Let us examine the Constitutional position of the Hill Tribal Areas under the Government of India Act 1935. The Hill Areas of North Eastern India may be classified into four: Excluded areas, partially excluded areas, the Frontier Areas and the Khasi States which were in Subsidiary alliance with the British. The excluded areas were the Naga Hills, the Lushai Hills and the North-Cachar Hills. The partially excluded areas were the Garo Hills, the Mikir Hills and the British portions of the Khasi and Jaintia Hills other than the Shillong Municipality and the Cantonment Areas. The Frontier Areas were Balipore, Sadiya and 'Askimpur tracts which were inhabited by tribes who were still in the early stage of development. The Khasi States were twenty-five in number. While administering the frontier areas including the Naga Tribal area and the Ciney Frontier tract, the Governor exercised his power as the Agent of the Governor General and not under the provisions applicable to excluded areas of the Government of India Act, 1935 and the cost of administration was borne by the Central Government which treated them as tribal areas within the meaning of Section 311(1) of the Act. But, it must be noted that the distinction between the excluded areas and the frontier areas were made only by local officers which was not in accordance with law. However, from the
point of view of the Central Government, they belonged to the same category. These excluded areas were not given any representation in the provincial legislature. These areas were administered by the Governor as Agent of the Governor General.

The partially excluded areas which consisted of the British portion of the Khasi and Jaintia Hills other than the Shillong municipal areas and the Cantonment, the Garo Hills and the Mikir Hills were administered by the provincial Government subject to the special powers of the Governor to withhold or apply the laws passed by the Provincial Legislature with or without modifications.

Let us recapitulate the observations of the rulers of the Khasi States on the actual position of these states vis-a-vis their relationship with the British Government. A conference of the rulers of the Khasi States was held in Shillong from 26th to 30th January and from 11th to 15th February 1932 to prepare a statement on their future position for a sympathetic consideration by the Governor of Assam, the viceroy of India, the Secretary of State for India and the Indian States Inquiry Committee.

The conference pointed out that the Khasis belong to a race quite distinctively individual from any other race in India. The rulers of Khasi States quoted the memorandum of the Government of Assam prepared for the Indian Statutory Commission which described the Khasis as "a remarkable people" and "most highly educated hill people of India, whose female education in the district stands first in the entire province of Assam........ Socially and politically the people exhibit a sturdy independence and democratic equality. With their separate history, culture and
institutions, these people of the Hills are, however, distinct from the plainsmen who form the bulk of the population of the province.

Further, the Conference accepted the description of Robertson regarding the constitution of the Khasi States which runs thus: "Among the many peculiarities apparent in the form of society and government, existing among the Cossyas, the absence of any recognised organ of Supreme power is very remarkable...... The nation or horde presents the appearance of a congregation of littlearchical republics, subject to no common superior, yet of which each member is amenable, in some degree, to the control of his confederates".

The conference further pointed out that in the early part of 1800 the officers of the East India Company entered these hills and gradually conquered the country, the ultimate position being that the portion called Jaintia Hills was made a purely British territory, and save small interspersed areas and conclaves here and there, the whole of the western portion of the country called Khasi Hills was left in considerable independence "in Subsidiary alliance with the British Government". The 25 native States occupied an area of about 4000 square miles with a population of 1,30,000.

The Conference made an observation regarding the relationship of the Khasi States and the British Government in the most lucid manner. It said that several varying treaties and engagements were imposed upon the heads of the Khasi States, who were entirely illiterate at the time by these officers of the East India Company and subsequently by the British officers when the administration was transferred to the British Crown.
Those treaties were drawn up under a misconception of the rights and powers of the heads of these states, since those heads were not legally or reasonably competent to enter into any treaty in respect of lands in their states which did not belong to them", the Conference observed.

It was also pointed out that there was an oversight of the democratic Constitution of the States in drawing up sanads and purwanes. The heads of the Khasi States were never individual rulers who could issue orders to the people without the sanction of their respective councils and as such, while in their individual capacity were bound by such treaties to obey implicitly all lawful orders of the local Political Agent or Deputy Commissioner of the district, they could not apply such orders upon the democratic people of their States.

However, the Conference admitted that except in isolated cases, the British authorities had taken no undue advantage of the errors in the treaties whether in respect of lands or in the Constitution. The Conference, therefore, advocated that those treaties, sanads, etc. should be read as a whole and not literally in the spirit of the proposal contained in paragraph 304 of the Report on Indian Constitutional Reforms, 1919, and thereby ensure the safety of those rights of the people.

The Conference urged that this statement be treated as a specific complaint of the Khasi States and a prayer that the ambiguity and misunderstanding which opened a way for an invasion upon the rights of these states might be cleared as proposed in paragraph 305 of the said Report.
The Conference expressed its gratefulness to the policy of the British Government as outlined in paragraph 297 of the Report which envisaged that as much autonomy as would be safe and congenial should be allowed to the States and that the States should consider themselves under an obligation to the paramount power and were under the general responsibility for the good government and welfare of their territories. The Khasi States drew more force in their argument for the application of such policy from the fact that their constitution was of the highest form of democracy and were therefore ahead in that path chosen by the British Government for India.

The Conference noted with regret that paragraph 310 of the said Report treated only 15 out of the 25 States as "important" to which alone the proposals in paragraphs 306 to 311 of the Report were intended to relate. The Conference, therefore, urged that in view of those 25 states "being sister states in the same country, inhabited by the same people having the same usages and customs, being contiguous to one another in territory, and the inevitability of their having one common political officer together, it is essential from all points of view that they should be treated as an inseparable group. It will also open the way for certain villages which originally belonged to a State or commune of these Native States but had for certain domestic reasons separated themselves therefrom after the British had conquered the country, to be reconciled gradually to their former relationship with advantage to themselves and to the States".

