Revisiting Traditional Institutions in the Khasi-Jaintia Hills
Revisiting Traditional Institutions in the Khasi-Jaintia Hills

Edited by
Charles Reuben Lyngdoh
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Traditional institutions in the Khasi-Jaintia society are “living organisms” which have existed for centuries. During this time they have internally evolved from one phase to another to provide for the exigencies of time and necessity. In the pre-colonial period, these traditional institutions evolved from the clan based council, *ka Dorbar Kur*, with designated offices and office holders such as the *Rangbah Kur* (a clan elder who was usually the eldest maternal uncle) to the state council, *ka Dorbar Hima*, with designated offices and office holders such as the *Syiem, Lyngdoh, Sirdar, Wahadadar* and *DoloI* (these heads or chiefs as they were called, were chosen from specific clans) and their council members. Each of these traditional institutions existed over a demarcated area which was independently administered by the traditional head or chief. The traditional heads and chiefs executed legislative, executive, judicial as well as religious functions in accordance with the traditions, customs and customary laws and usages of the land. When these traditional institutions, especially the Khasi states came into contact with other peoples and forms of administration, particularly the British, their internally evolved system of functioning witnessed interference and adjustment. By 1835 the British had suppressed most of the insurrections in the Khasi and Jaintia Hills (insurrections by the Khasi state of Maharam and the Jaintia *Elakas* were to continue for some more time) and began to put in place an administrative system in these Hills. Thus what initially began as a request (by the British East India Company) for right of passage for British company troops from the plains of Sylhet (now in Bangladesh) to the plains of Assam (now a state in India) through the Khasi and Jaintia Hills ultimately concluded with the firm establishment of British authority over these Hills.

In the wake of India’s independence in 1947 and the redrawing of the geographical contours of the sub-continent, new states emerged which would become the inheritors and successors of the British political and administrative legacy. The process of transferring power and territories formerly under British rule was undertaken through discussion, negotiation, the signing of agreements, and mergers and in several instances even through outright coercion. The inauguration of the new Constitution of India in 1950 firmly put in place a federal structure to redefine this nascent independent country’s relationship with its redrawn
units and its citizens. In this sea of political change spanning over a century, the Khasi states continued to exist and carry out their traditionally entrusted responsibilities backed by local public opinion that called for their continuity amidst diminishing responsibility and utility. Today these traditional institutions continue to exist though public opinion has been critical on several occasions of their defiance to adapt to changes.

In 2014 the Department of Political Science, Synod College, Shillong, organised a workshop, “Revisiting Traditional Institutions in Khasi-Jaintia Hills” to deliberate on a range of issues affecting these traditional institutions. It was felt that the discussions and deliberations should see the light of day in the form of a publication. This book is thus a collection of the revised papers that were presented at the workshop. Several papers have also been contributed by other scholars working on issues relevant to traditional institutions. These papers, fifteen in all, weave together a landscape that portrays traditional institutions as they exist in the present Khasi and Jaintia Hills in the State of Meghalaya. The papers have blended oral tradition on the evolution of traditional institutions with historical records and available sources from secondary literature both in English and local writings. These papers discuss traditional institutions both in the urban as well as the rural setting. They discuss the structure of these traditional institutions, their functions and relevance in the present day, existing amidst other constitutionally mandated systems of administration. The papers examine the interplay of power and functions between the legitimate power holders such as the state government and the Autonomous District Councils and the traditional power holders represented by the traditional institutions across the Khasi and Jaintia Hills. Some papers examine the role of women in these traditional institutions, an issue that evokes intense academic discussion especially among the Khasi and Jaintia people who practise matriliny. The last paper looks at the traditional forest management regime existing in the Khasi Hills and its adaptation of REDD+ as a climate change mitigation mechanism.

