Dollois or other duly recognised village authorities may carry out their decision, or other attachment of property as soon as judgement is pronounced, but in no case is property so attached to be sold, if the party convicted claim to appeal within eight days, without the order of Deputy Commissioner, sardars, dolois, or other duly recognised village authorities may not decide in cases -

(a) whether the defendant is not a native of the Khasi and Jaintia Hills or is not resident within their jurisdiction, or

(b) when the offence is one against the state, or has caused death or danger of life, or amounts to robbery or concerns counterfeiting of coins or the making of fraudulent documents, or the like.

20. The Sardar, doloi or other duly-recognised village authorities shall decide all cases in open Darbar, in presence of at least three witnesses and the complainant and accused, whose attendance they are empowered to compel. Either party may appeal to the Deputy commissioner or his Assistant within 16 days of the decision, exclusive of the time needed to obtain a copy of the decision.

21. An appeal lies from the decision of an Assistant to
the Deputy Commissioner if preferred within 30 days exclusive of the time needed to obtain a copy of the decision.

Provided that no appeal shall lie against the sentence of fine only passed by a Magistrate of the first class, when the amount of fine does not exceed Rs.50.

22o No appeal shall lie as a matter of right from any sentence passed by a Deputy Commissioner involving less than three years' imprisonment upwards, and to the Governor in his personal capacity from all sentences of death or transportation. Appeals must be presented within 30 days of the date of the order appealed against, excluding the time required for procuring a copy of the order: Provided that an appeal from a sentence of death shall be preferred within seven days of the date of sentence.

The Governor General reserves to himself the prerogative of reviewing the proceedings of the Governor in his personal capacity and his subordinates and passing such orders as he may deem fit.

23. The procedure of the Governor, the Commissioner, the Deputy commissioner and his Assistants shall be in the spirit of the code of Criminal procedure, as far as it is applicable to the circumstances of the district and consistent with these rules. The chief exceptions are -
(a) only verbal order or notice of summons, etc. shall be requisite, except when the regular police are employed, or the person concerned is not resident or in the district at the time, or if in the district but resident beyond it, where his place of abode is not known. But verbal orders or summons shall be for a fixed day, not exceeding sixteen days from that upon which the order is issued, and the order shall be made known to the person affected, or to some adult member of his family, or proclaimed at the place he was last known to be at, in sufficient time to allow him, if he sees fit, to appear.

(b) The form prescribed by Sec. 263 of the Criminal Procedure may be used for all cases specified in Sec. 260 of that code by all officers with first class power. In cases requiring a sentence of three years or upwards a full note of the evidence and proceedings must be kept. Examinations and proceedings shall generally be recorded in English only.

(c) The proceedings of Sardars and doloi, or other recognised village authorities, need not be in writing. But if at the trial before the village authorities any person who can write can be found, a brief note of the proceedings is to be made.

(d) All fines levied by the Sardars, doloi or other duly-recognised village authorities shall be paid to the Deputy Commissioner, or Assistant commissioner, or other officers empowered to receive them, within 8 days from the date of realization. The Deputy Commissioners is authorised to pay to those village authorities who give him satisfaction such small stipends as he may think desirable, provided that the total amount so disbursed shall not exceed the sum of the fines realised by all village authorities during the year,

(e) it shall be discretionary to examine witnesses on oath in any form, or to warn them that they are liable to the punishment for Furjury they state that which they know to be false,

(f) A pleader who has obtained the authority of the Commissioner to practice in the British Courts of the district may appear in any
any criminal case in the court of the Deputy Commissioner or of an Assistant Commissioner or of an Assistant to the Deputy Commissioner.

A pleader who has not been authorised by the Commissioner to practise in those courts may appear only with the Deputy Commissioner's permission. Such permission should generally be granted when the application is to appear on behalf of an accused and shall always be granted when the application is to appear on behalf of an accused who is not a native of the district or on behalf a person accused of murder.

The form "Pleaders" includes "mukhtar" or any other professional agent recognised by the court.


