CHAPTER II

TRADITIONAL POLITICAL INSTITUTIONS OF THE KHASI

In examining the traditional political institutions that exist among the Khasi people, it is imperative to observe the context under which these three terms – traditional, political and institution are used. “Traditional” refers to tradition, those customs and practices observed by the community that have evolved over a long period of continuous usage. They are uncodified and unwritten and have been verbally passed on from one generation to the next. These customs and practices are revered and upheld by one and all. In course of time they have been collectively denoted as *ka Riti*, a body of rules, regulations and guidelines - an unwritten constitution embodying all facets of Khasi culture and society which have grown out of past usages and practices. *Ka Riti* in its original conception implies the exaltation of the sovereign popular will at the constriction of the power and authority of the sovereign. To cite an example of the ever binding influence of tradition on Khasi society, there is an old Khasi saying “*long jait na ka kmie, long rynieng na u kpa bad ka ktien u ñi u kong ka dei ka äin*”. This translation
implies that one’s title is taken from the mother, one’s stature is taken from the father while the spoken words and vows of the maternal uncle are law. “Political” refers to those activities and processes that attempt to regulate and administrate the external political behaviour of members of a group in commodious living. This attempt at regulated behaviour begins at the level of the clan when settled life becomes visible and is magnified with the growth of complex political organizations commencing with the village, (*ka Shnong*) and finally culminating in the state, (*ka Hima*). “Institution” on the other hand refers to a mechanism, informal or formal established to maintain social and political cohesiveness. This mechanism also begins at the level of the clan and finally culminates at the level of the state, *ka Hima*.

In attempting to answer the question of origin and migration of the Khasi people, scholars have suggested a labyrinth of diverse and even conflicting views. These views range from the cultural and linguistic affinities that the Khasi share with other communities in South East Asia to the views that rest on oral tradition. Nevertheless, it would be suffice to say that the Khasi belong to one of the earliest batches of Indo-Mongoloids to have occupied their present habitat, though this period of occupation is still debatable. Pakem describes the Khasi-Jaiñtia people as racially Mongoloids,
linguistically Austro-Asiatic and culturally proto-Australoids\(^1\). Speaking on the origin of the Khasi, Suniti Kumar Chatterjee makes an important observation, "They appear to be descended from some of the earliest Mongoloid immigrants into India who changed their language through contact with Austric speakers; either in Burma or on the soil of India, in pre-historic times"\(^2\).

**EVOLUTION OF THE KHASI STATE: **\(*A H I M A*

It is generally believed that the first waves of migration of the Khasi into these hills, which now comprise of three districts, the East Khasi Hills, West Khasi Hills and Ri Bhoi, occurred in batches. Each batch comprised of a clan (*Kur*) which was led usually by the eldest maternal uncle, *u Knyi* or *Rangbah Kur*, chosen by all the adult male members of the clan. This leader and head of the clan was entrusted with the responsibility of performing the necessary rites and rituals when the clan first settled or appropriated a

\(^1\) Pakem, B: ‘Jaintia Tribe of Meghalaya’ in a seminar on *Social and Political Institutions of the Hill People of North East India*, North East Indian Council of Social Science Research (hereafter NEICSSR), Shillong, 1977.

portion of land. Another view observes that the eldest male or any other male member who was chosen by a council of male adults became the leader, Saidña or Lyngdoh of the clan. This authority was vested with both religious and administrative duties. All deliberations must be carried out in the clan meetings and all decisions arrived at by consensus. In due course, clans grew in number and size, other clans were accommodated into the fold of the original clans thereby paving way for a more settled life. It is in this phase of polity evolution that the village, ka Shnong, comes into existence, to administer affairs of common concern of all its subjects and residents. The head of the village was chosen from among the members of the original or founding clans of the village. In certain instances, two centres of authority emerged during this phase of socio-political development. The temporal powers were vested with a new authority, the Basan, an elder who was the leader and representative of the founding clan which had claimed possession and ownership of the land; the spiritual powers were vested with the Lyngdoh, a priest who was chosen from the priestly clan. The

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administration of the village was carried on with the assistance of a council of elders designated as *ki Bakhraw* or *ki Tymmen ki San*. The term *Lyngdoh* is applicable in different settings to different authorities and units in the polity evolution of the Khasi. At the first instance, it may be used to refer to an office of a secular head exercising administrative powers. Secondly, it may be used to refer to an office of a religious head bestowed with the responsibility of solely performing religious ceremonies. Lastly, it may also refer to a clan, the Lyngdoh clan from which the incumbent to the secular or religious office may be respectively chosen.

As villages grew in size and the art of governance became complex, many villages merged to form a commune, *ka Raid*. The *Raid* administers subjects of common concern of its constituents (that is, the villages comprising it). The administration of the *Raid* was carried on by the *Basan* and the *Lyngdoh* with the assistance of a council, *ka Dorbar* comprising of councilors such as *Matabors, Majis, Pators* and *Malehangots*. The councilors were appointed by the *Basan* or the *Lyngdoh* subject to the approval of the residents of the *Raid* who comprised of all adult male

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6 The existence of councilors designated as *Pators* in traditional political institutions of the Khasi appears to have been overstressed by Hamlet Bareh. This office is clearly associated with the traditional polity formation of the Jaiftia people.
citizens\textsuperscript{7}. Another opinion observes that in course of time, due to necessity and complexity of administration, villages federated to form a commune, \textit{ka Raid}. A new leader eligible to lead this nascent political entity was chosen either from the members of the original clans or the clans of nobility, the \textit{Basan} clans or the \textit{Lyngdoh} clans which already existed and co-habited those villages of which the newly emerging commune comprised of\textsuperscript{8}. This leader is conferred the title \textit{Basan Raid} or \textit{Lyngdoh Raid} and the performance of all administrative functions is bestowed upon this office. Similarly, realizing the complexity and magnitude of religious functions that were required to be performed at the level of the \textit{Raid}, the elders and the councilors of the commune ordained an existing clan with the title \textit{Lyngdoh} or \textit{Langdoh} (the latter in the case of Jaïntia people) and transferred all religious and sacerdotal functions of the commune to this clan\textsuperscript{9}.

In the third phase of polity formation, as the communes grew in size and population, new developments emerged which necessitated the creation of a central and common authority to manage state affairs of a larger magnitude which the then existing socio-political authorities could not

\textsuperscript{7} Bareh, H.: \textit{op.cit.}, p.39.
\textsuperscript{8} Lyngdoh, H.: \textit{Ka Niam Khasi}, (3\textsuperscript{rd} Ed.), Sawlyer Printing Press, Shillong, 1990, pp.243-244.
\textsuperscript{9} \textit{Ibid}, p.245.
execute. It is under these circumstances that the clans, villages and communes federated to create a state, *ka Hima*. There is no substitute in English for the term *Hima*. Hence the term ‘State’ is used because like the state the *Hima* too has certain discernible characteristics - a demarcated territory, a stratified population, a system of administration and independence especially in the pre-British period of development of the *Hima*. (In the course of this thesis the terms ‘state’ and ‘territorial principality’ are used interchangeably to refer to the Khasi states.) Thus, the final phase in the evolution of Khasi polity can be seen in the emergence of a state, *ka Hima*, under a ruler and administrative head designated by the following terms in different territorial principalities, *Syiem, Lyngdoh, Sirdar* or *Wahadadar*. The *Hima* is a “territorial conglomeration of communes and independent villages falling under the jurisdiction of administrative heads known as *Syiem* or *Lyngdoh* or *Sordar* or *Wahadadar*”¹⁰.

The institution of *Syiemship* emerged as the apex political organization of the Khasi. It was devised to “amalgamate identical pursuits,

interests and necessities of clans and units near and far. It was instituted on
the spirit of reciprocity along with a consolidation of other intimate relations
amongst different sections of people who made up their units"\textsuperscript{11}. This
rudimentary stage of state formation evolved into the institution of
\textit{Syiemship} which probably arose out of the voluntary association of clans,
villages and communes when new developments took place\textsuperscript{12}. To these new
developments are attributed the opening of markets, execution of marriage
laws, appointment of judicial authority, reorganization of the incongruous
land tenure, maintenance of police power and so on\textsuperscript{13}. The \textit{Syiem} was
appointed only from a pre-ordained royal clan, the \textit{Syiem} clan and heirship
to this office is in all cases traced through the female offspring of the \textit{Syiem}
clan. The investiture of this office of the \textit{Syiem} with royalty was conditioned
by the necessity of performing certain functions which were considered low,
menial and despicable and which were never prescribed by custom, usage
and traditions upon the already existing socio-political and religious
authorities. These relate to–

\begin{itemize}
\item \textsuperscript{11} Bareh, H.: \textit{op.cit.}, p.41.
\item \textsuperscript{12} Syiemlieh, D.R.: \textit{British Administration in Meghalaya: Policy and Pattern}, Heritage
\text{Publishers}, New Delhi, 1988, p.4.
\item \textsuperscript{13} Bareh, H.: \textit{Ibid.}
\end{itemize}
a) the administration of justice, pronouncement of judgement and verdict which includes imprisonment and capital punishment;

b) the collection and disposal of the wealth and property of a resident whose lineage has become extinct;

c) the performance of cremation rites of those residents who have passed away and without relatives;

d) and the settlement of issues associated with witchcraft and black magic.

Khasi tradition also speaks of the divine origin of the earliest states of Malngiang, Sutnga and Shillong whose rulers were regarded as *ki Syiem blei*, literally meaning ‘ruler gods’. It was also necessary to envelop this office of the *Syiem* with the aura of divinity to ensure that –

a) he is revered and accepted by the people, *ki Khun ki Hajar*, and also by the federating units, the clans, the villages and the communes;

b) this office is also acceptable to the incumbent who had to perform certain duties not assigned to other residents of the state;

c) it is divinity that will provide him with a spiritual shield against any defilement, curse or taint on him, his family and his clan for all his
actions and those of his predecessors, in the execution of all their functions.

It is this aura of divinity that provides legitimacy to the ruling authority. Thus, to fulfill the deterrent need of society and at the same time to circumvent the spiritual interdiction, the institution of Syiemship was introduced\textsuperscript{14}.

Today there exist twenty five Khasi states\textsuperscript{15}, ki Hima Khasi, each of which is under an administrator designated by various names as already mentioned (see Appendix). The method of election of an administrator may be direct or indirect. For example, in states like Langrin all adult males of the state have the right to vote in the election of a Syiem. However, in states like Khyrim, Mylliem and Sohra (that is, Cherrapunjee), the Syiem is elected by an electoral college comprising of the representatives of the founding clans and clans of nobility of the respective state, who have in turn been elected by all the adult males of their respective clans. In exercising functions of the state, a Syiem is assisted by a council, ka Dorbar. In terms

\textsuperscript{14} Singh, K.: \textit{op.cit.}, p.17.

of the administration of a *Hima*, there are two types of councils which assist the *Syiem*; these are –

a) *Dorbar Hima* or state council which is a popular assembly comprising of all adult male citizens of the *Hima*. It is “recognized by tradition as the highest body in the administrative set up of the Khasi *Hima*”\(^{16}\).

b) *Dorbar Synshar Hima* or state executive council comprising of a small group of councilors, *ki Bakhraw* designated as *Basan, Lyngdoh, Myntri* who are vested with executive powers.

Though a Khasi *Syiem* is the head of his state, he exercises powers in accordance with “ethical instructions, prescribed by customary rules, laws and regulations, as well as customs, traditions and usages”\(^{17}\). His policies and prerogatives must conform to the resolutions of the *Dorbar*. His acts and decisions can be vetoed by the councils if they contravene prevailing customary practices and usages. Similarly, the councils have also to come to the rescue of their administrative head whenever they felt that his position as

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a traditional authority was threatened. In all acts of legislation and executive decisions, the Syiem is assisted by the Dorbar Synshar Hima. Similarly, in judicial matters, the Syiem has the power to try cases and pass sentences in consultation with the Dorbar Synshar Hima. Thus, in the trial and execution of cases, while the Syiem acts as a judge, his Dorbar acts as the jury\textsuperscript{18}. If the necessity arises, the Syiem may also appoint a Syiem Khynnah or junior Syiem to assist him in managing the affairs of the state if he is temporarily indisposed or to even succeed him if he is deposed or removed from office.

As a ruler, the Syiem does not enjoy any entitlement to land holdings as land belongs to the clan and to the people. Hence, he cannot claim land revenue. Nevertheless, a certain amount of Raid or commune land may be apportioned to him for his personal use. His revenue is derived from fines collected in settling cases, tolls or khrong collected from the market within his jurisdiction and also from the issue and renewal of patta for land holdings. Revenue may also accrue as a license fee collected for the sale of country-made liquor\textsuperscript{19}.

\textsuperscript{18} Gurdon, P.R.T.: \textit{The Khasis}, (Reprint), Low Price Publications, New Delhi, 1993, p.69.
THE SHILLONG STATE: KA HIMA SHILLONG

The origin of the Shillong state, ka Hima Shillong\(^{20}\) is wrapped in the essence of divinity and mythology. One tradition narrates that a nymph, ka Pah Syntiew, believed to be the daughter of the Shillong deity, u Lei Shillong (whose abode is the Shillong Peak) was the root ancestress, ka lawbei Tynrai of the Shillong Syiem (both of the Khyrim and Mylliem lineages of the ruling Syiem clan). She was lured out of her abode at the Marai cave by a man from the Mylliem-Ngap clan and was given in marriage to a resident of Bisi village, u Kongor Nongjin\(^{21}\). The three offsprings of this union (two sons and a daughter) were regarded as god’s children, ki khun blei. Thus, the noble and ruling clans of the communes and villages in the vicinity held council and agreed to form an alliance, to federate and merge their existing principalities into a political organization higher and more centralized than those already in existence. They established the Shillong state, ka Hima Shillong and ordained the children of ka Pah Syntiew with the royal title of Syiem. Ka Pah Syntiew was believed to

\(^{20}\) While referring to the Shillong state, the word ‘Shillong’ and not ‘Shyllong’ will be employed. The former has been commonly used in the writings of earlier scholars such as G. Costa, H. Lyngdoh and H.Elias.

be the first high priestess, *ka Syiem Sad*, and her children, the first rulers, *ki Syiem*, of the Shillong state. The Shillong state was believed to be established around the 14\textsuperscript{th} century A.D.\textsuperscript{22}. Thus, the Shillong state was established on a firm sacerdotal and religious order, through the investiture of the necessary rites and ceremonies.

The Shillong state also came to be known as the state of ‘four communes and three lyngdohs’, *ka Hima Saw Kher Lai Lyngdoh*, signifying the communes that had federated to form the state. *Ki Raid Saw Kher* comprised of four communes, Nongkseh, Nongumlong, Swer and Synrem and five villages: Marbisu, Sadew, Markhan, Mawshanlang and Nongbsap. These communes and villages were represented by the following elders in the state council, *ka Dorbar Hima*, of the Shillong state:

a) *Raid* Nongkseh by a *Basan, u Basan* Nongkseh, chosen from the Thangkhiew clan;

b) *Raid* Nongumlong by a *Basan, u Basan* Nongumlong, chosen from the Nongneng clan;

c) *Raid* Swer by a *Basan, u Basan* Swer, chosen from the Swer clan;

d) *Raid* Synrem by a *Basan*, *u* Basan Synrem, chosen from the Synrem clan;

e) *Shnong* Marbisu by a *Myntri*, *u* Myntri Marbisu, chosen from the Sun clan;

f) *Shnong* Markhan by a *Myntri*, *u* Myntri Markhan, chosen from the Rapsang clan;

g) *Shnong* Sadew by a *Myntri*, *u* Myntri Sadew, chosen from the Pathaw clan;

h) *Shnong* Mawshanlang by a *Myntri*, *u* Myntri Mawshanlang, chosen from the Majaw clan;

i) *Shnong* Nongbsap by a *Lyngdoh*, *u* Lyngdoh Nongbsap, chosen from the Lyngdoh Nongbsap clan.

Similarly, *ki Raid Lai Lyngdoh* comprised of three communes, Mylliem, Nongbri and Pongrup and five noble clans, *ki San Kur*, Mylliemngap, Sohtun, Kurkalang, Nongkhlaw and Rynjah. These communes and clans were represented by the following elders in the state council, *ka Dorbar Hima*, of the Shillong State:
a) *Raid* Mylliem by a *Lyngdoh, u Lyngdoh* Mylliem, chosen from the Lyngdoh Mylliem clan;
b) *Raid* Nongbri by a *Lyngdoh, u Lyngdoh* Nongbri, chosen from the Lyngdoh Nongbri clan;
c) *Raid* Pongrup by a *Lyngdoh, u Lyngdoh* Nongbet, chosen from the Pongrup clan;
d) An elder, *u Lyngskor*, chosen from the Mylliem-Ngap clan;
e) A *Myntri, u Myntri* Sohtun, chosen from the Sohtun clan;
f) A *Myntri, u Myntri* Kurkalang, chosen from the Kurkalang clan;
g) A *Myntri, u Myntri* Nongkhlaw, chosen from the Nongkhlaw clan;
h) A *Myntri, u Myntri* Rynjah, chosen from the Rynjah clan.

As the Mylliem-Ngap clan played an important role in the process of state formation of the Shillong state, the representative of this clan was conferred with the title and office, *u Lyngskor*. In state affairs the *Lyngskor* acts as a Deputy and spokesman of the *Syiem* and also functions as the President of the State Assembly. It appears from traditions that heiress to the office of the high priestess in most cases fell upon the eldest daughter and direct descendant of *ka Pah Syntiew*, while heirship to the office of the

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Syiem followed the law of primogeniture. The eldest brother of the high priestess was by established traditions the rightful heir to the office of the Syiem, to be followed by the second brother and so on. In the absence of male siblings, the eldest son of the high priestess was by established traditions the rightful heir to the office of the Syiem, to be followed by the second son and so on.

In course of time as this ruling clan, the Syiem clan grew, there emerged two lineages, the Khyrim and Mylliem, who were entitled to claim by traditions, the right to occupy the office of the Syiem. There appears to have been a division in the royal house of the Shillong Syiem. Differences between two siblings ka Peiñkiri I also called ka Peiñ Rmen (the elder sister) and ka Pah I\(^{25}\) (the younger sister) necessitated their parting ways to finally settle at different locations, with the descendants of the former finally settling in Khyrim and those of the latter in Mylliem. Thus, there emerged two royal lineages each representing their respective ancestress and at the same time claiming the right to represent the office of the Shillong Syiem.