The Conference resolved to urge upon the British Government to place all the Khasi States in direct relations with the Viceroy through the local political Agent or Resident whether with or
without the Governor as Agent to the Viceroy. But such Political Officer should be exclusively for the Khasi States. "Any other new form of arrangement, while causing no gain to others, will cost the people of these States all their present rights; instead of their remarkable progress it will force them back to retrogression, and it will ultimately bring about even an extinction of their long preserved race which with its scientifically correct social laws and perfect democratic Constitution would be an ever shining piece of relic in the museum of nationalities under the protection of and in alliance with the British Crown", the Conference concluded.

The Conference appointed the following gentlemen to give such evidence before the States Inquiry Committee:

1. The Secretary of the Conference, Mr. A. Macdonald Kongor,
2. Rai Bahadur Dokory Ropmay.
3. The Syiem of Kyrir State, Olim Singh, and
4. Mr. Joab Salomon.

The statement was signed by Bidor Singh, Syiem of Nongkhlaw as President and Mr. A. Macdonald Kongor as Secretary of the Conference.¹

When the Viceroy, Lord Willingdon visited the Khasi Hills in October 1933, once again, the rulers of the Khasi States placed before him more or less the same demands as contained in the statement of their January-February 1932 Conference.²

In their Address of Welcome to the Viceroy at Government House on 3rd October, 1933, the rulers of the Khasi State pinpointed two basic issues. First, "the impending Constitutional changes are

¹ Statement of the Conference of the Khasi States which assembled in Shillong on January, 28th - 30th and on February 11th - 15th, 1932.
² "U Lurshai". November 1933.
are expected to clearly define the position of the India States all over India, and we hope that the position of the Khasi States, which are 'in subsidiary alliance with the British Government,' may also be defined and that they may find a place among the units of the Indian States, which may be members at the federal legislature," the Address stated.

Secondly, the Address runs thus: "We rely on your Excellency to help us in settling the future relations of our States with the Paramount power, according to the Report of the Indian Constitutional Reforms, placing us in direct relations with the Viceroy, through a Political Agent who will work exclusively for the States."

In reply to the Address of Welcome accorded to him by the rulers of Khasi States, the Viceroy, Lord Willingdon eulogised the Khasis in the most stirring words, thus: "It is a proof of the stamina and virility and competence of your people that, when greater empires in the east and the west have, throughout the ages, come and gone, you still maintain in your pleasant hills the freedom of your small republics based on the ancient ways and tenets of your race. I need say no more than that inasmuch as your treaties and sanads have been scrupulously respected in the past, these still stand as your secure guarantee for the future."

So far as the question of representation of the Khasi States in the Federal Legislature, the Viceroy pointed out that the total population of the Khasi States was very small in comparison with that of the larger States in India. Further, the Viceroy said: "The present scheme in force in connexion with the smaller States in India is that a group of such States is formed which then will have the power to elect a common member to the Federal Legislature ..... I hope that it may be found possible to join the Khasi States with ..."
some other smaller units, and thus form an elective group of
this description'. Then he encouraged, advised and assured the
Khali rulers thus: 'I understand that for sometime past you have
been considering the feasibility of closer association among
yourselves with a view to constituting a Federation of the Khali
States. I would commend this idea to your most earnest attention,
as this is obviously the first and the most useful step which
should pave the way towards your entry into the greater Federation'.

As regards the plea of the rulers of the Khali States to
place the Khali States in direct relation with the Viceroy through
the Political Agent, the Viceroy remarked: 'I would remind you
that hitherto the administration of your States has been carried
out most efficiently and wisely in the closest association with
the Government of Assam, and that the practice is hallowed by
tradition and has stood the test of time.' However, the Viceroy
gave his assurance that 'the question as to how the relationship
that you suggest is desirable or practicable will receive the
most careful consideration of both myself and the Government of
India'.

As suggested by the Viceroy, the rulers of the 25 Khali
States met and formed the Federation of Khali States on 16th
December 1933 and a Standing Committee was constituted to pursue
the matter. On 9th February 1934, the Political Officer of the
Khali States and the Governor of Assam were informed about the
formation of the said Federation, who in turn gave their blessings.5

But the Federation of Khasi States was confronted with some hurdles. First, it could not raise sufficient funds to meet the expenses incurred during the period of negotiation by its Standing Committee. Due to this compelling financial difficulties, the Federation of Khasi States, later admitted that the Standing Committee functioned only for a short time, but due to certain reasons, it had to suspend its activities for sometime. Secondly, the formation of the Federation of the Khasi States was considered by Sir Keith Cantlie as premature. Cantlie confused the whole issue by bringing forward the scheme for the reunion of Hymir and Kylliem, for the formation of the war confederacy, for the reduction of the number of States by means of unifying different States and so on. Thus, the blessing given to the Federation was a mere lip-service on the part of the British Officers and the British Government.  

When the Government of India Act, 1935 came into force, the rulers and the people of the Khasi States were disillusioned. The status of the rulers of the Khasi States was not defined. There was no attempt to give the Federation of Khasi States a chance to combine with other small Indian States to send a common representative to the Chamber of Princes. Even the small prayer of establishing a direct relationship with the Viceroy through a political Agent or Regent was not conceded to. The only small change that was brought about was that the Deputy Commissioner, Khasi and Jaintia Hills was to act as Political Agent in relation to the Khasi States. What was worse still was that the British Government made an attempt to implement—

implement Sir Keith Cantlie's proposals. In 1942 the Crown Representative gave his judgement on the Kylliem State by which it was clearly stated that both the Syiem of Kylliem and his Durbar should be suspended, and that the affairs of the State should be entrusted to a Dewan. Further, the judgement outlined the procedure to be adopted for the reunion of Khyrim and Kylliem. However, the second part could not be carried out due to vehement opposition by the Khasi National Durbar which expressed great dissatisfaction over the said judgement in its meeting held on 29th and 31st August 1942.7