The publication of this edited volume would not have been possible but for the efforts of several people. I would like to express my gratitude to the contributors for their submissions and especially for their enthusiasm and commitment to ensure that this collection of papers is published. I thank Mankhrawbor Dunai and Sue Morecroft for their thorough work of proof reading and I also express my sincere gratitude to the publisher for the meticulous work and effort to publish this volume.
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The existence of the office of chiefship and other institutions connected with the administration is one of the common features among the tribal communities of North-East India. These pristine institutions had prevailed and are still prevailing among many of the tribal communities of the North-Eastern region. Though among certain tribes the office of the traditional chief was no longer there, we still find the existence and continuation of the same among many other tribal communities. For example, among the Mizos, the office of the once-powerful Lal or chief had been abolished after the passing of the Assam-Lushai Hills District (Acquisition of Chiefs Rights) Act, 1955 with a provision to pay compensation to the chiefs for the loss of their traditional office. This Act was actually the last nail in the coffin of the Mizo chiefs. Further, among the Jaintia, the office of the Syiem was also abolished by the British authorities on 15 March 1835 after the British decided to take over the administration of the hill portion of the former Jaintia kingdom. However, the British administration retained the other offices of the traditional chiefs among the Jaintias like the office of the Doloi, Pator and Waheh Chnong (village headman) to assist the British authorities in running the administration of the Elakas and villages. The British administration passed and enforced many Acts, Rules and Regulations from time to time during the course of their administration and these had serious repercussions and effects on the traditional powers and functions of the chiefs and their institutions. To be brief, the same happened and is still
happening after India’s independence with the introduction of the constitutional institutions like the Autonomous District Councils (ADCs) in certain hill areas and districts of North-East India. These political and constitutional developments have greatly affected the relationship between the traditional institutions and that of the constitutional institutions.

The new developments have also brought with them new challenges and this has opened up new avenues for further examination and analysis of the relationship between these two sets of institutions in a more scientific way. There is therefore an urgent need to “re-visit” these political and constitutional developments that took place during the time of the British administration and after India’s independence.

On the basis of the power and functions held by the chiefs of numerous tribes of the North-Eastern region, they can be classified into different categories depending upon the extent of power entrusted to or held by them. Further, the customary law of succession and inheritance, and the methods of election or selection also differ from tribe to tribe and from area to area. Variation in the laws of succession to the office could be found even within the same tribal community; a clear example is that of the different Naga tribes. The law of succession also determines the extent of power or authority entrusted to the chief either by the chief’s family or clan or the council of elders or the villagers themselves or whichever body/institution or authority is responsible in determining the succession process. A chief is either elected or selected for a definite period or for a lifetime. The tenure of office of a chief therefore differs from tribe to tribe, and even within the same tribe.

Among the tribes which follow the patrilineal system of descent and where chiefship has become hereditary, the law of primogeniture is generally observed. At the same time, it is a practice in which the eldest surviving male child of the previous or deceased chief may not inherit the office if he is known to be incapable, cowardly or having certain drawbacks. From such a practice, it is thus evident that the son becomes the chief by virtue of his personal qualifications and qualities of head and heart. Among some other tribes, a chief is elected to the office on the basis of his personal ability or qualifications rather than on the grounds of hereditary rights and still among other tribes, the office is strictly confined to the members of the privileged original or founding clan(s). These clans are regarded as such because it was they who were the first or earliest settlers in a particular area. Such clans under the leadership of the most senior male member, after they decided to finally settle down, chose a particular area, colonised it and claimed proprietorship over it. Proprietorship over the land gave such clans the political authority to run
the administration. In some cases, the principle of hereditary chiefship was introduced by the British authorities after taking over the administration of the area. They did this in order to ensure political and administrative stability and more importantly to gain the loyalty of the chiefs towards the British administration. Basically, a simple typology of chiefship could not be found to exist among the various tribal communities of the North-Eastern region.

The case of the Khasi and Jaintia Hills in the State of Meghalaya is unique in many ways. Both of the areas had a long experience under the administration of their traditional chiefs and their institutions even before the coming of the British. During the entire British administration over the Khasi and Jaintia Hills they allowed these chiefs and their authorities to continue under the overall supervision and control of the British authorities. The British authorities had either taken away most of their traditional power and functions especially their traditional judicial functions or had curtailed their power and functions to suit the British interests in administration.

