RELATIONS BETWEEN THE KHASIS AND THE
GOVERNMENT OF INDIA SINCE 1946


The Khasi Hills on the eve of India's Independence!

The district had two kinds of administration -
First, the administration over the twenty five Khasi States which were in treaty relationship with the British Crown. These were semi-independent having a population of 701,647 according to the census report of 1941. The district also had the British administration over the British areas which were composed of Jowai Sub-division with a population of 85,000 and a number of British villages scattered among the Khasi native states, having a population of 29,048. Another part included 'Nongwh' in Kamrup district. Rev. J.J.M. Nichols Roy in his Memorandum (1947-48) presented to
the North East Frontier (Assam) Tribal and Excluded Areas Sub-Committee wrote "There are a few villages with about 400 houses which were before 1897 included in the Khasi Hills" These in former years formed small Khasi States but for some reasons were included in Kamrup district. Two of the "British areas" among the 33 'British areas' in Khasi and Jaintia Hills District were Shillong British portion and Jowai sub-division. The other 31 'British areas' in Khasi and Jaintia Hills District were:

(a) Nongpoh, Myrdon
(b) Jyrgam, Nongriangsi, Nonglang
(c) Laitlyngkot, Laitkroh, Mawbeh-Larkhar
(d) Marbisu
(e) Umniuh - Tmar, Lakading, Tynriang, Nongjri
(f) Saitsohpen, Mawmluh, Mawmmai - Nongthymmai
(g) Sohbar, Byrong
(h) Nongbah, Nonglyngkien, Tynrong
(i) Mawthangsoh Khyllung, Mynteng, Nongkroh, Nongriet, Nongshluid, Nonglait, Pmandait, Synnei, Sinai-Maw-Shynrut, Tyrna.

There were elected headmen with small judicial powers in Khasi States. On the other hand, the British areas had a Deputy Commissioner and the Governor of Assam was the high court for these British areas. Under the operation of the Government of India Act, 1935 the British

areas of this district came under the caption Partially Excluded areas. The administration in these areas was different from the administration in the Non-Excluded areas. No Act of the Assam Legislature could be applied directly to these Partially Excluded areas. They could be applied only if the Governor extended those acts by a special notification. They were represented in the Assam Legislative Assembly.

On the 19th February 1946, the British Labour Prime Minister, Mr. Attlee made an announcement that three members of the Cabinet would visit India "to promote in conjunction with the leaders of Indian opinion, the early realisation of full self-government in India". The three members of the Cabinet Mission were Lord Pethick Lawrence, Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade and Mr. A.V. Alexander, First Lord Admiralty. As soon as the Cabinet Mission arrived in March 1946, a series of memoranda were submitted.

Views of Rev. J.J.M. Nichols Roy:

In 1945, Rev. J.J.M. Nichols Roy who had just returned from U.S.A. formed his party called The Khasi Jaintia Federated State National Conference. A memorandum was presented by him regarding "The Hill Districts of Assam - their future in the New Constitution of India".
In his memorandum, Rev. J.J.M. Nichols Roy presented his views that the district of Khasi and Jaintia Hills has a "distinct characteristic of its own ..... the Khasis have a distinct culture of their own. The administration of this district should be adjusted in a special way in the new constitution of India." First, Rev. J.J.M. Nichols Roy suggested that the whole district of Khasi and Jaintia Hills should form one Khasi-Jaintia Federated State. Secondly, there should be no differences between the Khasi States and the British areas. Thirdly, the treaties between the Khasi States and the British Government should all become null and void. Fourthly, the Khasi States with their administration should remain as they were with the exception that they should be reformed to bring them to the properly constituted administration which should be more advanced. Fifthly, the Jowai sub-division, the largest British area, should have its own local administration. Sixthly, there should be a legislative body with 25 members to be elected by 25 constituencies into which the whole district should be divided. This legislative body should have power to reform any part of the local administration and should have power also to make laws for the whole district in regard to the administration, finance and land and to fix any financial contribution. Seventhly, there should be a Khasi Federated elected court of 3 judges
which should be the final court of appeal from all local authorities inside the Khasi Federated State.

Eightly, there should be an Executive Council of not more than three persons to be elected by this Legislative Body, one of whom would be the President of the Council. This Executive Council should have executive powers as would be defined by law.

Speaking of the relation of the Khasi Federated State with the Assam Province, Rev. Nichols Roy suggested that the Khasi Federated State should not have connection with the Central Union of India, the district would be too small a state to be connected directly with the Central Union. Moreover, the questions to be discussed in the Central Union would not be of much interest to the Khasi Hills District. Moreover, the Federated Khasi State would have to deal all the time in trade and business with the Province of Assam.

