Chapter-VII

The North-Eastern Hill Areas and the Constituent Assembly:

The Constituent Assembly met for the first time on 9th December 1946 at the Constitution Hall and Rajendra Prasad was elected President. On a motion moved by Govind Ballabh Pant, the Constituent Assembly constituted the Advisory Committee on Minorities Fundamental Rights, Tribal Areas, etc., under the Chairmanship of Sardar Vallabhai Patel on 24th January 1947. The Constituent Assembly adopted the resolution that the Committee should consist of not more than 72 members. But it elected only 50 members. The President was authorised to nominate not more than 22 members. The Committee was authorised to appoint Sub-Committees to prepare schemes for the administration of the North-Western Tribal areas and for the North-Eastern Tribal areas and the excluded and partially excluded Areas.

Rev. J.J.M.Nichols-Roy and Rup Nath Brahma were elected by the Constituent Assembly to the Advisory Committee, later on, the President nominated amongst others, Gopimath Bordaloi, the then Premier of Assam to the Committee. At the first sitting of the Advisory Committee, a Sub-Committee on the North-Eastern frontier (Assam) Tribal and excluded Areas was formed with G.N. Bordaloi the Chairman. This Committee came to be popularly known as the Bardaloi Committee. The other members of this Sub-Committee were J.J.M.Nichols-Roy, Rup Nath Brahma, Aliba Imti and A.V.Thakkar.
This Committee undertook tours to the Lushai Hills district, the North-Cachar Hills Sub-division the Hikir Hills and the Naga Hills District during the month of April-May 1947. The Bardoloi Committee could not visit the Garo Hills District and the Jowai Sub-division of the Khasi and Jaintia Hills district due to bad weather and difficult communications. But the Committee examined the witnesses and representatives from the Garo Hills at Gauhati. In each of the districts that the Committee visited, it co-opted two members from the tribes of each of the district.

Let us now examine the views of the witnesses who appeared before the Bardoloi Committee.1

Khasi and Jaintia Hills: Let us recapitulate the fact that during this period, the Federation of Khasi States was still busy in its negotiation with the States Department like any other Indian States. There was no question of negotiating with the Bardoloi Committee. But there were others who appeared as witnesses before the Committee.

Although, J.J.M. Nichols-Roy was a member of the Committee, he thought it worthwhile to appear also as a witness. He suggested

to the Committee that there should be a Khasi-Jaintia Federated State, which should consist of the Khasi States, the 31 British Sirdarships and the Jowai Sub-division. According to him, the Khasi-Jaintia Federated State should be Federated with the province of Assam. This State should have a National Council of 29 members, four of whom should be women; that the term of the council should be five years. All the 25 male members should be elected by adult suffrage from single member constituencies, but the four women members should be elected according to prescribed rules.

The National Council should be responsible for undertaking the work of codification of customs in all the units of the Federated State. The National Council should elect its own Chairman who should hold office for five years. It should have a Secretary and the Executive Council elected by the National Council. The Executive Council should consist of three members, one of whom should be a President. The President of the Executive Council should be the ex-officio President of the Federated State. The Executive Council should hold office for five years. This implies that the President should also hold office for five years.

So far as legislation was concerned, Rev. Nichols-Roy suggested that any legislation to become a law should receive the assent of the Executive Council. The Executive Council might also be given the right to withhold its assent and to return any bill passed by the National Assembly for reconsideration. It should also have the power to veto any bill which would be detrimental to the interest of the Federated State.

The Federated State should have a High Court of Appeal to
hear appeals from the Subordinate Courts. He suggested a peculiar provision that the Judges should hold office for five years. The decisions of the High Court should be final. It should have jurisdiction both in criminal and Civil Cases.

Rev. Nichols-Roy suggested that all revenues from the district should belong to the Federated State. But since, the Federated State should federate itself with the province of Assam, it should contribute certain amount to the Provincial Government for the administration of certain common subjects and for the expenditure incurred by certain institutions which could be utilised by the Federated State.

Lastly, he suggested that the Federated State should elect four members to the Assam Legislature. He said that the Assam Legislature should not have the right to legislate on all subjects for the Federated State. The National Council might not apply any Provincial legislation or might apply with such modification as the Council might think necessary.