The history of the Shillong state was plagued by unrest and civil wars

\(^{25}\) The genealogy of the rulers of the Shillong state, ka Hima Shillong, has been listed in Capt. D. Herbert’s Report on Succession to Siemships in the Khasi States and also in H. Lyngdoh’s Ki Syiem Khasi bad Synteng.
initially instigated by and between the representatives of the federating units and later between the two lineages of the *Syiem* clan, each aspiring for control of the office of the *Syiem* and supported by their respective communes, villages and clans. This period of civil war in the history of the Shillong state witnessed a constant struggle between the ruler and the nobility, between factions of the federating units at various levels and between groups and village leaders and peasants, who sought to destabilize, control and even direct the course of the *Hima* as well as the office of the *Syiem*.

The arrival of the British into the Khasi Hills saw the Shillong state coming into direct relations with and finally, under the control of this new authority. The differences within the Shillong state that had been simmering for centuries finally culminated in its bifurcation by the British, in 1853, into the Nongkrem or Khyrim state and the Mylliem state. The privilege and authority of performing religious rites and ceremonies associated with *Hima* Shillong which was established centuries ago at Nongkseh, was vested and remained with the Nongkrem or Khyrim lineage of the Shillong *Syiem* clan. This is due to the fact that the Khyrim rulers, *ki Syiem*, are the direct descendants of those women of the royal Shillong *Syiem* clan who actually
held the office of the high priestess of the Shillong Syiem, before the entitlement to Syiemship passed on to the Mylliem lineage\textsuperscript{26}.

THE KHYRIM STATE – COMPOSITION AND STRUCTURE

The rulers, \textit{ki Syiem}, of the Khyrim state are direct descendants of \textit{ka Peiñkiri} I also called \textit{ka Peiñ Rmen}. The Khyrim state today is conglomeration of numerous villages and six communes. The six communes and their representatives are:

a) Raid Nongkrem represented by:

i) a \textit{Lyngskor} from the Mylliemngap clan;

ii) a \textit{Lyngdoh} from the Pyngrope clan;

iii) a \textit{Myntri} from the Pyngrope clan;

iv) a \textit{Myntri} from the Khyriemmujat clan;

v) a \textit{Myntri} from the Warbah clan;

vi) and a \textit{Myntri} from the Mylliem Pdah clan.

\textsuperscript{26} Lyndoh, H.: \textit{op. cit.}, p.102.
b) *Raid* Nongbri represented by:

i) a *Lyngdoh* from the Lyngdoh Nongbri clan;

ii) a *Myntri* from the Mawthoh clan;

iii) a *Myntri* from the Swer clan;

iv) a *Myntri* from the Kharumnuid clan;

v) and a *Myntri* from the Synnah clan.

c) *Raid* Mawlieh represented by:

i) a *Lyngdoh* from the Lyngdoh clan;

ii) a *Myntri* from the Khongsngi clan;

iii) a *Myntri* from the Khongwir clan;

iv) a *Myntri* from the Nongrum clan;

v) and a *Myntri* from the Khongsti clan.

d) *Raid* Mawshai represented by:

i) a *Lyngdoh* from the Lyngdoh clan;

ii) a *Myntri* from the Nongspung clan;
iii) a *Myntri* from the Muwa clan;

iv) a *Myntri* from the Mawthoh clan;

v) and a *Myntri* from the Rangtong clan.

e) *Raid* Lawai represented by:

   i) a *Lyngdoh* from the Lyngdoh clan;

   ii) a *Myntri* from the Kharsati clan;

   iii) a *Myntri* from the Sohtun clan;

   iv) a *Myntri* from the Lawai Sawkher clan;

   v) and a *Myntri* from the Warmalai clan.

f) *Raid* Nongkynrih represented by:

   i) a *Lyngdoh* from the Nongkynrih clan;

   ii) a *Myntri* from the Rynjah clan;

   iii) a *Myntri* from the Mylliem clan;

   iv) and a *Myntri* from the Nongrum clan.
The village is the primary unit of settled life and is under the administration of a council, *ka Dorbar*, and a village headman, *u Tymmen/Rangbah Shnong* or *u Sordar Shnong*. Each commune, *ka Raid*, is administered by a *Lyngdoh* and four councilors, *ki Myntri*, (except in the case of *Raid Nongkynrih* which has only three councilors) who collectively constitute the commune council, *ka Dorbar Raid*. However, Nongkrem is the only commune that has the office of the *Lyngskor* in addition to the mentioned office bearers of the commune council. In the case of the Mawshai commune it is a conglomeration of eleven sub-communes known as *Raid Sarikrai* and eight sub-communes known as *Phra Blang*. Similarly, the Mawlieh commune comprises of twelve sub-communes. The administrative heads of these communes and their councilors are appointed to office by male members of their respective clans which are the founding clans of the commune. The appointment should have the approval of the *Syiem* of Khyrim. Today these appointments are confirmed by the Khasi

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27 Today the secondary unit of community life is the locality, *ka Kyntoit Shnong* under the administration of a locality headman, *u Rangbah Kyntoit*. Several localities make up a village.

28 The *Lyngskor* is the spokesperson of the Khyrim state. He is chosen from among the male members of the Mylliemngap clan. He occupies the second position in the hierarchy of the Khyrim state, the first being held by the *Syiem*.
Hills Autonomous District Council (hereafter KHADC)\textsuperscript{29}. In addition to these communes, three administrative units, \textit{ki Lai Shnat}, are jointly administered by the Nongkrem and Nongbri communes. These are:

1. \textit{Shnat} Sohryngkham – It is under the administration of two heads, \textit{ki ar Basan} chosen from the Nongbri and Warshong clans.

2. \textit{Shnat} Mawlynrei – It is under the administration of two heads, \textit{ki ar Basan}, chosen from the Synteng Nongdhar and Pyngrope clans.

3. \textit{Shnat} Mawpdang – It is under the administration of two heads, \textit{ki ar Basan}, chosen from the Pyngrope and Nongbri clans\textsuperscript{30}.

The jurisdiction of the heads of these three administrative units extends over fifteen villages, \textit{ki Khadsan Shnong}. With the establishment of the Autonomous District Council the office of the \textit{Basan} however disappeared and was replaced by the office of the \textit{Sordar}. Further, there are three areas in

\textsuperscript{29} With the enactment and subsequent enforcement of the provisions of the Sixth Schedule since 1952 all appointments and succession of traditional heads in the Khasi states came under the purview of and required confirmation of the United Khasi & Jaintia Hills Autonomous District Council and later the Khasi Hills Autonomous District Council.

the Khyrim state that are directly administered by the Syiem and his council. These are:

1. **Ri Shong Syiem** – It comprises of the villages of Smit and Langkyrdem which have traditionally been the seat of residence of the Syiem of Khyrim.

2. **Raid 'Lang Shi Khlieh'** – This commune comprises of a group of villages which have traditionally been a constant source of support to rulers of the Shillong state and later the Khyrim state. The villages are Nongjri, Massar, Mukhim, Rasong and Rymphang.

3. **Ri Umsnam** – The administrative unit comprises of the Mukertilla area comprising of the villages of Umkren, Umsyiem, Kongwang, Mawriang, Wahkdait, Nohksiar and Soklong.\(^\text{31}\)

The above discussed villages, communes and administrative areas comprise the Khyrim state. The legislative body of the Khyrim state is the *Dorbar Hima* also called the *Dorbar Pyllun*. It comprises of all adult male residents of the Hima. The executive council of the Khyrim state is the *Dorbar Synshar* also called *ka Dorbar Myntri*. It comprises of thirty one people.

members - the *Syiem*, the *Lyngskor*, the heads of six communes, *ki hynnriew Lyngdoh* and the twenty three councilors representing the six communes, *ki arphew lai Myntri*\(^{32}\). Today the activities of the Khyrim state are carried out by an administrative branch comprising of the *Syiem* and eight council members.

The *Syiem* of the Khyrim state executes his duties and responsibilities with the concurrence and approval of his council. His administrative functions include (a) maintaining law and order in the state (b) collecting revenue from various sources (c) granting approval for expenses incurred to maintain a small office and staff (d) settling boundary issues between communes, villages and even between states (e) observing religious festivals associated with the state (f) conducting the election of administrative heads at various levels (g) maintaining cordial administrative relations with the KHADC. In exercising these functions *Hima* Khyrim does not receive any financial assistance either from the KHADC or the Government of Meghalaya but has to generate its own financial resources.

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\(^{32}\) S.K. Dutta in his article in *Indigenous Perspectives India* 2005, (p. 214) has erred in stating that the executive council of the *Khyrim* state comprises of thirty five members. Further, there is no provision of nominating members to the *Dorbar Synshar* as stated by him.
THE MYLLIEM STATE – COMPOSITION AND STRUCTURE

The rulers, *ki Syiem*, of the Mylliem state are descendants of *ka Pah* I the younger sister of *ka Peĩṅkiri* I. Today it has been legally recognized that a person is eligible to occupy the office of the *Syiem* if he is a natural descendent of any of the three wombs, *ki Lai Kpoh*, of the Syiem Mylliem clan, that is, the Mylliem womb, the Laitkor womb and the Mawlai womb. The Mylliem state, *ka Hima* Mylliem today comprises of eighteen communes, *ki khadphra Raid*. Of these, three are located in the central plateau of the East Khasi Hills and are known as the highland communes, *ki Raid Lum*. These include:

a) *Raid* Mylliem – represented by *u Lyngdoh Raid* and a council of fifteen elders, *ki khadsan Myntri*;

b) *Raid* San-Shnong – represented by two administrative heads, *ki ar Basan*, and a council comprising of three elders, a *Lyngdoh* and two *Myntri* and twenty three other councilors, *ki ar phew lai Myntri* chosen from twenty three clans;

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c) *Raid* Saw Kur Nongbet – represented by a Lyngdoh and a council comprising of three elders, *ki lai Myntri*.

The other remaining fifteen communes are located on the northern slopes and plains of the East Khasi Hills and Ri Bhoi areas and are also known as the plain communes, *ki Raid Them*. They are:

**d) Raid Mawthoh** – represented by *u Syiem Raid* and a council of six elders, *ki hynriew Longsan*;

**e) Raid Narleiñ** – represented by *u Syiem Raid* and a council of twelve elders, *ki khadar Longsan*;

**f) Raid Nongbri** – represented by *u Syiem Raid* and a council of twelve elders, *ki khadar Longsan*;

**g) Raid Nongtluh** – represented by *u Syiem Raid* and a council of twenty two elders, *ki arphew ar Longsan*;

**h) Raid Bhoilasa** – represented by *u Lyngdoh Raid* and a council of five elders, *ki san Longsan*;

**i) Raid Mathan** – represented by *u Lyngdoh Raid* and a council of twelve elders, *ki khadar Longsan*;
j) Raid Marngar – represented by u Syiem Raid and a council of eight elders, *ki phra Longsan*;

k) Raid Umwang – represented by *u Bongthe* Raid and a council of five elders, *ki san Longsan*;

l) Raid Kharpati – represented by *u Bongthe Raid* and a council of seven elders, *ki hynńiew Longsan*;

m) Raid Nongsohbar – represented by *u Lyngdoh Raid* and a council of four elders, *ki saw Longsan*;

n) Raid Marmain – represented by *u Bongthe Raid* and a council of four elders, *ki saw Longsan*;

o) Raid Khuswai – represented by *u Bongthe Raid* and a council of four elders, *ki saw Longsan*.

p) Raid Mawbuh – represented by *u Syiem Raid* and a council of four elders, *ki saw Longsan*;

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34 The term ‘*Bongthe*’ is unique and used only in certain communes under *Hima Mylliem*. It is a term derived from the language of the Mikir/Karbi people meaning a ruler or chief. Today it is popularly used in four communes, Umwang, Kharpati, Marmain and Khuswai, which have sizeable non-Khasi residents within the communes and constituent villages.
q) *Raid* Marwet – represented by *u Syiem Raid* and a council of five elders, *ki san Longsan*;

r) *Raid* Nongkharai – represented by *u Lyngdoh/Bongthe Raid* and a council of five elders, *ki san Longsan*.

The Mylliem state is today a conglomeration of eighteen communes. The three communes, *ki Raid Lum* located on the central plateau of the Khasi Hills are represented by administrative heads designated as *Lyngdoh, Basan* and by councilors designated as *Myntri*. The fifteen communes, *ki Raid Them*, located on the northern slopes of the Khasi Hills are represented by administrative heads designated as *Syiem, Lyngdoh and Bongthe* and by councilors designated as *Longsan*. The administrative heads of these communes and their councilors are appointed to office by male members of their representative clans which are the founding clans of the communes. The appointment should have the approval of the *Syiem* of *Hima* Mylliem and should subsequently be confirmed by the Khasi Hills Autonomous District Council.

At the level of the Mylliem state, *ka Hima* Mylliem, there are two councils, the general council, *ka Dorbar Hima*. It comprises of the *Syiem,*
the Deputy Syiem, the Basan, the Myntri, the Lyngdoh, the Syiem Raid, the Lyngdoh Raid, the Longsan, the Rangbah Shnong along with elders/representatives of villages and urban localities and *ki khun ki hajar* of the *Hima*\(^{35}\). It is a popular assembly recognized by traditions as the highest body in the administrative set up of the Khasi state\(^{36}\). The second council is the smaller executive council, *ka Dorbar Synshar Hima*, comprising of the Syiem and his councilors\(^{37}\). It is also called the Executive Dorbar and comprises of the Syiem, Deputy Syiem and some members chosen from among the electors chosen to run the day-to-day affairs of the *Hima*.

**ANGLO-KHASI RELATIONS**

Visible relations between the British and the Khasi states took place after 1765. Through a treaty signed in 1765 between Robert Clive, the Governor of Bengal and Shah Alam II, the titular Mughal emperor, the

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\(^{37}\) "Memorandum seeking constitutional recognition and protection of the traditional institutions of the Khasi race": *op.cit.*, p.56.
English East India Company (hereafter EEIC) acquired “amongst other things a Farman which granted in perpetuity the Diwani (or the collection of revenue) of Bengal, Bihar and Orissa. As part of the Bengal Subah then, Sylhet thus passed under the authorities at Fort William”\textsuperscript{38}. A number of Khasi states shared a common border with Sylhet as “the southern slopes of the Khasi upland descended to meet the frontiers of the district of Sylhet”\textsuperscript{39}. The relations that the Khasi people, inhabiting the region bordering the province of Sylhet had with the people inhabiting Sylhet appeared to be primarily commercial. The Khasi people belonging to various Khasi principalities, \textit{ki Hima} Khasi that bordered Sylhet had to descend to the plains and in particular to the market town of Pandua for the purpose of trade in essential commodities. “The Khasis carried down iron and cotton goods to this market, and exchanged them for rice, salt and dried fish”\textsuperscript{40}. Secondly, under the Mughal empire, taking advantage of the weakening administration in Sylhet, the Khasi people (referred to as the hillsmen) “conducted frequent raids into the fertile plains at the foot of their hills and

\textsuperscript{38} Kharpuri, E.C.S.: \textit{European Traders in Sylhet in the 18\textsuperscript{th} Century}, M.Phil., 1993, North Eastern Hill University, Shillong, p.31.


\textsuperscript{40} Chowdhury, J.N.: \textit{op.cit.}, p.254.
during such forays, crops and cattle were carried away…”\textsuperscript{41}. Thus, the task of restoring order and security to Sylhet was left to the English East India Company, the successor of the Mughal empire. The southern region of the Khasi Hills bordering Sylhet was also rich in limestone deposits. Trade in this essential commodity had commenced even before 1765. After the acquisition of the \textit{Diwani} of Bengal in the same year (1765), the English East India Company appropriated the monopoly of the trade in lime\textsuperscript{42}. Thus British merchants as well as officers posted in Sylhet and other European merchants were drawn into commercial relations with the Khasi mine owners and chiefs. Coal was also found both in the Khasi and Jaintia hills (Coal was discovered in 1814 by James Stark, an Anglo-Indian trader. Through an agreement with the Khasi chiefs of the \textit{Laur} hills he secured the exclusive right to mine coal for five years). On April 20\textsuperscript{th} 1840, the Political Agent took a perpetual lease of the Cherra mines from the \textit{Rajah} of Cherra Poonjee. On September 25, 1844, the Government leased these mines to Captain J. R. Engledue, Agent of the Peninsular and Oriental Company for a

\textsuperscript{41} Kharpuri, E.C.S.: \textit{op.cit.}, p.24.
\textsuperscript{42} Dutta, P.N.: \textit{Ibid.}, p.28.
period of twenty years\textsuperscript{43}. The Khasi states also shared a common border with the then \textit{Ahom} kingdom. The Khyrim state maintained commercial, administrative and diplomatic relations with the \textit{Ahom} kings. The first contact appears to have taken place during the reign of the \textit{Ahom} king, Rudra Singha (1696-1714 A.D.)\textsuperscript{44}. Another embassy from the Khyrim state visited Gauhati in the year 1786 A.D. during the reign of the \textit{Ahom} king Gaurinath Singha\textsuperscript{45}. The initial concerns of the English East India Company were:

a) to consolidate its presence in the frontier as the new emerging political and administrative authority;

b) to evolve a policy to keep a check on the raids committed by the hill men on the plains of Sylhet;

c) to regulate the commercial activities between the people of the hills and those of the plains especially those with European merchants and traders;

\begin{footnotesize}
\textsuperscript{44} Chowdhury, J.N.: \textit{op.cit.}, p.250.
\textsuperscript{45} \textit{Ibid.}, p.251.
\end{footnotesize}
d) to develop a proper system of revenue collection in Sylhet including the areas lying adjacent to the Khasi hills;

e) to adopt a policy of minimal interference with regard to the Khasi principalities, ki Hima Khasi, in the hills.