After India’s independence, the framers of the Indian Constitution did not totally overlook the situation that prevailed during that time in terms of the role and function of the existing traditional administration in the form of the chiefs and other institutions in the hill areas of North-East India in general and the Khasi-Jaintia Hills in particular. Under the Directive Principles of State Policy, administration in other parts of India was introduced right down to the grassroots level under Panchayati Raj Institutions (PRIs). However, the political leaders and constitutional experts felt that the PRIs may not be administratively suitable to serve the needs of the tribal people of the region and their societies. Therefore some other constitutional institutions had to be introduced to suit their interests and political aspirations to enable them to take part in decision-making when the new Constitution came into operation. To cut it short, a Sub-Committee was appointed to study and examine the prevailing administration under the traditional chiefs and their institutions, traditions, customs, usages of the land and people and other related matters of administration. The members of the Sub-Committee, in short, recommended the setting up of the Autonomous District Councils (ADCs) in the hill districts of the then undivided State of Assam.

The recommendations of the Sub-Committee were accepted by the Constituent Assembly after heated discussions on the pros and cons of the draft proposal. The ADCs are incorporated into the Indian Constitution under Articles 244(2) and 275(1). The ADCs as per the Sixth Schedule are empowered to run the administration within their jurisdiction relating to
land, unreserved forests, the management and control of primary school education, the appointment and succession of traditional chiefs like the Syiems, Sirdars, Lyngdohs, Wahadadar and village headmen in the Khasi Hills and the Dolois, Pators and village headmen in the Jaintia Hills.

With the new constitutional development that took place after India’s independence, the Khasi-Jaintia society has undergone a sea-change and experienced something which it had not even encountered before and during the British period of administration. The change that has taken place is from a position of tradition to one of modernity. It is this new development which brings another interesting chapter, a new chapter that creates a strained relationship between the traditional institutions represented by the traditional chiefs and their institutions and the constitutional bodies or institutions under the ADCs and the State Government. The introduction of the ADCs has affected the traditional power and functions of the traditional chiefs and their institutions from time to time. The passing in 1959 of the Act, Appointment and Succession of Chiefs and headmen and its subsequent amendments have further deteriorated the power and functions of the chiefs and their institutions. This is due to the fact that the Sixth Schedule has empowered the ADCs to supervise and have control over the chiefs and their institutions. It is with this background that the contributors of this book have brought out their research findings after re-visiting those problems and issues facing both the traditional and constitutional institutions, the relationship between the two institutions and the effects of the constitutional institutions on the traditional ones.

There is no doubt that a number of studies had been conducted earlier both by local and non-local researchers. Such studies have come up with their varied findings. However, as most of the tribal societies and their traditional institutions are experiencing and facing the forces of change especially with the introduction of constitutional institutions, most of the power and functions of these traditional institutions are seriously affected when their functions are either curtailed or taken away. This changed situation obviously calls for a proper examination and analysis of the relationship between the two institutions. Revisiting the traditions is therefore necessary in order to make a serious attempt to evaluate and analyse the issues involved, especially the changing role and functioning of these institutions from the theoretical and conceptual framework which is lacking in many earlier studies. Some such earlier studies were more expressionistic in character. There is also a need to update the data and information on the current political relationship between the traditional
Introduction

and constitutional institutions in a changing political scenario in the Khasi and Jaintia Hills of the State of Meghalaya.
CHAPTER TWO

THE KHASI STATES AND THE BRITISH:
POLITICAL DEVELOPMENT
ON THE EVE OF INDEPENDENCE

CHARLES REUBEN LYNGDOH

Introduction

Traditional political institutions occupy a central place in the tribal milieu of North-East India. These institutions evolved in tribal societies to bring order to and regulate settled life among the inhabitants. Among the Khasi and Jaintia people, the development of these traditional political institutions had been gradual. Over the centuries these institutions evolved beyond the confines of village settlements to higher forms exhibiting remarkable foresight in village leaders and their kin groups (Lyngdoh, 2009: 4). The Hima, that is, the state (Note 1) was the highest traditional political settlement that evolved among the Khasi and Jaintia people. The political office that administered the affairs of the Hima was the Syiemship under an administrative head called (by various nomenclatures in different Hima), Syiem, Lyngdoh, Sirdar and Wahadadar (Lebar, 1964: 10). Syiemlieh notes that:

This rudimentary stage of state formation probably arose out of voluntary association of villages when new developments such as opening of markets, execution of marriage laws, organisation of land tenure and judicial administration brought in the need for a central common ruler. (1989: 4)