Therefore, Nichols Roy opined that the Khasi Federated State should be connected with Assam in subject like Medical, Agricultural and other educational institutions and with India in the subjects in which the Assam province would be connected. As such, the Federated Khasi State should give some contribution to the Province of Assam for education and all other services which it should get from the Assam Province. Nichols Roy also suggested that
the Government of Assam should go through the Khasi-Jaintia National Council for these contributions and the Legislative body should raise any necessary annual contribution by means of the statutory power invested in them and the Assam Government also might get a share from the royalty from forest produce and minerals exported from this State.

Besides, the Federated Khasi State should get services and administration of the Assam Province and should get representation in the Assam Legislature but no legislation of the provincial Legislature should apply directly to this State. It should first go to the State Executive Council and Legislative Body. The number of representatives from this Khasi Federated State to the Assam Legislative body should be fixed by law.

Speaking of the protection of land in this Federated State, Rev. Nichols Roy said that this was the most important part in the relation of the Khasi-Jaintia Federated State with the Assam Government.

Speaking of the position of Shillong, the people of the Assam Valley would demand the removal of Shillong to another place in Assam Valley, if the district of Sylhet was re-united with Bengal. Shillong would remain only as a hill station for the Assam Government in summer.
On the other hand, if Shillong remained as the capital Rev. Nichols Roy suggested that it should come under the Assam Municipal Administration but the land should remain as the Mylliem State Land and the private market of the Mylliem State in Shillong should continue to be the private market of the Mylliem State. This, according to him, should be a matter of adjustment between the Assam Government and the Khasi Jaintia Federated State and the Mylliem State. He suggested that Shillong should send two representatives to the Assam Legislative Assembly, one seat to be reserved for a Khasi and the other should be a general seat. There should be also a women constituency for Shillong.

The Cabinet Mission and its proposal:

The Cabinet Mission stated "It is quite clear that with the attainment of Independence by British India, whether inside or outside the Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown, will no longer be possible. Paramountcy can never be retained by the British Crown nor transferred to the new Government ...... At the same time, states are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter of negotiations during the building up of the constitutional structure, and it by no means follows that it will be identical
The Cabinet Mission suggested that:

(1) There should be a union of India embracing both British India and the States, which should deal with the following subjects - Foreign affairs, Defence and Communications; and should have the powers necessary to raise the finances required for the above subjects.

(2) The states should retain all subjects and powers other than those ceded to the Union.

The memorandum on States, Treaties and Paramountcy dated the 12th May 1946 further clarified the stand and position of the states - "When a new fully self-governing or independent government or governments come into being ........... His Majesty's Government will cease to exercise the powers of paramountcy. This means that the rights of the states which flow from their relationship to the Crown will no longer exist and that all the rights surrendered by states to the paramount power will return to the states. Political arrangements between the states on the one side and the British Crown and British India on the other hand will thus be brought to an end. The void will have to be filled either by the states entering into a federal relationship with the successor government or governments in British India or failing this, entering into particular political arrangements with it or them".

3. Ibid. •
The plan of the Cabinet Mission was announced on the 16th May 1946 and suggested that firstly, in the preliminary stage, the states were to be represented in the Constituent Assembly by a negotiating Committee. Secondly, in the final Constituent Assembly, they were to have appropriate representation not exceeding 93 seats. The method of selection was to be determined by consultation. Thirdly, the Provincial and Group Constitution had been drawn up by the three sections of the Constituent Assembly. The representatives of the sections and the Indian States would reassemble for the purpose of settling the Union Constitution.  

The Federation of Khasi States:

When the memorandum on States, Treaties and Paramountcy and the Cabinet Mission Plan dated 16th May 1946, had been circulated to all the Khasi rulers, the Syiems, the Lyngdohs, the Sirdars and the Wahadadars met at the residence of Kedro Manick, Syiem of Nongkhlaw at Jaiaw, Shillong on the 1st and 2nd July and on the 22nd August 1946. The meeting of the prominent Khasi leaders adopted a resolution and resolved to revive the Federation of Khasi States which was started in 1933. Olim Singh Syiem was elected Chairman and Jormanick Syiem was elected Secretary of the Federation.

4. Ibid.
The following members were also elected as members of the Standing Committee:

1. Kedro Manick Singh Syiem, Syiem of Nongkhlaw.
2. Sib Singh Syiem, Syiem of Nongstoin.
3. Bamon Singh Syiem, Syiem of Maharam.
4. R. Atiar Singh Syiem, Syiem of Mawiang.
5. Jebuni, Wahadadar of Shella.
7. Sorindro, Sordar of Jirang.