24. The Deputy Commissioner shall keep such registers and make such returns as may be prescribed by the Governor.

PART B

24A All criminal cases in which the accused or any one of the accused is a European British subject shall be tried according to the criminal Procedure Code read with Notification No. 1433 G.J. dt. the 12th Feb. 1927.

Rule 24B - (a) the Governor General or the Governor in his personal capacity may, either upon conditions or without conditions/ suspend the execution of any sentence or remit any punishment.
(b) 14. any sentence has been suspended or remitted upon conditions, and in the opinion of the Governor General or the Governor in his personal capacity as the case may be, those conditions are not fulfilled, the Governor General or the Governors in his personal capacity may cancel the remission and order the sentence to be carried out, and thereupon the person in whose favour the sentence had been suspended or remitted, may if at large, be arrested by any police officer without warrant and remanded to undergo the unexpired portion of his sentence.

Rule 24 C - The Governor General or the Governor in his personal capacity may commute any one of the following sentences for any other mentioned after it :-

Death, confiscation of property, imprisonment, Whipping, fine.

IV - CIVIL RULES

25o The administration of Civil Justice in the Khasi and Jaintia Hills is entrusted to the Deputy Commissioner, his Assistants, sardars and Dolois and other Chief village authorities.

26• Sardar and dolois and other chief village authorities may be recognized by the Deputy commissioner by sanad under his signature as competent to try cases without limit as to amount, but with the following reservations :-
(a) They may not try suits in which their fathers/ mothers/ sons, daughters, uncles, aunts/ sisters, brothers, the children of foregoing, their wives or persons in the above relation to a wife, or any near relative are parties, nor suits in which a native of the plains, or native of another Sardarship or dolloiship not resident in their jurisdiction are parties.

(b) All suits must be decided in open Darbar in the presence of the parties and at least three respectable witnesses.

27. Sardars and dollois and other duly recognised village authorities have power to compel attendance of parties to any suit and their witnesses, all such persons being resident within their own jurisdiction, and to fine, within the limit of Rs050, persons wilfully failing to attend. They have power to award all costs, also compensation, to defendants for unfounded or vexatious suits brought against them.

28. All proceedings shall be viva voce/ and the Sardars and dollois, or other duly recognised village authorities shall not be called upon to make either record or registry of their decision. After hearing both parties and their witnesses (if any) they shall, with or without the opinion of assessors/ as they think fit/ pronounce a decision forthwith. But if, at the trial before the village authorities, any person who can write can be found a brief note of the proceedings is to be made.

29. Sardars or dollois, or other duly-recognised village authorities may carry out their decisions at once, and order attachment of property to be made, but in no case is property
so attached to be sold if the party claim to appeal within thirty days.

30. All notices given by sardars and dollois, or other duty recognized village authorities; to parties or witnesses may be verbal, and for a fixed day not exceeding eight days from the day it is given. If a case be postponed, it shall be fixed for a day not exceeding eight days from the order, and the case may be subsequently adjourned for periods not exceeding eight days on good cause shown.

31. The Deputy Commissioner and his Assistants shall not primarily hear suits triable by sardars and dollois or other duly-recognised village authorities, but they have a discretion to do so when they think right; and suits, which under these rules the village authorities can not try, must be tried by the Deputy commissioner of his Assistant. A register of all suits tried by the Deputy Commissioner and his Assistant shall be kept in such form as the Governor shall direct.

S2. The Deputy Commissioner and his Assistant shall, in all cases in which the parties are indigenous inhabitants of the hills, endeavour to induce them to submit their case to a panchayat. If they agree to this, each party shall name an equal number of arbitrators, and shall choose, or leave the arbitrators to choose, an umpire. The name and residence of arbitrators and umpire, and the matter in dispute
must be recorded before the proceedings commence, and the court will direct the Sardar or doloi or other recognised authority to assemble the Panchayat and witnesses within eight days. When the case has been decided, the umpire shall appear with the parties before the court, which shall proceed to record the decision and enforce it as his own. From such decision these shall be no appeal.