There were other witnesses who appeared before the Committee. But the majority of them were either Nichols-Roy's close associates or members of his Khasi-Jaintia Federated State Conference. They expressed similar views, and hence, it is not necessary to discuss their views. It appears that J.J.M. Nichols-Roy had circulated his proposals widely among his followers and as such they made similar proposals.

L. Gatphon who led a delegation from the Jowai Sub-division presented the views of the people living in the British areas of Jaintia Hills.² Gatphon pointed out that after the lapse of

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British paramountcy, the Assamese would claim Assam as theirs and the Muslims of Sylhet would also claim Sylhet as theirs. Therefore it would be most justifiable if the Khasi people of Jaintia Hills would also have the right to claim their ancient land as theirs. He demanded that the State of Sutunga or Jaintia be revived and the ancient ruling clan be reinstated. He pointed out that the Sutunga State was forcibly annexed by the British. Hence, when the British would quit India, it would be more than justifiable that the British would return to the people of Jaintia Hills all the authority of the Sutunga State which it had taken forcibly. He further pointed out that the ancient Khasi had learnt the art of administration long before the coming of the British. Therefore, he pleaded for the restoration of the Sutunga State which would pave the way for the Unity of the Khasi People. In other words, he pleaded that the ancient State, when restored would become one of the Units of the Federation of Khasi States. This unity had been the aim of the Khasi for many years. Further, Gatphok said that the way towards Khasi unity was spoiled by foreign rule. Lastly, he pleaded for complete autonomy for a united Khasi and Jaintia Hills within the framework of the Great Indian Constitution.

Macdonald Kongor in his open letter to the Sub-Committee of the Advisory Committee pointed out the vast differences between the people of the Hills and the people of the plains. So far as the Khasi were concerned, MacDonald Kongor pointed out that without any written constitution, the Khasi had developed a democratic constitution where the rulers were not territorial sovereigns,

3. Ibid. pp.5+6.
where land belonged to the people and where there was no difference in the status of men and women.

He further argued that in the Khasi Hills there were 25 States which had constituted themselves in the Federation of Khasi States which had been recognised by the Chamber of Princes, by the Negotiating Committee of the Cabinet Mission Plan and by the Political Department of the Government of India. He pointed out that there would be no difficulty for the Khasi States which were the repositories of democracy to rule themselves. He further said that there was no problem of finance. The mineral, forest, agricultural produces along with income from transport would support the Khasi States. There was also great potentialities for the generation Hydro Electric power. He expressed his hope that the Bardoloi Committee should recommend full independence for the Khasi States.

Miss Mavis Dunn Lyngdoh and many other leading ladies from Khasi and Jaintia Hills did not think it advisable to appear as witnesses in the Bardoloi Committee. Instead, they met the Governor on 24th June 1947. In a long memorandum that they presented to the Governor they outlined the following salient points for consideration of the Governor.

In the first place, they pointed out that the Khasi women had played an important role in the mental and material life of the people. The matrilineal system prevailing in the Khasi Society was a unique example for the whole country and it had contributed to the rapid growth of literacy among women.

4. Ibid, pp.6-8.
Secondly, the Khasis had evolved a true democratic institution in a sense that even a ruler could be elected and removed by the people. Each ruler was to be guided by the will of the Council of Mytras and by the State Durbar. All lands belonged to the people.

Thirdly, even the British did not try to destroy the democratic institutions of the Khasis. On the other hand, the Khasi democracy had been nursed and nourished fully even during foreign rule.

Fourthly, it was decided that India would be divided and some of the provinces would be divided on the principle of self-determination. Therefore they pointed out that the relation of the Khasi States with the British were regulated by treaties and agreements. Therefore, the Khasi States should be given the right of self-determination.

Fifthly, they expressed their fears that some forces might try to destroy the ancient customs of the Khasis and they might destroy the Khasi States and the other democratic institutions. They impressed upon the Governor that the Khasi States should not be forced to accede to India or Pakistan, but they should have the right of self-determination. They pointed out that the Khasis had nothing in common either with the Hindus or the Muslims.

