ABSTRACT

INTRODUCTION

Political activities occur within the framework of the most encompassing and embracing organization, the state. This organization was by no means a universal feature of all societies. Studies undertaken on political organizations of ethnic groups across the world have revealed a spectrum ranging from well developed states at one end to stateless or acephalous societies at the other. These academic and research oriented studies have today produced a voluminous wealth of literature containing a crucial component in theoretical models and formulations. It is from this vast array of available literature that a study on Khasi traditional political institutions and state formation can draw inference.

Traditional political institutions are an important component of the tribal milieu of North-East India. Such institutions evolved in tribal societies to bring order to and to regulate settled life among the inhabitants. In the case of the Khasi and Jaiñtia people the development of traditional political institutions in the pre-colonial period has been gradual. These institutions evolved beyond the confines of village settlements to higher forms
exhibiting foresight in the village leaders and their kin groups. The highest territorial principality that evolved was the *Hima*, that is, the state. The term ‘state’ is used because like the state the *Hima* too has some very discernible features. The Khasi state is administered by a leader designated by various names, *Syiem, Lyngdoh, Sirdar* or *Wahadadar*. The highest traditional political office among the Khasi is that of the *Syiemship, Lyngdohship, Sirdarship* or *Wahadadarship*. Presently there are 25 Khasi states (*ki Hima Khasi*), the important states being Khyrim, Mylliem and Cherra. The Shillong state, that is, *ka Hima* Shillong was one of the oldest Khasi states among the traditional Khasi principalities. This *Hima* no longer exists; it was bifurcated in 1853 into two *Himas*, *Hima* Khyrim and *Hima* Mylliem.

Prior to the advent of the British, the Khasi states (*ki Hima Khasi*) exercised independent control over their respective areas. Visible commercial relations between the Khasi states and the British took place after 1765. In due course, principal Khasi states granted the English East India Company strategic concessions in 1824 to preempt the possible advancement of the Burmese army through the Khasi and Jaintia Hills. With the conclusion of the Anglo-Burmese war through the Treaty of Yandaboo, further concessions, in the form of communication routes traversing through
the Khasi and Jaiñtia Hills to connect the Surma valley and the Brahmaputra valley, ultimately ensured a growing British presence in the principal Khasi states of Cherra, Khyrim and Nongkhlaw. However, the simmering discontentment with this growing presence of an unfamiliar foreign power finally flared into open insurrection across the Khasi Hills in 1829. The British suppressed all the insurrections (occurring between 1829 and 1839) of the Khasi states that had opposed their authority. The Khasi states ultimately came to be under the authority of the English East India Company and later the British Government. The British introduced new changes in the administration and organization of these states. The British administrative policy was designed throughout their rule to keep these areas isolated and to rule them cheaply through a multi-tier administrative system involving the traditional chiefs as agents of colonial interests. Even in matters relating to customary laws like those governing the succession of chiefs, they did not hesitate to interfere ruthlessly. The Khasi states came under the control and authority of the British government through a pattern of subsidiary alliance administered by the Deputy Commissioner of the Khasi and Jaiñtia Hills district (created in 1854) who functioned as Political Agent to the Khasi
states. This was the status that the Khasi states enjoyed till India’s independence in 1947.

OBJECTIVES OF THE STUDY

The objectives of the study are:

1. To examine the existing traditional political institutions of the Khasi, with special reference to Hima Khyrim and Hima Mylliem;

2. To analyze the Anglo-Khasi relations, the position of the Khasi states between 1946 to 1950 in relation to India;

3. To examine the events that affected the position of the Khasi states after the enactment of the Constitution of India in 1950, the relations between the Khasi states and the Autonomous District Councils (with special emphasis on Hima Khyrim and Hima Mylliem);

4. To analyze the current demand for constitutional recognition of the Khasi states and the role played by the Syiem of Khyrim and Syiem of Mylliem in this regard;

5. To critically analyze the various memoranda submitted by the Federation of Khasi States to the National Commission to Review the Working of the Constitution.
Of late, this issue relating to the demand for constitutional recognition of the Khasi states has generated considerable interest among scholars, local institutions and non-governmental organizations. A number of organizations have also held seminars and workshops to examine the functioning and relevance of traditional tribal organizations in North-East India. In addition, newspaper articles written by various scholars have also contributed their part in creating awareness amongst the public on the relevance of these traditional political institutions in the modern political framework. The study undertaken attempts to gauge the opinion of the stake holders, that is, the Khasi states and their administrative heads, the Khasi Hills Autonomous District Council (hereafter KHADC) and the Government of Meghalaya on these issues and to examine whether the Khasi states will be able to adjust to this political framework.