British interests in the Khasi states were renewed with the outbreak of the first Burma War in 1824. Realizing the imminent danger that lay to the province of Sylhet if the Burmese troops marched through the Jaintia state, David Scott, Agent to the Governor-General of Bengal was able to tactfully convince the Rajah of the Jaintia state in entering into a treaty of alliance with the British. The said treaty was concluded on March 10th, 1824 and in early April in the same year, David Scott marched through the Jaintia Hills “with an escort of three companies of the 23rd Regiment Native Infantry, under Captain Horsburgh” to arrive “at Raha on the Kalang River, in what is now the Nowgong district”. Earlier on March 21st, 1824, Scott concluded an arrangement with the Syiem of Khyrim to establish a road, a dak route

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across the *Hima* so as to link Assam with Sylhet, on the agreement that a certain sum would be paid for the road. The *Syiem* also agreed to bear the cost of maintenance of this road if a small lowland estate, *jagir*, was restored to him by the British\(^{49}\). In 1826, following the expulsion of the Burmese from Assam and the occupation of Assam by the English East India Company through the Treaty of Yandaboo 1826, the British renewed their interest in the Khasi Hills. It was the Government’s desire to open direct communication links between Sylhet and Assam through the territories of the *Syiem* of Cherra, Khyrim and Nongkhlaw. Scott entered into negotiations with the *Syiem* of Cherrapunjee, Dewan Sing and the *Syiem* of Nongkhlaw, Tirot Sing. He received permission to construct a road through their respective territories, to provide free passage for British subjects\(^{50}\) and to also build a few bungalows for the proposed sanatoria at Nongkhlaw\(^{51}\). The supplementary agreement to grant the British the right to establish a sanatorium at Nongkhlaw was reluctantly adhered to\(^{52}\). The agreement concluded with the *Syiem* of Nongkhlaw on November 30\(^{th}\), 1826 exhibits the initial attempts made by the government to extract permanent

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\(^{50}\) Syiemlieh, D.R.: *op.cit.*, p.46.
\(^{52}\) Dutta, P.N.: *op.cit.*, p.61.
concessions from the Khasi states whereby the Syiem “voluntarily agreed to become subject to the Hon’ble Company and places his country under their protection”\(^{53}\). Other conditions of this agreement required the Syiem of Nongkhlaw:

a) to give free passage for British movement between Sylhet and Assam;

b) to furnish materials on payment, to construct the road and to keep the same under maintenance;

c) in return for his services the Syiem would receive the Company’s protection from his enemies;

d) to offer assistance, both men and material, to the Company for undertaking military expeditions;

e) to administer his people in accordance with the customary practices and

f) to deliver enemies of the British government should they take refuge in the Hima of Nongkhlaw.

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\(^{53}\) Foreign Department, P.C., No.56, 4\(^{th}\) September 1834.
Such attempts received the firm backing of the “Hon’ble Company” especially after the “Nongkhlaw massacre”\textsuperscript{54}.

**KHASI INSURRECTION**

Relations between the British and the Khasi states, *ki Hima* Khasi reached their ebb in 1829 when on April 4\textsuperscript{th}, the inhabitants of Nongkhlaw took to arms against the British and in the ensuing encounters two British officers, Lieutenants Richard Bedingfield and Phillip Burlton lost their lives with about 50 or 60 native subjects\textsuperscript{55}. The cause for this violent eruption in Anglo-Khasi relations was attributed to the inciting remarks of a Bengali peon/chuprassee that the ultimate purpose of the British was to subjugate and tax the Khasi states, *ki Hima* Khasi. As Sylhet and Assam had already passed under the possession of the English East India Company, “there must be some truth that the British intended to integrate these hills into their expanding Indian possession”\textsuperscript{56}. While this statement may have been the spark which ignited the flames of insurrection that were to span the Khasi Hills for the next decade, yet it cannot be denied that the embers of

\textsuperscript{54} Foreign Department, P.C., No.56, 4\textsuperscript{th} September 1834.
\textsuperscript{55} Pemberton, R.B.: *op.cit.*, p.223.
\textsuperscript{56} Syiemlieh, D.R.: *op.cit.*, p.47.
displeasure and discontentment had been simmering in the hearts and minds of the Khasi people at the rapid influence and growth of the British interest and intervention in the hills. "Neither the insolent speech of the Bengalee chaprasi, nor the disrespectful demeanour of the subordinate native agents towards the tribesmen - though they might have hastened the conflict - were the real causes of the Khasi insurrection; the real cause lay deeper. It was their universal antipathy towards a foreign domination that caused a general flare up in the Khasi hills"\textsuperscript{57}. Another observation continues further, "The presence of the Europeans, and their transit through the hills, were exceedingly distasteful to all classes; and the feeling was said to be aggravated by the extortion and insolence of the native subordinate officers in their treatment of the Kasyas, who they forcibly compelled to assist in the labour of making roads and constructing cantonments"\textsuperscript{58}.

Thus, this confrontation at Nongkhlaw saw a number of Khasi states combine forces to bear arms against the British. These include \textit{Hima Nongkhlaw} under Tirot Sing, \textit{Hima Mylliem} under Bor Manik, \textit{Hima


Mawsmai under Muken Sing, *Hima* Rambrai under Luber Sing and *Hima* Myriaw under Lar Sing. The British immediately commenced military operations to quell the Khasi insurrection adopting several measures which included the policy of 'hot pursuit', economic blockade of the hills, offering rewards for the capture of principal leaders and even negotiations and conciliatory measures to win over some leaders against others. Bor Manik, the *Syiem* of Mylliem was captured on September 1829 and was taken to Gauhati to stand trial. He was later released and reinstated in his ancestral position with diminished powers and possessions. The continuation of hostilities against the British proved to be daunting especially with the capture, surrender and changing alliances of his former allies in this protracted struggle. After several negotiations on his behalf with the British (between August 1932 and January 1933) by his close aide and principal negotiator, Sing Manik, *Syiem* of Khyrim, Tirot Sing finally submitted himself before Captain Henry Inglis on January 13th, 1833 "on the single condition of his life being spared". He was sent to Gauhati and finally to Dacca where as a state prisoner he spent the initial months "in confinement

60 Syiemlieh, D.R.: *op.cit.*, p.49.
in an apartment within the Common Jail”\(^{61}\). From May 1833 he was then placed under house arrest and received a monthly allowance of sixty three rupees\(^{62}\) till his demise on July 17\(^{th}\), 1835\(^{63}\). Even after the submission of Tirot Sing to the British, the resistance movement was to continue till 1839 when the Syiem of Maharam, Sngap Sing laid down arms in February of the same year. “The expectation entertained of the speedy submission of the Maram Cosyahs who were lately in arms against our Government has been realized”\(^{64}\), wrote T.C. Robertson to the Court of Directors. With this final chapter of Khasi insurrection coming to a close, the British were able to finally secure the pacification of the hills and exercise control over the region through varying administrative policies.

These political and military engagements that took place in the Khasi hills between 1829-1839 witnessed several attributes:

a) there was a lack of complete unity among the Khasi states to rally together and prevent the extension of British interests into the Khasi hills;

\(^{61}\) Foreign Department, P.C., No.55, 19 March 1833.  
\(^{62}\) Foreign Department, P.C., No.64-65, 30 April 1833.  
\(^{63}\) Syiemlieh, D.R.: \textit{op.cit.}, p.49.  
\(^{64}\) Foreign Department, I.P. dispatch to Court of Directors, No.62 of 1839.
b) the actions of these Khasi states and their rulers ranged from acceptance and submission to open defiance and military engagements;

c) the understanding of the text of the agreements that the Khasi rulers had entered into with the British was also limited due to their lack of mastery over the English language. It was only when provisions of the agreements were executed whereby they were denied permission to take certain actions (such as collection of levies from the dwellers of the plains) that the Khasi rulers realized they had become dependents and subjects of the British government.

d) The Khasi principalities had been skillfully drawn into submission through powerfully loaded words and phrases in these agreements.

**ADMINISTRATIVE MEASURES UNDERTAKEN BY THE BRITISH 1st PHASE (1829-1853)**

While the war of resistance raged, the British realized that they needed a firm foothold in the Khasi hills in order to keep a check on the recalcitrant Khasi principalities, *ki Hima* Khasi. Having found an ally in the
Syiem of Cherrapunjee, David Scott, Agent to the Governor General, was able to secure a sizeable plot of land east of Cherrapunjee at a place called Saitsohpen from Dewan Sing on September 10th, 1829. Further, the successor of Dewan Sing, Subha Sing provided additional land to the British south-east of Cherrapunjee for their establishments. Thus, in course of time Cherrapunjee became a civil station. The British Government in Bengal considered the appointment of a Superintending Officer at Cherrapunjee who in addition to his military functions would also be vested with civil authority (political, fiscal and judicial). This officer would assist the Agent to the Governor General in discharging his local duties and in the absence of the Agent, administer the current business of the settlement. Captain John Brodhurst was the first officer appointed as Superintending Officer at Cherrapunjee in 1830 to be replaced by Major Thomas Watson and then by Lieutenant E.D. Townshend. By 1834 with most of the Khasi principalities having been subdued and having accepted British suzerainty, the British began making new arrangements to administer the Khasi Hills. In 1834, the

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66 Ibid., p.132.


68 Syiemlieh, D.R.: Ibid.
Khasi Hills were placed under the political supervision of the Agent to the Governor General. Matters of a local nature were to be addressed by Lieutenant Townshend who was also vested with magisterial powers. He was to offer the least interference in the internal affairs of the Khasi principalities and even in matters of a serious nature his jurisdiction should be limited only to that of a friendly mediator. On February 11, 1835 a separate Political Agency for the Khasi Hills was created with its headquarters at Cherrapunjee and Captain Lister was appointed the first Political Agent. This office was bestowed with magisterial powers to try cases which involved a fine up to five hundred rupees or a sentence of imprisonment up to two years. However, criminal cases of a more serious nature were to be decided by the Nizamat Adalat while in civil cases the ultimate authority on appeal would lie with the Dewani Adalat.

In the Khasi states which were acquired by the British through conquest (Mawsmai, Mawmluh and Sohbar were made British territories,

also Dutta, P.N.: p.77.

also Barpujari, H.K.: *op.cit.*, pp.81-83.
the first two by conquest and the third by a treaty), the Political Agent was advised to exercise complete jurisdiction. These areas may have been some of the most elevated and fertile spots that were set apart to come under British control for future use which would have been included in Scott’s plans of military and civilian colonization of the Khasi Hills, establishing cantonments, grazing lands for domestic animals, cultivation of vegetables for supply to meet local needs of the proposed European colonies needs and so on\textsuperscript{71}. In so far as the other two categories are concerned - those which did not enter into any formal agreement with the Government but remained friendly (these include Cherrapunjee and Mylliem) and those which were taken possession of by the Government and formally restored back to the rulers through bonds of agreement (these include Khyrim and Nongkhlaw), the Political Agent was advised to exercise only political control\textsuperscript{72}. Thus, a distinction was sought to be maintained between the dependent chiefs who explicitly declared their subservience to the British Government and those who had submitted but had not compromised their independence yet. In course of time this line of distinction was slowly obliterated and all the

\textsuperscript{71} Barooah, N.K.: \textit{op.cit.}, p.208.
\textsuperscript{72} Dutta, P.N.: \textit{op.cit.}, p.77.
Khasi states were reduced to the position of dependent principalities\textsuperscript{73}. By the Act VI of 1835, the judicial functions of the Political Agent of the Khasi Hills were placed under the control and superintendence of the \textit{Dewani Adalat} (for civil cases) and \textit{Nizamat Adalat} (for criminal cases)\textsuperscript{74}.

**THE AFTERMATH OF THE RESISTANCE MOVEMENT**

Having firmly secured a foothold at Saitsohpen, the British were then in a better position to carry out their military operations. The vigorous policy of reprisals yielded speedy results. By April 1830 a vast tract of the Khasi hills extending upto the plains of Assam had been subdued. These included the whole of Mylliem, Rambrai, Myriaw and Nongkhlaw. Similarly, the areas on the southern part of the Khasi hills which were under the Khasi principalities of Mawmluh, Laitkynsew, Mawsmai, Sohbar and Byrong were also occupied by the British\textsuperscript{75}. Realising the practical difficulties in administering all the occupied principalities, Scott proposed that the former heads, \textit{ki nongsynshar}, of these principalities be reinstated and that \textit{sanads}

\textsuperscript{73} Chowdhury, J.N.: \textit{op.cit.}, p.300.
\textsuperscript{74} Mills, A.J.M.: \textit{op.cit.}, p.8.
also Syiemlieh, D.R.: \textit{op.cit.}, p.64.
\textsuperscript{75} Barooah, N.K.: \textit{op.cit.}, p.207.
be granted to them by the government. This would allow the government to have a greater degree of control over these principalities while the chiefs would enjoy a reduced internal autonomy to administer their principalities in accordance with local customs and usages.

In so far as the Khasi principality of Shillong, *ka Hima* Shillong, was concerned, the principal architect of the resistance movement, Burmanik (*u Syiem* Bor Manik) was captured at Laitkroh by a party of the Sylhet Light Infantry towards the middle of September 192976. Bound in chains he was sent to Gauhati to stand trial. He was later released on condition that he entered into an agreement with and received a *sanad* from the English East India Company. On January 15th, 1830 by an agreement, Bor Manik ceded a stretch of land to the south east of the Umiam river, relinquished his claim over Desh Dumaria, agreed to become dependent on the Company, to pay a fine of Rs.5000 and promised to apprehend and deliver to the authorities Tirot Sing and others who were still in arms77. As Burmanik was unable to

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pay the fine imposed upon him by the government the responsibility fell
upon his heir presumptive Chand Manik (u Syiem Saiñ Manik). Accordingly,
in an agreement with Captain Francis Jenkins, Agent to the Governor
General, on March 20th, 1834, Chand Manik agreed to pay rupees one
thousand in cash while the remaining amount was to be paid in kind by
engaging “to construct a tolerably good road from Cherra to Myrung
(Mairang) by Moleen (Mylliem) fit for the passage of cattle…”78. It is clear
that in the initial phase of preparing and adapting a pattern of administration
for the Khasi Hills, the British wanted to follow the system of indirect rule
cementing it through subsidiary alliances. Here the heads of various
principalities would serve as the intermediary administrators between the
local populace and the British government. They would be expected to act in
favor of the British government so that the latter would not have to assume
the entire burden of administration. The heads of the Khasi principalities
were bound to the British (through treaties and agreements) to administer
their respective principalities on behalf of the paramount power. Fines were
imposed on most of the Khasi principalities for having abetted the resistance
movement. The heads of these principalities agreed to conduct the

78 Foreign Department, P.C. No. 208, 10th July 1834/ P.C. No. 78, 22nd May 1834.
administration of their respective states according to tradition and custom, to
deliver those responsible for heinous crimes to the British authorities at
Cherrapunji and to deliver asylum seekers who were wanted for trial before
British courts. Moreover, differences between heads of various principalities
were to be settled through the mediation of British officers\textsuperscript{79}.

**BRITISH ASCENDANCY IN THE KHASI HILLS**

A review of the administration in the Khasi and Jaintia Hills in 1853
by A.J.M. Mills received the observation that the instructions given to Lt.
Col. Lister when the Political Agency was established were not definite.
Further, no steps were taken by the British Government to make them more
precise\textsuperscript{80}. Similarly W.J. Allen in his report in 1858 had noted that “the
relations between the British Government and the Cossyah Chiefs, Village
Sirdars and Elders have never been formally defined. In order to prevent any
future misunderstanding, this should be done without delay……..”\textsuperscript{81}. It was
thus proposed by the Governor of Bengal, Lord Dalhousie that the
paramount and direct authority of the British government over the Khasi

\textsuperscript{79} Syiemlieh, D.R.: *op.cit.*, pp.69-70.
\textsuperscript{80} Mills, A.J.M.: *op.cit.*, p.115.
heads and their principalities should be asserted and proclaimed in legal form. This was necessary in order to legalize the power which had all along been exercised by the Political Agent at Cherrapunjee. One of the first steps undertaken by the British government was to recognize 25 Khasi principalities as ‘states’.

The initial steps undertaken were to categorize the Khasi principalities on the basis of the relations they shared with the British government and the position they enjoyed there under. Accordingly, five principalities were categorized as “Semi-independent states”\(^{83}\) [namely, Cherra Poonjee (Sohra), Khyrim, Nutseng (Nongstoiñ), Lungree (Langrin) and Nuspoong (Nongspung)]. All these principalities were under rulers known as Syiem. These “states” were accorded a more superior rank in so far as their relations with the British government were concerned. With the exception of Cherrapunjee, the rest had no written agreement or formal engagements with the government. The semi-independent states were permitted to exercise judicial authority only in civil and criminal matters over local residents of their respective territories in accordance with established customs and usages. However, matters (civil, political and criminal) involving residents

of other states or British subjects were to be addressed to and tried by the
British authorities stationed at Cherrapunjee. By according these states
independence and authority over their residents in matters of a civil or
criminal nature did not imply that they enjoyed a co-equal status with the
British government. They were “under the protection and authority of the
government” and were expected “to obey, without demur, all the mandates
of the British Government”\textsuperscript{84}. While the government had no intention of
involving itself in the internal administration of these principalities, yet it
had every intention of playing the role of arbiter and enforcer in inter-
principality/state relations. In 1849 Sing Manik, the Syiem of Khyrim, on the
Political Agent’s orders, was compelled to produce those residents of his
principality, \textit{ka Hima}, who were accused of committing a criminal offence
(the offence was that they harvested crops in a village in Jaintia hills) in
Jaintia hills and at the same time had to pay for the expenses of the military
expedition sent against him\textsuperscript{85}. On the other hand, twenty principalities were
categorized as “dependent states”. These states were accorded a lesser
position in so far as their relations with the British government were
concerned. These were principalities that were engaged in the insurrection

\textsuperscript{84} Allen, W.J.: \textit{op.cit.}, pp.26-27.
\textsuperscript{85} \textit{Ibid.}
against the British and were subsequently conquered. They were restored to their rulers after written agreements were given acknowledging their submission to the British. The dependent states included ten principalities under rulers designated as *ki Syiem*: Nungklow and Lykenso (Nongkhlaw and Laitkynsew), Moleem (Mylliem), Murriow (Myriaw), Ramrye and Mowlie (Rambrai and Mawlieh), Mawsenraw (Mawsynram), Mahram (Maharam), Mullai Chummut (Malai Sohmat), Bhawul (Bhowal), Mowyang (Mawiong) and Nobo-Sopho (Nobosohphoh); one principality under rulers designated as *ki Wahadadar*: Cheyla (Shella); two principalities under rulers designated as *ki Lyngdoh*: Syung (Sohiong) and Moflang Poonjee (Mawphlang) and seven principalities under rulers designated as *ki Sirdar*: Dowarrah Notoormen (Dwara Nongtyrnem): two Poonjees, Mawdun Poonjee (Mawdon), Seenai Poonjee (Sinai), Lyngkhom Poonjee (Lyngkhom), Jeerang (Jirang), Mowlong Poonjee (Mawlong) and Lyksom Poonjee (Lyngiong). The relations of these dependent states with the British government were different from those shared by semi-dependent states in so far as criminal jurisdiction in matters related to murder, homicide

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and accidental deaths were concerned. Matters related to these three types of cases could not be investigated by the authorities of dependent states but were to be brought before the government to be “investigated by the Government police” and “disposed of by the Cherrapunjee Courts”\(^87\). Thus, dependent states were to “conduct the affairs of their respective districts in strict subordination to the Government”\(^88\).