Sixthly, they admitted that when Independence would come, the Khasis would not be in a position to live alone. Through agreements, the Khasis States might have closer relationship with their neighbours.

Seventhly, the ladies told the Governor that they believed in the principle of "to live and let live". The Khasi States should
therefore be allowed to decide for themselves and that they had no intention of interfering with the affairs of others. After the lapse of British paramountcy, all Khasi States, big and small, which had joined the Federation of Khasi States would have the right to choose the future for themselves.

Eighthly, all the British villages in the Khasi Hills should be restored to the respective States to which each one of these villages originally belonged.

Lastly, they urged upon the Governor to restore to the Jaintia Hills the status of State as it was before the British conquest so that it might be able to join the Federation of Khasi States.

The Garo Hills:

The most important witnesses from the Garo Hills who appeared before the Bardoloi Committee were the leaders chosen by the Garo National Conference headed by Jobang D. Marak. As many as 56 leaders appeared in a group. But the main spokesmen of the Garo National Conference were: Jobang D. Marak, Jaugga Lasker, Capt. Williamson A. Sangma, Deboata Marak, Nalindra N. Sangma, Karnesh R. Marak and Phukam Sangma.5

These leaders claimed that the Garo National Conference "is an organisation of the whole people of the District......... Any Garo can become a member". They met the Bardoloi Committee with a draft constitution entitled "Proposed Constitution of the Garo Hills"

5. Maumram Marak and Harissem W. Momir were co-opted as members of the Committee. See Bardoloi Committee, Evidence Vol.II. part I. pp.116 to 148. Fifty six witnesses appeared before the Committee.
Union within the province of Assam. These leaders pleaded that:

"Whatever system of Government may be, the recognition of the tribal authority in their own district is essential as it is basically democratic and one of sound administration of the Government as the village democracy has never meant not only rule by majority but also securing general agreement through full and exhaustive discussion." They pointed out that such a system had its background in tradition, practice and experience of ages which should be incorporated in the new scheme of government for the district.

They made it abundantly clear "that setting up the Hills as a separate province will not be to the best interest of themselves as the Hills are geographically like isolated islands and the people are widely different in language, culture and many of the tribal customs and traditions". They also said that from the point of hill economy, the hills should be linked with the plains as their economic prosperity depended upon the plains. The Hills were deficit areas. Therefore, they argued, the Hills should be linked with the plains under a common Provincial Government.

The Garo National Conference also demanded that "the boundaries of the district be so adjusted on the linguistic basis as to include many of the Garos living in other districts on the borders of Garo Hills, such as Goalpara, Kamrup, Mymensing etc."

The Garo leaders demanded also that the Zamindari system in the Garo Hills should be abolished immediately as the Zamindars were always oppressive.

The Garo National Conference offered a plan for the future constitutional set-up in Garo Hills. They demanded that the Garo Hills district should be formed into a Garo Hills Union which should
be federated with the province of Assam. The subjects to be common with Assam would be general and all kinds of technical education, medical and public health, provincial communication, export and imports, and all other subjects in which the province of Assam would be connected with the Central Government.

The Garo Hills Union would have a National Council consisting of 25 members, two of whom should be women. There should be a provision that the Council might have the power to increase the number of membership to enable non-Garos to have their representation. The term of the council should be five years. The 23 members should be elected from 23 single member constituencies on population basis of about 10,000, whereas the two women members should be elected by a college of electors consisting of all adult women.

The main functions of the National Council would be "(1) to codify the customary laws and reform administration, (ii) to legislate for the administration of the Garo Hills Union and to perform another legislative function that may be decided by two-thirds majority of the members of the National Council, (iii) to impose cess or tax upon the whole Garo Hills Union".

The National Council should elect its own Chairman. It should also have a Secretary who would be appointed according to the rules to be framed thereafter.