The above Standing Committee of the Federation of Khasi States was empowered to project the objective of the Federation for the Common good without hampering the traditional customs and mode of administration in all Khasi States. Secondly, the Standing Committee was also empowered to negotiate any representative who had already been a member of the Chamber of Princes, who would be capable of representing the case of the Federation of Khasi States in the Chamber of Princes. Thirdly, it was also resolved that when the transfer of power took place, the Federation of Khasi States would also take its decision which would be on a parallel line with the policy of the other Indian States through the Chamber of Princes.

It should be noted however that Sir Stafford Cripps made a statement before the House of Commons on the
18th July 1946 that there must be a close negotiation between the Negotiating Committee which the States had set up and the major British Indian parties, for the question of the representation of the States in the Constituent Assembly and the position of the States in the Union.  

The Standing Committee of the Chamber of Princes stated on the 10th June 1946 that the plan provided a fair basis for negotiation and subsequently set up a representative Committee to negotiate the States' entry into the Constituent Assembly.  

(a) Fixing the distribution of the seats in the Assembly not exceeding 93 in number which the Cabinet Mission had stated were to be reserved for the Indian States and 

(b) Fixing the method by which the representatives of the States should be returned to the Constituent Assembly.  

The rulers of the States agreed to accept the Cabinet Mission's plan. Their viewpoint was shown in a resolution passed by the Standing Committee of the Chamber of Princes on the 29th January 1947.  

1. The entry of the States with the Union shall be on no other basis than that of negotiation and the final decision will rest with each state .......... which can only be taken after consideration of the complete picture of the Constitution.  

7. Ibid.  
8. Ibid.
2. All the rights surrendered by the States to the Paramount power will return to the states. The proposed Union of India, will, therefore, exercise only such functions in relation to the states in regard to union subjects as are assigned or delegated by them to the Union. Every State shall continue to retain its sovereignty and all rights and powers except those that have been expressly delegated by it. There can be no question of any powers being vested or inherent or implied in the Union in respect of the States, its territorial integrity and the succession of its reigning dynasty in accordance with the law, custom and usage of the State, shall not be interfered with by the Union or any part thereof."

On the 20th January 1947, the British Government announced that they would quit India by June 1948. Lord Mountbatten assumed office as Viceroy on 24th March 1947 and on 3rd June broadcast the famous declaration laying down,

"The method by which power will be transferred from British to Indian hands."

When this memorable declaration was made, the Standing Committee of the Federation of Khasi States met and a draft constitution of the Khasi States was circulated to all the Khasi States for approval and this approval
or any decision taken by the States should be sent to the Durbar on or before the 25th March 1947. The draft constitution was approved by the Khasi States which runs as follows:

"PREAMBLE"

With a view to achieving better and higher standard of administration in the Khasi States, collectively and individually the Khasi rulers and their Durbars as constitutional representatives of the people, hereby agree to join together in a Union to be called "The Federation of Khasi States." The Federation shall have power to make laws relating to, and to administer matters of common concern to be called 'Federal subjects' which the component states surrender to it. The component states shall in return receive certain protection and services from the federal Government as shall be agreed upon from time to time. The Federal Government shall have an Executive, a Legislature and a Federal Court. All subjects other than the federal subjects and all residuary powers shall vest in the component states.

Definition:
"Federal Legislature" means a law making body, constituted from representatives of the states composing the federation.

"Federal subjects" means matters of common concern which the component states surrender to the Federal Government.

"Federal Executive" means an authority having executive powers to administer the affairs of the Federation.

"Federal Court" means a court with powers supreme to all courts of the component states, for administering law and justice and competent to decide constitutional issues.

**Government:**

The Federal Government will deal with the following subjects:

1. External Affairs;
2. Law and Order
3. Public Works and Communications;
4. Public Health
5. Education
6. Federal Finance
7. Economic Development - Agriculture, Industry and such other subjects as may be surrendered from time to time by the component states.

**Legislature:**

2. The Federal Legislature shall be called "The Durbar of Khasi States". Its members should be

(a) Heads of component states.

(b) Representatives elected by adult male suffrage in the component states proportional to their population in the ratio of 1 to 2,000, provided that no state is entitled to send more than 10 representatives.
3. The Durbar of Khasi States shall be presided over by a President who shall be elected from amongst the State Rulers once every 5 years by a majority of the members present. Besides the President, there shall be a Vice-President similarly elected.

4. The life of the Legislature shall be for 5 years. Its sitting shall be at least once a year. The quorum shall be one third of the total number of members.

5. The functions of the Durbar of Khasi States shall be to make laws and regulations governing all federal subjects, pass the federal budget and find out ways and means for efficient administration of the Federal Government. The Durbar shall have powers to revise or amend the constitution by a majority of not more than 2/3 of the votes cast.