**The North-Eastern Frontier Province:** It must be recalled that the idea of constituting the North-Eastern Frontier Province was first conceived by Dr. J.H. Hutton and N.R. Parry in their separate memoranda submitted to the Simon Commission. The Government of Assam was also convinced of this idea and it submitted a similar proposal to the Commission. But this idea was rejected and for sometime it was put in cold storage. In 1941, the issue came up for discussion once again. Sir Robert Reid, the then Governor of Assam revived the whole issue afresh. Sir Robert Reid went further than Hutton. He brushed aside the geographical argument of Dr. Hutton for the exclusion of any area which were not contiguous from the new province. Reid strongly suggested that all the hill districts, starting from the Bay of Bengal, the hill tract of Arekan, Pakkoku, the Chittagong and the Chin Hills, the Tusoki Hills, the North-Cachar Hills, the Hage Hills, the Hikir Hills, parts of the Chindwin district, the Naunag valley together with the Sadiya

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and Baligara Frontier Tract, the Lakhimpur Tract, the Hill Areas in Manipur and Tripura and the Shan State of Thanlwin on the west bank of the Chindwin should be constituted into a separate province. This province would have 16 districts. He also argued strongly for the inclusion into this province or Agency all the Partially Excluded areas under the Government of India Act, 1935, namely, the Garo Hills, the Chikar Hills and the bulk of the Khasi and Jaintia Hills excluding the British conclave of Shillong including the non-British areas where the Shillong Municipality and the Cantonment exercised jurisdiction. According to Dr. Hutton, there were certain advantages for constituting such a Province. In the first place, the scheme would provide ample opportunity for political advance. Secondly, there would be a consolidation of the polyglot area into a single uniform administrative unit with English as the common language for official purposes. Thirdly, Dr. Hutton suggested that this province would have its own cadre of officers instead of a borrowed one from time to time from the neighbouring provinces. Fourthly, Dr. Hutton said that the defence of the frontier between longitudes 92° and 27° would receive greater attention. Dr. Hutton dismissed all arguments regarding communications. Lastly, Dr. Hutton concluded that Imphal in the Manipur State would be the capital of the new province.

Regarding the internal structure of the new Province, Dr. Hutton opined thus: "The express desire of most of the tribal areas is for self-determination and this could be secured in a
number of cases by the creation of petty States on the lines of those Khasi States or the Keremmi States in Burma. Thus, the tribals would have the freedom to manage their own affairs as self-governing units of a federation like the minor States in western India.

To the arguments advanced by Dr. Hutton, Sir Robert Reid added another important reason for the formation of the North-Eastern Frontier Province. Robert Reid pointed out that the Hindus and Muslims were confined to the small district and sub-divisional headquarters only. There was no widespread infiltration of members of these advanced communities into a tribal population such as that occurred in other parts of India. Reid observed: "we have no right to allow this great body of animists and christians to be drawn into the struggle between Hindus and Muslims which is now and will be in future, with ever increasing intensity, the dominating factor of politics in India proper".

In his conclusion, Sir Robert Reid said: "Personally, I am in favour of Dr. Hutton's idea of a North-East Province or Agency, embracing all the hill fringes from Lushai land on the south right round to Balipara frontier tract on the north, embracing on the way, the Chittagong hill tracts of Bengal and the Hagas and the Chiefs of Burma and perhaps their Shan States too. I will put this under a Chief Commissioner and be in turn would, I imagine, have to be divorced, as in Burma from the control of the Government of India and put perhaps under some appropriate department at Whitehall. The members of this federation shall not be subject to constitutional changes introduced in the Provinces of India".

When the Reforms Commissioner visited Assam in 1942, the tribals complained that they should not be excluded from the operation of the Reforms. Sir Reginald Coupland suggested that the Hill areas might be constituted into a sub-province and they might be a
J.P. Mills, Adviser to the Governor for Tribal Affairs discussed at length the future of the Hill areas in 1945. Mills saw only three possible alternatives. First, the hill areas might be included in Assam. Secondly, some of the hill areas might be included in Assam. Thirdly, all the hill areas might be excluded from Assam. Personally, Mills was in favour of the third alternative. He advocated for the formation of the Union of States in these areas. According to him, this Union should be placed under the control of either His Majesty's Government or the Government of India. A compromise would be that the Government of India might be given a mandate.

In 1945, Mills received a memorandum from the Nagas which explicitly stated: "we the Nagas and Kukis are not ready to take our place in a democratic constitution or to compete with the sophisticated so called Indian politicians............. we the Nagas became dependent only to the British. Therefore, it is immaterial to us who rules Hindustan or Pakistan as long as we are the subjects of the British under the Great King of Great Britain and his British representative". On 10th April 1945, the tribal representatives of Naga Hills passed a resolution, demanding the setting up of one administrative unit to comprise the hill districts of Assam and the neighbouring hill tracts, under the British Crown. This Unit should have its own legislature consisting of the representatives of the people. The Council should be autonomous. This Unit should become a part of federal India. Although the Government of Assam ascribed this move to the inspiration of the British officers and the missionaries of the Baptist Mission, but there is no evidence to prove this allegation.
The idea of constituting the North-Eastern Hills Province has a number of interesting features. In the first place, it would bring the people of the same tribe under the same province. For instance, the Tanglepang Nagas dwelling on both sides of the main Patkoi range might be brought closer together. There were some who thought that land frontiers of Burma on the Indian side formed an impassable barrier. But, the Tanglepang Nagas knew that at several points, there were easy means of communication from the plains. In a new province all these areas could be integrated into a harmonious whole. Secondly, a separate cadre of officers, specially trained for the definite duties among the tribes would be able to render better service to the people. Thirdly, life in these mountain terrains was not complicated. Therefore, the cost of administration would be small.

Sir Robert Reid pointed out that if his scheme was not acceptable, an alternative arrangement might be considered. He said: "A workable intermediate arrangement......... might be found in the formation of the Province of the Assam Valley only and in placing the hills under it, if they must be placed under a provincial Government, without any of the safeguards that at present exist. There would at least be a chance that the old Assamese friendly method of dealing with the hillmen might be revived". But the accepted official view throughout had been that the Hills and the plains of Assam could never co-exist as a single entity.