It was also suggested that the executive functions of the Garo Hills Union should be entrusted to an Executive Council of five members to be elected by the National Council. The term of the Executive Council should be five years but the members were eligible for re-election at the expiry of their term of office. The Executive Council should be responsible for the preparation of the budget, for the appointment of officers selected by the service
Commission, for raising police force, for the appointment of the Secretary of the Executive Council, and for the fixation of the salaries of the officers and staffs of the Garo Hills Union. It should arrange elections to the National Council. It should be the final authority to decide all disputes relating to administrative affairs. It should also have certain emergency powers. It is strange to note that inspite of the fact that the leaders had pleaded that the Garo Hills Union should form part of Assam within the Dominion of India, yet it was suggested that the Executive Council "shall have power to deal with the external affairs connected with the Union."

The Garo leaders also proposed that there should be a President and Vice-President of the Garo Hills Union who should be elected by adult franchise. The candidate who could secure the highest number of votes should be the President and the candidate who could receive the next highest vote should be the Vice-President. Both the President and the Vice-President should not be a member of the National Council and they should hold office for five years.

It was also suggested that financial bills should be initiated by the Executive Council. Any legislation passed by the National Council should receive the assent of the Executive Council before it became a law. Normally, this power is entrusted to the head of a State. But like Rev. Nichols-Roy, the Garo National Conference suggested that this power should be entrusted to the Executive Council. The Council might or might not give its assent to the bills passed by the National Council. Thus, the convention followed in United Kingdom and other Commonwealth countries that the head of State shall give assent to all the Bills passed by Parliament was not recognised by the Garo leaders. Like Rev. Nichols-Roy again, they suggested that under exceptional circumstances, the Executive Council might withhold its assent. The Executive Council might
return the Bill to the National Council for reconsideration. This suggestion, like the one suggested by Rev. Nichols-Rey for the Khasi-Jaintia Federated State did not visualise the difficulty that might arise in case the National Council should pass the bill for the second time.

The memorandum contained also a proposal that the Garo Hills Union should have a Supreme Court to try civil and criminal cases. It appears that the Garo leaders did not believe in the principle of the independence of the judiciary. They suggested that in case of doubt, the decision should be made in a joint meeting of the Executive council and the judiciary. All appeals from this Supreme Court should lie in a Provincial High Court. Another peculiar characteristic of the Garo Hills Union Supreme Court as suggested by them was that the judges should be elected by the general council and that their term of office should be for five years. Judges were to be made eligible for re-election at the expiry of their term of office.

As regards the finance of the Garo Hills Union, the Garo National Conference suggested as follows:—first, all the revenues derived from the Garo Hills Union should be handed over to the Executive Council of the Union. Secondly, the Executive Council should have the power to decide what contribution it should make to the Provincial Exchequer. Thirdly, all the heads of revenues and all the sources of taxes that the Provincial Government would derive should be handed over to the Garo Hills Union National Council. The main heads enumerated were: Land Revenue; Forests, Mines, Excise, Fines Stamp and Court Fees; Amusement tax; Custom duty; Fishery; proportional amount of any kind of Income-tax; proportional amount of subvention allotted to Assam by the Central Government all income
from Hydro Electric Power; income from Reserved forests, income from inter-communication; and income from mines.

So far as the relation between the Garo Hills Union and Assam was concerned, the Garo leaders said that the Garo Hills Union should send four representatives to the Assam Legislature, it should be represented in all the provincial services. Certain number of posts in the Provincial Services should be reserved to the Garos for a reasonable period of time. No legislation passed by the Assam legislature should apply to the Garo Hills without the consent of the Executive Council. The Garo Hills Union should have at least one of its members in the Provincial Cabinet.

Further, the memorandum also laid down that foreigners should not be permitted to acquire landed property within the Garo Hills Union.

The Garo leaders also urged that all the powers and functions exercised by the Deputy Commissioner should be transferred to the Executive Council of the Garo Hills Union.

Further, the Garo leaders said that the Government of Assam should exercise supervisory powers over the subjects in which the Garo Hills Union should have in common with Assam.

The Garo National Conference guaranteed that all the hills tribes and the tribal people such as Rabkas, Khasis, Mikirs, Nagas, Irskais, Khackaris, Hajongs, Kachas, etc, who had permanently resided in the Garo Hills should have the same rights and privileges as the Garos. Further, "the other people who were permanent residents in the Union shall also be subject to the administration.