33. An appeal shall lie from the decision of the Sardar or doloi or other duly-recognized village authority to the Deputy Commissioner, the Sub-divisional Officer, Jowai, or an Assistant to the Deputy Commissioner. A record will be made of the matter in dispute and the decision of the village authority. If necessary, the court shall examine the parties, and if the decision appears to be just, will affirm and enforce it as one of his own. If the court sees reason to doubt the justice of the decision, it will try the case de novo, or refer it to a panchayat as above.

34(a) Property, moveable or immoveable, belonging to the judgement-Debtor or over which, or the profit of which, he has a disposing powers which he may exercise for his own benefit, whether the same be held in the name of the judgement debtor or by another person in trust for him or on his behalf, is lible to attachment and sale in execution of a decree J

Provided that the following particulars shall not be liable to such attachment or sale, namely J-
(a) The necessary wearing-apparel, cooking vessels/ beds and bedding of the judgement-debtor, his wife and children, and such personal ornaments as, in accordance with religious usage/ cannot be parted with by any woman;

(b) tools of artisans and where the judgement-debtor is an agriculturist or hillman/ his impelents of husbandry and such cattle and seed-grain and such portion of agricultural produce/ as may in the opinion of the court, be necessary to enable him to earn his livelihood as such and for the purpose of providing until the next harvest for the due cultivation of the land and for the support of the judgement-debtor and his family*

(c) houses and other buildings (with the materials and sites thereof and the land immediately appurtenant thereto and necessary for the enjoyment) belonging to an agriculturist and occupied by him/ or any house or house-site belonging to a hill man unless the Deputy Commissioner orders otherwise;

(d) book of account;

(e) a mere right to sue for damages;

(f) any right of personal service;

(g) stipends and gratuities allowed to pensioners of the Government or payable out of any service family pension found notified in the gazette of India by the Governor General in Council in this behalf, the Political pensions;

(h) allowances (being less than salary) of any public officer or of any servant of a railway company or local authority while absent from duty;

(i) the salary or allowance equal to salary of any such public officer or servant as is referred to in Clause (b) / while on duty, to the extent of

(i) the whole of the salary where the salary does not exceed forty rupees monthly;

(ii) forty rupees monthly/ where the salary exceeds forty rupees, and does not exceed eight rupees monthly;
(iii) one moiety of the salary in any other case;

(j) the pay and allowances of persons to whom the Indian articles of war apply;

(k) all compulsory deposits and other sums in or derived from any fund to which the Provident funds Act/1897, for the time being applies in so far as they are declared by the said Act not to be liable to attachment;

(l) the wages of labourers and domestic servants whether payable in money or in kind;

(m) an expectancy of succession by survivorship or other merely contingent or possible right of interest;

(n) a right to future maintenance;

(o) any allowance declared by law passed under the Government of India Act, 1919 and the Government of India Act, 1935, to be exempt from liability to attachment or sale in execution of a decree; and whether the judgement-debtor is a person liable for the payment of land revenue, any moveable property, which under any law for the time being applicable to him, is exempt from sale for the recovery of an arrear of such revenue.

Explanation - The particulars mentioned in clauses (g), (h), (j), (l) and (o) are exempt from attachment or sale whether before or after they are actually payable.

34(2) Nothing in this rule shall be deemed to exempt houses and other buildings (with the materials and the sites thereof and the lands immediately appurtenant thereto and necessary for their enjoyment) from attachment or sale in execution of decrees for rent of any such house, building, site or land or if themselves the subject of the suit.

35« There shall be no imprisonment for debt, excepting in cases where the Deputy Commissioner is satisfied that fraudulent disposal or concealment of property has taken place;
in such cases the debtor may be detained for a period not exceeding six months.