Similarly Bareh observed that:

Syiemship was devised to amalgamate identical pursuits, interests and necessities of clans and units near and far. It was instituted on the spirit of
Prior to the advent of the British in the Khasi Hills, the Khasi states exercised independent control over their respective territories. The arrival of the British at the periphery of the Khasi Hills (Note 2) ushered in a phase of uneasy relations between the British and the Khasi states. These relations were marked by contact, trade, incursions, resistance to restrictions and impositions and finally, insurrection of the Khasi states against the British. The Khasi states were against the British larger interests of connecting the Surma valley with the Brahmaputra valley through routes across the Khasi Hills where the territories of the Khasi states were located. The British suppressed the insurrections (which took place between 1829 and 1839) of the Khasi states that opposed their authority. The Khasi states ultimately came under “the protection and authority of the Government” and were bound “to obey without demur all the mandates of the Government” (Allen, 1903: 26-27). The Khasi states, reported to be twenty-five in number were then categorised by the British as semi-independent and dependent (Ibid). The semi-independent states (such as Cherra, Khyrim, Nongstoin, Langrin and Nongspung) were regarded to be of a higher rank as these states never came into conflict with the Government. Of these, with the exception of the Chief of Cherra, the rest had no written agreement with the Government (Dutta, 1982: 131). The dependent states were, on the other hand, inferior in rank since they were restored as a gift after conquest by the Government (Ibid.).

With the subjugation of most of the Khasi principalities by 1834, the British began making new political arrangements to administer the Khasi Hills. In 1834 the Khasi Hills were placed under the political supervision of the Agent to the Governor General. In 1835 a separate Political Agency for the Khasi Hills was created with its headquarters at Cherrapunjee. In the initial phase of preparing and adopting a pattern of administration for the Khasi Hills, the British wanted to follow a system of indirect rule cementing it through subsidiary alliances. Thus, in due course the political relations of the Khasi states and the British were conducted through subsequent official documents such as sanads and parwanas (Syiemlieh, 2007: 182).

The territorial contours of the Khasi 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. Two distinct categories of administration emerged in the Khasi and Jaintia Hills. The first was the Khasi and Jaintia Hills district which was created in 1854. This district was administered by British officers duly appointed
by the government. After 1861, the district came under the administrative charge of the Deputy Commissioner. This district was comprised of the annexed territories of the Jaintia Hills and thirty-two villages including Shillong British area—Cantonment and Municipal. The second was the administration of the 25 Khasi states which had direct relations with the British government. The relations between these states and the British government were carried out through agreements, *ki sanad*, administered by the Deputy Commissioner (after 1861) who acted as Political Agent to the Khasi states (Lyngdoh, 2013: 108-109). As mentioned, in 1854 the Khasi and Jaintia Hills district was created and subsequently, the jurisdiction of this newly-created district was transferred to the Commissioner of Assam. On February 6, 1874 the Chief Commissionership of Assam was created and it comprised of the five districts of Brahmaputra valley, the Naga Hills, the Khasi and Jaintia Hills, the Garo Hills, Goalpara, Cachar and Sylhet (Chaube, 1999: 11; Syiemlieh, 1989: 137).

**Political Development in the Khasi Hills**

The twentieth century further witnessed a realignment of the province of Assam which in turn resulted in the re-categorisation of its districts. The appointment of various commissions in the late 1920s to examine the level of development in India also evinced interest in the Khasi Hills (Lyngdoh, 2009: 96-98). The new sense of awareness and engagement visible in the emerging Khasi elite enabled the Khasi leaders as well as leaders of the Khasi states to engage in dialogue, through petition, representation and assembly, with the British government as well as with the people. By the 1940s it became evident that independence from British rule was close at hand. This period witnessed heightened political activity among the leaders who were determined to carve a unified political destiny for the Khasi and Jaintia Hills.