The paramount power of the British government was slowly but firmly extended to succession of heads in Khasi principalities. Competing claims to succession on the death of a ruling head opened the doors thereby enabling the British authorities to formally gain control over this ancient, established customary institution of succession. The final authority of according approval and recognition to a succeeding head was taken away from the traditional council of elders (\textit{ki Bakhraw, ki Basan}) and was vested with the British authority at Cherrapunjee. A claimant’s formal recognition of succession in a dependent state was recognized only after the Principal Assistant Commissioner was satisfied and that no objection was raised from the particular state’s residents. If objections were raised the matter was decided through a voting procedure either in favor of the claimant or in favor

\(^87\) Allen, W.J.: \textit{op.cit.}, p.28.
\(^88\) \textit{Ibid.}
of any other member of the late ruling head's family, who was eligible in accordance with established customs and practices. Taking due advantage of such claims as and when they occurred in various Khasi principalities (such as Nongkhlaw, Mawlong and Cherrapunjee), the British government sought to formalize their relations with the Khasi rulers once more, this time through their intervention in the procedure of succession of Khasi rulers. It was observed that "all these Cossyah States, by whatever distinctive appellation they are known, acknowledge the supremacy and are defacto under the authority and control of the British government". In his report Allen suggested that succession to the semi-independent and four dependent states of Mylliem, Maharam, Myriaw and Nongkhlaw should be reported to the Government for recognition. Each succeeding head in the above mentioned principalities should be required to present a nuzzur (huzzur) to and receive a khilut from the Government. Further, every head should execute an ikrarnamah and receive a sunnud (sanad) of appointment from the Government. With regard to succession of rulers in other dependent principalities the matter should be reported to the Agent of the Governor General who should be empowered to grant sunnuds (sanads) to these rulers.

The report also recommended that residence of the head in his principality should be made compulsory to ensure that he delivers impartial administration over his people\(^91\).

**MODEL AGREEMENT OF 1867**

To streamline all the future engagements between the British government and the Khasi states, a model agreement was prepared by the Government of Bengal. This agreement proposed that in future all heads of the Khasi states would be designated by the title “Seem” (Syiem). The Syiem will be appointed by the Government and will remain in office at the pleasure of the Government. The Government would issue the Sunnuds and Khilluts to the nine specified states while the dependent states would receive their Sunnuds from the Agent to the Governor General. The traditional heads, ki Syiem of the Khasi states were placed under the “orders and control” of the Deputy Commissioner and had to lawfully submit to his orders. The progressive interpretation of treaties and agreements entered into by the Government and the Khasi states and the subsequent enactment of

\(^{91}\) Allen, W.J.: *op.cit.*, pp.77,79-80.
these treaties and agreements into binding rules enabled the Government to assume over-riding powers over the Khasi states. Three important issues emerged from this model agreement:

a) all Khasi chiefs were to be designated by the title *Syiem*;

b) the government was the sole authority in appointing and removing a *Syiem*. The council (*dorbar*) and the residents of that particular principality (*ki khun ki hajar*) were ultimately relegated to a position of little importance;

c) the government exercised its authority over the *Syiem* and the Khasi state through the Deputy Commissioner who had been given over-riding powers to act in his political capacity and was not even amenable to the authority of the High Court.

The relations between the Khasi states and the British were exercised through the operation of paramountcy and political practice from 1828 to 1947. As the paramount power, the British government exercised its authority over the Khasi states through treaties, agreements and *sanads*. The Khasi states and their chiefs were expected to be completely loyal to the

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92 Dutta, P.N.: *op.cit.*, pp.138-144.
paramount power and should this loyalty be doubted, the British government reserved the sole discretion and authority to intervene. Following the first war of independence in 1857 and the subsequent assumption of power over India by the British Crown in 1858 (from the English East India Company), a more formal and definite relationship was established between the Khasi states and the British government. Allen's recommendations with reference to political relations between the British government and the Khasi states were implemented from 1859. Subsequent changes were made from 1864 onwards in terms of the agreements executed/renewed with the Khasi chiefs as well as with the authorized signatory on behalf of the British government. "Further changes were made in 1910 when it was decided that the position and status of Syiems was not such as to warrant the issue to them of sanads by the head of the province and that in future the sanads should be given by the Commissioner of the Surma Valley and Hills districts Division"93.

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ADMINS TRATIVE CHANGES IN THE KHASI HILLS

2ND PHASE (1854-1946)

While the political relations of the Khasi states and the British government were conducted through subsequent official documents such as sanads and parwanas, the territorial contours of the Khasi and Jaintia Hills were never to remain static. These contours changed with the passage of time and in accordance with subsequent acts and regulations passed by the British government from time to time. In so far as British rule was concerned, there emerged two distinctive categories of administration. The first was a district, the Khasi and Jaintia Hills district (created in 1854) and administered by officers, the Principal Assistant Commissioner and the Junior Assistant Commissioner duly appointed by the government and who was later designated as the Deputy Commissioner (after 1861). This district comprised of the annexed territories of the Jaintia Hills and 32 villages including Shillong (British area - Cantonment and Municipal) directly under the administration of the British government. The second concerned the collective of 25 Khasi states which had direct relations with the British government. Their relations were administered by the Deputy Commissioner who however acted as the Political Agent to the Khasi states. These two
administrative units were initially part of the Bengal province. Later, they became part of the Assam province after it was constituted as a Chief Commissioner's province on February 6th, 1874. The political and administrative contours of Assam especially before independence also changed. On February 6th, 1874, Assam became a scheduled district and then on September 1st, 1905 it became part of the Lieutenant Governor’s Province of Eastern Bengal and Assam. On April 1st 1912, it was separated from this province and was made a Chief Commissionership with a legislature. Assam was finally made into a Governor’s province in 1921. Thus, whatever acts and regulations that were enforced in Assam were also made applicable to the hill districts including the Khasi and Jaintia Hills district.

The administration of the Political Agency at Cherrapunjee failed to satisfy both the government and the people. This was primarily attributed to the close connection between the Political Agent, Lt. Col. Lister and his assistant, Harry Inglis, who also happened to be his son-in-law. Inglis, in addition to holding a government appointment, was also the most powerful and influential trader in the Khasi hills who on numerous occasions was

found to have used the services of the Political Agency to his commercial benefit and advantage. In 1853 A.J.M. Mills was deputed to Cherrapunjee to enquire into the functioning of the Agency and to look into the complaints (allegations of favouritism/intimidation/misuse of government resources) leveled against it. Following the recommendations made by Mills in his report, the civil functions of the Political Agent were separated from his command (military functions) of the Sylhet Light Infantry. The government noted that the command over both military and civil administration should no longer come under the jurisdiction of the Political Agent. Thus the Political Agency in the Khasi Hills came to an end with Lt. Col. Lister’s promotion and subsequent retirement from his civil employment. In place of the Political Agency, the Cossyah and Jynteah Hills District was created to be administered by an officer designated as Principal Assistant Commissioner. Mr. C.K. Hudson was appointed as the first Principal Assistant Commissioner of this newly created district on April 10, 1854⁹⁵. Probably a Junior Assistant Commissioner was also appointed to administrate over the British possessions of the Khasi and Jaintia Hills while

simultaneously functioning as the Political Agent to the Khasi states. The jurisdiction of this newly created District was transferred to the Commissioner of Assam. In 1861 the office of the Junior Assistant Commissioner was changed to that of Deputy Commissioner. Major E.A. Rowlatt took over the administration of the Cossyah and Jynteah Hills District as the first Deputy Commissioner. In 1869 the government passed the Garo Hills Act (Act XXII of 1869). This Act clearly defined the newly created Garo Hills District and removed the district from the purview of civil, criminal and revenue courts and other offices established under the Bengal Regulations and Acts. The relevant portions of this Act were extended to the Khasi and Jaintia Hills district on November 1st, 1871.

By the 1870’s the administration of Assam and its neighboring districts appeared to have become a burgeoning responsibility for the Lieutenant Governor of Bengal. A proposal was mooted that Assam and certain eastern districts of Bengal should be constituted into a Chief Commissionership to be placed under the Governor General. This proposal was accepted by the Governor General, Lord Northbrook and the Chief

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96 Giri, Helen: *op.cit.*, p.128.
also Syiemlieh, D.R.: *op.cit.*, p.142.
Commissionership of Assam comprising of five districts of the Brahmaputra valley, the Naga Hills, the Khasi and Jaiñtia Hills, the Garo Hills, Goalpara, Cachar and Sylhet was created on February 7th, 1874 with Colonel R.H. Keating as the first Chief Commissioner.\footnote{Chaube, S.K.: \textit{op.cit.}, p.11.}

On 8th December 1874, the Governor-General passed the Scheduled Districts Act (Act XVI) of 1874. By this Act the Chief Commissionership of Assam was to be a scheduled district. The Act came into force in Assam on 3rd November 1877 and with its enforcement the Act VI of 1835 and the Garo Hills Act of 1869 were repealed. In 1880 the Assam Frontier Tracts Regulation (Regulation 2) of 1880 was enacted. This regulation sought to exempt certain frontier tracts of Assam from the operation of enactments presently in force. This regulation did not cover the hills areas (including Khasi and Jaiñtia Hills) of Assam. Thus the Assam Frontier Tracts Regulation (Regulation 3) of 1884 was enacted to extend the Assam Frontier Tracts Regulation of 1880 to the hill areas of Assam.\footnote{Chaube, S.K.: \textit{op.cit.}, pp.17-18.} Under its provisions, the operation of the enactments relating to civil and criminal procedure, court fees, stamps, transfer of property and registration were barred.
Regulation came into force in the Garo hills and Khasi and Jaintia hills districts on 5th November, 1884\textsuperscript{100}.

The first four decades of the twentieth century witnessed a realignment of the province of Assam and the demarcation of districts into categories of hill and plain areas. It also saw the appointment of various commissions and committees which amongst other pre-occupations discussed the level of development both in the hill and plain areas and the financial and administrative implications of setting in a reformed structure of governance. The subsequent acts and regulations brought forward by the British government were to a certain extent reflective of the views and observations contained in the findings of these committees and commissions. The Government of India Act 1919 was passed by the English Parliament on November 23rd, 1919. This Act (under section 52A) authorized the Governor-General-in-Council to declare any territory within British India as a backward tract. In exercising his powers under this section, the Governor-General on January 3rd, 1921 declared the British portion of the Khasi and Jaintia Hills (excluding the Shillong Municipal and Cantonment areas) among other hill districts of the North-East India as

\textsuperscript{100}Chaube, S.K.: \textit{op.cit.}, p.18. 
also Syiemlieh, D.R.: \textit{op.cit.}, p.146.
backward tracts. The laws of the Indian legislature as well as of the Assam Legislature would apply to these areas only as directed by the Governor-General-in-Council or the Governor-in-Council. This declaration was contrary to expectations that the Khasi and Jaintia Hills would not be included in this proposed category but included in the Reformed Council. Moreover, the Khasi and Jaintia people had expressed a desire to be represented in the Assam Legislative Council though the Khasi rulers were averse to their inclusion under the Reformed Council. The appointment of the Indian Statutory Commission (Simon Commission) and the Indian States Commission in 1928 accorded a special interest in the province of Assam. It provided a platform and an opportunity for both the government and non-government organizations to express their opinions on the future of the administration of Assam. The Indian States Commission did not visit the Khasi Hills, hence no representation could be made before it by the newly emerging Khasi educated elite. In sharing its opinions with the Simon Commission, the Government of Assam was of the view that the backward tracts within the province should be excluded from Assam. They should

also Syiemlieh, D.R.: *op.cit.*, p.177.
instead be administered “by the Governor-in-Council, as agent of the Governor-General-in-Council at the cost of the central revenues”\textsuperscript{103}. In its findings the Indian Statutory Commission noted that certain backward tracts, in particular the Khasi and Jaintia Hills were very advanced. The Commission was of the opinion that special treatment accorded to such areas may be discontinued, special provisions may be made for their administration and they could be categorized instead as excluded areas\textsuperscript{104}. A clearer formula of new forms of administration to be implemented became visible in the Proposals for Indian Constitutional Reform which were presented to the British Parliament in 1933. Reference was made to evolve two separate administrative categories that should not come under the proposed constitutional reforms. These were the partially excluded areas and excluded areas. The Crown was the sole authority to declare, by Orders-in-Council, an area within a province as partially excluded or excluded. An act of the proposed Federal Legislature or the Provincial Legislature will not apply to such areas unless directed so by the Governor. The Governor was also empowered to make necessary regulations for both these areas with the prior assent of the Governor-General. The excluded areas would be under

\textsuperscript{103} Chaube, S.K.: \textit{op.cit.}, p. 21.
\textsuperscript{104} Syiemlieh, D.R.: \textit{op.cit.}, p.183.
the exclusive executive control of the Governor while the partially excluded areas would be subject to ministerial control of the provincial executive with the Governor having overriding powers. Both these areas were inserted in the Sixth Schedule of the proposed Bill\textsuperscript{105}. This Bill was introduced in the British Parliament on December 19\textsuperscript{th}, 1934. On finally receiving royal assent on August 2\textsuperscript{nd}, 1935 it became the Government of India Act, 1935. This Act, a lengthy document containing 321 Sections and 10 Schedules was the last major parliamentary legislation initiated by the British aimed at introducing limited constitutional reforms in India. In accordance with section 91 (1) of this Act, an Order in Council, the Government of India (Excluded and Partially Excluded Areas) Order of 1936 was passed on March 3\textsuperscript{rd}, 1936. This order declared the Khasi and Jaiñtia Hills District (excluding Shillong Municipality and Cantonment Areas), the Garo Hills District, the Mikir Hills and the North Cachar Hills as partially excluded areas. The remaining hill areas within the province of Assam were declared as excluded areas. The partially excluded areas were given franchise. Thus, the process of electoral politics was directly introduced into the Khasi and Jaiñtia Hills. The Government of India Act, 1935 allotted three single member constituencies

\textsuperscript{105} Syiemlieh, D.R.: \textit{op.cit.}, p.184.
to the Khasi and Jaintia Hills. One seat was allotted to Jowai, the second to Shillong while the third, the Shillong-Women constituency was reserved for women. In the first elections held in 1937 under the new Act, Lowell Gatphoh won the Jowai seat, James Joy Mohan Nichols Roy (hereafter J.J.M.Nichols Roy) won the Shillong seat while Mavis Dunn won the Shillong-Women constituency seat. All the three candidates won as independents and not as party candidates.

**CONSCIOUSNESS AND PARTICIPATION – NEW POLITICAL INITIATIVES**

A new sense of awareness and engagement became apparent among the local populace in the Khasi and Jaintia Hills. Members of the Assam Legislative Council who were mostly from the plains were generally indifferent to the administration of the hill areas then categorized as backward tracts. They saw the hill areas a financial burden in the administration of the province and a number of notable legislators were not in favor of including the hill areas in any constitutional reforms of the government. Prior to 1920 no member represented the hill areas in the
Assam Legislative Council. After 1920 only a single non-official nominated member represented the backward tracts in the Assam Legislative Council. This single representative was inadequate to represent the myriad needs of the backward tracts including the Khasi and Jaintia Hills. Political consciousness and political articulation in the Assam legislature received a boost for the Khasi and Jaintia Hills when James Joy Mohan Nichols Roy was elected to the Assam Legislative Council in 1920 from the Shillong – Karimganj constituency. Through his long and uninterrupted career in politics till 1959, he was able to articulate the political and administrative concerns of the Khasi and Jaintia Hills within the legislature as well as at different forums and organizations.

In addition to J.J.M. Nichols Roy’s engagement with the Assam legislature, this consciousness and articulation was also cultivated among the representatives of the Khasi states as well as the Khasi gentry. They realized the need to work together under one organization for the interest of the people. Realizing the impending constitutional changes that were to follow in the shape of a reformed government, the administrative heads and elders of the Khasi states as well as some of the educated Khasi gentry desired to prepare a roadmap for the unified progress of the Khasi states. In a well
informed, well prepared and documented meeting convened at Shillong between September 4-6, 1923, notable Khasi leaders met to establish the Khasi National Dorbar on September 4th, 1923. The following leaders were elected office bearers at this first convention of the Khasi National Dorbar: President- Joǐ Manik, Syiem of Sohra (Cherrapunjee), Vice President- Rai Sahib Hormu Rai Diengdoh, Secretary- J.J.M. Nichols Roy, Assistant Secretary- Hajom Kissor Sing, Treasurer- Chandra Nath Roy.