360 The Governor in his personal capacity. Commissioner and Deputy Commissioner may, on application or otherwise, call for the proceedings of any case decided by any officer subordinate to him and pass such orders as he may deem fit. The Deputy Commissioner shall be a court of appeal from a decision of an Assistant. The Commissioner shall be a court of appeal from an original decision of the Deputy Commissioner if the value of the suit be rupees five hundred or over, or if the suit involve a question of tribal rights and customs or of right to, or possession of, immovable property; provided that the petition of appeal accompanied by a copy of the order appealed against and by a clear statement of the grounds of appeal to be filed within 30 days from the date of decision, excluding the time required for obtaining a copy of the decision. An appeal which lies to the Commissioner may be presented to the Deputy Commissioner, who shall, if it be in order and presented in due time, endorse upon it the date of receipt and transmit it with the records of the case to the Commissioner.

The decree of the appellate court shall be transferred to the court passing the original order for execution as a decree of its own.

36A. Any court before which an appeal is filed may, before
admitting the appeal, order the deposit by the appellant of all reasonable expenses (including Pleader's fees) likely, in the opinion of the court, to the incurred by the respondent in the heading of the appeal or may order security to be given for such expenses, and if the appellant be a judgement-debtor may also order security to be given for, part or the whole of the decretal amount. If the appeal fails the money deposited or secured shall immediately be paid to the respondent.

37. The courts of the Governor, Commissioner, Deputy Commissioner and his Assistants shall be guided by the spirit but not bound by the letter, of the Civil Procedure Code.

38. A pleader who has obtained the authority of the Commissioner to practise in the British courts of the district may appear in any civil case in the court of the Deputy Commissioner or of an Assistant to the Deputy Commissioner.

A pleader who has not been authorised by the Commissioner to practise in those courts may appear only with the Deputy Commissioner's permission. Such permission should generally be granted when the application is to appear on behalf of the defendant and shall always be granted when the application is to appear on behalf of a defendant who is not a native of the district.

The term 'pleaders' includes 'mukhtar' or any other professional agent recognised by the court.
38A Notwithstanding anything contained in Rule 38, a pleader may as of right appear for a party engaging him, in cases in which the cause of action wholly or partly arises within the areas for the time being comprised within the Municipality or cantonment of shillong or the defendant or any of the defendants where there are more than one/at the commencement of the case, actually resides or carries on business within the said areas or the immoveable property in respect of which the case is brought is situated within the said areas.

39. It shall be discretionary to examine witnesses on oath in any form, or to warn them that they are liable to the punishment for perjury if they state that which they know to be false.

40. There shall be kept in the Civil courts of the district such registers as the Governor may from time to time prescribe.

41. Although the Indian Limitation Act, 1908 (Act IX of 1908), has been barred by Notification No. 5868 A.P. dt. the 8th Sept. 1934, the principles of the Act should be closely followed in disputes between persons who are not natives of the following areas :-

Sadiya Frontier Tract
Balipara ditto ditto
Lakhimpur ditto ditto
Naga Hills
K & J Hills
Garo Hills
Lushai Hills
N.C. Hills
Sibsagar & Nowgong Mikir Hills Tract

J A Dawson
Chief Secretary, Govt. of Assam

*States A, Sept. 1938 Nos. 1-13, Governor's Secretariat.*
## APPENDIX O

### Khasi States in 1946*

<table>
<thead>
<tr>
<th>Name of State</th>
<th>Population</th>
<th>Plainsmen not subject of the state and not included in column 2</th>
<th>Locality</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Khyrim</td>
<td>46,917</td>
<td>1,548</td>
<td>South-east quarter of the Plateau</td>
<td>Very ancient</td>
</tr>
<tr>
<td>2. Mylliem</td>
<td>43,858</td>
<td>21,295</td>
<td>From Shillong North to the Plains</td>
<td>Split off from Khyrim in 1858</td>
</tr>
</tbody>
</table>