It must be noted, however, that the proposals of Sir Robert Reid and J.P. Hills were rejected by the Govt. of India. However, the Reid plan - the creation of North-Eastern Hill Province was approved by Churchill, but vetoed by the Labour Government.
The views of Sir Andrew Clow: Sir Andrew Clow who succeeded Sir Robert Reid as Governor of Assam examined all the schemes which had been formulated from time to time for the reorganization of the Hill Areas of North-East India. He brought forward a new formula. According to him, the Sadiya, Salipara and Lakhimpur frontier tracts and the territories upto the Lachmohan line and the Haga Tribal Areas which subsequently became the Tuensang district should be constituted into a separate Agency and at the same time some link should be maintained with Assam. The Governor of Assam should continue to be responsible for the administration of this area. Sir Andrew Clow pleaded that there should be a common cadre of officers between Assam and the Agency. So far as the other hill areas were concerned, Sir Andrew Clow could conceive only of two possibilities. First, to merge the hills and plains into one administrative unit subject to the condition that the tribal customs and institutions were maintained and their ways of life were respected. Secondly, a separate Province for the Hills and Plains but with two separate identities. There should be some links in regard to the administration of certain institutions. Sir Andrew Clow observed thus: "on a long term view, it is difficult to see any future for the hills as a separate province. While they are by no means without resources, they seem too heterogeneous to form a satisfactory unit and too small even if fully united, to sustain a healthy and progressive life of their own. The ultimate interests of both, plains and hills, lie in fusion".
To strengthen his contention, Sir Andrew Clow further stated: "Experience shows that it is much easier to divide states than to unite them and there is little doubt that the setting of two provinces would create vested interests in both the areas which would oppose union. Antagonisms tend to arise, economic barriers grow and the people drift apart rather than together. The hillmen whose future depends on healthy intercourse with the wider world and who have a good deal to contribute to it might well find themselves shut up, in their fastness, with a petty impoverished administration. Indeed that a stage might be reached when they would like to join and would be unwelcome. Assam is never likely to be homogeneous as other provinces. The plains people are not so divided as those of the hills but they are far from being a single people such as can be found in equally large or larger areas in India. But this collection of the people in hills and plains have been set out in a particular well demarcated corner of the world and their welfare will depend on their proving able to live together".

Sir Andrew Clow further pointed out that history has not shown any record of the hill people even combining under one political organisation at any period of time. Racially and linguistically, the hill people belong to several ethnic groups like Mon-Khmer, Bodo-Kachari, Kuki-Chin and other groups with a number of Sub-Groups. He pointed out that so far as social organisation, there is uniformity. But, once the detail is spelled out, there are innumerable differences. The method of organisation, customs, beliefs, ways of life and outlook vary considerably from one area to another and from tribes to tribes. Sir Andrew Clow further elucidated: "while the hill men are separated from the plains men by these and other
differences, it would be a mistake to think of the Hill peoples as having much homogeneity for there are very important differences between them. The Nagas are not one people but a collection of peoples. Naga is a collective nickname bestowed by the plains men on a dozen or more tribes who look much alike to strangers but whose language are so distinct that most of them are unintelligible to any other tribe and whose customs and methods of social organisation also differ considerably. Between the tribes of the Northern Hills and those of the Southern and Central Hills there is no contact whatsoever. It is doubtful if a Naga has ever seen any Moupa or any Lushai has ever met a Dafia”.

Sir Andrew Clow admitted that there had been contacts between the inhabitants of the southern and central hills in recent years consequent upon the activities of the Christian Churches and the outbreak of the second world war. But, he summed up his observation thus: "with all this, it must be admitted that cohesion does not go so far as yet. It will be a long time before the tribes can claim to be a people. Even the Nagas by themselves cannot meet that claim today. The tribesman tends to think primarily in terms of his village or clan; even the tribe itself sometime means little and it is only a few who have a conception of any larger unity. Between the tribes too as indeed between the villages in some areas notable in the Naga Hills there are some traditional hostilities. No group of people of the same size and perhaps none in the world has so many distinct languages, the number of known ones is in the neighbourhood of ninety. The Hillmen is a good linguist and the man of one tribe has normally some acquaintance with the languages of the border tribes but none of these languages can hope to become a lingua-franca and any larger gathering of tribal representatives
would have serious difficulty in reaching a common basis in the present circumstances."

The Sapru Committee made the following observations:
"It may be necessary to appoint a special officer to look after the interests of such classes for a certain period and to provide special protection from undue interference with their religious beliefs. A Minority Commission, the establishment of which we have recommended may be usefully employed to keep constant and vigilant watch over the interests of these classes. In any scheme of full self-government, these special powers of the Governor will have to be replaced by appropriate obligation placed on the legislature and the Government of the future for discharging their duties in respect of these classes. We feel that it will be one of the main functions of the Constitution making body to suggest suitable provision in this behalf."

The Cabinet mission: On 19th February 1946, the British Prime Minister announced 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". Later, on 19th March, he referred to complete independence as a possible goal of Indian constitutional development. As soon as the Cabinet Mission arrived in India in March 1946, a series of conferences were held and a number of memoranda were submitted.

Views of Rev. J.J.K.Nichols-Roy: Rev. J.J.K.Nichols-Roy who had just returned from the U.S.A. in November,1945, formed his own party known as the Khasi-Jaintia Federated State National Conference. In his memorandum entitled "Hills District of Assam -
Their future in the new Constitution of India" submitted to the Cabinet mission, Rev. Nichols-Roy dealt only with the future of the Khasi and Jaintia Hills, the Coro Hills and Lushai Hills and the Naga Hills.

Nichols-Roy pointed out: "the Khasis are the most advanced of all hill peoples in India. As they 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".

He submitted his own scheme for the new administrative set-up for Khasi and Jaintia Hills district. First, the whole district should form one Khasi federated State. Secondly, all treaties concluded between the British and the Khasi States should become null and void. But the Khasi States and their administration should remain as they were, but their administration should be reformed. Thirdly, there should be no difference between the Khasi States and the British areas. Fourthly, the Jowai Sub-division, the largest British area should have its own local administration. The people should elect some electors who would form an electoral college to elect three rulers for this area. The powers and functions of these rulers should be defined by law.