With the appointment of the Indian Statutory Commission and the Indian States Commission to look into the question of further political and constitutional reforms in India, a certain degree of eagerness and anticipation prevailed in the Khasi Hills. The visit of the Indian Statutory Commission to the Khasi Hills afforded the government and the public to interact with the Commission. However on March 9th, 1928 the Khasi National Dorbar then under the presidency of Olim Singh (O.B.E.) the Syiem of Khyrim, decided against submitting any memorandum to the Indian Statutory Commission on the political position of the Khasi states. It observed that the appropriate

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107 Ki Proceedings Jong Ka Khasi National Dorbar (Dorbar Hima Khasi), Ibid., p.16.
authority to receive a representation from the Khasi states was the Indian States Commission which however did not visit the Khasi Hills. Despite this general view that prevailed in the Khasi National Dorbar, certain members namely Joab Solomon, Rai Sahib Hormu Rai Diengdoh and Rai Mohan Diengdoh submitted a representation to the Indian Statutory Commission. This representation was signed by Joab Solomon as the Secretary, Khasi National Dorbar. The representation put across the displeasure of the Khasi people against the method of issuing sanads to rulers of the Khasi states as it put them under the absolute authority of the Deputy Commissioner of the district. Further, this method enabled the local government to occupy vast tracts of land in the Khasi Hills and entitled the rulers of Khasi states to a certain portion of profit derived from the lease, sale or disposal of minerals from these tracts. This derivation of profit from lands customarily held by private individuals and clans was never a privilege of the ruler of a Khasi state and was never sanctioned either by law or custom. This representation demanded the discontinuation of this practice which granted economic benefit to the ruler and the restoration of ancient rights benefitting the actual owner of the land. The representation also petitioned the following demands:
a) establishment of a central *dorbar* to function as a federation of all states;

b) legalization of the Khasi National *Dorbar* as the authorized representative of the Khasi states and the Khasi people;

c) recognition of the draft constitution for the proposed *dorbar*, contained in the representation;

i) this *dorbar* should, with the assent of the Governor, be vested with the power to make laws,

ii) it should be vested with the power to levy taxes with a view to improve the administration of the Khasi states,

iii) it should be vested with the power to frame rules for conducting its meetings and those of the Executive Council.

d) modification of the clauses contained in the *sanads* which granted Khasi rulers rights to derive profit from the lease, sale and disposal of minerals within their territories\(^\text{108}\).

The representation was one of the earliest attempts to form a federation of all Khasi states on the principle of equality irrespective of size or status. This attempt was clearly still visible even in recent times in the Memorandum submitted by the Steering Committee of *Dorbar Hima* Mylliem to the Advisory Panel on “Decentralisation and Devolution: Empowerment and Strengthening of Panchayati Raj Institutions” of the National Commission to Review the Working of the Constitution in 2001. This representation called for the establishment of a central *durbar* of all Khasi states with commensurate legal powers. The Memorandum of 2001 also made similar observations which were however more refined.

This all comprehensive claim made on behalf of the Khasi National *Dorbar* by Joab Solomon was questioned by another influential group led by Babu Sib Charan Roy. This group challenged the claim made by Solomon and others that the Khasi National *Dorbar* represented the Khasi people including the Khasi states. They denounced the representation submitted to the Indian Statutory Commission reiterating this claim. At the initiative of this group which also had the support of the Khasi rulers, an organization, the Khasi-Jaiñtia Youngmen’s Association was established. This Association organized a public meeting on December 22nd, 1928 at the Seng
Khasi Hall, Shillong and invited Joab Solomon to clarify his stand on the submission of the representation to the Indian Statutory Commission. The meeting passed a number of resolutions relevant to the traditions and practices prevalent in the Khasi hills:

a) it denied the existence of any valid right of the Khasi ruler to land;

b) it turned down the demand of the Khasi National *Dorbar* for a central *dorbar* which ran contrary to the spirit of the Khasi customs and contrary to their traditional political organization which emphasized on decentralization of powers;

c) it demanded the extension of the appellate jurisdiction of the Calcutta High Court to the Khasi states\textsuperscript{109}.

A second memorandum was submitted to the Indian Statutory Commission which included the above demands. The Khasi National *Dorbar* had regular annual meetings between 1923 and 1942. Its formation was the first attempt to bring together all the Khasi states under one organization and to extensively discuss and document important socio-cultural and political

also Chowdhury, J.N.: *op.cit.*, pp. 343-345.
issues such as those relating to land rights, residency rights and rights on ancestral property.

The residents of the British portions of the Khasi Hills were equally concerned about their political future. On October 29th, 1928 a Conference of British subjects (Khasi) was held at Shillong. This conference was presided over by Lowell Gatphoh and it discussed the possible exclusion of certain British areas from the proposed constitutional reforms. The conference resolved to oppose the Government of Assam’s recommendation to the Indian Statutory Commission to exclude the Khasi and Jaintia Hills district (British portion) from the proposed reforms. It demanded the inclusion of this district in the proposed reforms with all the burdens, rights and privileges connected therewith.\(^{110}\)

Despite the differences of opinion that had emerged among the cross-section of Khasi people on the purpose of the Khasi National Dorbar, it cannot be denied that the Khasi states were motivated by its collective, organizational impetus. After 1932, the Khasi states made renewed attempts to come together under a single assembly. A conference of the administrative heads of the Khasi states was held at Shillong between

January 28-30 and February 11-15, 1932. The purpose was to prepare a statement on the future position of the Khasi states and to submit the same for the consideration of the Governor of Assam, the Viceroy of India, the Secretary of State of India and the Indian States Inquiry Committee. This statement examined the relationship that existed between the Khasi states and the British government since the presence of the English East India Company. It recommended that for future relations all the twenty-five states should be treated as an inseparable group. Opportunity should be given to those villages which had earlier separated themselves from their parent Khasi states, to be reconciled with their former principalities. This conference also resolved to urge upon the government to place the Khasi states in direct relations with the Viceroy through the local Political Agent (that is, the Deputy Commissioner) or the Agent with or without the Governor of the Province as the Agent to the Viceroy. This Political Officer should be exclusively stationed to coordinate relations with the Khasi states. Enduring this renewed hope of securing a favorable place within the proposed constitutional changes of the government, representatives of the Khasi states met the Viceroy and Governor General of India, Freeman

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Thomas, Earl of Willingdon (Lord Willingdon) at Shillong on October 3rd, 1933 and presented him with an address. The address observed, “the impending constitutional changes are expected to clearly define the position of the Indian 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 also a find place among the units of the Indian States which may be members of the Federal Legislature”\textsuperscript{112}. In his reply to this address Lord Willingdon made the following observations, “I understand that for the time past you have been considering the feasibility of a close association amongst yourselves with a view to constituting a Federation of the Khasi states. I would commend this time to your most earnest attention, as this is obviously the first and most useful step which should have the way towards your entry into the greater federation”\textsuperscript{113}. Taking note of this observation of Lord Willingdon as practical to their intended objective, the Khasi states once again met on December 16\textsuperscript{th}, 1934 and formally established the Federated Khasi States (hereafter FKS). The objectives of this federation were:

\textsuperscript{112} Ka Address ba la ai ki Siem bad kiwei ki khlieh jong Ki Hima Khasi Ha u Viceroy ka Ri India: Ka jubab u Viceroy de ia ka Address ha ka 3\textsuperscript{rd} October, 1933, R.K. Press, Shillong, p.5.

\textsuperscript{113} Ibid, p.8.
a) to discuss political questions and matters of common concern to all Khasi states and to take collective decisions on such matters especially when submitting them before the consideration of the British Government;

b) to take control of matters of common concern to Khasi states themselves and matters common to India, which are shared with some popular element in the Government;

c) to request the British Government that in dealing with the Native States in India, the position of the Khasi states which are in subsidiary alliance with the government, should be taken into account;

d) to claim a higher status and increased judicial powers commensurate with their progress, advancement and changing times;

e) to encourage a closer association among the Khasi states for the welfare, progress and advancement of the people and good governance of the states;

f) to amicably settle disputes between the states through mediation of chiefs specially chosen from among the administrative rulers of the Khasi states;
g) to show their allegiance and loyalty to the British;

h) to meet at least twice a year to discuss and deliberate matters of common interest;

i) to send a copy of this instrument to the Deputy Commissioner of the Khasi and the Jaintia Hills and the Governor of Assam for approval and recognition and that the Federated Khasi States be recognized as a unit among other Indian states in the Federal Council;

j) to secure representation in the Federal Legislature of India\textsuperscript{114}.

To carry forward the intended objectives, a Standing Committee was constituted. The Federated Khasi States requested the government to recognize this Standing Committee as the authorized executive body to deal with the government on its behalf. The political ambitions of the Federated Khasi States were short-lived. The Government of India Act, 1935 did not define their position or status in relation to the Government. The Federated Khasi States was excluded from the Chamber of Princes and could not send a common representative along with other small Indian states. This proposed


also Bareh, H.: \textit{op.cit}, p.227.
scheme for the participation of Indian states in the Indian federation itself
did not materialize. Further, the recognition granted to them by the
government in May 1934 was withdrawn after a brief period. Even their
request for establishing a direct relationship with the Viceroy through a
Political Agent or Agent was not granted. Probably the observations made
by Keith Cantlie on the future of the Federated Khasi States also weighed on
the government’s decision to refrain from constitutionally empowering this
association after 1935. Cantlie raised certain basic questions on the
organization and composition of the member states in the Federated Khasi
States, their inability to take collective decisions without first seeking
informed consent of their respective state councils, the question of surrender
of individual power and authority by each member state to the Federated
Khasi States from where then emerges a central authority and the question of
submitting to this authority. In spite of these obstacles, the Federated Khasi
States was an alternative step collectively taken by the Khasi states to
establish themselves a visible political platform under proposed
constitutional reforms. Despite its failure in this regard, it functioned as a
social platform of Khasi states as well as non-Khasi states till 1946 when
renewed attempts were made to politically revive it under circumstances of impending independence.

POSITION OF THE KHASI STATES BETWEEN 1946 TO 1950 WITH SPECIAL REFERENCE TO HIMA KYRIM AND HIMA MYLLIEM

In the years prior to India’s independence, the Khasi and Jaintia Hills district comprised an area of 6145 square miles, a population of 3,32,251 residents which included 30,000 non-Khasi residents living mostly in Shillong. The administration comprised of two categories as described earlier in the chapter. The first comprised of areas directly under British rule which included Shillong Municipality and Cantonment Areas, Jowai subdivision with a population of 85,807 and thirty-one British villages with a total population of 39,048. The second comprised of 25 Khasi states (with a population of 2,01,647) administered by traditional rulers, whose relations with the British were stipulated by treaties and agreements. The political interests in the district comprised of two assemblages - the traditional and

115 *Census of India, 1941*, c.f., H.Giri, p. 224.
the modern. The traditional political interests were represented by the rulers of Khasi states who wanted to preserve the continuity of existing systems of governance against the rising tide of political change. The modern political interests were represented by elected representatives to the Assam Legislature who wanted greater participation in the modern system of governance. The progress of these two opposing political interests was to unfold through various events across the late 1940’s till the enactment of the Constitution of India in 1950. By 1946, it became exceedingly clear that India’s independence from British rule was just a turn away. On February 19\textsuperscript{th}, 1946, the British Prime Minister, Clement Attlee announced that a Cabinet delegation (Cabinet Mission) was visiting India. The Cabinet Mission team consisted of Lord Pethick-Lawrence, the Secretary of State for India, Sir Stafford Cripps, President of the Board of Trade, and A. V. Alexander, the First Lord of the Admiralty. This announcement was subsequent to His Majesty King George’s address to the British Parliament on August 15\textsuperscript{th}, 1945 stating that, “In accordance with the promises already made to My Indian peoples, My Government will do their utmost to promote in conjunction with the leaders of Indian opinion, the early realization of full
self-government in India"\textsuperscript{117}. Atlee hoped that "the statesmen of British India and of princely India will be able to work out a solution of the problem of bringing together in one great policy these desperate constituent parts. There again we must see that the Indian States find their due place..."\textsuperscript{118}. On March 15\textsuperscript{th}, 1946 the Prime Minister made another announcement which referred to complete independence as a possible goal of the Indian constitutional development\textsuperscript{119}.

On its arrival in India in March 1946, the Cabinet Mission toured various parts of the country and held a series of conferences where numerous memoranda were submitted eliciting views on the future of India’s constitutional development. The transfer of power from Britain to the Dominion of India and Pakistan was laid in the Cabinet Mission Plan 1946. The Cabinet Mission and the Viceroy of India in consultation with the British Government issued a statement which reflected their recommendations on India’s political future. The immediate concern of this exercise was to address the position and future of the Indian states for which the Cabinet Mission made several important observations:

\textsuperscript{117} Address by King George VI on opening of Parliament, August 15, 1945, accessed through http://www.ibiblio.org/pha/policy/1945/450815a.html on 7.02.09.


\textsuperscript{119} Lyngdoh, R.S.: op.cit., pp.170-171.
a) To allay fears on the future of the Indian states the Cabinet Mission observed that with the attainment of independence by British India the relationship which has existed between the states and the British Crown would no longer be possible, though it was expected that the states would co-operate with the new Government in building up a new constitutional structure.

b) It observed that His Majesty’s government has now declared that if the Succession Government or Governments in British India desire independence, no obstacle would be placed in their way.

c) The Chamber of Princes has confirmed that the Indian states fully share the general desire in the country for the immediate attainment by India of her full stature.

d) During the interim period, which must elapse before the coming into operation of a new Constitutional structure under which British India will be independent or fully self-governing, paramountcy will remain in operation. But the British Government could not and will not in any circumstances transfer paramountcy to an Indian Government.
e) In the meantime the Indian states are in a position to play an important part in the formulation of a new Constitutional structure for India, and His Majesty's Government has been informed by the Indian states that they desire, in their own interests and in the interests of India as a whole, both to make their contributions to the framing of the structure, and to take their due place in it when it is completed.

f) Where adequate standards cannot be achieved within the existing resources of the state they will no doubt arrange in suitable cases to form or join administrative units large enough to enable them to be fitted into the constitutional structure. It will also strengthen the position of states during this formative period if the various governments which have not already done so take active steps to place themselves in close and constant touch with public opinion in their state by means of representative institutions.

g) When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government will cease to exercise the powers of paramountcy. The rights of the states which flow from their relationship to the Crown
will no longer exist and that all the rights surrendered by the states to the paramount power will return to the states. Political arrangements between the states on the one side and the British Crown and British India on the other 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 for them.

h) During the interim period it will be necessary for the states to conduct negotiations with British India in regard to the future regulations of matters of common concern. Such negotiations which will be necessary will occupy a considerable period of time and some of these negotiations may well be incomplete when the new structure comes into being. To avoid administrative difficulties it will be necessary to arrive at an understanding between the states and the succession Government or Governments that for a period of time the then
existing arrangements as to these matters of common concern should continue until new arrangements are completed\textsuperscript{120}.

The Cabinet Mission further recommended that 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. This Union should have the necessary power to raise finances for the above subjects. On the other hand the states will retain all the subjects and power other than those ceded to the Union. The states should also be appropriately represented in the final Constituent Assembly, by a total number of 93 members and the method of selection will be through consultations. In the preliminary stages of negotiations with this Union, the states would be represented by a Negotiating Committee\textsuperscript{121}. On June 19\textsuperscript{th}, 1946 the Chamber of Princes appointed a Negotiating Committee to discuss constitutional matters with the Government. Its mandate was (a) to fix the distribution of seats in the Assembly not exceeding 93, (b) to fix the method by which representatives of the Indian states should be returned


\textsuperscript{121} \textit{White Paper on Indian States}, Manager of Publications, Govt. of India Press, Delhi, 1950, p. 154.
to the Constituent Assembly. Accepting the Cabinet Mission Plan, the Standing Committee of the Chamber of Princes on January 29th, 1947 made the following observations: (a) the states shall become part of the Union only through the basis of negotiation (b) all rights surrendered by the states to the paramount power will return to the states. The Union will exercise its power only on subjects delegated or assigned to it by the states. States on the other hand will continue to retain their sovereignty and all the rights and powers except those assigned to the Union (c) the Union shall not interfere with the constitution of the states nor with their territorial integrity and method of succession of reigning dynasties\textsuperscript{122}. On February 20\textsuperscript{th}, 1947 the British Government announced its intention to quit India by June 1948. It appointed Lord Mountbatten, Viceroy of India as its representative to prepare for this smooth transfer of power.

The Cabinet delegation’s visit to India also accorded an opportunity to the hill districts of Assam to express their political views and aspirations in the light of impending independence. The views and observations in the Khasi Hills though articulate were not uniform. There emerged a number of organizations which expressed their political and administrative objectives

\textsuperscript{122} \textit{White Paper on Indian States: op.cit.}, p.30.
on behalf of the people of the district. In early 1946 the Khasi Jaiñtia Political Association (hereafter KJPA) was established at Shillong. This association had the support of the administrative heads of the Khasi states. In March 1946, the KJPA submitted a memorial to the Cabinet Mission which highlighted the distinctiveness of the Khasi race, having preserved its characteristic independence and ancient democratic institutions from time immemorial. This memorial asked for the creation of a federation of all the Khasi areas within a ‘Sovereign Assam’ with adequate ‘cultural and political autonomy’\textsuperscript{123}. In the case of the Khasi Hills, J.J.M.Nichols Roy represented that section of the populace who favored a parliamentary form of governance instituted on the principle of elections and franchise. His travels and experience had convinced him of the need to formulate a comprehensive political and administrative plan for the Khasi and Jaiñtia Hills district which was in tune with the prevalent systems around the world at that time. In 1945, J.J.M.Nichols Roy formed his own organization - the Khasi and Jaiñtia Federated State National Conference (hereafter the KJFSNC) with a view to formulate clear cut proposals for the said hill district. To express his views on proposed administrative changes, he submitted a memorandum to

\textsuperscript{123} Chaube, S.K.: \textit{op.cit.}, p.75.
the Cabinet Mission detailing a proposed administrative setup for the hill districts of Assam particularly the Khasi and Jaintia Hills. He observed that the Khasi people who had a distinct culture were far more advanced and hence the administration of the district should be accorded a special status in the new Constitution of India. He opposed the idea of a Crown Colony and emphasized the need to preserve the traditional and customary institutions of the Khasi consistent with the political progress. This memorandum put forward the following proposals:

a) creation of a Khasi Jaintia Federated State (hereinafter the KJFS);

b) annulment of the treaties and agreements entered into between the Khasi states and British India;

c) reformed administration of the Khasi states;

d) integration of British areas with the Khasi states to form one administrative unit - Khasi Jaintia Federated State;

e) creation of a legislature, the National Council, comprising of 25 members to be elected from 25 single member constituencies created in the whole district;
f) creation of an executive, the Federal Council whose three members were to be elected by the legislative body,

g) creation of a judiciary, the Federal Court whose three elected judges were to hear and settle cases for all local authorities from the district;

h) maintenance of closer ties with Assam especially in areas/subjects of common interest and maintenance of ties with India only in those areas/subjects in which Assam is also connected to India;

i) representation of the Khasi Jaintia Federated State in the Assam legislature and the number of representatives to be fixed by law. However, every piece of legislation of the Assam legislature could be applied to the KJFS only after receiving the approval of the KJFS legislature and executive council;

j) Shillong presently under the Mylliem state is to be placed under the jurisdiction of the KJFS. Two seats of the Assam legislature are to be kept for Shillong, one seat reserved for a Khasi and the other being a
general seat. A third seat for a proposed women’s constituency for Shillong was also recommended\textsuperscript{124}.