Confld.
<table>
<thead>
<tr>
<th>No.</th>
<th>District</th>
<th>Population</th>
<th>Revenue</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Maharam</td>
<td>17,394</td>
<td>179</td>
<td>South edge of plateau west of Cherra state, bounded by number of Khymphim stock, survey for his good behaviour it can be inferred that a large proportion of Khyrims owed some vague allegiance to only one village</td>
</tr>
<tr>
<td>4</td>
<td>Nogghlaw</td>
<td>14,800</td>
<td>1,448</td>
<td>Very ancient, tradition: town founded by a member of the Khymphim ruling family. The state is to have once extended from the plains of Khymphim to the Assam valley.</td>
</tr>
<tr>
<td>5</td>
<td>Nongshing</td>
<td>11,707</td>
<td>1,448</td>
<td>Probably very ancient. The state is supposed to have once extended from the plains of Khymphim to the Assam valley.</td>
</tr>
<tr>
<td>6</td>
<td>Sihar</td>
<td>10,923</td>
<td>275</td>
<td>South edge of plateau west of Cherra state, bounded by number of Khymphim stock, survey for his good behaviour it can be inferred that a large proportion of Khyrims owed some vague allegiance to only one village</td>
</tr>
</tbody>
</table>

Contd...
<table>
<thead>
<tr>
<th>States</th>
<th>Original</th>
<th>^q</th>
<th>States</th>
<th>Original</th>
<th>^q</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>295</td>
<td>^q</td>
<td>5,246</td>
<td>295</td>
<td>^q</td>
</tr>
</tbody>
</table>

Table contd.
<p>| | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Sohiong</td>
<td>4,178</td>
<td>0</td>
<td>East of Nongspung</td>
<td>At one time part of Nongkhlaw. Later somehow obtained semi-independence under a lyngdoh</td>
<td>Classed as Minor state in 1859. The ruler is a lyngdoh, an older title than that of Siem.</td>
</tr>
<tr>
<td>9. Sheila</td>
<td>3,887</td>
<td>588</td>
<td>Foothills in extreme south</td>
<td>Unique in having no Ruler. A Council of Wahadadars runs the State. Once conquered by Nongkhaw but has not since been subject to the Khasis of the plateau. Entered into an agreement with the British Govt, in 1829 (Aitchison IX)</td>
<td></td>
</tr>
<tr>
<td>10. Mawiong</td>
<td>3,422</td>
<td>129</td>
<td>Central plateau, west of Nongspung</td>
<td>Founded by a Muslim adventurer from Sylhet and originally included part of Mariaw</td>
<td>Consists of 9 villages only. In 1829 the Siem made his submission (Aitchison XII). Classed Minor State in 1859.</td>
</tr>
<tr>
<td>11. Mariaw</td>
<td>3,316</td>
<td>335</td>
<td>North or Mawiong</td>
<td>The only tradition is that the founder came from Maharam State</td>
<td>Consists of 16 villages only, exclusive of 7 villages the jurisdiction of which is deputed with Rambrai. Classed as a Minor state in 1859.</td>
</tr>
</tbody>
</table>

Contd...
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Location</th>
<th>Details</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.</td>
<td>Nobosophoh</td>
<td>Central plateau/ North of Maharam</td>
<td>Originally consisted of 3 villages, which combined for mutual protection</td>
<td>The state gradually enlarged its boundaries, but even now only contains 8 villages of 20 houses and over. The state is so remote that it is not mentioned in the general treaty of 1859 (Aitchison) and was apparently not recognised till 1870, when the seim signed an agreement.</td>
</tr>
<tr>
<td>13.</td>
<td>Rambrai</td>
<td>North edge of Plateau, West of Nongkhlaw</td>
<td>Like Nobosophoh above, originally consisted of 3 villages which combined for mutual protection</td>
<td>Submitted in 1829, Disputes with Mariaw. Classed as a Minor state in 1859.</td>
</tr>
<tr>
<td>14.</td>
<td>Mawsynram</td>
<td>Southern foothills, north-west of Sheila</td>
<td>Probably a vague dependency of Maharam. There is no tradition of origin and the method of delecting a Siem is disputed</td>
<td>One Adhor singh submitted in 1831, but there is nothing to show that he was a Siem, and there is no certain record of a seim till 1861. A war state.</td>
</tr>
<tr>
<td>15.</td>
<td>Mawphlang</td>
<td>South-east of Plateau, south East of Nongspung</td>
<td>Origin unknown only a lyngdoh-ship</td>
<td>A small area under Lyngdoh which has somehow avoided conquest by a larger state. Contains only two villages of any size. Classed as a Minor state in 1859.</td>
</tr>
</tbody>
</table>