Fifthly, the Khasi federated State should have a Legislative Body which would consist of 25 members to be elected from 25 single member constituencies into which the whole district should be divided. It should have the power to reform any part of the local administration and should have power to make laws for the whole district in regard to the administration, finance and land and to fix any financial contribution. Sixthly, there should be a Khasi Federated elected Court of 3 judges which should be final court of Appeal from all local authorities inside the
Khali federated State. Seventhly, there should be an Executive Council of not more than 3 persons to be elected by the 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.

Rev. Nichols-Roy did not favour the idea that the Khasi federated State should have direct connection with the Indian federal Union. He argued that the Khasi federated State would be too small a state to be connected directly with the centre. The question to be discussed in the Union Legislature would not be of much interest for the Khasi federated State. He further pointed out that the Khasi would have to deal all the time in trade and business with Assam and another neighbouring province. Therefore, he strongly pleaded that the Khasi federated state should be connected with the province of Assam. Since the Khasi federated state would not be in a position to have its own university, its own Medical, Agricultural and other educational institutions, it should be connected with Assam in these subjects; and with India in subjects in which the Assam Province would be connected. According to him, the Khasi federated State should give contribution to the province of Assam for education and all other services which it should get from the Assam Province. The Government of Assam should realise the contribution from the Khasi federated State through the Khasi federated Council and the Legislative Body should raise any necessary annual contribution by means of a statutory power. The Government of Assam might also get half the royalty from forest produce and minerals exported from the Khasi federated State.
The people from the Khasi federated State should get the right to enter services in the offices and administration of Assam and they should get representation in the Assam Legislature. But in no account would the legislation of the Assam Legislature should apply directly to the Khasi federated State. Each piece of legislation should go first to the Khasi federated Executive council and the legislative body. The number of representatives from the Khasi federated State to the Assam legislature should be fixed by law.

Rev. Nichols-Day strongly advocated for the protection of land in the Khasi federated State. He said: "The progress of the people of this Khasi federated State according to their own genius and culture will depend upon the fact that their land should remain under the power of their legislative body and not to be controlled by the Assam Legislature. Therefore no legislation from outside this legislative body should have any power over the land within this federated state. This is the most important part in the relation of the Khasi federated State with the Assam Government".

So far as the position of Shillong was concerned, he pointed out that there were two possibilities. He said that in the future there was a possibility that Sylhet might be tagged to Bengal or at least to Eastern Bengal. In that event the people of Assam valley might demand the removal of the capital from Shillong to another place. In that case Shillong would remain only as the hill station for the Assam Government in Summer. But since "Shillong is mostly inside the Nylliem State", and since "the British area therein is very small", this area, therefore, "Which is inside the Nylliem State" should be under the jurisdiction of the Khasi federated State. But in the event that Shillong should still remain the capital of Assam,
it should be under the Assam Municipal Administration but the land should remain as the Khyliem State land and the private market of the Khyliem State in Shillong should continue to be the private market of the Khyliem State. He advocated that Shillong should have two representatives in the Assam Legislative Assembly—one seat to be reserved for a Khasi and the other should be a general seat.

As regards the Garo Hills, Rev. Nichols-Roy said that the problems in the Garo Hills were different from those of the Khasi and Jaintia Hills. He pleaded that the Garo Hills should have its own administration to be carried out by the Garo themselves in their own way. But it should be connected with Assam. The Garo Hills should continue to have its representatives in the Assam Legislature. So far as protection of land was concerned, Nichols-Roy suggested that land should be protected by the Garo themselves somewhat in the manner that should be done for the Khasi and Jaintia Hills.

Finally, Rev. Nichols-Roy rejected the idea of forming the Hills areas into a Crown Colony. He observed thus: "An idea was advanced by some British officials that this district with all the hill districts of Assam should be excluded from the constitution of India and be placed under a political rule as a Crown Colony. The people of this district are strongly against such idea. They want to be connected with India. They do not want any political British rule."

The recommendations of the Cabinet mission regarding the Indian Native States: In its statement of 16th May 1946, the Cabinet mission used the following words: "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 neither be retained
by the British Crown nor transferred to the new Government. .......
At the same time the 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 new constitutional structure, and it by
no means follows that it will be identical for all the States.  

The Cabinet mission recommended 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 position of the States was further elucidated by the
Cabinet Mission in its Memorandum on States, Treaties and Para-
mountcy dated May 12, 1946 presented to the Chancellor of the
Chamber of Princes on the 22nd May, 1946 thus: "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

9. Ibid.
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.\(^\text{10}\)

The Cabinet Mission’s plan announced on 16th May, 1946 provided also that (a) In the preliminary stage the states were to be represented in the constituent Assembly by a Negotiating Committee (b) 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 (c) After the Provincial and Group Constitutions 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.\(^\text{11}\)

The Federation of Khasi States: No sooner had the Cabinet Mission’s Memorandum on States’ Treaties and paramountcy and the Cabinet Mission Plan dated 16th May 1946 been circulated to all the rulers of the Khasi States by the Political officer that new developments took place in the Khasi States. The Syioms, Lyngdoks, Mahadevars and Sirdars along with the members of their councils of matriis met at the residence of Kodro Hanick, Syiem of Nongkhla at Jaip, Shillong on the 1st and 2nd July and on the 22nd of August 1946.\(^\text{12}\)

Many prominent Khasi leaders including Rev. Nichols-Roy were present in the meeting. This meeting unanimously adopted a resolution to revive the federation of Khasi States which was formed in 1933 and

\(^{10}\) Ibid. p.153
\(^{11}\) Ibid p. 29
it was also resolved that this federation should stand on former foundations. Glim Singh, Syiem of Khyrin was elected Chairman and Jormarick Syiem was elected Secretary of this Federation. Besides the Chairman and the Secretary, the following rulers were elected as members of the standing Committee:

1. Pedro Hanick Singh Syiem, Syiem of Mongkalor
2. Sib Singh Syiem, Syiem of Momstein
3. Bamon Singh Syiem, Syiem of Leharem
4. R. Atiar Singh Syiem, Syiem of Lewiam
5. Jebuni, Wabudadar of Shella
6. Hawoon Longchok, Longchok of Sotong, and
7. Sorindro, Sotdar of Jirang.