The proposed constitution of the Garo National Conference presented to the Bardoloi Committee at Gauhati on 16th May 1947 was more or less a replica of the proposed constitution of the
Khasi Jaintia Federated State proposed by Rev.Nichols-Roy. When I asked Capt. W.A.Sangma the question whether the leaders of the Garo National Conference met Rev.Nichols-Roy on 15th May 1947, Capt. Sangma replied in the affirmative. He also admitted that the draft constitution prepared by the Garo National Conference was finalised after they had met Rev.Nichols-Roy. Captain Sangma also clarified that although Jobang D.Marak was the leader of the delegation yet the main spokesmen for the Garo National Conference were Capt.W.A. Sangma and Kamesh K.Marak.

It appears that the influence of Rev.Nichols-Roy over the public opinion in the Garo Hills was great. This fact was corroborated by the memorandum to the Bardoloi Committee presented, on behalf of all the Garo Nokmas by seven leading Nokmas. The memorandum stated thus: "That your humble memorialists have come to learn from the columns of the daily press that the Hon'ble Rev.J.J.M. Nichols-Roy, P.W.D.Minister, Govt. of Assam, has prepared a draft constitution for the Tribal areas in the Province of Assam which, it is understood, will be taken up for discussion in the Constituent Assembly, after the Tribal Areas Sub-Committee of the Constituent Assembly Advisory Committee will have finished their labours by coming in close contact with the spokesmen of the representatives of the various Hills Tribes of Assam".

The Garo Nokmas pleaded that the rights of the Nokmas in the Garo Hills should be safeguarded in the new constitution. They further pointed out that the division of the Hill areas into the so-called Excluded and Partially Excluded Areas were for administrative and strategic reasons. But "it is now confidently hoped that in a free India these sturdy races will be afforded ample scope for advancement and progress."
Recommendations of the Bardoloi Committee: The Bardoloi Committee was ably assisted by its Secretary, R.K. Ramadhyanu; but in all constitutional issues it got the advice of B.N. Rau, constitutional Adviser of the Constituent Assembly. During the process of discussion of the proposals presented by the different tribes, the Bardoloi Committee was ably guided and assisted by a famous social anthropologist, Dr. Guha. The Social scientist pointed out that attempt should be made not at assimilation because such an attempt might result in the breaking up of the traditional tribal institutions. Dr. Guha strongly argued that the process of evolution should emanate from the tribe itself. Of course, contact with the outside world should be maintained and encouraged. The tribal system should be kept in tact till such time that the tribesmen would change their way of life. The Bardoloi Committee accepted this view.

Secondly, all the hill tribes demanded that there should be control of immigration and that there should be no allocation of land to outsiders. They pleaded that such control should be vested in the tribals themselves. Therefore, the Bardoloi Committee recommended that the District Council should have power of legislation over the occupation, setting apart and use of land other than land comprising reserved forests. The Committee pointed out: "The only limitation we would place upon this, is to provide that the provincial government need not pay for the occupation of vacant land for public purposes, on payment of compensation".

The Committee also accepted the view that the actual management of forest, other than reserved forests, including the appointment of forest staff and the granting of leases and contract should be according to the need and desire of the people.

Thirdly, the Committee was of the view that the nature of cultivation of land should be left to the tribes themselves. While Jhuming should be discouraged and stopped wherever possible, no legislative ban should be imposed without the consent of the tribesmen. Therefore, the control of jhuming should be left to the District Councils.

Fourthly, according to the Bardoloi Committee, the District Councils should have full powers of administering their own social laws, of codifying or modifying them. The code of criminal procedure and civil procedure should not apply to the hill districts, but officers were expected to be guided by the spirit of these laws. The Committee therefore, recommended that except suits arising out of special laws, all ordinary suits should be tried by the District Council Courts. Such courts should be invested with full powers to deal with them including appeals or revision. But in cases where non-tribals were involved, they should be tried under regular law and the provincial government should make special provision for the disposal of such cases.