The Government of India Act, 1935 was adopted on August 2, 1935 and was implemented in 1937. As per provisions of Chapter III paragraph 60 (a) of this Act, the Legislature in Assam became bicameral. The Assam Legislative Assembly (Lower House) had the strength of 108 members and all of them were elected. The strength of the Legislative Council (Upper House) was not more than 22 members. Electoral politics was introduced in the Khasi and Jaintia Hills through the provisions of the Government of India Act, 1935. The Act allotted three single member constituencies to the Khasi and Jaintia Hills—one seat for Jowai, a second seat for Shillong and the third seat, a reserved seat, for the Shillong-Women constituency. No seat was allotted to the Khasi and Jaintia Hills in
The Khasi States and the British

Prior to the creation of the three single member constituencies, there existed only one constituency in the Assam Legislative Council, the Shillong-Karimganj constituency (Syiemlieh, 1989: 177). In 1920 James Joy Mohan Nichols Roy was elected from this constituency and his presence ensured that the political and administrative concerns of the Khasi and Jaintia Hills district were articulated in the Assam legislature.

The next two decades witnessed various political developments in the Khasi Hills as the educated Khasi gentry attempted to prepare a political roadmap for the future progress of the Khasi states. This period witnessed two significant political developments in the Khasi Hills:

a. the establishment of the Khasi National Dorbar (hereafter KND) on September 4, 1923 (Ki Proceedings, 1923: 1). The establishment of the KND was the first attempt to bring together all the Khasi states under one organisation and to discuss and document important socio-cultural and political issues relevant to the people such as land rights, residency rights and rights to ancestral property amongst other issues (Lyngdoh, 2009: 183-184). Gassah writes:

the Khasi National Durbar was formed in 1923 to find out ways and means to bring about closer unity and cooperation among the Khasi States, to find out a possibility of constituting a common organisation, and to consider the future of the Khasi States under the new constitutional set-up. (2007: 176)

b. the establishment of the Federated Khasi States (hereafter FKS) on December 16, 1934. This organisation was established to forge closer relations among the Khasi states and to also improve relations of the Khasi states with the British government (Cantlie, 1974: 183-184). The FKS was intended to be a visible and collective political platform to demand for improved political relations under proposed constitutional reforms in 1935. Among the many objectives of the FKS was the desire for assured representation in the Federal Legislature in India through the Chamber of Princes.

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 were excluded from the Chamber of Princes and could not send a common representative along with other small Indian states. This proposed scheme for the participation of Indian states in the Indian federation itself did not
materialise. 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.

**Political Interest and Articulation on the Eve of Independence**

The years preceding India’s independence saw that the Khasi and Jaintia Hills District comprised of two administrative categories. In the first category certain areas were directly under the administration of British authorities. These areas included the Shillong Municipality and Cantonment Areas, Jowai sub-division and thirty-one British villages directly under British administration. These areas were represented in the Assam Legislative Assembly by three members, two from demarcated constituencies—the Shillong seat and the Jowai seat and one from the reserved seat for women (Assam Legislative Assembly, Internet). The second category comprised of 25 Khasi states which were 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 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. 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 1940s till India’s independence and even after, till the enactment of the Constitution of India in 1950 (Lyngdoh, 2009: 113-114).

By 1946 it had become very clear that India’s independence was close. The arrival of the three-member cabinet delegation, also called the Cabinet Mission (Note 3), and the subsequent preparation of the Cabinet Mission Plan confirmed the rapid political developments that were unfolding in India. The Cabinet Mission made several important observations with regard to India’s political future.

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 had 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. 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;

c. 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;

d. 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 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;

e. 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 (Mansergh, 1977: 522-523).

The Cabinet Mission’s visit to India gave an opportunity to the hill districts to express their political views and aspirations in the light of impending independence. In the Khasi Hills two organisations submitted representations to the Cabinet Mission.
a. The Khasi Jaintia Political Association (hereafter KJPA), formed in early 1946, submitted a memorial to the Cabinet Mission which asked for the creation of a federation of all the Khasi areas within a “Sovereign Assam” with adequate “cultural and political autonomy” (Chaube, 1999: 75);

b. The Khasi Jaintia Federated State National Conference (hereafter KJFSNC) proposed the creation of a Khasi Jaintia Federated State within Assam through the integration of British areas with the Khasi states. It also proposed the setting up of all the three organs of government (a National Council, an Executive Council and a Federal Court) with commensurate powers (Chaube, 1999: 76; Giri, 1998: 229).