The standing Committee was empowered to implement the main object of the federation of Khasi States by constituting it into an institution which would form the common Government to administer the common subjects without eroding the traditional customs, usages, traditions, conventions and institutions. The standing committee was also authorised to draft the constitution which would be brought back to the general body of the Federation for discussion and adoption.

The standing Committee was also authorised to negotiate any fit and proper representative who had already been a member in the Chamber of Princes to represent the Federation of Khasi States and to present the case of the Federation in the said Chamber.

The Federation of Khasi States in its policy decision declared that when the transfer of power would take place, it would take to itself the responsibility of forming the Government for the Khasi States which were then in Sub-sidiary alliance with the successor Government in India would be in line with the
decision to be taken by the Indian States through the Chamber of Princes.

It must be recalled that in his statement before the House of Lords on 18th July, 1946, Lord Pethick-Lawrence assured that it was for the States to come in or not as they chose. Sir Stafford Cripps also made a statement before the House of Commons on the same day. He said that there would have to be close negotiations between the Negotiating Committee which the States had set up and the major British Indian parties, both as to the representation of the States in the Constituent Assembly and as to their ultimate position in the Union. 13

It must also be remembered that the Standing Committee of the Chamber of Princes in its statement, dated 10th June, 1946 was of the view 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. 14

(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 Plan. They outlined the basis of the States' entry in the resolution passed by the Standing Committee of the Chamber of Princes on the 29th January, 1947 as follows: 15

"(1) The entry of the States into the Union shall on no other

14. Ibid.
15. Ibid.
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.

(2) All the rights surrendered by the State 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 unless specifically agreed to by them (3) The Constitution of each State, 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 20th February, 1947, the British government made an important announcement of policy. It declared its intention to quit India by June, 1948, and appointed Lord Mountbatten, Viceroy of India, to arrange for the transfer of authority from British to Indian hands.

Immediately after this historic announcement was made, the Standing Committee of the Federation of Khasi States met on the same day. This Committee prepared a draft Constitution of the Federation of Khasi States. On 24th February, 1947, the Committee circulated the draft constitution to all the Khasi States for their consideration and approval. The Khasi States were informed to send the decision of their Durbar on or before the 25th March 1947. The Committee also expressed its satisfaction over the recognition of the federation of Khasi States by the Chamber of Princes. The draft
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 powers 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:

1. 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 shall be:
   1. Heads of component States.
   2. Representatives elected by adult male suffrage in the component States proportional to their population in the ratio of 1 to 2000, 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 
less 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:
3. The federal Executive shall be a Council of a 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 
Minister 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 Legisla-
ture. 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 on Legislatures 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 inside the component States shall be sanctioned only when such 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 Contribution which all component States shall contribute so much of their income as shall be determined by the number of Khadi States from time to time, for the maintenance of the Federal Government.
Relation:

17. The relation of the federation of Khasi States with other governments shall be by negotiations."

In the meantime, the negotiation was going on between the Standing Committee of the Chamber of Princes and the Negotiating Committee appointed by the Constituent Assembly. During the course of negotiations, it was suggested that it would be helpful if the States' representatives joined the constituent Assembly during the April, 1947 session. The settlement was arrived at on 17th April 1947. After the April Session excepting Hyderabad, all the representatives of the States joined the constituent Assembly. The Khasi States along with Manipur and Tripura sent Mr. C.S. Guha as their common representative to the constituent Assembly during the July Session. Mr. Guha produced his credential on Monday, the 14th July, 1947.17

After a careful study of the draft constitution of the federation of the Khasi States the Government found that the approach was too rigid. The draft constitution was inadequate even for the Federation of the Khasi States itself. Hence, on 10th May, 1947, the Political Officer, Khasi States reminded all the rulers of the Khasi States about the advice given by the Cabinet Mission that the rulers of the Indian States should make their constitutions more flexible so as to allow the people to have their share in the administration. He pointed out that the system of sending representation by the clans was no longer in tune with the spirit of the time. Therefore, the rulers of the Khasi States were requested to see that the people should have proper representation in the State Durbar. The Political Officer wanted to get

their views as early as possible.

While the Federation of Khasi States was hammering their plan for their future relationship with the successor Government, great changes took place all over the country which culminated in His Majesty's Government's statement of 3rd June 1947. The declaration which was broadcast by Lord Mountbatten on that date laid down "The methods by which power will be transferred from British to Indian hands". It also laid down the principle of dividing British India into India and Pakistan. Thirdly, from the context of the Khasi States, it is worth mentioning that there was a provision that if the people of Sylhet district so desired to join to Pakistan they could do so if through a referendum the majority of the people expressed their desire to do so. Lastly, the statement contained the following reference to the States:

"His majesty's government wish to make it clear that ......... their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May 1946, remains unchanged".

During the British period in the annals of India, the British Crown as represented by and operated through the political authorities provided the nexus between the Indian States and the Central, and provincial governments. The pivot of the whole arrangement was the Viceroy, who as the Crown Representative represented to the Indian States the paramountcy of the British Crown while at the same time, he was the head of the Government as Governor - General in relation to British India. It was on 13th June 1947 that Lord Mountbatten, Viceroy, invited Nehru, Patel and Kripalani (on behalf of the Congress); Jinnah, Liaquat Ali Khan and Saudar Abdul Rub Mitter (on behalf of the Muslim League); and Saudar Badev Singh (on behalf of the Sikhs); to an informal meeting to discuss the problem
of the States. Sir Conrad Cerfield (Political Adviser) was also present. The most important conclusions reached at the meeting ran as follows: 18

"That 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."