To garner public support for this demand for a unified Khasi Jaiñtia Federated State, a public meeting was held at Jaiaw, Shillong on August 2\textsuperscript{nd}, 1946. This meeting passed a number of resolutions which were contained in the said memorandum and which affirmed the role of J.J.M.Nichols Roy as the leader of the people to guide the future destiny of the district under the new Constitution of India. The considerations put forward by J.J.M.Nichols Roy and the KJFS can be seen as the embryonic stages in the preparation of a blueprint for the proposed Sixth Schedule and the District Council which emerged as a distinct, legal administrative set up in the Constitution of India, 1950. The stand and the resolutions of the Khasi and Jaiñtia Federated State National Conference were questioned at another public meeting held on August 3\textsuperscript{rd}, 1946 by the Khasi Jaiñtia Political Organisation (hereafter KJPO)\textsuperscript{125}. This organization observed that the Khasi states have their own

\textsuperscript{124} Chaube, S.K.: \textit{op.cit.}, p.76.
also Lyngdoh, R.S.: \textit{op.cit.}, pp. 171-174.
Giri, H.: \textit{op.cit.}, pp. 228-231.

\textsuperscript{125} The KJPO is none other than the KJPA whose Secretary was Homiwell Lyngdoh. The name of this organization has been written by R.S. Lyngdoh and S.K.Chaube as the KJPA while H.Giri has written of it as the KJPO. Hence it appears to be two different organizations.
rights and customs which have been founded since ancient times. It questioned the claim of J.J.M.Nichols Roy as the representative of the Khasi states and noted that the Khasi states were able enough to speak for themselves.\footnote{Lyngdoh, R.S.: \textit{op.cit.}, p.187. Also Giri, H.: \textit{op.cit.}, p.231.}

**THE REVIVED FEDERATION OF KHASI STATES**

The Cabinet Mission’s \textit{Memorandum on States, Treaties and Paramountcy} and the \textit{Cabinet Mission Plan} were circulated to the rulers of the Khasi states to elicit their views on the proposed constitutional changes. These rulers along with their councils, and prominent Khasi leaders including J.J.M.Nichols Roy met at three sittings on July 1\textsuperscript{st} and 2\textsuperscript{nd} and on August 22\textsuperscript{nd}, 1946 at the residence of Kedro Manik, \textit{Syiem} of Nongkhlaw. This gathering unanimously resolved to revive the Federated Khasi States which was formed in 1933, as the Federation of Khasi States (hereafter the FKS). The FKS appointed Olim Singh, \textit{Syiem} of Khyrim and Jor Manik, \textit{Syiem} of Mylliem as Chairman and Secretary respectively. A Standing Committee comprising of seven members was also appointed by the FKS.
The Standing Committee was authorized to transform the Federation of Khasi States into an institution and to form a common government for all the federating Khasi states. This common government will administer common subjects without eroding the traditional customs, usages, conventions and institutions. Secondly, it was authorized to draft a Constitution which could then be discussed, finalized and adopted at the general body of the FKS. Thirdly, it was authorized to appoint an able representative, preferably one who been a member of the Chamber of Princes, to represent the Federation of Khasi States and to present its views before the said Chamber. The FKS further declared that with the transfer of power to a new Dominion, it would form a government for the Khasi states. Its position in relation to the new successor Government in India would be in line with that taken by the Indian States through the Chamber of Princes.\(^\text{127}\). On February 20\(^\text{th}\), 1947 the Standing Committee of the FKS met to prepare its draft constitution. This day coincided with the historic announcement made by the British Government of its declared intention to quit India. The draft constitution was circulated to all the Khasi states and they were requested to report back to the FKS and to send their comments and observations by March 25\(^\text{th}\), 1947.

The Standing Committee was also pleased to observe that due recognition was granted to it by the Chamber of Princes. This meant that as an umbrella entity it could demonstratively negotiate a political settlement with the future Government of India in the lines of the Memorandum of States and the resolutions of the Chamber of Princes. The Chamber of Princes passed a resolution on January 29th, 1947 which made a number of observations:

a) The entry of states to the Union shall be on the basis of negotiation and the final decision shall rest with the states;

b) All rights surrendered by the states to the Paramount power will return to the states. The proposed Union of India will exercise only those functions, in relation to the states, in regard to union subjects as assigned or delegated by the states to the Union;

c) States will continue to retain their sovereignty in all matters and subjects except over those delegated by them to the Union;
d) The territorial integrity of states, the procedure of succession of reigning dynasties in accordance with law, custom and usage of the states shall not be interfered with by the Union.  

The duly approved draft constitution of the Federation of Khasi States contained a detailed preparation of the proposed federal setup. The FKS shall be a union of Khasi states who have collectively come together to achieve better and higher standards of administration. It shall be empowered to make laws on subjects of common concern to all Khasi states. The proposed Federal Government shall have all the three organs of government, the necessary heads and members to execute the powers and functions vested in each organ. The proposed Federal Government shall also have a Secretariat and the necessary staff to run all departments dealing with federal subjects. Thus, the proposed federal setup of the FKS was characteristic of partial democracy through a blend of adult manhood suffrage and nomination which still retained the strong elements of traditional polity reflected through heredity succession only from particular clans and the overarching influence of powerful and founding clans in the council of the traditional administrative ruler. On examining the draft constitution of the

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FKS, the Government found its approach too rigid. The FKS was requested to redraft its constitution, to make it more flexible and accommodative so as to allow greater participation of the people in the proposed Federal Legislature (state *Dorbar*). As the FKS was engaged in addressing these issues to arrive at an acceptable proposal, further developments were taking place in India. An informal meeting was convened by Lord Mountbatten, the Viceroy of India on June 13th, 1947. It was attended by a number of noted leaders namely Jawaharlal Nehru, Sardar Vallabhai Patel and J.B. Kriplani (Indian National Congress), Mohammed Ali Jinnah, Liaquat Ali Khan and Sardar Abdur Rab Nishtar (Muslim League) and Sardar Baldev Singh. This meeting proposed the setting up of a new Department called the States Department to deal with matters of common concern to the states. The new department should be divided into two sections ready for partition of the country and the existing Political Department and the Political Adviser should give all possible assistance and advice in the formation of the new Department. This proposal was accepted by the Interim Government at its meeting on June 25th, 1947. A new department called the States Department was established on July 5th, 1947. It was headed by Sardar

130 The Interim Government was sworn in on September 2nd, 1946.
Vallabhai Patel while V.P. Menon was the Secretary. The Muslim League nominated two members to the States Department, Sardar Abdul Rab Nishar and Ikramullah. The intention of the Muslim League was that with independence and the creation of a new Dominion (Pakistan), the two members should hold charge of the newly created States Department of Pakistan. On immediately taking over the States Department, Sardar Vallabhai Patel drew up a policy of the Government of India on the Indian states. He invited the states to accede to the Dominion of India on the three mentioned subjects – Defence, Foreign Affairs and Communications which concerned the national interests of the country. On the other subjects he noted that the States Department would respect the autonomous existence of the states. He further suggested that it would be better for all to make laws sitting together as friends then to make treaties as aliens. The common objective should be to understand each other’s point of view and come to decisions acceptable to all in the best interest of the country. In this address to the Indian states Sardar Vallabhai Patel remarked, “We are at a momentous stage in the history of India. 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 it be our 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”\textsuperscript{131}. The Government of India had also entrusted Lord Mountbatten with the task of negotiating with the rulers of the Indian states. In his address to the rulers and representatives of the Indian states on July 25\textsuperscript{th}, 1947 he declared that “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”\textsuperscript{132}. This also meant that the administrative link between the British government and the Indian states will be broken. Hence two States Departments for the proposed new Dominions (India and Pakistan) were conceived to ensure that the administrative link would not be broken but rather continued with the Indian states, though through newly born Dominions. He dispelled any apprehension or misgiving

\textsuperscript{132} Ibid, p.161.
that their accession to either Dominion on the three subjects – Defence, External Affairs and Communication would involve any financial liability on their part. He also assured that in other matters there would be no encroachment on their internal sovereignty. On a concerned note Lord Mountbatten also reminded the States, “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 interests of the states, and every wise Ruler and wise Government would desire to link up with the great Dominion of India on a basis which leaves you great internal autonomy and which at the same time gets rid of your worries and cares over External Affairs, Defence and Communications”\textsuperscript{133}.

\textbf{THE CONSTITUENT ASSEMBLY OF INDIA}

While these events were unfolding, another proposal was taking form and appearance in the shape of the Constituent Assembly of India. The Constituent Assembly of India (hereafter the Constituent Assembly) was a body elected to compose, draft and adopt a new constitution for India. This

\textsuperscript{133} \textit{White Paper on Indian States: op.cit.}, p.163.
body also served as independent India’s first Parliament. The Constituent Assembly was created as a result of negotiations between Indian national leaders and members of the Cabinet Mission. It met for the first time on December 9th, 1946 in Delhi and on this day Rajendra Prasad was elected the President of the Constituent Assembly. A total number of seventeen committees were set up under the Constituent Assembly to prepare the draft Constitution. These include the Steering Committee headed by Rajendra Prasad, the Drafting Committee headed by B.R. Ambedkar and the Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas headed by Sardar Vallabhai Patel. A sub-committee headed by Gopinath Bardoloi was also set up for the North East, the North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Areas Sub-Committee. The Constituent Assembly comprised of members elected indirectly by members of the Provincial Legislative Assemblies. Thus, 292 members were elected through the Provincial Legislative Assemblies, 93 members represented the Indian Princely states and 4 members represented the Chief Commissioners’ Provinces. The total membership of the Constituent Assembly was to be 389 which however reduced to 299 as a result of partition when representatives of the provinces of Sindh, East
Bengal, Baluchistan, West Punjab and North West Frontier Province ceased to be members of the Constituent Assembly of India. They left and formed the Constituent Assembly of Pakistan in Karachi. Thus, as on December 31st, 1947, 229 members represented the Provinces while 70 members represented the Indian states. Assam was represented by eight members in the Constituent Assembly. They were Nibaran Chandra Laskar, Daranidhar Basumatari, Gopinath Bardoloi, J.J.M.Nichols Roy, Kuladhar Chaliha, Rohini Kumar Chaudhury, Muhammad Sa’adulla and Akbar Rouf. The Indian states of Tripura and Manipur along with the twenty five Khasi states were collectively represented by a single member, Girja Shankar Guha (hereafter G.S.Guha), in the Constituent Assembly. The Constituent Assembly took two years, eleven months and seventeen days to complete the historic task of drafting India’s Constitution. In the process it held eleven sessions covering 165 working days of which 114 days were spent on consideration of the draft Constitution.

The Cabinet Mission that visited India in 1946 had recommended that there should be an advisory committee constituted to recommend measures for the protection of the rights of the citizens, minorities and tribes of excluded areas. Adhering to this recommendation the Constituent Assembly
appointed an Advisory Committee on January 24th, 1947. It was called the Advisory Committee on Fundamental Rights, Minorities and Tribal and Excluded Areas and was under the chairmanship of Sardar Vallabhai Patel. The Constituent Assembly adopted a resolution that the Advisory Committee should consist of not more than 72 members. 50 members were elected while 22 members were to be nominated by the President of the Constituent Assembly, Rajendra Prasad. J.J.M.Nichols Roy and Rup Nath Brahma were elected, amongst others, to this Advisory Committee while Gopinath Bardoloi, the then Premier of Assam, was nominated to the Advisory Committee. The Advisory Committee in turn set up three sub-committees to recommend an appropriate administrative framework for tribal areas which will preserve their tribal institutions, their rights and self-government commensurate with political progress of the whole country. The three sub-committees were (a) the North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Areas Sub-Committee (b) the Excluded and Partially Excluded Areas (Other than those in Assam) Sub-Committee (c) the Tribal Areas in the North West Frontier Province and Baluchistan. The third sub-committee ceased to function and became redundant when India was partitioned in August 1947. The first sub-
committee was headed by Gopinath Bardoloi as Chairman. It also came to be known as the Bardoloi Sub-Committee. The other members of this Sub-Committee included J.J.M.Nichols Roy, Rup Nath Brahma, Aliba Imti and A.V.Thakkar. The Sub-Committee toured various districts and sub-divisions of Assam between April-May 1947. It co-opted two members from the tribes of each of the districts visited. The Sub-Committee also received witnesses and representations from those districts and sub-divisions that it could not visit. The Bardoloi Sub-Committee submitted its report on July 28th, 1947.

At the suggestion of the Chairman of the Advisory Committee, the two sub-committees met and submitted a joint report to the Advisory Committee on August 25th, 1947. The final recommendations of Advisory Committee were accepted on February 24th, 1948. The reports of the two sub-committees along with the draft constitution were formally placed in the Constituent Assembly.\(^{134}\)

A number of representations were made to the Bardoloi Sub-Committee from the Khasi and Jaiñitia Hills. J.J.M.Nichols Roy though a member of the sub-committee, also submitted a representation on his

proposed Khasi-Jaintia Federated State. This representation was a refined draft of the memorandum submitted to the Cabinet Mission in 1946. It stressed on the unification of all territories within the district of Khasi and Jaintia hills (including the 20 Nongwah Khasi villages consisting of about 400 houses which though falling within the Kamrup district lay within a territory contiguous to the Khasi Hills) into one unit, the Khasi-Jaintia Federated State having commensurate legislative, executive and judicial authority. The proposed State shall be federated with the Province of Assam and connected in certain subjects – technical education, medical and public health, provincial communications, exports and imports and in all other subjects in which the Province of Assam as a whole is connected with the Central Government of India. Macdonald Kongor, on the other hand who favored the position taken by the Khasi states, urged the Bardoloi Sub-Committee to recommend full autonomy to the Khasi states to administer themselves as a single unit under the Federation of Khasi States. Neither the Khasi states individually nor the Federation of Khasi States made any


137 Lyngdoh, R.S.: op.cit., p.197.
representation before the Bardoloi Sub-Committee. This is probably because of their simmering differences with J.J.M. Nichols Roy on the proposed administrative set up for the Khasi and Jaiñtia Hills. Further, the Khasi states were in touch directly with the States Department through the Governor of Assam and hence did not deem it necessary to engage in discussions with the Bardoloi Sub-Committee. The information gathered from the views and representations enabled the Bardoloi Sub-Committee to formulate a comprehensive draft proposal for the administration of the hill districts of Assam. The sub-committee sought to reconcile the hill people's demand for 'political' autonomy with the Assam government's drive to integrate them with the plains\footnote{Chaube, S.K.: \textit{op.cit.}, p.100.}. This proposal, a result of the labor of Bardoloi, Nichols Roy and Rau (constitutional adviser to the Constituent Assembly) took its final shape as the Sixth Schedule of the Constitution of India. In this proposal, the Bardoloi Sub-Committee recommended the setting up of the District Council as the administrative machinery for the people in the hill districts of Assam. The District Council would be vested with certain powers and responsibilities. These include:

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Chaube, S.K.: \textit{op.cit.}, p.100.
a) Power to legislate over occupation and use of land except reserved forests;

b) Control over jhum cultivation;

c) Administration and codification of customary laws;

d) Management of primary schools and dispensaries;

e) Power to legislate over the use of land, village forests, agriculture, village and town management in addition to the administration of tribal and local laws;

f) Power to introduce a licensing system to regulate the activities of money-lenders and traders.

The Bardoloi Sub-Committee further recommended allocation of certain taxes and financial powers to the District Council, establishment of Regional Councils in those districts inhabited by more than one tribe, representation of all hill areas in the Assam legislature on the basis of adult franchise, power of the Governor to declare an Act or resolution of the District Council null and void if it threatened the safety of the country and power of the Governor to dissolve any District Council when and if
necessary\textsuperscript{139}. The Bardoloi Sub-Committee submitted its report to the Chairman of the Advisory Committee on Minorities, Fundamental Rights, Tribal Areas etc., on July 28\textsuperscript{th}, 1947. The Drafting Committee of the Constituent Assembly thereafter drafted the provisions of the Sixth Schedule on the basis of the recommendations of the Bardoloi Sub-Committee. The views of the Khasi states were not reflected in the proposal prepared by the Bardoloi Sub-Committee. Further, a discussion on the future position of the Khasi states was not undertaken by the Bardoloi Sub-Committee in its report. The Drafting Committee of the Constitution of India did not consult G.S.Guha, the representative of the Khasi states in the Constituent Assembly. When the draft Constitution was presented to the Constituent Assembly no administrative arrangements were made for the Khasi states in any of the provisions. The only mention is to be found in paragraph 19 of the draft Sixth Schedule which highlights the territorial composition of the proposed United Khasi and Jaiñtia Hills district.