Contd...
<table>
<thead>
<tr>
<th>States with a population of 1600 to 1000</th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Mawlong 1/576</td>
</tr>
<tr>
<td>17. Tirang 1,571</td>
</tr>
<tr>
<td>18. Langiong 1,292</td>
</tr>
<tr>
<td>19. Langrin 1/229</td>
</tr>
</tbody>
</table>

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Mawlong 1/576</td>
<td>Southern fort hills</td>
<td>East of Sheila</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17. Tirang 1,571</td>
<td>Northern foothills</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>18. Langiong 1,292</td>
<td>Marches with Mawphlang</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19. Langrin 1/229</td>
<td>South foothills to the west of Bhowal/Bordering the Garo Hills</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>16. Mawlong 1/576</td>
<td>A group of war villages which have avoided incorporation in a larger state</td>
<td></td>
</tr>
<tr>
<td>17. Tirang 1,571</td>
<td>Almost certainly a dependency of Nongkhlaw</td>
<td></td>
</tr>
<tr>
<td>18. Langiong 1,292</td>
<td>Marches with Mawphlang a small Lyngdohship</td>
<td></td>
</tr>
<tr>
<td>19. Langrin 1/229</td>
<td>Origin unknown</td>
<td></td>
</tr>
</tbody>
</table>

- Mawlong is a small sandarship. In 1857 two brothers were allowed to act as sardar alternate years (Aitchison XXXIX) classed as a Minor State in 1859.
- Tirang is a petty sardar ship. In 1841 the chief was permitted to remain in charge of three villages in return for keeping the road in order (Aitchison XXX). This is clearly the road mentioned in article 3 of the treaty of 1826 with Nongkhlaw (Aitchison VIII). What is now Jirang state must then have been part of Nongkhlaw, but it is classed as a Minor in 1859.
- Langiong and Langrin are two contiguous lyngdohship which have escaped absorption in a larger unit. See also No.24 & 25. Classed as a petty state in 1859.
- Mawphlang and Langiong are two contiguous lyngdohship which have escaped absorption in a larger unit. See also No.24 & 25. Classed as a Petty State in 1859.
<table>
<thead>
<tr>
<th>No.</th>
<th>State</th>
<th>Population</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>Bhowal</td>
<td>1,060</td>
<td>76</td>
<td>South foothills to the East of Longrin</td>
<td>Origin unknown</td>
<td>A war state, executed a treaty or submission in 1832.</td>
</tr>
<tr>
<td>22</td>
<td>Malaisohmat</td>
<td>605</td>
<td>79</td>
<td>South foothills</td>
<td>Formed by the union of the Malai of Sohmat clans</td>
<td>A war state. Executed a treaty of submission in 1832.</td>
</tr>
<tr>
<td>23</td>
<td>Mawdon</td>
<td>593</td>
<td>2</td>
<td>South foothills</td>
<td>Origin unknown</td>
<td>A war state under a sardar</td>
</tr>
<tr>
<td>24</td>
<td>Pamsanngut</td>
<td>381</td>
<td>0</td>
<td>South-west of Mawphlang</td>
<td>&quot;</td>
<td>Two small sirdarships forming a group with Mawphlang and Langiong.</td>
</tr>
<tr>
<td>25</td>
<td>Nonglwei</td>
<td>365</td>
<td>1</td>
<td>South-east of Mawphlang</td>
<td>&quot;</td>
<td></td>
</tr>
</tbody>
</table>

* File No.1708/46 of Adviser to Governor of Assam for Tribal Areas Sfc states.
APPENDIX P