REVIEW OF LITERATURE

Earlier writings on the traditional institutions in North-East India lie buried in journals and official documents which are beyond the reach of scholars. Attempts were made by British officers to document their experiences while travelling throughout North-East India. However these
documents have their limitations as they were prepared to serve in general, the functional needs of British administration.

Research activity, with reference to North-East India, has witnessed a remarkable increase in the last few decades. Today, there is an immense wealth of material available on various aspects of the Khasi society. However, the constitutional position of the Khasi states after 1950 and the subsequent changes that followed, have not received the desired attention. The attempt of this study is to analyze the remedial measures that the Khasi states have taken (especially after 1950) in order to regain the position and identity within the Indian political framework. The emphasis will be on two Khasi states in particular, Hima Khyrim and Hima Mylliem.

Studies on the political organizations of various societies undertaken by Claessen and Skalnik, Krader and Fortes and Pritchard have revealed a spectrum of political organizations ranging from early states to stateless societies. These societies exhibit a variety of political organizations depending on their level of economic development, social stratification and the presence of a centralized authority.
Polity formation in the pre-colonial tribal regions of Eastern and North-Eastern India has also attracted the attention of many scholars. Sinha’s edited volume is of particular interest to this research study for the case studies on polity formation among the Jaintia and Khasi people. Among writings in Khasi, the account of Lyngdoh is perhaps one of the earliest that narrates the genesis of the Khasi and Jaintia rulers. He examines the emergence of the Shillong state, the subsequent bifurcation of the state in 1853, and the emergence of the Nongkrem rulers, that is, *ki Syiem* Nongkrem (who are known today as *ki Syiem* Khyrim) and the Mylliem rulers, that is, *ki Syiem* Mylliem.

The writings of Bareh, Giri, Lyngdoh and Syiemlieh, amongst other scholars, have provided a rich source of information on various aspects of Khasi society which includes the development of traditional political institutions among the Khasi, the relations of the Khasi states and the British, the position of the Khasi states on the eve of India’s independence and after. These scholars, with the exception of Giri, have also examined the relations of the Khasi states with the Indian Dominion till the inauguration of the Constitution of India in 1950. Shullai examines the Khasi states under British rule and their accession to the Indian Union through the various
agreements. The book also examines in detail the establishment of the Khasi States Constitution Making Durbar. However, none of these scholars have examined the position of the Khasi states after 1950 and the subsequent developments that have taken place in the Khasi and Jaintia hills.

**DATA COLLECTION AND METHODS**

To understand the genesis and organization of the Khasi states, primary data has been collected from existing works on these traditional political institutions, archival and government records, folklore and tradition. A visit to the National Archives, New Delhi was also undertaken in 2007 to examine recorded material relevant to Anglo-Khasi relations. Interviews and personal meetings with traditional heads and members of their councils especially those of Hima Khyrim and Hima Mylliem were also undertaken to understand how these traditional political institutions exist today. These interviews were conducted in a very cordial atmosphere and the statements recorded have been very informative to the research work undertaken. While examining the relations between the British and the two Khasi states, Khyrim and Mylliem and the constitutional developments between 1946 and 1950 relating to these two Khasi states, secondary sources have also been made use of. A number of visits have also been made to the office of the
Khasi Hill Autonomous District Council to collect data and documents and to interact with a number of officers on issues which affect the relations between the KHADC and these traditional political institutions and which are relevant to the research work undertaken. As this study is of current significance, newspaper reports, articles, seminar papers and proceedings of various organizations, correspondences between the Government of India, the Government of Meghalaya and the Khasi states and Autonomous District Council records have also been used as sources of data. To collect data from the field (which includes interaction with the respective Syiem, members of their councils, government officials, scholars, social activists and members of the general public) the following methods were used - unstructured interviews and structured interviews. In the unstructured interview method a broad framework of questions was prepared under which the interview was conducted. During the interview further questions were spontaneously formulated and the information as well as the answers provided enriched the interview.
CHAPTERISATION

This study has been divided into five chapters.

Chapter I Introduction.

Chapter II Traditional Political Institutions of the Khasi: Anglo-Khasi relations and their position between 1946 to 1950 (with special reference to Hima Khyrim and Hima Mylliem).

Chapter III Constitutional Position of the Khasi states after 1950.

Chapter IV Demand for Constitutional Recognition.

Chapter V Conclusion.