The Cabinet of the Interim Government at its meeting on 25th June 1947 finalised its recommendation and this recommendation was announced in a Press Communique on 27th June 1947 as follows: 19

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

19. Ibid. p. 33.
of the new Department." The Muslim League nominated Sardar Nishtar to be consulted in the working of the new Department. Mr. Durraniullah was appointed Joint Secretary to the new Department. They were intended that with effects from 15th August, 1947, they would hold charge of the States Department of Pakistan.

The States Department came into being on 5th July, 1947. On this momentous day, Sardar Patel, in his statement defined the policy of the Government of India on Indian States. He invited the States to accede to the Dominion of India on the three subjects of Defence, Foreign Affairs and Communications. The States Department was to conduct the relations with the States in a manner which savoured of the domination of one over the other. If there would be any domination, it would be a domination of mutual interests and welfare. Finally, Sardar Patel expressed his hope thus: "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 chaos 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 our

21. Ibid., pp.158-159.
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".

It must be noted, however, that when the States Department came into being, the Political Department had already sent the draft Standstill Agreement to the Rulers. It was also proposed to call a Conference of the rulers to finalise the Agreement. But the Government of India felt that a Standstill Agreement would not provide a real answer to the problem confronted them at the time. It was, therefore, decided that the States Department should henceforth take charge of the negotiations with the rulers and that the accession of the States on three essential subjects of Defence, External Affairs and Communications should be included in the agenda of the proposed conference.

The Government of India entrusted the task of conducting negotiations with the rulers to Lord Mountbatten, who was then the Crown Representative. Lord Mountbatten called a Special full meeting of the Chamber of Princes on 25th July 1947. In his address, Lord Mountbatten advised the Rulers to accede to any of the Dominions in regard to the three subjects. In the first place, Lord Mountbatten declared:22 "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, he pointed out that, during the period of British administration, there had grown up a system of co-ordinated administration on all matters of common concern because of the fact that the Crown Representative and the Viceroy were one and the same person. "That link is now

22. Ibid. p.161.
broken. If nothing can be put in its place, only chaos can result, and that chaos, I submit, will hurt the States first.............. even the biggest of the States will feel itself hurt just the same as any small state." The Viceroy said.  

While explaining the rulers about their legitimate right either to accede to India or Pakistan, Lord Mountbatten emphasised thus:  "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 irrevocable linked geographically with the Dominion of India. The problem therefore is of far greater magnitude with the Dominion of India than it is with Pakistan". He further assured the Rulers that their accession on three subjects - Defence, External Affairs and Communications would involve no financial liability, and that in other matters there would be no encroachment on their internal sovereignty. Finally, he appealed to the Rulers thus:  "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". The Viceroy then announced the personnel of the Negotiating Committee which was set up to negotiate on behalf of the States the terms of their accession to the Dominion of India.

23. Ibid.
24. Ibid.
25. Ibid p. 163.
It was against this background that the Federation of Khasi States had to face a dilemma. The decision to arrange a referendum in Sylhet clearly indicated that Sylhet would become a part of Pakistan. For centuries, the trade connections of the Khasis had been both with the Assam valley and with Sylhet. The real dilemma was how to reconcile the seemingly irreconcilable views expressed by various leaders and organisations in the Khasi and Jaintia Hills. Let us now examine the various views expressed during this crucial period of History.

First of all, the position of Rev. J.J.M. Nichols-Roy was peculiar. He was one of the leaders who was instrumental in the formation of the Federation of Khasi States. He was also a Cabinet Minister in the G.N. Bordoloi Ministry. He was elected to the constituent Assembly from the Assam general seat. It appears that at the initial stage he could not pull on very well with the Rulers and other leaders of the Federation of the Khasi States. Perhaps, that was the reason that in the general meeting convened by his party, the Khasi-Jaintia federated State National Conference held on 2nd August 1946 at Students' Field, Jaiaw, Shillong, Rev. J.J.M. Nichols-Roy explained about his plan for the future of Khasi and Jaintia Hills which was in line with the plan he submitted to the Cabinet Mission. That general meeting passed the following Resolution:

"Whereas the Khasis of the Khasi Hills and also those of the Jaintia Hills are of one Khasi Stock and we recognise among ourselves that we are one stock, and whereas though there are

different local dialects, all speak and understand Khasi 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 Khasi-Jaintia federated
State on the line planned by the Rev. J.J.M.Nichols-Roy, and to
be connected with the province of Assam in certain subjects only,
and -

Be it also 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.M.Nichols-Roy to be a member of the Constituent
Assembly. We have always looked up to 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 first reaction against this resolution was expressed by
another big public meeting held on 3rd August 1946 under the
auspices of the Khasi-Jaintia Political Association whose prime
leader was Dr. H.Iyngdoh, the general Secretary of the Association.
One of the Resolutions of this meeting runs as follows:-

“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

27. Ka Jingpyrta Shnong jeng ka Khasi Jaintia Political
that he has the right to speak for them as their representative.

By July 1947 Rev. Nichols-Roy, as a member of the North-East Frontier (Assam) Tribal and Excluded Areas Sub-Committee was already committed to the idea that the Khasi States should be brought within the framework of the Sixth Schedule of the Draft Constitution. The Bordoloi Committee Report having been submitted on 28th July, 1947. Another view was expressed by Wickliffe, the nephew of the Syiem of Nongstein and his associate S.A. Chyne. Their view was extreme and radical. They advocated independence for the Khasi States. It was alleged that Wickliffe tried to induce his own maternal uncle - the Syiem of Nongstein and other rulers to accede to Pakistan. When he found that he could not convince them, he left for Pakistan. His associate S.A. Chyne carried on subversive activity and he was detained.

Macdonald Kongor, President of the "Hills Union" and "The Khasi National Durbar" demanded that the Hills people should have the right of self-determination to secede from Assam and they should have the right to form a federation of their own within the Indian Union. The federation should get adequate representation in the Advisory Committee constituted by the constituent Assembly. The federation should have equal status with other provinces. Macdonald Kongor was very harsh and sarcastic in his points of view regarding the basic differences between the hills people and the plains people that he was misunderstood by the plains people. He was alleged to have demanded that all the people of the plains residing in the Khasi Hills should quit the Khasi Hills immediately after the withdrawal of the British from India. But such demand is

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During this period, the supporters of the Federation of the Khasi States formed a new party known as "The Khasi States People's Union" under the leadership of Macdonald, G.G. Swell and Dr. S.R. Boney. This party strongly supported the stand taken by the Federation of Khasi States. The leaders of this party desired the separation of the Khasi States from Assam and place them in direct relation with the Government of India.