Both of these organisations spoke of an autonomous but unified and integrated Khasi and Jaintia Hills District within the State of Assam yet they represented two different political assemblages. The KJPA represented the Khasi states and strongly urged their continuity but through a modified political organisation (the proposed federation of all Khasi areas). The KJFSNC on the other hand represented the modern parliamentary system proposing a federal structure through the division of powers between the organs of government.

On August 22, 1946 the dormant Federated Khasi States were revived and renamed, the Federation of Khasi States (hereafter FKS). The Federation of Khasi States sought to establish itself as the legitimate organisation to negotiate with the successor government on the political future of the Khasi States. While the FKS of 1933 was mired in uncertainties the revived FKS of 1946 saw before it a political world of opportunities. The individual states comprising the Federation appeared to have temporarily submerged their individual interests for the larger collective good of the FKS. The opportunities for discussion and negotiation were much wider than what was possible in 1933. The FKS could now look forward to dialogue and political engagement with a larger number of administrative-legal agencies, some of which were already present while others had emerged during this time, on the question of the political future of the Khasi states. These administrative-legal agencies included the Chamber of Princes, the States Department and the Constituent Assembly.

a. The Chamber of Princes on June 19, 1946 appointed a Negotiating Committee to discuss constitutional matters with the Government and fix the representation of states to the proposed Constituent
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Assembly. The FKS was desirous of being represented in the Chamber of Princes so that it could present its views before the 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 (Lyngdoh, 1996: 175-176). On February 20, 1947 the Standing Committee of the FKS observed that due recognition was granted to it by the Chamber of Princes. This meant that as an umbrella entity the Federation of Khasi States could demonstratively negotiate a political settlement with the future Government of India on the lines of the Cabinet Mission’s Memorandum of States and resolutions of the Chamber of Princes (Lyngdoh, 2009: 127);

b. The Constituent Assembly was formed on the recommendation of the Cabinet Mission Plan. The Constituent Assembly met for the first time on December 9, 1946 and thereafter began to work (through its various committees) to compose and draft a new constitution for India. The North-East Frontier Tribal Areas and Assam Excluded and Partially Excluded Areas Sub-Committee (also known as the Bardoloi Sub-Committee) was entrusted with the task to recommend an appropriate administrative framework for the tribal people of the region in order to protect their institutions and their rights as well as their mechanisms of self-government commensurate with the political progress of the whole country. The FKS could now engage with this sub-committee more intensively on issues relating to the political future of the Khasi states;

c. The States Department was established on July 5, 1947 to deal with matters of common concern to the states and to also draw up a policy on behalf of the incoming government, on Indian states. It was headed by Sardar Vallabhai Patel while V. P. Menon was the Secretary. On taking over the States Department, Sardar Vallabhai Patel immediately 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 (Lyngdoh, 2009: 129-130).
The Standing Committee of the Federation of the Khasi States was authorised to draft a Constitution which could then be discussed, finalised and adopted at the general meeting of the FKS. On February 20, 1947 the Standing Committee of the FKS met to prepare its draft constitution. This draft was circulated to all the Khasi states and they were requested to report back to the FKS, sending their comments and observations by March 25, 1947. The duly approved draft constitution was presented to the Government. After careful study of the draft constitution of the FKS the Government found that its approach was too rigid. On May 10, 1947 the Political Officer of the Khasi states reminded all the rulers of the Khasi states to make their constitutions more flexible so as to allow the people a share in the administration. The rulers were requested to ensure that the people had proper representation in the state council. The Political Officer wanted to get their views as early as possible (Lyngdoh, 1996: 181).