6. The President shall have powers to give assent to Bills passed by the Legislature before they become laws.

7. The President shall have powers for clemency.

Executive:

8. The Federal Executive shall be a council of the Chief Minister nominated by the Durbar of Khasi States and confirmed by the President and of not less than 4 and not more than 8 other Ministers selected by the Chief Minister from amongst the members of the Durbar and confirmed by the President. All members of the Federal Executive
shall be sworn as members of the council and take an Oath of Allegiance to the Federation of Khasi States, before they take office.

9. The Federal Executive shall run the administration of the Federation of Khasi States through a Secretariat and shall be responsible to the Durbar of Khasi States or the Federal Legislature. They shall hold office during the Durbar's pleasure.

10. The salaries of Ministers shall be such as the Federal Legislature may from time to time by Act determine and, until the Federal Legislature so determine shall be determined by the President.

Federal Court:

11. The Federal Court shall consist of a Chief Judge and one or more other judges to be nominated by the Executive Council and confirmed by the President. It shall hear all Civil and Criminal appeals coming from the courts of the component states.

(a) for cases not triable by courts of the component states;

(b) for cases of Inter-State disputes and

(c) for cases in which the parties come from or in which the subject matter of dispute falls in more than one state. Its decision shall be final and binding on all component states.

12. The Federal Court shall decide all constitutional questions which may arise within the Federation.

13. The condition of service of a Judge or Judges or Magistrates shall be decided by the Federal Legislature.
Law and Order:
14. The administration of Law and Order shall consist of Armed Guards to be called "Federal Police". The Federal Police shall be stationed at the Headquarters of the Federal Government and shall be utilised for maintaining law and order in any place or places according to the direction of the Federal Executive. Its intervention is invoked by the States concerned, or is considered absolutely necessary by the Federal Executive.

Secretariat:
15. There shall be a Secretariat of the Federal Government which shall run all departments dealing with federal subjects. Its Secretary or Secretaries shall be appointed by the Federal Executive.

Finance:
16. Federal Finance shall ordinarily consist of a constitution which all component states shall contribute so much of their income as shall be determined by the Durbar of Khasi States from time to time for the maintenance of the Federal Government.

Relations:
17. The relation of the Federation of Khasi States with other Governments shall be by negotiations. During the period of negotiations between the Standing Committee of the Chamber of Princes and the
Negotiating Committee appointed by the Constituent Assembly, it was resolved that states would join the Constituent Assembly during the April 1947 session. Such being the suggestion, the Khasi States along with Tripura and Manipur sent Mr. G.S. Guha as their common representative.  

However, the Government on examining the draft constitution of the Federation of Khasi States found that it was too rigid and ought to be more flexible. The Federation of Khasi States thereupon was thinking of the Khasi States in their relationship with the new Government. But great changes occurred all over the country which finally led to His Majesty's Government's statement of 3rd June 1947 containing the method by which power would be transferred from British to Indian hands: secondly, the policy of dividing British India into India and Pakistan; thirdly, the district of Sylhet would be joined to the Muslim area in Bengal after the news of the people had been ascertained by a referendum and lastly, paragraph 18 of the statement said "His Majesty's Government wish to make it clear that the decision announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May 1946 remains unchanged."

The Crown Representative represented to the Indian States the paramountcy of the British Crown, and at the same time, he was the head of the Government as Governor General in relation to British India. On the 13th June 1947, Lord Mountbatten, Viceroy invited Nehru Patel and Kripalini (on behalf of the Congress) Jinnah, Liaquat Ali Khan and Sardar Abdur Rab Nishtar (Muslim League) and Sardar Baldev Singh (on behalf of the Sikhs) to a meeting concerning the states where the Political Officer, Sir Conrad Corfield was also present.

"It would be advantageous if the Government of India were to set up a new Department, possibly called the States Department, to deal with matters of common concern with the States; that, if this were done, the new Department should be divided into two sections, ready for partition of the country; and that the existing Political Department and the Political Adviser should give all possible assistance and advice in the formation of the new Department. 11

On the 25th June 1947, the Cabinet of the Interim Government gave its final decision which was announced on the 27th June 1947. 12

"In order that the successor Governments will each have an organisation to conduct its relations with the Indian States when the Political

12. Ibid.
Department is wound up, His Excellency, the Viceroy, in consultation with the Cabinet, has decided to create a new Department called the States Department to deal with matters arising between the Central Government and the Indian States. This Department will be in charge of Sardar Patel, who will work in consultation with Sardar Abdur Rab Nishtar. The new Department will be organised in such a way and its work so distributed that at the appropriate time, it can be divided up between the two successor Governments without dislocation. Mr V.P. Menon will be the Secretary of the new Department.