The situation in the Khasi States would have been in confusion had any of the extreme views prevailed. Fortunately, the Rulers of the Khasi States were great patriots. They stood to the last like a solid rock that they would sail in the mainstream of Indian National life. Olim Singh, Syiem of Khyrim, President of the Federation of Khasi States was an epitome of the highest Indian patriotism. Jormamick Syiem, the Secretary was a moderate who always acted as a liberalising factor. All the rulers of the Khasi States were great believers in democracy, liberalism, moderation and in the great Indian nationhood. Above all, their main advisers, Dr. H. Lyngdoh, Prof. R.R. Thomas, Rai Bahadur Dohory Ropmay and Mr. Wilson Reade were able to exercise their influence to put a stop to any opinion that might jeopardise the future of the Khasi States and the future of the Indian Dominion. The views of the Federation of Khasi States, therefore, was to follow the same path as the other Indian States on the principles outlined by Sardar Patel and Lord Mountbatten.

During the July 1947 session of the Constituent Assembly the Federation of Khasi States sent two of its advisers, Mr. A.S.

Kongphai and Miss Mavis Duma Iyngdoh to brief G.S. Guha, the representative of the Khasi States, Tripura and Manipur who had already taken a seat in the Constituent Assembly on 14th July 1947. During this visit, they had the opportunity of meeting Sardar Patel who assured them that excepting Defence, foreign Affairs and communication, the Khasi States individually and the Federation of Khasi States would enjoy internal autonomy. On the other hand, according to the testimony of Miss Mavis Duma Iyngdoh Rev. Nichols Roy was shocked to see her at the visitors' gallery of the constitution Hall. A.S. Kongphai confessed that in order to satisfy the few extreme elements in Khasi States they paid a courtesy call on Idaquat Ali Khan, but they did not discuss anything.

Olim Singh, Syiem of Khyrim, President of the Federation of the Khasi States told the meeting of the Standing Committee of the Federation on 5th August, 1947 that Rev. Nichols-Roy paid a visit to his residence to have a talk for a compromise. The Standing Committee warmly welcomed this good gesture on the part of Rev. Nichols-Roy. On 6th August, 1947, the members of the Standing Committee met Rev. Nichols-Roy and his associates at the office of the Syiem of Mylliem but nothing substantial came out of the meeting. The only mutual agreement reached at was that six representatives from the Federation of the Khasi States and six persons from the Khasi-Jaintia Federated States Conference should meet the next day at the same place at 9 p.m. in order that they would be able to thrash out all misunderstanding. But, at the appointed place, time and date, the party of Rev. Nichols-Roy did not turn up.

30. Ibid.
In the meantime, on 8th August 1947, the Federation of Khasi States signed the Instrument of Accession, acceding to the Indian Union on three subjects: Viz, Defence, External Affairs and communications as was done by the majority of Indian States. The federation of Khasi States also authorised its representative who was in Delhi to sign the Standstill Agreement with the Indian Dominion on their behalf. At that time, it was realised that after the lapse of British Paramountcy, there would be a vacuum in the administrative arrangements between the Khasi States and the Indian Union. It must be recalled that the Consequences of the setting up of this new Dominions: 33

(1) "As from the appointed day -

(a) His Majesty's Government in the United Kingdom have no responsibility as respects the Government of any of the territories which, immediately before that day, were included in British India:

(b) The suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States or the rulers thereof, and all powers, rights authority or jurisdiction exercisable by His Majesty by treaty, grant, usage, sufferance or otherwise; and

(c) There lapse also any treaties or agreements in force at the date of the passing of the Act between His Majesty and any persons having authority in the Tribal Areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal area, and all powers, rights authority or

32. Ibid, pp.2+3.
33. The Framing of India's Constitution, pp.542-43.
jurisdiction exercisable by what date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise:

Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this Sub-Section, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraph, or other like matters, until the provisions in question are denounced by the ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreement.

In order to make the stop-gap arrangement between the Khasi States and the Federation of Khasi States on the one hand and the Dominion of India and the Province of Assam on the other hand, an agreement was signed by the Federation of Khasi States on 9th August 1947 as follows:

1. The Durbar of the federation of Khasi States which included all the 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 exception 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) Where State's Courts 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' Courts 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 where relationship with the province of Assam would be determined by agreement.

With the exception of the following three subjects all the remaining administrative function would be common with the Central or Provincial Governments under the terms of the Standstill Arrangement outlined in paragraph I above.

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

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

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

3. Revenue:

The members States of the Federation of Khasi States have agreed that the balance of the Khasi States' deposit account should be handed over to the Federation and that future payments to this
Deposit Account should also 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.

4. British India - Khasi Territory:

The Federation requests that all possible help should be given to facilitate the unification of all Khasi territory.

All Khasi villages which decide to rejoin States which they formerly formed a part should be allowed to do so.

Other parts of British India - India Khasi territory should, if they desired be allowed to join the Federation as units.

5. 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 units the conditions and circumstances existing in the Khasi Hills.
Immediately after these agreements had been signed, the President of the federation received a letter from Re. Nicholas-Roy indicating his wish to arrange for a meeting which could not meet on 7th August 1947. When the President read this letter at a meeting of the Standing Committee on 11th August 1947, the Committee felt that it was no longer necessary since there were only three days from the Zero Hours fixed for India's Independence Day. 35

The Federation of Khasi States became independent of the British Control from the midnight of 14th August, 1947. The first functioning of the Federation was inaugurated by Sir Akbar Hydari, Governor of Assam as the Agent of the Dominion of India on 16th August 1947. Its office was located at "Merivelle", Riatsamthiah, Shillong.