Earlier on February 20, 1947 the British government announced that it would quit India. The Federation of Khasi States had little time to prepare a roadmap for the political future of the Khasi states. Of the three administrative-legal agencies the FKS focused on their discussions with the States Department through the Governor of Assam, Akbar Hydari. The FKS did not make any representation to the Bardoloi sub-committee, probably due to the simmering differences with J. J. M. Nichols Roy (who was a member of this sub-committee) on the proposed administrative set-up for Khasi and Jaintia Hills (Lyngdoh, 2009: 138). On the other hand, it was Macdonald Kongor who spoke in favour of the Khasi states and 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. He expressed his hope that the Bardoloi sub-committee would recommend full independence for the Khasi states (Lyngdoh, 1996: 197). Akbar Hydari was entrusted with the task of negotiating with the Khasi states. During their visit to Delhi in July 1947, the two advisors of the FKS, Ajra Sing Khongphai and Mavis Dunn Lyngdoh, briefed G. S. Guha the representative of the FKS to the Constituent Assembly (Note 4). They also met Sardar Vallabhai Patel who assured them that except for Defence, Foreign Affairs and Communication, the Khasi states individually and the FKS would enjoy internal autonomy. On July 14, 1947 Hydari proceeded to negotiate with representatives of the Khasi states to try and reach an agreement. He urged the Khasi states into accepting these terms communicated to them by Sardar Vallabhai Patel. His efforts culminated with the Federation of Khasi States signing the Standstill Agreement on August 8, 1947 a week before independence. This agreement bound the FKS, as a representative of the Khasi states, to
continue to maintain administrative relations with the Province of Assam and thereafter with the new Dominion of India (Note 5). The agreement was to continue for a period of two years or until new or modified arrangements were arrived at between the authorities concerned. In the subsequent days and months the Khasi states also signed the Instruments of Accession.

These political developments that took place on the eve of India’s independence present interesting facts:

a. The States Department in New Delhi was aware that the legal position of the Khasi states was no different than that of other Indian states. To avoid legal consequences of the lapse of paramountcy the authorities in Delhi needed to take steps to initiate negotiations with the Khasi states;

b. The negotiations were hurriedly initiated to pre-empt any possibility of the Federation of Khasi States or the individual Khasi states to think otherwise, that is, either to initiate the process of self-determination and complete independence after the lapse of paramountcy of the British, or to join the other newly-created Dominion of Pakistan through the District of Sylhet (East Pakistan) (Note 6);

c. The Governor of Assam had seriously contemplated incorporating the Khasi states into the province of Assam. However this proposal would not have received their consent and may have even influenced separatism. The next alternative was to retain similar measures of control which had then been exercised by the Crown Representative through the Agency of the Assam Government (Political Department, 1947: 20);

d. If certain agreements were not arrived at with the Khasi states before the lapse of paramountcy, all rights ceded to the paramount power that (the British) would return to the Khasi states. The governor of Assam realised that:

i. The Shillong Administered Areas and Cantonments would revert back to the Syiem of Mylliem;

ii. British Indian laws would cease to have legal force in the Khasi states;

iii. Mineral rights granted to the British authorities will revert back to the respective states;

iv. The Syiems will have jurisdiction over foreigners residing in their respective States;

v. Sanads granted to Khasi traditional rulers will lapse;
vi. Perpetual leases by the Khasi states to the Crown will terminate (Political Department, 1947: 23);
e. The Standstill Agreement also paved the way for the unification of all areas in the Khasi Hills. All Khasi villages which were once part of a Khasi state should be allowed to join their former state if they so desired. Other parts of British India-Khasi territory (that is, the British areas) should, if they desired, be allowed to join the Federation as units (Basan, 1948: 1-3).

Conclusion

The hectic political developments in the Khasi Hills in the years 1946-47 enabled the Khasi states to engage in consultation with numerous agencies and groups. The political discussions and the desire of the Khasi states for a unified Khasi Hills (through a federal autonomous pattern with Assam) under the administration of traditional elements of polity were countered by the proponents of a democratic electoral framework within a federal, parliamentary structure of administration. The proponents of the latter had experienced the functioning of this type of administration in the Assam Legislative Assembly and wanted the Khasi Hills to be associated with Assam through this more representative system of administration. It was ultimately the Khasi states that were the preferred political agency to engage in direct negotiations with the States Department.