When the States Department assumed its work on the 5th July 1947, Sardar Patel called upon the states to accede to the Dominion of India on the three subjects of Defence, Foreign Affairs and communications as those involved the national interest. He hoped that "By common endeavour, we can raise the country to a new greatness while lack of unity will expose us to fresh calamities. I hope the Indian States will bear in mind that the alternative to co-operation in the general interest is anarchy and confusion which will overwhelm great and small in a common ruin if we are unable to act together in the minimum of common tasks. Let not the future generation curse us for having had the opportunity but failed to turn it to our mutual advantage."
Instead, let us be a proud privilege to leave a legacy of mutually beneficial relationship which would raise this sacred land to its proper place amongst the nations of the world and turn it into an abode of peace and prosperity."

Lord Mountbatten convened a special meeting of the Chamber of Princes on 25th July 1947 and declared "Now the Indian Independence Act releases the states from all their obligations to the Crown. The states have complete freedom — technically and legally they are independent." But at the same time, he also expressed the link of action in matters of administration as the Crown Representative and the Viceroy were one and the same person. But, "that link is now broken. If nothing can be put in its place, only chaos can result and that chaos I submit, will hurt the states just .... even the biggest of the states will feel itself hurt just the same as any small state." Again, speaking on the accession to either Pakistan or India, Lord Mountbatten expressed, "But when I say that they are at liberty to link up with either of the Dominions, may I point out that there are certain geographical compulsions which cannot be evaded. Out of something like 565 states the vast majority are irretrievable linked

13. Ibid.
geographically with the Dominion of India. The problem therefore, is of far greater magnitude with the Dominion of India than it is with Pakistan.\textsuperscript{15} He finally called on the Rulers - "Remember that the day of the transfer of power is very close at hand and, if you are prepared to come, you must come before the 15th August. I have no doubt that this is in the best interest of the states, and every wise Ruler and wise Government would link up with the great Dominion of India on the basis which leaves you great internal autonomy and which at the same time gets rid of your worries and cares over External Affairs, Defence and Communications."\textsuperscript{16}

When the question of national importance came to the forefront, the Federation of Khasi States also faced a critical situation. Rev. J.J.M. Nichols Roy who was a Cabinet Minister in the G.N. Bordoloi Ministry presented his views on the 2nd August 1946, at student Field Mawkhar, Shillong.\textsuperscript{17} According to him, he suggested first, all Khasi States and British areas were to be united into one administration. Secondly, the rule of the Syiems, the Sirdars, the Dolois, the Lyngdohs or the Wahadadars would remain the same. Thirdly, the Khasi Federated States Council would consist of 25 members. Fourthly, the Khasi Federated State would be connected

\textsuperscript{15} Ibid.  
\textsuperscript{16} Ibid.  
\textsuperscript{17} Ki jingjia ki por mynta No. 3
with the province of Assam in certain subjects only.

Later, this general meeting passed the following resolution.

"Where the Khasis of the Khasi Hills and also those of the Jaintia Hills are of one Kharsi stock and we recognise among ourselves that we are one stock and whereas, though there are different local dialects, all speak and understand Kharsi language and whereas in the impending political changes in India, it is the passionate desire of all our people dwelling in the Khasi and Jaintia Hills which are at present divided into two kinds of administration - the Khasi states and the British areas - to be united into one administration."

"Be it resolved that this unprecedented and great gathering where thousands of representatives from the Khasi States and the British areas are present from all parts of the district express their ardent desire and demand that they should be united into one administration and be formed into one Kharsi-Jaintia Federated State on the line planned by the Rev. J.J.K. Nichols Roy and to be connected with the province of Assam in certain subjects only, and

"Be it resolved that this great gathering place it on record that this district of Khasi and Jaintia Hills is fortunate to have the Rev. J.J.K. Nichols Roy to be a member of the Constituent

18. Ibid."
Assembly. We have always looked upon him as our leader, and we also place it on record that we depend on him to guide our future destiny in the framing of the New Indian Constitution."

The resolutions of the Khasi Jaintia Federated State were sharply reacted by the Khasi-Jaintia Political Association whose leader was Dr. H. Lyngdoh, the General Secretary of the Association. The resolution passed by the Association is as follows: 19

"That the Khasi States which have their own rights and customs founded since ancient times will speak for themselves and, therefore, Rev. J.J.M. Nichols Roy has no locus standi to claim that he has the right to speak for them as their representative."

Wickliffe, the nephew of the Syiem of Nongstoin along with his associate S.A. Chyne, proposed that the Khasi States should accede to Pakistan. He even induced the Syiem of Nongstoin to do so and having found that he could not succeed in his proposal, he left for Pakistan and he is still there.