\textsuperscript{139} Lyngdoh, R.S.: \textit{op.cit.}, pp.204-207.
THE DAWN OF INDEPENDENCE

The task of negotiating with the Khasi states was undertaken by Akbar Hydari, the Governor of Assam. In July 1947 the Federation of Khasi States sent two of its advisors, A.S.Khongphai and Mavis Dunn Lyngdoh to Delhi to brief A.S.Guha, its representative, at the Constituent Assembly. Both these members also met Sardar Vallabhai Patel who assured them that except for Defence, Foreign Affairs and Communication the Khasi states individually and the Federation of Khasi States would enjoy internal autonomy. During her visit to Delhi, Mavis Dunn also sought an appointment with the Viceroy to place before him the demands of administrative heads of the Khasi Hills with reference to the new Constitution for British India and the Indian states. This meeting however did not take place due to the Viceroy’s pre-occupation with public engagements. On July 14th, 1947 Akbar Hydari proceeded to negotiate with representatives of the Khasi states to try and reach an agreement. These negotiations culminated with the Federation of Khasi States signing the Standstill Agreement on August 8th, 1947 a week before India’s independence. They agreed that with effect from August 15th, 1947 all

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140 Political Department and Ministry of States, 1947, File No. 34 – P.R., p. 48.
existing administrative arrangements between the Province of Assam and the Indian Dominion on the one hand and the Khasi states on the other should continue to be in force for a period of two years or until new or modified arrangements would be arrived at between the authorities concerned. Certain expectations contained in this agreement gave the Khasi states judicial, administrative, legislative and revenue powers. The agreement also contained a provision which stated that all possible help should be given to facilitate the unification of all territories. All Khasi villages which decide to rejoin the Khasi state of which they formerly formed a part, should be allowed to do so. Other parts of British India-Khasi territory (that is, the British areas) should if they desired, be allowed to join the Federation as units. The Standstill Agreement that was executed ensured that a new administrative arrangement was already set in place before paramountcy of His Majesty’s government lapsed. Understanding the limitations of time Akbar Hydari ably executed the Standstill Agreement with a recognized organization, the Federation Khasi States, which had the larger following and acceptance at that point of time, despite the existence of several other organizations especially the Khasi and Jaintia Federated State National

Conference which had a more comprehensive character and whose members were elected through suffrage. The first option would have been to incorporate the Khasi states into the province of Assam. As this suggestion would not have received their consent and may have even influenced separatism, the next step was to retain similar measures of control which had then been exercised by the Crown Representative through the Agency of the Assam Government. This is reflective in the conditions set upon the Khasi states by the Standstill Agreement. The Khasi states also signed the Instrument of Accession in August 1947. These include Khyrim whose Instrument of Accession was signed by U Olim Singh, Syiem of Khyrim on August 9th, 1947 and Mylliem whose Instrument of Accession was signed by U Sati Raja, Syiem of Mylliem on August 14, 1947. Through this Instrument the Khasi states (which signed it before August 15, 1947) acceded to the Dominion of India (the new country that emerged after independence and partition) and agreed to abide by the terms and conditions set by the Instrument of Accession.

a) The concerned Khasi state acceded to the Dominion of India on August 15th, 1947 and granted the respective authorities of the

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142 Political Department and the Ministry of States, 1947, File No.34 – P.R., op.cit.,p.2.
Dominion to exercise any function vested in them through the

b) The signatory assumed the obligation of ensuring that provisions of
the Act were made effective in his state.

c) The signatory agreed to accept the conditions laid down in the
Schedule of the Instrument of Accession which empowered the
Dominion Legislature to make laws on certain subjects – Defence,
External Affairs, Communications and Ancillary matters.

d) The signatory also agreed to accept that if any agreement is executed
between the Governor General of the Dominion and the ruler of the
state, in regard to the implementation of any law of the Dominion
Legislature, such an agreement will be deemed to be part of the
Instrument of Accession.

e) The Instrument of Accession shall not be amended either by the
Indian Independence Act 1947 or any Act. Any amendment proposed
will be acceptable only if it is inserted as a supplement Instrument to
the Instrument of Accession.
f) The Instrument of Accession recognizes absolute right of the Khasi state over its lands. Should the Dominion require acquisition of land, the signatory will acquire the said land for the Dominion on agreed terms.

g) The Instrument of Accession shall not bind the signatory to unconditionally accept any future constitution of India nor shall it restrict the signatory to enter into new arrangements with the Government of India under any such future constitution.

h) The Instrument of Accession shall also be binding on the heirs and successors of the concerned Khasi state.

On August 11th, 1947 G.S.Guha, Constitutional Advisor to the Khasi states received a telegram from the Secretary of the Federation of Khasi States, Syiem Jor Manik, with the following message, "Khasi states have signed Instrument of Accession to be dispatched by Air Mail. You are authorized to sign Standstill Agreement on their behalf.\footnote{143 Political Department and the Ministry of States: op.cit., p.58.} He immediately requested the States Department to provide him with the forms of the Standstill Agreements so that he may proceed with the necessary
authorization. In the meantime fourteen copies of the Instrument of Accession signed by the rulers of the Khasi states were dispatched to the Secretary, States Department India Union, New Delhi, on August 28th, 1947. The Secretary of the Federation of Khasi States informed the States Department that the remaining eleven copies of the Instrument of Accession have not been returned by the rulers of the respective states. The delay was a result of the difficulty of communication due to heavy rainfall. It emerged that some of the Khasi states were not inclined to accede to the Indian Union, but due to their proximity to the Sylhet district, were inclined to accede to the Pakistan Union. Thus, on August 15th, 1947, the Khasi states never became independent. Though suzerainty of British paramountcy lapsed, the paramountcy of the Dominion of India took its place. Paramountcy of the Dominion of India was neither transferred nor inherited from the British, rather it was born when the Khasi states acceded to this new Dominion and agreed to abide by the terms stipulated in the Standstill Agreement and the Instrument of Accession. The agreements signed during this period sought to maintain the status quo ante with the difference that the Khasi states now formed an integral part of the Dominion of India through administrative relations with the province of Assam. Akbar Hydari attended
the first function of the Federation of Khasi States on August 16th, 1947 as Dominion Agent of the Dominion of India. In his address he pointed out that the Federation of Khasi States represents only those Khasi states that freely joined the Federation. He suggested that those Khasi states which were outside the Federation were free to negotiate separately with Assam and with the Indian Union. He also suggested that in any engagement which the Khasi states enter with the Federation, their rulers must take the people into confidence. This will ensure that the proposed Federation which the people have elected or may elect in the future will have the requisite authority.

The arduous task that lay ahead of the Ministry of States, (formerly the States Department), Dominion of India was to get all the twenty-five Khasi states to sign the Instrument of Accession. Intense communication followed between the Ministry of States and Akbar Hydari on the political and legal status of the Khasi states. It was suggested that certain concessions ought to be given to the Khasi states to wean away any idea of associating with neighboring Pakistan while at the same time dispelling any doubt that the Dominion of India was attempting to infringe upon and deny rights of at

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Speech made by H.E. Sir Akbar Hydari, Governor of Assam, in reply to the Address of welcome by the Federation of Khasi States, on 16.8.47., Political Department and the Ministry of States: op.cit., p.24.
least local autonomy to a tribal people. A revised Instrument of Accession in the new form was prepared by the Ministry of States in consultation with Akbar Hydari. On December 2nd, 1947 Akbar Hydari informed the Khasi rulers that he had brought with him the Instrument of Accession from Delhi and that they should sign it. It was agreed that all the rulers would assemble at the Governor’s residence on December 15th, 1947 and individually sign the Instrument of Accession on behalf of their respective states. Thus, nineteen Khasi rulers executed the Instrument of Accession on December 15th, 1947 on behalf of their states145. These included Khyrim, Mylliem and Cherra amongst others. Six rulers executed the Instrument of Accession between January and March 1948. The last two rulers of the Khasi states of Rambrai and Nongstoiì procrastinated and after veiled persuasion from the Dominion Agent finally relented and executed the Instrument of Accession on March 17th and 19th, 1948 respectively.

Through these agreements the Khasi states acceded to the Dominion of India but expressed their reluctance to merge. The rulers of the Khasi states expressed their inability to sign the Merger Agreement on the

also Shullai, L.G.: Ki Hima Khasi, (2nd Edn.) op.cit., p.32.
Lyngdoh, R.S.: op.cit., p.209.
contention that they were merely elected heads and had neither claim nor right over the control of land in their respective states. The refusal of these rulers to sign the Merger Agreement coupled with the hesitation of rulers of six Khasi states (Mawlong, Myriaw, Nobosohphoh, Nongspung, Nongstoïn and Rambrai) to sign the Instrument of Accession on December 15th, 1947, necessitated Sardar Patel’s presence in Shillong on 1-2 January 1948. Representations and deputations were made to him during his brief stay at Shillong. In their address of welcome to Sardar Patel, the Federation of Khasi States observed that the covenant (the Instrument of Accession and the Annex Agreement), “opens the way by which we can retain our time-honoured rights and privileges, promote and consolidate the political institutions laid down by our forefathers, and co-operate with other members of the Dominion for strengthening and shedding luster to the great Dominion of India”\textsuperscript{146}. In their address of welcome to Sardar Patel the Khasi States Peoples Union pointed out the popular belief “that Native States are strongholds of feudalism characterized by extreme affluence and indulgence on the part of the ruling families and by extreme poverty and ignorance on

\textsuperscript{146}Address of Welcome to The Hon’ble Sardar Vallabhai Patel, Deputy Prime Minister and Minister i/c Ministry of States, Dominion of India – Presented by the Federation of Khasi States, Shillong, 1948, \textit{Political Department and the Ministry of States: op.cit.}, p.45.
the part of the people and that these States are impediments in the progress of India has never been and can never be tenable with reference to the Khasi States. On the other hand when compared with the other parts of the Province of Assam they have proved much more progressive". The representation submitted by a deputation of the Khasi-Jaintia Federated State National Conference to Sardar Patel called for a more urgent and pragmatic approach to the administration of the Khasi and Jaintia Hills under new terms and conditions. It called for one united administration for both the twenty-five Khasi states and non-state areas, creation of an elected body to frame the constitution for this united administration, the placing of the draft proposal for such a constitution prepared by J.J.M.Nichols Roy before this elected body and the establishment of a District Council for the Khasi and Jaintia Hills. The representation also demanded that the proposed district should be given representation in the Assam Legislative Assembly. Curiously neither these addresses and representations made to Sardar Patel

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147 Address of Welcome to The Hon’ble Sardar Vallabhai Patel, Deputy Prime Minister and Minister i/c Ministry of States, Dominion of India – Presented by the Khasi States Peoples Union, Shillong, 2nd January, 1948, Political Department and the Ministry of States: op.cit., p.71.

148 A Representation submitted by the Deputation of the Khasi-Jaintia Federated State National Conference to the Hon’ble Sardar Vallabhai Patel, Deputy Prime Minister, Dominion of India on the 2nd January 1948 at Shillong, Political Department and the Ministry of States: op.cit., pp.52-53.
nor his address at Shillong referred to the vexed issue of merger of the Khasi states. This issue ended in a stalemate as the rulers of the Khasi states were reluctant to change their affirmed stand. To them, any further discussion on the future position of the Khasi states within the framework of the new Constitution of India should be referred to their people.

While these uncertainties unfolded a number of legal steps were undertaken by the new government at New Delhi to give effect to the Instrument of Accession and subsidiary agreements that were arrived at between the Khasi states and the Dominion government. On August 15th, 1947 the Provisional Constitution Order was issued by the Governor-General. This order abolished all references to ‘tribal area’ and the distinction between ‘India’ and ‘British India’. On August 27th, 1947 the Extra-Provincial Jurisdiction Ordinance (No. XV of 1947) was issued by the Governor-General. This Ordinance re-established retrospectively the severed links which resulted from the first order. Under this Ordinance two notifications were issued. The first notification, The Assam Tribal Area Order, 1947, confirmed and gave effect to every instrument that is, rule, notification, and order etc., issued under Section 313 of the Government of India Act, 1935. The second notification authorized the Governor of Assam
to continue to discharge his former functions in or in relation to the tribal areas on the frontiers of the Province of Assam as the Agent to the Governor-General of India-in-Council. Before the end of the year the Ordinance was made into an Act of the Dominion Legislature¹⁴⁹.

THE KHASI STATES CONSTITUTION MAKING DURBAR

Though the issue of merger of the Khasi states to the Indian Union remained unsettled yet the need to forge better ties was reaffirmed. Provisions of the Instrument of Accession were given effect to enable the Federation of Khasi States exercise its mandate under this agreement. In exercise of powers conferred by section 4 of the Extra Provincial Jurisdiction Act, 1947, the Ministry of States, Government of India issued a special notification on June 16th, 1948, the Khasi States Federation (Administration of Justice) Order. This notification empowered the Federation of Khasi States to establish its own competent court in the whole territory of the Khasi States Federation excluding the Shillong Administrative Areas. It also defined the criminal and civil jurisdiction to be

also Shullai, L.G.: From British India to Bharat India, Ri Lum Printing House, Shillong, 1999, pp.15-19.
administered by the Federation court, its subordinate courts and the State courts. This notification was made effective by the Governor of Assam from July 1st, 1948. On October 4th, 1948 the Ministry of States issued a Supplemental Notification to the Khasi States Federation (Administration of Justice) Order, 1948. It was agreed that the place of the Khasi states under the new Constitution of India (which presently was being drafted) should be decided by the Khasi states themselves in confidence with the Dominion Agent. To this effect the Dominion Agent issued a notification providing for the establishment of a Khasi States Constitution Making Durbar. The representative character of this Durbar was not lost as it would comprise of all the heads of the Khasi states, elected members (from demarcated constituencies) through adult franchise and nominated members which included women. To mitigate the sharp differences of opinion that emerged between the Federation of Khasi States and the Khasi-Jaiñtia Federated State National Conference in the process of establishing the Khasi States Constitution Making Durbar, a joint meeting of representatives of different Khasi organizations was convened by the Dominion Agent on July 15th, 1948. This meeting was attended by the Dominion Agent,

representatives of the Federation of Khasi States, Khasi-Jaintia Federated State National Conference, the Khasi States Peoples Union, and a number of officials. A number of resolutions were passed at this meeting and rules for election and nomination of members were framed. The joint meeting reiterated its call to facilitate the early re-unification of all territories in the Khasi and Jaintia Hills under one system of administration. The elections to the Khasi States Constitution Making Durbar were held between December 1948 and February 1949. In most constituencies it was fought between candidates of the KJFSNC and the KSPU. The Khasi States Constitution Making Durbar comprised of eighty nine members, twenty five members were heads of the respective Khasi states, fifty six members were elected from fifty six constituencies demarcated across the twenty five Khasi states, while eight members were nominated. Among these nominated members were four men recommended by the Khasi States Constitution Making Durbar and four women recommended by the Governor of Assam. Mylliem sent twelve members to the Khasi States Constitution Making Durbar. These included Sati Raja, the Syiem of Mylliem and eleven elected members from eleven constituencies – O.H. Rease, G.G.Swell, A.Alley, Dinet Syiem, Jum

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152 Giri, Helen: *op.cit.*, pp. 249-250.
Singh Syiem, Owenton Roy, B.Kharsohnoh, Sporso Manik Syiem, Hormo Roy, Hidon and Jin Ram Mikir. Khyrim sent thirteen members to the Khasi States Constitution Making Durbar. These included Olim Singh, the Syiem of Khyrim and twelve elected members from twelve constituencies – James Lyngdoh, Lonsing Lyngdoh, Soni Kharpraw, Wenly, H.Cotton, Jwen Singh, Dulir Singh Syiem, Jrem Singh, Kynjai, Treshon, Ron Singh and Nilip Shadap. The nominated members elected by the Khasi States Constitution Making Durbar were Rai Bahadur D. Ropmay, H.Lyngdoh, J.J.M.Nichols Roy and R.R.Thomas. The four women nominated by the Governor of Assam were B. Khongmen, B.Taylor, L.Shullai and Mavis Dunn. H.Lyngdoh was elected Chairman, R.R.Thomas, Vice-Chairman and Jor Manik, Secretary of the Khasi States Constitution Making Durbar respectively.

The inauguration of the Khasi States Constitution Making Durbar took place on April 29th, 1949 and was attended by the Governor of Assam, Sri Prakasa. In his address the Governor urged upon the Durbar to consider the possibility of including the Khasi states within the purview of the Sixth

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Schedule of the draft Constitution of the Dominion of India. The second session of the Khasi States Constitution Making Durbar was held between May 16-20th, 1949. The business transacted during these five days included election of nominated members, election of office bearers of the Durbar, a discussion of the rules of procedure and other related matters. The third session of the Khasi States Constitution Making Durbar was held between July 11-21, 1949. During the first few days the Durbar devoted itself mostly to procedural matters. On July 14th, 1949 J.J.M.Nichols Roy with the permission of the Chair, moved a resolution urging for the formation of a union and one united administration for the Khasi and Jaintia Hills, comprising of both the twenty-five Khasi states and the non-state areas, within the province of Assam. The next day G.G.Swell proposed an amendment to Roy’s resolution urging the establishment of one administration for the above areas but to be directly connected with the centre. Roy’s resolution suggested the election of an eighteen member Committee to negotiate the manner in which this proposed union and united administration could be ushered in, while Swell’s amendment suggested a committee of fourteen members. Swell withdrew his amendments when the proposed amendment of the Syiem of Jirang was moved. This amendment,
an improvement of Swell’s proposal, demanded for a united administration outside Assam which was possible under the provisions of the Instrument of Accession and the Draft Constitution of the Dominion of India. When the proposed amendment of the Syiem of Jirang was put to vote at the Durbar, the motion was carried by a majority of 46-40 in favour of those members who supported the Khasi states. When the resolution moved by Nichols Roy was put to vote it was defeated by a 40-46 margin. The Chairman of the Durbar then placed before the members the task of appointing a Negotiating Committee. At this point Nichols Roy and his supporters (numbering to forty) refused to further participate in the proceedings and staged a walk-out. The Durbar then proceeded to appoint a 16 member Negotiating Committee which included amongst others Olim Singh and Sati Raja\textsuperscript{155}. The decisions taken at the Durbar were sent to the Drafting Committee of the Constituent Assembly to reconsider a unified administration for both the Khasi states and non-state areas. A memorandum was submitted by the Negotiating Committee of the Constitution Making Durbar of the Khasi states at a conference to the Governor of Assam and the Acting Chairman of the Drafting Committee of the Constituent Assembly on November 5\textsuperscript{th}, 1949.