CHAPTER I

In introducing the topic of research, the first chapter briefly examines the territorial location of the Khasi states of Hima Khyrim and Hima Mylliem. The chapter briefly examines the composition of the highest political office among the traditional political institutions of the Khasi, that is, the office of the Syiem, the relations between the British government and the Khasi states following the Khasi insurrection of 1829, the political events on the eve of India’s independence and
after that affected the position of the Khasi states and the position of the Khasi states after the inauguration of the Constitution of India in 1950.

The first chapter also includes:

a) the objectives of the study undertaken;

b) a review of literature;

c) methods to collect data and information on the research study;

d) chapterisation of the proposed study.

CHAPTER II

This chapter examines the emergence of the Khasi state and its administrative head, the Syiem, with particular reference to Hima Khyrim and Hima Mylliem. The chapter discusses the Khasi insurrection against British growing influence in the Khasi Hills and the measures taken by the British to quell this insurrection. The chapter examines the administrative measures undertaken by the British to establish their authority as the paramount power over the Khasi Hills. The heads of the Khasi states came under the authority of the British through treaties, agreements and sanads. These agreements clearly depicted the subordinate position that the Khasi
states occupied in this relation with the paramount power, till India’s independence in 1947.

With India’s independence approaching, a States Department was created on July 5th, 1947 to deal with matters of common concern to the Indian states. The Governor of Assam was entrusted with the task of negotiating with the Khasi states. On August 8th, 1947 the Federation of Khasi States signed the Standstill Agreement ensuring that all administrative arrangements continued in force for two years or until new or modified arrangements were made. The arduous task of getting the Khasi states to sign the Instrument of Accession finally concluded when Nongstoiñ signed the Instrument on March 19th, 1948. Through these Instruments, the Khasi states acceded to the Dominion of India. A number of legal steps were undertaken by the new government at New Delhi to give effect to the Instrument of Accession and subsidiary agreements. To enable the Khasi states discuss their place under the new Constitution of India, (which was being drafted) the Dominion Agent issued a notification providing for the establishment of a Khasi States Constitution Making Durbar. The primary task of the Khasi States Constitution Making Durbar was to determine the future administrative arrangements of the Khasi and Jaiñtia Hills district in
relation to the Province of Assam and to the Dominion of India. Difference of opinion over this issue emerged between the more progressive members supporting J.J.M. Nichols Roy and those supporting the Khasi states. Before these differences could be addressed, the draft Constitution of India was adopted by the Constituent Assembly on November 26th, 1949. The Khasi states failed to address their concerns before the Constituent Assembly which had approved the Sixth Schedule. The Sixth Schedule was the outcome of the proposal prepared by the Bardoloi Sub-Committee which was submitted to the Constituent Assembly. The Sixth Schedule was incorporated in the Constitution of India to provide for a special administrative machinery, in the form of District Councils, to the hill districts of Assam. An executive order of the Government of Assam brought the short life of the Federation of Khasi States to an abrupt end from January 25th, 1950. When the Constitution of India was inaugurated on January 26th, 1950 the Khasi states were constitutionally reconciled to the provisions of the Sixth Schedule. The Constitution read that the territory of Assam “shall comprise the territories which immediately before the commencement of the Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas”.

CHAPTER III

The dawn of an independent India strengthened by the inauguration of a new Constitution which had embodied, amongst other features, special provisions for the administration of tribal areas of the erstwhile Assam, further affected the cause of the Khasi states. Two events in particular diverted the citizens’ attention from the cause of the Khasi states – first, the inauguration of the Autonomous District Councils effected through electoral politics, and second, the emergence of the movements demanding statehood for the territory which came to be known as Meghalaya.

This chapter discusses the establishment of the Autonomous District Councils in the hill districts of Assam particularly the United Khasi-Jaintia Hills Autonomous District Council which was inaugurated on June 27th, 1952. This Autonomous District Council comprised the entire geographical areas (except the municipality and cantonment areas of Shillong) of the erstwhile Khasi and Jaintia Hills District. For the first time the Khasi states and former British areas were brought together under one administration.