Macdonald Kongor, President of the "Hills Union" and "The Khasi National Durbar" stressed that the Hills people should have the right of self-determination, that

is, to form a federation of their own within the Indian Union. Macdonald Kongor was adamant in his view regarding the utter differences of the Hills and the Plains, and many times he was misunderstood by the plains people.

In the meantime, a new party came up known as "The Khasi States People's Union" under the leadership of Macdonald, G.G. Swell and Dr. S.P. Roney. This party suggested strongly the separation of the Khasi States from Assam and the direct relationship between the Khasi States and the Indian Union.

But, it should strongly be noted that the Khasi States had at the moment, leaders of moderate views and opinions. Olim Singh, Syiem of Khyrim was the President of the Federation of Khasi States who wished that the Khasi States should sail along with the other states of India on the basis of Indian Nationalism. Jor Manick Syiem was Secretary of the Federation and was also a man of moderate views. Besides, there were also moderate advisers like Dr. H. Lyngdoh, Prof. R.R. Thomas, Rai Bahadur Dohory Ropmay, Mr. Wilson Reade and others who suggested that the Federation of Khasi States should follow the advice of Sardar Patel and Lord Mountbatten.

During the session of July 1947, the Federation
of Khasi States sent two of its advisers, Mr. S. Khongphai and Miss Mavis Dunn to meet the common representative of the Khasi States, Tripura and Manipur G.S. Guha. They met Sardar Patel who assured to the Khasi States that excepting Defence, Foreign Affairs and Communication, the Khasi States would be able to enjoy local autonomy and administration. There was also an attempt made to bring about a compromise between Rev. J.J.M. Nichols Roy and the Federation of Khasi States, with the hope to unite the disintegrating forces of the Khasis.

However, on the 9th August 1947, the Standstill Agreement or the stop gap arrangement was signed between the Khasi States on the one hand and the Province of Assam on the other hand. It runs as follows:

"1. The Durbar of the Federation of Khasi States as members agrees that with effect from the 15th August 1947 all existing administrative arrangements between the Province of Assam and the Indian Union and the Khasi States shall, with the exceptions to be noted below, continue in force for a period of two years or until new or modified arrangements have been arrived at between the respective authorities concerned.

2. The exceptions referred to above will be as follows:

**JUDICIAL POWERS:**

(a) The Federation of Khasi States will set up a competent court of the Federation to exercise the judicial functions now vested in the Political Officer.

(b) In matters of customary laws, there will be no appeal from the court of the Federation. In other cases as at present, an appeal will lie to the Governor. Until a High Court of Assam is established when such appeals will lie to the Assam High court, the Judicial authority now exercised by Khasi States Courts in respect of Khasis will be maintained.

(c) In regard to all non-khasis for the present judicial arrangements now existing, will continue except that the judicial powers of the P.O. will be vested in the Court of the Federation when its competence is recognised. Where non-khasis have voluntarily agreed to submit to the jurisdiction of the States Court, that court will continue to be the original trying court.

(d) Where states court comply with certain conditions to be laid down, they may be vested with first, Second or Third class powers as defined in the Cr.P.C. and their jurisdiction will then include non-khasis. The appointment of Magistrates to the States' Court and to the court of the Federation will be subjected to the concurrence of the Governor in regard to the judicial competence.
The Chief Justice of the Assam High Court, when established, will assume this power now vested in the Governor.

**Administrative Powers:**

The Federation of Khasi States together with British India-Khasi Territory should form an autonomous unit when relationships with the Province of Assam would be determined by Agreements.

With the exception of the following three subjects, all the remaining administrative functions would be common with the Central or Provincial Governments under the terms of stand-still agreement outlined in paragraph 1 above.

**Exception:**

1. **Excise** - subject to the agreement with the Provincial Government regarding the fixing of duty etc.

2. **Forests** - The Chief Conservator of Forests would act in advisory capacity to the Federation in regard to the management and control of forests.

3. **Land and water rights and revenue derived therefrom.**

4. **Revenue** - The member states of the Federation of Khasi States have agreed that the balance of Khasi States Deposit Account should be handed over to the Federation and that future payments to this Deposit Account should be made over to the Federation until fresh arrangements have been reached in regard to the
contribution to be paid to the Federation by individual states.

5. **British India - Khasi Territory** - The Federation requests that all possible help should be given to facilitate the unification of all territory. All Khasi Villages which desired to rejoin States of which they had formerly formed a part should be allowed to do so.

Other Khasi Territory in the province should, if they desired be allowed to join the Federation as units.

6. **Legislature** - In matters of legislation concerning subjects of common interest passed by the Assam Government, there should be some machinery either by representation in the Assam Assembly or otherwise set up whereby the legislation, where necessary can be adopted or modified to suit the conditions and circumstances existing in the Khasi Hills.