Fifthly, the Bardoloi Committee also recommended that primary schools, dispensaries and such other institutions should be managed by the District Councils. As regards secondary education, the Committee felt that the hill people in general would not be able to look after this subject. But wherever possible, the District Councils might be permitted to manage secondary schools. The Committee further said that higher education should not be transferred to the District Councils.

Sixthly, the Committee recommended that the District Councils should be invested with legislative power over the use of land, village forests, agriculture, village and town management in
addition to the administration of tribal and local laws.

Seventhly, so far as Chairmanship of the District Councils was concerned, excepting the Mikir Hills and North Cachar Hills, the Committee recommended that the Chairman of all District Councils should be elected by their members. In the case of the Mikir Hills and North Cachar Hills, the Chairman should be the Deputy Commissioner or the Sub-Divisional Officer as the case might be.

Eighthly, the Committee did not accept the demand of the hill people that all power of taxation should be vested in the District Councils. It only recommended that there should be an allocation of certain taxes and financial powers to the District Council. The Committee refused also to accept the suggestion that a fixed proportion of the provincial revenues to be set apart for expenditure in the hill areas. It only recommended that the Provincial government should prepare a development programme for the hill areas and that the schemes should be financed liberally both by the Central and the Provincial Governments.

Ninthly, since the hill people were afraid of the influx of outsiders into their territories and since they had suggested that they should have power similar to those of the Chin Hills Regulations, the Committee recommended that any District Council might by three-fourth majority introduce the system of licensing of money lenders and traders.

Tenthly, as regards the demand of the tribals that the District Councils should have power to control mines and minerals, the Bardolei Committee stated thus: "We have considered that the best policy is to centralise the management of minerals and mines. Further, no license or lease shall be granted without consulting with the District Council concerned."
Eleventhly, the Bardoloi Committee rejected the demand of the hill people that no provincial or central law should be applied to the hill areas without the consent of the District Council concerned.

Twelfthly, if any autonomous District was inhabited by more than one tribe, the Committee recommended that regional councils should be established.

Thirteenthly, the Committee also recommended that the Governor should have the power to declare an act of resolution of the District Councils null and void should he come to the conclusion that the safety of the country was threatened by such act or resolution. The Governor should also have the power to dissolve any District Council when and if necessary.

Fourteenthly, the Committee was of the opinion that there was no longer any justification for the exclusion of any area either fully or partially. Therefore, it recommended that all hill areas should be represented in the Assam Legislature on the basis of adult franchise.

Fifteenthly, the Committee recommended that adequate representation both in the Provincial and Central Legislatures should be extended to the hill areas and that their representatives should be tribals.

Sixteenthly, the Committee recommended that the hill areas should be represented in the Assam Cabinet by at least one of the hill members. It also said that there should be a special minister who should, if possible, be from among the hill M.L.As. Further, the Committee stated: "It is our considered view that representation for the hills should be guaranteed by statutory provision if possible. If this is not possible we are of the view that a suitable
instruction should be included in the Instrument of Instructions to the Governor".

Seventeenthly, the Committee pointed out that there was a need for the review of the development work periodically by a Commission to be appointed by the Governor.

Eighteenthly, except in the case of the Mikir Hills, the Committee did not accept the demand for the re-demarcation of boundaries. But it accepted the principle that the boundaries of the Mikir Hills should be redrawn.

Lastly, the Committee recommended that non-tribals should not have the right to contest the elections to the Provincial and Central Legislatures. But they might be represented in the District Council.

The Bardoloi Committee submitted its report to the Chairman of the Advisory Committee on Minorities fundamental Rights, Tribal Areas etc., on 28th July 1947. Thereafter, the Drafting Committee of the Constituent Assembly drafted the provisions of the Sixth Schedule. As Dr. B. R. Ambedkar said: "The Drafting Committee has been guided in this matter by the two principal representatives, who must be credited with sufficient knowledge and information about this matter, namely the Premier of Assam and his colleague, Rev. Nichols-Rey".