What concerned the British authorities as well as the British India authorities on the eve of India’s Independence was the legal status and position of the Khasi states. In his letter to Sardar Vallabhai Patel on September 2, 1947, Akbar Hydari, the Governor of Assam wrote that the legal position of the Khasi states was no different from that of other Indian states and “subject to paramountcy, the Siems are sovereign in respect of their own territories” (Political Department, 1947: 19). Thus, to avoid the legal consequences of the lapse of paramountcy where the Khasi states would once again assume sovereign status, British India authorities were keen to take steps to initiate negotiations with the Khasi states. Initially, the Khasi states were treated on a par with other Indian states. They were asked to appoint a representative (along with the states of Manipur and Tripura) to the Negotiating Committee of the Constituent Assembly. The Khasi states were also invited for a meeting with the States Department on July 25, 1947. However the Governor of Assam expressed his reservations at offering the Khasi states this status that was extended to other Indian states. Owing to the “geographical position, backwardness and smallness of Khasi states” he suggested that negotiations with the Khasi states be
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The Governor of Assam desired that the integration of the Khasi states (to the Dominion of India) should be undertaken through the Provincial Government of Assam to prevent them from joining the Dominion of Pakistan through Sylhet. The Federation of Khasi States was the useful instrument to actualise this process of integration since a majority of the Khasi states had joined the Federation (Political Department, 1947: 20). Thus the provincial administration, through the Governor of Assam executed the necessary Agreements (the Standstill Agreement and the Instruments of Accession) with the recognised organisation of the Federation of Khasi States as well as with the Khasi states. The FKS at this time had a larger following and acceptance despite the existence of other organisations such as the Khasi and Jaintia Federated State National Conference. Moreover the Khasi states had treaty rights and obligations with the British; hence they were the legal local authorities with whom to engage in negotiations.

The signing of the Standstill Agreement and the Instruments of Accession before the actual lapse of paramountcy denied the Khasi states the taste of independence. The Khasi states witnessed no interim period to decide their future political course of action when suzerainty of British paramountcy came to an end and the paramountcy of the Dominion of India took over. The agreements signed by the Federation of Khasi States and the Khasi states 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. In his letter to Sardar Vallabhai Patel in September 1947, Akbar Hydari wrote that,

> the Agreement with the Federation gives the Khasi Siems very little beyond what they already have and certainly not more than the measure of local autonomy which we have publicly announced we are willing to give to Tribal people, subject of course to safeguards. (Political Department, 1947: 21)

Hydari further adds that he has stopped implementing the Standstill Agreement which came into force on August 15, 1947. As a result no judge or magistrates have yet been appointed (as per the Standstill Agreement the judges of the Federation’s Court would enjoy the powers of a Sessions Judge) and the Deputy Commissioner of Shillong still carries on the functions of the old-time Political Officer (Political Department, 1947: 21-22). This correspondence reveals that the same relations that
existed with the British continued to exist after August 15, 1947 the only difference being the new political authority was the Dominion of India.

**Notes**

1. The term “state” is used in a very general sense as there is no equivalent term for the word *Hima* in English. The Khasi *Hima* like a state had certain characteristics—a demarcated territory, a stratified population, a system of administration and independence especially in the pre-British period. Further, the term “state” was commonly used by the British in their writings when they referred to the Khasi *Himas* as Cossyah states or Kasia states.

2. Following the Battle of Buxar in October 1764, the English East India Company received the right of *Dewani* over the Bengal Subah whose area stretched to the southern lowlands of the Khasi Hills. This phase of British administration brought the English East India Company into trade relations with the Khasi states (see Syiemlieh, 1989: 10-12).

3. This three-member delegation comprised 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.

4. G. S. Guha was chosen to represent the Khasi states, Manipur and Tripura in the Constituent Assembly. He was expected to participate in the negotiations at the Constituent Assembly on behalf of the princely states that he represented. Guha presented his credentials before the Constituent Assembly and signed the register on July 14, 1947 [Lyngdoh, 1996: 181; Constituent Assembly of India Debates (Proceedings), IV].

5. The Indian Independence Act passed by the Parliament of the United Kingdom on July 18, 1947 provided for the partition of British India into two new sovereign Dominions, Indian and Pakistan with effect from August 15, 1947. On this date British suzerainty over the princely states lapsed and Indian states would become independent in their political relations with the governments of the new Dominions.

6. On July 6, 1947, following a referendum, almost all of the erstwhile district of Sylhet became a part of the new Dominion of Pakistan’s province of East Bengal, barring the Karimganj sub-division which was incorporated into the province of Assam of the Dominion of India.