However, the Ministry of States felt it necessary that the Federation of Khasi States should enlarge the scope of the Instrument of Accession. Sir Akbar Hydari, Governor of Assam and Agent to the Dominion of India in relation to Khasi States had to adopt ways and means to convince the Standing Committee of the Federation to enlarge the scope of the Instrument of Accession. It was on the 15th December 1947 at the Government House that the final round of negotiation took place. The Khasi
rulers finally agreed to sign the Instrument of Accession together with the Annexed Agreement. Nineteen out of twenty-five Khasi States signed the Instrument of Accession. These were Khyrim, Mylliem, Cherra, Nongkhlaw, Bhowal, Jirang, Maharam, Mawsynram, Langrin, Mawling, Mawphlang, Schiong, Lyniong, Shella, Nonglwai, Pamsannquut Mawdon and Dwara Nongtyrem States. Nobosohphoh signed on the 11th January 1948. Mawlong signed on the 10th March '48. Rambrai signed on the 17th March '48. Nongstoin signed on the 19th March '48. The date for Myriaw and Nongspung states was not indicated.

**Statement showing the list of Khasi Hills States which have signed the Instrument of Accession, The date of execution of the Instrument and the date of its acceptance by the Governor General**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the State</th>
<th>Date of Execution</th>
<th>Date of Acceptance by the Governor General</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Khyrim State</td>
<td>15.12.1947</td>
<td>17.8.1948</td>
</tr>
<tr>
<td>2</td>
<td>Mylliem State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>3</td>
<td>Cherra State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>4</td>
<td>Nongstoin State</td>
<td>19.3.1948</td>
<td>-do-</td>
</tr>
<tr>
<td>5</td>
<td>Rambrai State</td>
<td>17.3.1948</td>
<td>-do-</td>
</tr>
<tr>
<td>6</td>
<td>Myriaw State</td>
<td>...</td>
<td>-do-</td>
</tr>
<tr>
<td>7</td>
<td>Nobosohphoh State</td>
<td>11.1.1948</td>
<td>-do-</td>
</tr>
<tr>
<td>8</td>
<td>Nongspung State</td>
<td>...</td>
<td>-do-</td>
</tr>
</tbody>
</table>

(Contd)
<table>
<thead>
<tr>
<th>State</th>
<th>Date</th>
<th>Accession Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Bhowal State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>11. Jirang State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>12. Maharam State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>13. Mawsynram State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>14. Langrin State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>15. Mawlang State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>16. Malaisohmat State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>17. Mawphlang State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>18. Sohiong State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>19. Lyniong State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>20. Shella Confederacy</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>21. Mawlong State</td>
<td>10.3.1948</td>
<td>-do-</td>
</tr>
<tr>
<td>22. Nonglwai State</td>
<td>15.12.1947</td>
<td>-do-</td>
</tr>
<tr>
<td>23. Pamsanngut State</td>
<td>15.12.1947</td>
<td>-do-</td>
</tr>
<tr>
<td>24. Mawdon State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
<tr>
<td>25. Dwara Nongtymmem State</td>
<td>-do-</td>
<td>-do-</td>
</tr>
</tbody>
</table>

The text of the Instrument of Accession runs as follows: 24

"We the rulers of the Khasi States specified below:

1. Having agreed to the establishment of a Federation of which all the said Khasi States are members;

24. Ibid pp 22-23."
and being desirous of acceding to the Dominion of India with the intent that the Governor General of India, the Dominion Legislature, the Federal Court and any other Dominion authority shall by virtue of this, our Instrument of Accession, but subject always to the terms thereof, and for purposes only of the Dominion, exercise in relation to the said Khasi States such functions as may be vested in them by or under the Government of India Act 1935, as for the time being in force in the Dominion of India (which act as so in force is here-in-after referred to as "The Act").

2. We hereby assume the obligation of ensuring that due effect is given to the provisions of the Act within the said Khasi States so far as they are applicable therein by virtue of this our Instrument of Accession.

3. Subject to the provisions of the annexed Agreement (which shall be regarded as part of this our Instrument of Accession) we accept that the Dominion Legislature may make laws for the Khasi States in respect of any matter.

Signed by the Syiems of the Khasi Hills.
States on the dates shown in the statement attached.

I do hereby accept this Instrument of Accession.

Dated this seventeenth day of August, Nineteen hundred and forty eight.