The Khasi States: The Bardoloi Committee merely made a passing reference about the position of the Khasi States. It did not make any recommendation that the Khasi States should come within the purview of the District Council. For instance, whereas the Committee recommended that Garo Hills should have three members in the Provincial Legislature; whereas Mikir Hills should have two, Naga Hills two, Lushai Hills two, and North-Gachar Hills one; Khasi and
Jaintia Hills should have two. The population of Khasi and Jaintia Hills, according to this Report of the Committee was 105463. This figure included only the population of the British portion of Khasi and Jaintia Hills. But for the purpose of constituting the said British area of the district, the Committee recommended that the town of Shillong would be excluded from the purview of the District Council. By implication, this meant that the town of Shillong did not include the Mylliem State area.

A study of the remarks made by the Committee clearly reveals that they were made in accordance with the view expressed in the proposals of Rev. Nichols-Roy. The Committee did not speak a word about the formation of the Federation of Khasi States. Instead, it made its observation thus: "There is a strong desire among the people of the States to 'federate' with their brothers in the British portion, a feeling which the people on the British-side reciprocate". Then again, the Report stated: "The Khasi Hills proposals were for a Federation of the States and British portions". But what was the real position then? Rev. Nichols-Roy spoke of a Khasi-Jaintia Federated State which should be connected with Assam. But the Federation of Khasi States was in favour of the return of all the British villages to the States to which they originally belonged, failing which, they would be allowed to join as units of the Federation as agreed upon in the Standstill Agreement. But the actual position of the Federation of Khasi States in the Indian Union should be decided by negotiation with the Ministry of States, Government of India.

On the 8th August, 1947, the Khasi States acceded to the Dominion of India only on the three subjects of Defence, Foreign Affairs and Communications. On the following day they executed the
Standstill Agreement. But immediately after independence, the necessity of enlarging the content of the accession of the Khasi States was more acutely felt by the Ministry of States. Sir Akbar Hydari, Governor of Assam and Agent to the Dominion of India in relation to the Khasi States along with the Dominion Agent for the Khasi States, had to utilise all their diplomatic resources to convince the Standing Committee of the Federation of Khasi States to enlarge the scope of the Instrument of Accession. The final round of the negotiation took place on 15th December 1947 at the Government House. The rulers of the Khasi States finally agreed to sign a new Instrument of Accession along with the Annexed Agreement. On that day nineteen out of the twenty-five rulers signed the Instrument of Accession. The States which signed on that day were: Khyrim, Kylliam, Cherra, Nongkalaw, Bhowal, Jirang, Maharam, Mawsyaram, Langrim, Mawiang, Malaisohmat, Mawphlang, Lying, Soling, Shella, Nonglwai, Pamsammot, Nawon and Dura Nongtymen.

The rulers of other six States expressed their inability to sign the Instrument of Accession without the consent of their State Durbars. Through persistent negotiation on the part of the Dominion Agent and the Assistant to the Dominion Agent, Nobosephoh State and Nongspung State signed the Instrument of Accession on 11th January, 1948. Ultimately, the other States also got the sanction of their State Durbar to sign the Instrument of Accession. Mawlong State signed on 10th March 1948, Rambrai and Kyriaw States signed on 17th March 1948, and the last to sign was Nongstoin State. The ruler of this State signed it on 19th March 1948. The text of the Instrument of Accession may be reproduced as follows:

"We the rulers of the Khasi States specified below,

Having agreed to the establishment of a Federation of

which all the said Khasi States are members;

And being desirous of acceding to the Dominion of India, individually as Rulers of the said Khasi States and collectively as members of the said Federation;

1. Do hereby declare that we accede 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 hereinafter 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 said Khasi States in respect of any matter.  

(Signed by the rulers of the Khasi States on the day indicated in the foregoing paragraphs).

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".

The Agreement executed by the Federation of Khasi States may
1. The Federation of Khasi States, hereinafter referred to as 'the Federation', agrees that all existing administrative arrangements between the Dominion of India and the Province of Assam on the one hand and the Khasi States on the other hand shall, with the exceptions noted below, continue in force until new or modified arrangements have been arrived at between the respective authorities concerned.

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

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

   (b) In matters of customary law 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 appeal will lie to the Assam High Court.