\textsuperscript{155} Shullai, L.G.: \textit{Ki Hima Khasi}, op.cit., p.18.
The Durbar requested the incorporation of the following provision in the Constitution of India, "Provided that nothing in this Constitution shall be construed as empower any authority neither to interfere with, or undermine the democratic institutions and the traditional customs and usages of the Khasis nor to diminish their traditional rights and privileges". The Durbar wanted to ensure "the continuance of the democratic system of the Government peculiar to the Khasi people, as well as the protection of their sacred rights and special privileges over the soil and sundry other rights may be guaranteed".

CASE NO. V OF 1949

While elections to the Khasi States Constitution Making Durbar were being held across the twenty five Khasi states between December 1948 and January 1949, Sati Raja, Syiem of the Mylliem State filed a suit on February 2nd, 1949 against the Dominion of India and Another (the Province of Assam) in the Federal Court of India. This appropriately drafted suit reviewed the relations and subsequent developments between Hima Mylliem

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156 Giri, Helen: op.cit., p.259.  
157 Ibid.
and the Dominion of India and Province of Assam especially after August 15th, 1947. It noted the arbitrary manner in which the Dominion of India and the Province of Assam had exercised their jurisdiction, through various legislative measures, over Hima Mylliem. This exercise of jurisdiction was in contravention to the terms set forth by the Instrument of Accession. The suit therefore declared that Hima Mylliem was entitled to recover full sovereign rights, powers, functions, authorities and jurisdiction over all the territories formerly belonging to it. Further, the suit declared that all duties, taxes, revenues realized or levied by the Dominion of India and the Province of Assam within the territories of the Mylliem state should be payable to it. This case put both the Dominion of India and the Province of Assam in a difficult position as it was legally well founded. The legal and administrative position of the Shillong Municipal area would have been the focal point of this case and would have put the government in a difficult situation. Moreover, both these authorities could not have expected a leading Khasi state to file a suit against them when negotiations were proceeding both at the central as well as the provincial level.

158 Case No. V of 1949 in the Federal Court of India, New Delhi, c.f. in L.G.Shullai, Ryngkat bad ka Hima Mylliem, Scorpio Printers, Shillong, 1994, p.5.
Efforts were made to arrive at a compromise and an agreement was reached on December 31st, 1949 between Sri Prakasa, the Governor of Assam and Sati Raja, the Syiem of Mylliem. The Syiem of Mylliem ultimately withdrew his case against the Dominion of India and the Province of Assam. Through this agreement the Syiem of Mylliem ceded to the Dominion Government all rights, jurisdiction and sovereignty over his state. Sati Raja was entitled to receive a monthly allowance of Rs.2500 per month as long as he was recognized Syiem of Mylliem. Further, no enquiry could be instituted against Sati Raja (except by the authority of the Governor of Assam) for anything said or done by him before the execution of this agreement. Such an agreement was never deemed necessary with the other Khasi states. The agreement executed individually by the Syiem of Mylliem further strengthened the resolution and decision taken in the Constituent Assembly to collectively bring the Khasi states within the Province of Assam.
THE SIXTH SCHEDULE AND THE CONSTITUENT ASSEMBLY

The twenty five Khasi states both individually as well as collectively did not have resolute backing in the Constituent Assembly. The Sixth Schedule had been incorporated in the Draft Constitution in 1948 itself, even before the elections to the Khasi States Constitution Making Durbar were held. Nichols Roy was strongly in favor of the Sixth Schedule which included many concerns highlighted in his proposed draft constitution for the Khasi and Jaintia Hills Federated State. G.S.Guha who was also the representative of the Khasi states in the Constituent Assembly did not appear to have supported the stand of the Federation of Khasi States. The second reading of the Sixth Schedule was taken up on September 5-6, 1949. Strong observations were raised in the Constituent Assembly on the inclusion of the Sixth Schedule in the Constitution of India. Kuladhar Chaliha was against the inclusion of the Sixth Schedule when he said, “If you see the background of the Schedule you will find that the British mind is still there. There is the old separatist tendency and you want to keep them away from us”159. Brajeshwar Prasad was also opposed to the creation of the District Council. He refused to be “a party to dividing Assam” and was not willing to

159 Constituent Assembly Debates, Vol.IX, p.1008.
jeopardize the interest of India at “the alter of the tribals”\textsuperscript{160}. To him the idea of District Council “will lead the establishment of another Pakistan in this country”\textsuperscript{161}. Rohini Kumar Choudhury was a staunch supporter of assimilation. In his address in the Constituent Assembly he remarked, “We want to assimilate the tribal people. We were not given that opportunity so far”\textsuperscript{162}. He further questioned the rationale of the Sixth Schedule by adding, “Do you want an assimilation of the tribal people or do you want to keep them separate. If you want to keep them separate, they will combine with Tibet, they will combine with Burma, they will never combine with the rest of India, you may take it from me”\textsuperscript{163}. On the other hand a number of members supported the formation of the District Council. They appreciated the effort that had been put in by the Bardoloi Sub-Committee in the preparation of the Sixth Schedule. Jaipal Singh observed that, “It was after considerable difficulty and negotiations that the tribal people of Assam were persuaded to agree to the recommendations”\textsuperscript{164}. Similarly A.V. Thakkar noted that “The Committee tried its best and put forward the proposal which was acceptable not only to the Committee but also to the various tribes

\textsuperscript{160} Constituent Assembly Debates, Vol.IX, \textit{op.cit.}, p.1009.
\textsuperscript{161} Ibid.
\textsuperscript{162} Ibid, p.1005.
\textsuperscript{163} Ibid, p.1015.
\textsuperscript{164} Ibid, p.1017.
themselves – I mean this system of autonomous districts[^165]. J.J.M. Nichols Roy strongly supported the spirit behind the Sixth Schedule. He justified the creation of the District Council as a special system of administration for the hill people who observed better culture and better policy than people of the plains. He also argued that the District Council would satisfy the hill people. He noted that, "To keep the frontier areas safe, people must be kept in a satisfied condition[^166]. He was particularly happy that the Khasi states had been incorporated in the Sixth Schedule. In his address at the Constituent Assembly he remarked, "I am glad also Sir, that the Khasi States have been incorporated in the Sixth Schedule for that will enable the same people of the District of Khasi-Jaintia Hills and the Khasi States to have one administration. I am thankful to all those who have helped in this matter[^167]. The Chairman of the Sub-Committee, Gopinath Bardoloi strongly supported the Sixth Schedule. To him the constitution of the District Council in the

tribal areas would enable the tribal people to come closer to the people of the rest of the country.\textsuperscript{168}

Another discussion ensued on September 7\textsuperscript{th}, 1949 when the Chairman of the Drafting Committee, B.R. Ambedkar moved an amendment to paragraph 19, sub-paragraph (2) of the Sixth Schedule of the draft Constitution which states, "The United Khasi-Jaintia Hills District shall comprise the territories which before the commencement of this Constitution were known as the Khasi States and the Khasi and Jaintia Hills District, excluding any areas for the time being comprised within the cantonment and municipality of Shillong, but including so much of the area comprised within the municipality of Shillong as formed part of the Khasi State of Mylliem: Provided that for the purposes of clauses (e) and (f) of sub-paragraph (1) of paragraph 3, paragraph 4 and paragraph 5 and sub-paragraph (2), clauses (a), (b) and (d) of subparagraph (3) and sub-paragraph (4) of paragraph 8 of this Schedule, no part of the area comprised within the municipality of Shillong shall be deemed to be within the District."\textsuperscript{169} The discussion on this proposed amendment centered around two basic issues.

\textsuperscript{168} Constituent Assembly Debates, Vol.IX, \textit{op.cit.}, p.1010.
\textsuperscript{169} \textit{Ibid}, p.1057.
also accessed through http://parliamentofindia.nic.in/ls/debates/vol9p28a.htm on 4.02.09.
The first issue was concerned with the inclusion, of the Mylliem state areas falling within the Shillong Municipality, within the framework of the Sixth Schedule, while the second issue was concerned with the inclusion of the Khasi states within the purview of the Sixth Schedule. Participating in the discussions on the first issue Hriday Nath Kunzru expressed his reservations on the proposed inclusion which also received the concurrence of Rohini Kumar Choudhury and Kuladhar Chaliha. B. Das was very critical of this proposed amendment, "which disfranchises the civil liberties of the people of the Shillong Municipality and makes the people of the educated class depend on primitive people. Sir, I hate the provision of the Sixth Schedule whereby you are perpetuating primitive conditions of life......". B.R. Ambedkar brought to the notice of the members the legal complications that arise under the new provisions of paragraph 19 of the Sixth Schedule. The part of the Mylliem state which is included in Shillong will form part of the United Khasi-Jaiñtia Hills District. Under the new provisions of paragraph 19 this part of the Mylliem state will be subject to two separate jurisdictions – the territorial jurisdiction of the Shillong Municipality and that of the United Khasi-Jaiñtia Hills District. This double jurisdiction of one area

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might come in conflict in future. To mitigate such a possibility it was necessary to include a provision to sub-clause (2) of paragraph 19. The issue of including the Khasi states within the purview of the Sixth Schedule received the concurrence at the second reading. It is however surprising that the representative of the Khasi states at the Constituent Assembly, G.S.Guha did not participate in the discussions. When this proposed amendment of B.R. Ambedkar was put to motion, it was accepted. Thus, paragraph 19 became paragraph 20 of the Sixth Schedule as passed by the Constituent Assembly on November 26th, 1949\textsuperscript{171}. This resolution adopted on September 7\textsuperscript{th}, 1949 approved the creation of the United Khasi-Jaiñtia Hills District comprising the territories which before the commencement of the Constitution were known as the Khasi states and non-state areas\textsuperscript{172}. Till this time there still had been no indication that the proposed United Khasi-Jaiñtia Hills District would be part of Assam. Any changes to this paragraph would have been made between the second and the third reading of the draft Constitution of India. The First Schedule of the draft Constitution relevant to

\textsuperscript{171} Paragraph 16 A was inserted in the Sixth Schedule and when approved by the Constituent Assembly it became paragraph 17. This necessitated every subsequent paragraph in the Schedule to move by a single numerical i.e. paragraph 17 thus became paragraph 18, paragraph 18 thus became paragraph 19 and so on.

\textsuperscript{172} Constituent Assembly Debates, Vol. IX, \textit{op.cit.}, p.1078.
the State of Assam in its final form read as, "The territory of the State of Assam shall comprise the territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas". How the Khasi states were merged without their consent and approval is a constitutional anomaly that remains unanswered but from which many possible inferences may be conjectured. Speaking at the third reading of the draft Constitution of India on November 21st, 1949, Muhammad Sa’adulla insightfully remarked, "Sir, the Khasi Hills have been relegated to the Sixth Schedule for which Rev. Nichols-Roy is very thankful, but there is a constitutional anomaly. Although the Constituent Assembly is not to find a remedy for that, yet I must sound a note of warning that this small district of Khasi Hills embraced 25 Native States most of which had treaty rights with the Suzerain power in Delhi. They were asked to join the Indian Dominion in 1947. Instruments of Accession accompanied by an agreement were executed by these Chiefs and they were accepted by the Central Government. But though even this area has been included in the Sixth Schedule, up till now no agreement or settlement has been arrived at between the Constituent Assembly of the Federation of the Khasi States and the Assam Government or the
Government of India". He added that Syiem Olim Singh, the President of the Federation of Khasi States had led a delegation to Delhi in early November, 1949 to press their grievances before the States Ministry as well as the Drafting Committee. These grievances pertained to two issues – retention of the democratic system of electing native Chiefs by all their people in their respective territories through adult franchise, and preservation of their ancient sacred rights of ownership of land which may be eroded by section 3 of the Sixth Schedule. In a concerned note he added “I know that these Khasi people are late in the day and nothing can be done at the third reading but I request those honourable members who will continue to be Members of the Constituent Assembly even after the 26th January 1950 to see that this wrong of the Khasi people is righted in no time, for the contentment and peace of this area will greatly conduce to the safety and preservation of the boundaries of the Indian Dominion”.

The draft Constitution of India was adopted on November 26th, 1949 and the Constituent Assembly was adjourned till January 26th, 1950. With the Constitution firmly in place the Khasi states had no alternative left from which they could seek redress to their political aspirations. On January 25th,

1950 all documents and properties of the Federation of Khasi States were seized by the Government of Assam. This was the result of an order passed by the Governor of Assam, the Khasi States (Administration of Justice) Order, 1950, passed on January 25th, 1950. This order extended to the whole of the Khasi states excluding the Shillong Administered Areas. It cancelled the Khasi States Federation (Administration of Justice) Order, 1948 as well as its Supplemental Order, 1948. The Order entrusted criminal and civil justice to the Deputy Commissioner, the Additional Deputy Commissioner, Khasi and Jaiñtia Hills District, his Assistants and to the Court of the Syiem of the Khasi states. Further, this Order changed the offices of the Dominion Agent, Khasi states, Assistant to Dominion Agent, Khasi states and the Court of the Khasi Federation to the offices of the Deputy Commissioner, Khasi and Jaiñtia Hills District, Assistant to the Deputy Commissioner, Khasi and Jaiñtia Hills District and the Court of the Deputy Commissioner, Khasi and Jaiñtia Hills District, respectively. The Khasi States (Administration of Justice) Order, 1950 continued to operate till it was repealed by the United Khasi-Jaiñtia Autonomous District (Administration

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of Justice) Rules, 1953\textsuperscript{176}. When the Constitution of India came into force on January 26\textsuperscript{th}, 1950 the Khasi states were constitutionally reconciled to the provisions of the Sixth Schedule. The Khasi states were for practical purposes reconciled to the provisions of the Sixth Schedule only after 1952 when elections to the House of the People, to the Legislative Assembly of Assam and to the District Council of the United Khasi-Jaintia hills district were held and in which people from both the Khasi states and non-state areas participated.

**RECONCILED TO PROVIDENCE**

The Khasi states witnessed the unification of all territories in the Khasi and Jaintia Hills under one administration which was however far from what they had conceptualized. Their position and authority were relegated to the background to make way for the establishment of an authority more democratic and progressive with the times. In their relations with Delhi they were unable to strike a balance between negotiating with the Ministry of States on the one hand and the Constituent Assembly on the

\textsuperscript{176} Lyngdoh, R.S.: op.cit., p. 234.
other. They had directed all their attention in negotiating with the Ministry of States through the Dominion Agent so much so that the path to negotiating with the Constituent Assembly was left open for the other political aspirations to pursue. These political aspirations were effectively pursued by J.J.M. Nichols Roy who as a member of the Bardoloi Sub-Committee and of the Constituent Assembly decisively supported the incorporation of the Sixth Schedule to the proposed Constitution of India. The Sixth Schedule would accord recognition to his proposed Khasi-Jaiñtia Federated State but under a new administrative arrangement - the establishment of a tribal dominated district within the Province of Assam where demarcated constituencies would return elected representatives and where the provision of nominating non-tribal citizens and women would also be included.

The Khasi States Constitution Making Durbar also failed to arrive at a negotiated settlement with the Ministry of States even at the critical juncture when the draft Constitution of India was taken up at the Second Reading. The Khasi states failed to oppose the insertion of paragraph 20 in the Sixth Schedule which finalized their reconciliation with the province of Assam. A number of legal and political questions which emerged from this particular
decision remained unanswered. On what legal basis were the Khasi states outrightly merged with Assam when they had not appended the Instrument of Merger? The provisions of the Instrument of Accession as well as those of the Standstill Agreement were in force having been given effect through various legal enactments, when the draft Constitution was adopted. In addition, no new or modified arrangements were arrived at to redefine the constitutional relationship between the Khasi states and the Dominion of India. This is also the reason why no notification was published as was done with other states which merged with the Dominion of India. Similarly, no proclamation was issued by the Khasi states that they had accepted the Constitution of India as was done by other Union of States as in the case of Patiala and East Punjab, Travancore – Cochin and Saurashtra. The Khasi states were unable to transcend the political traditions that bound them for centuries. These traditions were challenged by the more progressive political traditions that had taken shape in the hills, visible in representative democracy through electoral politics determined by universal suffrage. The Khasi states had also failed to consider the observations made by different authorities on the need to take their citizens into confidence especially when crucial decisions were to be adopted. The Cabinet Mission statement had
emphasized that the states need to “take active steps to place themselves in close and constant touch with public opinion in their State by means of representative institutions”. In his address to the Federation of Khasi States on August 16th, 1947 Akbar Hydari made an insightful observation when he remarked, “we are now living in an age when power derived from hereditary rights counts for much less than power based on the consent of the people, coming within the sphere of its authority”\textsuperscript{177}. The inability of the Khasi states to gauge these eventful signs resigned them to a subordinate status far from what they had conceived and worked for. Lacking an accommodative character as far as tradition was concerned, the Khasi states could not prove a rallying and unifying force for the Khasi people. Differences within the Federation were visible as all the Khasi states were not members of the Federation. Akbar Hydari noted that “the Federation of Khasi States can only represent those Khasi States who have freely joined the Federation. Those who wish to remain outside are free to do so and negotiate separately with Assam and the Indian Union”\textsuperscript{178}. Moreover, even those states that were members of the Federation took conflicting stands

\textsuperscript{177} Speech made by H.E. Sir Akbar Hydari, Governor of Assam, in reply to the Address of Welcome by the Federation of Khasi States, on 16.8.47, \textit{Political Department and the Ministry of States: op.cit.}, p.24.

\textsuperscript{178} Ibid.
thereby affecting the collective unity of the Federation. The Syiem of Mylliem individually filed a suit against the Dominion which ultimately brought about a compromise and certain entitlements in his favor. The resignation of the Sordar of Mawlong from the Negotiating Committee of the Khasi States Constitution Making Durbar also affected the collective unity of the Khasi states. Another issue which affected the struggle of the Khasi states was limited funds. Most of the Khasi states were small and had limited financial resources, barring Mylliem. The Syiem of Mylliem bore the maximum financial burden as far as negotiations were concerned. Taking this lack of unity among the Khasi states to their advantage, the representatives to the Constituent Assembly from Assam as well from the Khasi and Jaintia Hills pressed forward for a political arrangement which reconciled these traditional political institutions to a status of subordinate importance.