List of officers in charge of Khasi-Jaintia Hills (1835-1947)*

1. Colonel F.G. Lister
   Political Agent 1835-1854
2. C.K. Hudson
   Principal Assistant Commissioner 1854-1860
3. J.B. Shadwell
   Principal Assistant Commissioner 1860
4. Major E.A. Rawlatt
   Political Agent in 1860-61
   District Commissioner since 1861
5. Major B.W.D. Morton
   Deputy Commissioner 1863-1864
6. Major H.S. Bivar
   " 1864-1865
7. Major W.C.S. Clarke
   " 1865-1866
8. Major H.S. Bivar
   " 1867-1868
9. P.S. Carnegy
   " 1868
10. Major R. Stewart
    " 1869-1870
11. Lieutenant Colonel H. Raban
    " 1870-1872
12. Colonel H.S. Bivar
    " 1872-1877
13. Captain M.A.M. Phillip
    " 1875
14. Colonel W.C.S. Clarke
    " 1877-1878
15. Colonel J.F. Sherer
    " 1879
16. Captain W.F. Trotter
    " 1879-1880
17. Colonel W.C.S. Clarke
    " 1880-1881
18. Captain W.F. Trotter
    " 1881
19. Colonel W.C.S. Clarke
    " 1881-1883
20. A.E. Health
    " 1883
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Office</th>
<th>Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>21</td>
<td>Colonel W.C. Clarke</td>
<td>Deputy Commissioner</td>
<td>1883-1885</td>
</tr>
<tr>
<td>22</td>
<td>Major H.J. Peet</td>
<td></td>
<td>1883-1885</td>
</tr>
<tr>
<td>23</td>
<td>Captain W.G. Henderson</td>
<td></td>
<td>1885-1886</td>
</tr>
<tr>
<td>24</td>
<td>G. Stevenson I.C.S.</td>
<td></td>
<td>1886-1888</td>
</tr>
<tr>
<td>25</td>
<td>Major General W.C.S. Clarke, B.S.O.</td>
<td></td>
<td>1887-1888</td>
</tr>
<tr>
<td>26</td>
<td>Captain P.E. Henderson</td>
<td></td>
<td>1889-1890</td>
</tr>
<tr>
<td>27</td>
<td>Captain H.St. P. Maxwell</td>
<td></td>
<td>1890-1892</td>
</tr>
<tr>
<td>28</td>
<td>G. Godfrey I.C.S.</td>
<td></td>
<td>1892-1895</td>
</tr>
<tr>
<td>29</td>
<td>Major M.A. Grey</td>
<td></td>
<td>1896-1898</td>
</tr>
<tr>
<td>30</td>
<td>J.C. Arbuthnott, I.C.S.</td>
<td></td>
<td>1898-1900</td>
</tr>
<tr>
<td>31</td>
<td>Captain A.A. Howell I.C.S.</td>
<td></td>
<td>1900-1903</td>
</tr>
<tr>
<td>32</td>
<td>Captain D. Herbert I.C.S.</td>
<td></td>
<td>1903-1904</td>
</tr>
<tr>
<td>33</td>
<td>Major P.R.T. Gurdon I.A.</td>
<td></td>
<td>1904-1906</td>
</tr>
<tr>
<td>34</td>
<td>S.E. Rita</td>
<td></td>
<td>1906-1908</td>
</tr>
<tr>
<td>35</td>
<td>Major P.R.T. Gurdon I.A.</td>
<td></td>
<td>1908-1911</td>
</tr>
<tr>
<td>36</td>
<td>F.E. Jackson I.C.S.</td>
<td></td>
<td>1911-1913</td>
</tr>
<tr>
<td>37</td>
<td>L.O. Clarke I.C.S.</td>
<td></td>