   (c) The Judicial authority now exercised by the State Courts in respect of Khasis will be maintained.

   (d) In regard to all non-Khasis the judicial arrangements now existing will continue for the present except that the judicial powers of the Political Officer 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 a State Court that Court will continue to be the original trying Court.

   (e) Where State Courts comply with certain conditions to be laid down they may be vested with first, second or third class powers as

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defined in the Criminal Procedure Code and their jurisdiction would then include both Khasis and non-Khasis. The appointment of magistrates to the States' Courts and to the Court of Federation will be subject to the approval of the Governor in regard to their judicial competence. The Chief Justice of the Assam High Court, when established, will assume this power now vested in the Governor.

Administrative Powers:

With the exception of the following three subjects all the remaining administrative functions would be common with the Central or Provincial Government under the terms of the Standstill arrangement outlined in paragraph 1 above.

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

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

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

3. Revenue: The members States of the Federation 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 contributions to be paid to the Federation by individual States.

4. Khasi Territory in the Province: The Federation request that all possible help should be given to facilitate the unification of all Khasi territory.

All 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.

5. Legislation: In matters of legislation concerning subjects of common interest passed by the Assam Legislature there should be some machinery either by representation in that Legislature 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.

The leaders of the Federation of Khasi States confessed that on 15th December 1947, Sir Akbar Hydari, Governor of Assam strongly urged upon the Khasi rulers to sign the Merger Agreement also. He told them that the majority of the smaller States in India had already signed such merger Agreements. But the rulers of the Khasi States told the Governor that they were not in position to sign any merger Agreement because they were not Zamindars, because they were not owners of land, and because they were merely elected heads of States who could not claim any right of control over the land.

The refusal of the rulers of the Khasi States to sign the Merger Agreement and the hesitancy of six rulers to sign the Instrument of Accession made Sardar Patel to airdash to Shillong on 2nd January 1948. But inspite of the persuasive eloquence, tenacity, diplomacy and persistent arguments of Sardar Patel, the rulers of the Khasi States would not yield an inch from their earlier stand. They still refused to sign the Merger Agreement. They advocated that their future position within the frame-work of the new constitution of India should be referred to the people. They pleaded for the immediate formation of the elected Khasi States Constitution Making Durbar to decide the future of the Khasi States within the new Constitution. The meeting of the rulers of the Khasi States and
Sardar Patel at the Government House on 2nd January 1948 ended in a stalemate. Therefore in his public address that he made on the evening of the same day at Lady Hydari Park, Sardar Patel did not make any reference to his meeting with the rulers of the Khasi States, although he made references to the case of Kashmir, Hyderabad and Junagadh. His only references were to the beauty of Khasi Hills in general and Shillong in particular. In the course of his speech, Sardar Patel remarked: "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 heart was pure". In conclusion, Sardar Patel said: "Although I am going to Calcutta, a bigger place, and would stay in a bigger Government House, I would miss the simplicity and natural life that I have come across in Shillong."

Eventually, four other States signed the Instrument of Accession. The two other Khasi States which were adamant to sign the Instrument of Accession were Nongstoin and Rambrai. These States were still under the influence of Wickliff. Sir Akbar Hydari, the then Governor of Assam was very much worried of the State of affairs in the two Khasi States. Mr. E.I.Kymbai who was then Special Assistant to the Dominion Agent was sent to negotiate with the rulers of the other two States. Later, he confessed that Sir Akbar Hydari, at parting told him to see that for heaven's sake Junagadh was not repeated in the two Khasi States. After a prolonged negotiation, the two States signed the Instrument of Accession. The Syiem of Rambrai signed it on 17th March 1943 and the Syiem of Nongstoin signed on 19th March 1948.
On 16th June 1948, the Ministry of States, Government of India issued a Notification called the Khasi States Federation (Administration of Justice) Order, 1948. This order empowered the Federation of Khasi States to set up its own competent Court. Acting upon this Order, the Governor of Assam fixed 1st July 1948 as the date on which the said Order should come into force. This order was carried fully by the Federation of Khasi States.

9. Ministry of States' Notification No.237. p, dated New Delhi, the 16th June 1948.