C. Rajagopalachari
Governor General of India.
In the meantime, Olim Singh, Syiem of Khyrim, President of the Federation received a letter from Rev. J.J.M. Nichols Roy regarding his desire to a meeting which could not meet on the 7th August 1947. When the letter was read to the Standing Committee, the latter felt that there were only three days left for India's Independence Day. The Federation of Khasi States became independent of British control on the midnight of 14th August 1947. The inaugural ceremony of the Federation, was done by Sir Akbar Hydari, Governor of Assam as Agent of the Dominion of India on 16th August 1947. The office of the Federation was at "Verivelle" Riatsamthiah, Shillong. Rai Bahadur, D. Roymay was for the time being, the acting Secretary of the Federation of Khasi States.

On the 15th December, 1947 the leaders of the Khasi States were urged by Sir Akbar Hydari, Governor of Assam to sign the Merger Agreement on the basis that the other smaller states of India like Manipur, Tripura and others had done. The Khasi States felt that they could not sign the Instrument of Merger because they were not Zamindars or owners of land, they were merely elected by the people or the electors and had no control whatsoever over the land.

When some of the Khasi States refused to sign the Instrument of Accession and when these rulers of the Khasi States who have signed the Instrument of Accession, refused to sign the Instrument of Merger, Sardar Vallabhbhai Patel came to Shillong on the 2nd January 1948. But Sardar Patel himself did not speak about the Merger Agreement, what he spoke was only of the natural beauty of the land, as he said, "Yours is a land for Gods to live in. Its air, its natural scenery, its pure atmosphere, its sweet water, would attract even Gods if your hearts were pure". On the other hand, the Khasi States were adamant in their opinion that they would not sign the Instrument of Merger; they wanted to remain within the bounds of the Indian Union, according to the terms of the Instrument of Accession, so the Khasi States Constitution Making Durbar would advise the Constituent Assembly of India to do what was necessary. On the 16th June 1948, the Ministry of States, Government of India issued a notification called the Khasi States Federation (Administration of Justice) Order, 1948 to empower the Federation of Khasi States to set up its own competent court. The Governor of Assam notified that the said order should be in force from the 1st July 1948.

27. Ka mingjia ki por mynta. No.3
The Khasi States Constitution Making Durbar was inaugurated on the 29th April 1949 at the Dinam Hall, Jaiaw Shillong. It was presided over by the Dominion Agent, Khasi States (N. N. Phukan). The Governor of Assam came and spoke; besides there were Olim Singh, Syiem of Khyrim, President of Federation of Khasi States, Jormanick Syiem, Secretary, Federation of Khasi States, G.S. Guha, representative to the Constituent Assembly, B.M. Roy, Additional Deputy Commissioner, Khasi and Jaintia Hills, R.T. Rymbai, Assistant Dominion Agent, Khasi States, David Roy, Chief Administrative Officer, Mylliem State, A.S. Khongphai, Assistant Judge, Courts of Federation of Khasi States, Dr. H. Lyngdoh, Rei Bahadur, D. Roymay, Prof. R.R. Thomas, A. Macdonald, E.M. Roy, Miss Mavis Dunn Lyngdoh, Miss Berlie Diengh and others.

It was on the momentous day of 21st July 1949 that the Khasi States Constitution Making Durbar consisting of the Heads and elected Representatives of the people of Khasi States realised the urgent need for one Administration of the 25 Khasi States, and the non-states areas (31 Sirdarships in Khasi Hills and the Jowai Sub-division in the Khasi and Jaintia Hills.) According to them, such administration would be possible under the

provisions of the Instrument of Accession and the Annexed Agreement entered into between the Dominion of India and the Province of Assam on the one hand; and the Khasi States on the other hand and also possible under the provisions of the Draft Constitution of India with necessary modification and/or adjustment of the said provisions to suit conditions in the Khasi States. They solemnly declared their ardent desire for the formation of one administration, for maintaining and preserving the rights, privileges and customs of the existing democratic institutions of the Heads of the States (The Syllems, Lyngdohs, Wahadadars and Sirdars) and the Durbars; land, its protection thereof and the ownership. According to customs, it must rest with the people and not with the Government for the preservation of water rights, minerals, Excise, Forests, judiciary and legislative powers concerning all these subjects. The decision of the Khasi States Constitution making Durbar was sent to the Drafting Committee of the Constituent Assembly of India.

To conclude, it might be for the realisation of one administration between the Non-States Areas (Khasi and Jaintia Hills District) and the Khasi States, that the Constituent Assembly of India modified Paragraph 19

30. Ibid.
of the Draft Constitution as follows:

"The United Khasi - Jaintia Hills District shall comprise the territories which before the commencement of this Constitution were known as the Khasi States and the Khasi and Jaintia Hills District, excluding any areas for the time being comprised within the Cantonment and Municipality of Shillong but including so much of the area comprised within the Municipality of Shillong as formed part of the Khasi State of Mylliem."