To exercise its legislative powers under various sections of the Sixth Schedule, the United Khasi-Jaintia Hills Autonomous District Council
passed a number of Acts, Rules and Regulations. These Regulations passed by the United Khasi-Jaiñitia Hills Autonomous District Council brought the Khasi states under its supervision and control. These Regulations ultimately brought to the fore the serious differences between the traditional political institutions and the United Khasi-Jaiñitia Hills Autonomous District Council (and later the Khasi Hills Autonomous District Council). The principal Act which received the considerable attention of the public and which witnessed continuous acrimony between these two authorities was the United Khasi-Jaiñitia Hills Autonomous District (Appointment of Chiefs and Headmen) Act, 1959. This Act laid down detailed provisions for scrutinizing the functioning of the Khasi states principally through the method of appointing, removing and conduct of the Chiefs. The implementation of this Act has on numerous occasions brought the two authorities, that is, the Autonomous District Council and the Chiefs, in sharp conflict over their jurisdictions as defined by law and traditions, respectively. It was the judiciary that always had to intervene and to confirm the jurisdiction of the respective authorities. The important observations made by the judiciary in this altercation are
a) the Chief was no more than an administrative officer appointed by the District Council under paragraph 2(4) of the Sixth Schedule and working under its control;

b) once the powers of appointment fall within the power of the administration of the district, the power of removal of officers and others so appointed would necessarily follow as a corollary;

c) the Governor in the first instance and the District Council thereafter were vested with the power to carry on the administration and this included the power to appoint and remove the personnel for carrying on the administration.

It took the judgement of the Supreme Court to reiterate that after the coming into force of the Constitution of India, whatever ruling or administrative powers that the Chiefs had were reduced when the twenty-five Khasi states were merged into Assam, and the governance of these states was to be carried on according to the provisions of the Sixth Schedule.

The demand for a separate state for the hill areas of Assam and the subsequent reorganization of the State of Assam saw the formation of the Autonomous State of Meghalaya on December 29th, 1969 and finally, the formation of the full fledged State of Meghalaya on January 21st, 1972. As
these events transformed the political and territorial contours of the Khasi Hills, the Khasi traditional political institutions and their leaders realized that they would inevitably be swept by these events which had eventually shifted public focus and opinion to new political challenges and to new emerging classes of interest. The traditional political institutions of the Khasi Hills were left with no alternative but to support the mass movement for a separate hill state with the hope that their interests would be secured and maintained in the proposed framework.

The inauguration of the new State of Meghalaya did not see any legal or constitutional improvement in the status of the traditional political institutions. They continued to exist as they did after the creation of the Autonomous District Council. No effort or initiative was undertaken either by the state government or by the Khasi Hills Autonomous District Council (hereafter KHADC) to recognize their contributory role to the society. These traditional political institutions continued to exist amidst the adversity of modern democracy, revered by their declining number of steadfast residents and proponents.
CHAPTER IV

Realizing that their grasp over the community and their relevance to
the society was slowly slipping away, these traditional political institutions
sought to revive their place amidst this avalanche of political change that
had taken place in the Khasi hills since 1950. The simmering undercurrent of
discord that was visible for decades finally overflowed into the public arena
when heads of traditional political institutions came together to demand for
constitutional recognition.

This chapter discusses the demand for constitutional recognition of
the Khasi states. This demand for constitutional recognition was mobilized
principally by the Syiem of Khyrim, the Syiem of Mylliem and their
respective councils, ki Dorbar. The Khasi states questioned the Government
of India's failure to honour clauses of the Instrument of Accession when it
instead approved the establishment of the Autonomous District Council.
This demand assumes significance as it was after many decades that many
Khasi states came together to support this demand even at the cost of
inviting the displeasure of the KHADC.
The decision of the Government of India to constitute a National Commission to Review the Working of the Constitution (hereafter NCRWC) provided the Khasi states, through the Federation of Khasi States, an opportunity to draw attention to their grievances. The Khasi states submitted a memorandum to the Advisory Panel on “Decentralisation and Devolution: Empowerment and Strengthening of Panchayati Raj Institutions”. The memorandum placed before the Advisory Panel two issues for consideration:

a) to initiate constitutional measures aimed at restoring and preserving the traditional status and powers of the traditional institutions by a suitable constitutional amendment;

b) that, the constitutional amendment will define the legislative, administrative and judicial jurisdiction of the Khasi traditional chiefs in Dorbar in accordance with the customs and usages practiced and respected by the Khasis since time immemorial.

The suggestions put forward by the Advisory Panel (to place them as the first tier of governance under the ADC and to nominate 5 members, from among the traditional heads of the Khasi states, to the KHADC) were not acceptable to the Khasi states. Such suggestions they felt overlooked the real
issues confronting traditional political institutions which had all along been averse to the very creation of the Autonomous District Council and which functioned as partyless institutions. Taking a rigid stand, the Federation of Khasi States opposed the recommendations of the NCRWC while reiterating that they desired nothing short of the proposed Thirteenth Schedule to the Constitution of India.