<td>1913-1920</td>
</tr>
<tr>
<td>38</td>
<td>B.C. Allen I.C.S.</td>
<td></td>
<td>1921</td>
</tr>
<tr>
<td>39</td>
<td>G.C. Kerwood</td>
<td></td>
<td>1922</td>
</tr>
<tr>
<td>40</td>
<td>A.W. Dentith M.C.S.</td>
<td></td>
<td>1923-1925</td>
</tr>
<tr>
<td>41</td>
<td>F. M. Clifford</td>
<td></td>
<td>1925</td>
</tr>
<tr>
<td>42</td>
<td>R. Friel I.C.S.</td>
<td></td>
<td>1926</td>
</tr>
<tr>
<td>43</td>
<td>G.E. Soames, I.C.S.</td>
<td></td>
<td>1927</td>
</tr>
<tr>
<td>44</td>
<td>A.J. Laine, I.C.S.</td>
<td></td>
<td>1928</td>
</tr>
<tr>
<td>45</td>
<td>D. Ropmay, A.C.S.</td>
<td></td>
<td>1929</td>
</tr>
<tr>
<td>No.</td>
<td>Name</td>
<td>Title</td>
<td>Start</td>
</tr>
<tr>
<td>-----</td>
<td>-----------------------</td>
<td>------------------------</td>
<td>------------</td>
</tr>
<tr>
<td>46</td>
<td>W.A. Cosgrave, I.C.S.</td>
<td>Deputy commissioner</td>
<td>1925-1927</td>
</tr>
<tr>
<td>47</td>
<td>G.F. Barkley, A.C.S.</td>
<td>&quot;</td>
<td>1927</td>
</tr>
<tr>
<td>48</td>
<td>W.A. Cosgrave, I.C.S.</td>
<td>&quot;</td>
<td>1927-1928</td>
</tr>
<tr>
<td>49</td>
<td>S.N. Mackenzie, I.C.S.</td>
<td>&quot;</td>
<td>1928</td>
</tr>
<tr>
<td>50</td>
<td>J.P. Mills, I.C.S.</td>
<td>&quot;</td>
<td>1928</td>
</tr>
<tr>
<td>51</td>
<td>S.N. Mackenzie, I.C.S.</td>
<td>&quot;</td>
<td>1928-1930</td>
</tr>
<tr>
<td>52</td>
<td>K. Cantlie, I.C.S.</td>
<td>&quot;</td>
<td>1930-1934</td>
</tr>
<tr>
<td>53</td>
<td>H.M. Pitchard, I.C.S.</td>
<td>&quot;</td>
<td>1934</td>
</tr>
<tr>
<td>54</td>
<td>K. Cantlie, I.C.S.</td>
<td>&quot;</td>
<td>1934-1936</td>
</tr>
<tr>
<td>55</td>
<td>C.A. Humphrey, I.C.S.</td>
<td>&quot;</td>
<td>1937-1938</td>
</tr>
<tr>
<td>56</td>
<td>J. Cantlie, I.C.S.</td>
<td>&quot;</td>
<td>1938-1939</td>
</tr>
<tr>
<td>57</td>
<td>G.P. Stewart, I.C.S.</td>
<td>&quot;</td>
<td>1939</td>
</tr>
<tr>
<td>58</td>
<td>K. Cantlie, I.C.S.</td>
<td>&quot;</td>
<td>1939-1942</td>
</tr>
<tr>
<td>59</td>
<td>A.R.H. Macdonald, I.C.S.</td>
<td>&quot;</td>
<td>1939</td>
</tr>
<tr>
<td>60</td>
<td>A.G. Mc Call, I.C.S.</td>
<td>&quot;</td>
<td>1934-1945</td>
</tr>
<tr>
<td>61</td>
<td>H.C. Willmott, I.C.S.</td>
<td>&quot;</td>
<td>1945</td>
</tr>
<tr>
<td>62</td>
<td>A.I. Bowman, I.C.S.</td>
<td>&quot;</td>
<td>1945</td>
</tr>
<tr>
<td>63</td>
<td>A.H.S. Fletcher</td>
<td>&quot;</td>
<td>1945-1946</td>
</tr>
<tr>
<td>64</td>
<td>S.N. All, A.C.S.</td>
<td>&quot;</td>
<td>1947</td>
</tr>
</tbody>
</table>