The traditional political institutions of Meghalaya took different measures to ensure that their demand for constitutional recognition was heard at various platforms. They received the support of the former Member of Parliament (Rajya Sabha) Robert Kharshiing who initiated the formation of the Rajya Sabha Grassroots Democracy Advisory Council, (hereafter RSGDAC) a platform activating democracy at the grassroots. It was for the first time that traditional heads of the Khasi, Jaiñtia and Garo communities came together under one platform, the RSGDAC, to discuss and address their concerns including the demand for constitutional recognition of these traditional political institutions. To raise an awareness and participation of people in this demand for constitutional recognition a People’s Assembly, *ka Dorbar Ri*, was organized by the RSGDAC on January 14th, 2004 at Smit, East Khasi Hills. A second People’s Assembly was also organized at
Mawphlang, East Khasi Hills on October 6th, 2007. Both these Assemblies received wide media coverage and also witnessed the attendance of important public figures.

The KHADC could no longer keep the issue of its relations with traditional political institutions away from public view and scrutiny. To re-establish and reaffirm its legal authority over the traditional political institutions the KHADC assumed the path of negotiation and consensus. It initiated the creation of the Federation of Khasi Traditional Institutions (hereafter FKTI) as a positive step in re-establishing cordial relations with traditional political institutions that, for decades, had been deficient. The KHADC also formulated the Khasi Hills District (Constitution of The Federation of The Khasi Traditional Chiefs) Bill, 2006. The Bill in its imperfect form presently lies inconclusive. It remains to be seen how far reaching is this initiative of the KHADC in ushering a lasting, cordial relationship between both these authorities.
CHAPTER V

A critical examination of this demand for constitutional recognition of the Khasi states would not be complete if the views of representatives of these states and of public figures are not ascertained. To gather information on the present status and functioning of the two Himas, Khyrim and Mylliem, a number of visits were undertaken to the offices of the Syiems located at Smit, East Khasi Hills and Mawkhar, Shillong, respectively. To elicit the views of a number of respondents on issues relevant to traditional political institutions today, a structured interview schedule was employed. In response to the question whether the respondents support the Khasi traditional political institutions' demand for constitutional recognition, a majority of respondents answered in the affirmative. They observed that traditional political institutions should be provided adequate safeguards from the negative effects of electoral politics. Members of the ADCs should not politically interfere with the administration and functioning of these traditional political institutions.

The respondents who did not support this demand interestingly observed that the Khasi traditional political institutions are already recognized through the operation of the Sixth Schedule. Traditional political
institutions and the KHADC should work under the present set up mandated by the Sixth Schedule. There is immense scope for experimentation to improve their relations, which has not been explored.

A majority of the respondents suggested that the Khasi traditional political institutions’ demand for constitutional recognition should be fulfilled by including special provisions in the Constitution of India, by making provision for direct funding for development projects in the respective areas of these traditional political institutions and by creating an Upper House in the Meghalaya Legislature. The following observations and suggestions were also made:

a) traditional political institutions are recognized by the Constitution of India through the Sixth Schedule. Capacity building of traditional political institutions will enable them to effectively exercise their functions;

b) constitutional provisions empowering traditional political institutions should be considered by amending the 73rd Amendment Act;

c) traditional political institutions should be given legal recognition by the Government of Meghalaya through an Act of the State.
Alternatively, traditional political institutions could be a part of the local administrative system under the direct control of the Government.

CONCLUDING OBSERVATIONS

The Khasi states today continue to exist amidst adversity. The heightened activities which they witnessed between 1946 and 1950 and which accorded them legal recognition, were shortened. The new administrative machinery introduced through the Sixth Schedule of the Constitution of India favoured a new emerging leadership which was conditioned by electoral politics and adult franchise. On the other hand, the social recognition accorded to them however continues but is visible more in the interior parts of their states than in urban areas, which have come under jurisdiction of new administrative authorities. It was only in the late 1990s that the Khasi states once again questioned their legal status under the Constitution of India. In demanding for constitutional recognition, the Khasi states not only made a bold admission of the lacuna in the constitutional arrangements that were arrived at in 1950 but were also willing to openly challenge their subordinate position under the Sixth Schedule thereby inviting the displeasure of the KHADC. Through the years that followed this
demand was raised at the various memoranda submitted to the NCRWC, to the Government of India, to Members of Parliament from Meghalaya and also to Chief Ministers of Meghalaya.

Neither the KHADC nor the Government of Meghalaya has seriously considered the Khasi states' demand for constitutional recognition which is accompanied by a number of legal and financial considerations. To be considered viable institutions which engage development in a participatory mode at the grassroots, the Khasi states must be willing to accommodate healthy democratic practices, sound financial management and a transparent and accountable working environment.