

## The Integration of the Khasi States into the Indian Union\*

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### I

Much has been written on the integration of Indian states into the Indian Union following independence. However, very little attention is drawn to North East India where there were a number of states - Manipur, Tripura and the Khasi states. Some of these states abutted on East Pakistan. Source material on the process of integration of these states is abundant, primarily in archival material that unfortunately had not been opened for study. Researchers have thus had to depend on whatever official correspondence is available either in original or in edited form, on memoirs, new-papers, some pamphlets, and secondary literature. This paper relates to the Khasi states alone. No doubt some work has been done in this field. It is hoped that this paper shall make a contribution in giving a somewhat more complete picture of the integration process of the Khasi states as also to indicate whatever material is presently available to understand the problem.

### II

The transfer of power from Britain to the Dominions of India and Pakistan was laid in the Cabinet Plan of 16 May, 1946 in which the Cabinet Mission and the Viceroy, in consultation with the British Government issued a statement embodying their suggestions and recommendations towards a solution of the Indian political question. The most important constitutional issue then was to determine the position and future of the 550 odd Indian states. Referring to these states the Cabinet Mission said 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 of the states to cooperate with the new governments in building up a new constitutional structure.<sup>1</sup> The

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position of the states was further elucidated by the Cabinet Mission in its Memorandum on States' Treaties and Paramountcy of 22 May, 1946. The memorandum stated that with the transfer of power His Majesty's Government would cease to exercise paramountcy. This meant that the rights of the states in relationship with the Crown would no longer exist and that all rights surrendered by the states to the paramount power would return to the states. The void that would arise from the lapse of political arrangements between the states and the Crown was to be filled in either with the states entering into federal relationship with the succeeding governments or enter into political arrangements with or without them. States were, therefore, free to associate with one or the other Dominions, to federate among themselves or to stand alone. The British Government emphatically stated that it would not put the slightest pressure or influence in deciding which Dominion the states should accede to.<sup>2</sup> Realizing that the states would find it difficult to exist independently, the Secretary of State for India underscored the importance of state to find their appropriate place within one or the other of the two new Dominions.<sup>3</sup>

On 15 August, 1947 British rule in India ended and erstwhile British India was partitioned. Earlier an interim Government was sworn in on 2 September, 1946 and this body was to fill in the time gap pending the framing of a new constitution for India. The responsibility of negotiating with the states to accede into India was entrusted to the States Department of this Government. To remove all possible fear and suspicions in the minds of the Indian rulers, Sardar Vallabhbhai Patel who headed this Department issued a statement underlying the paramount necessity of maintaining the unity of the country by the states joining the Indian Union for defence, foreign affairs and communications. He admitted "it is an accident that some live in the States and some in British India". Although with the transfer of power, paramountcy would lapse, he urged that it was in the interest of India and the Indian states that the working of the treaties and agreements entered by the states with the British Government should continue to operate until new agreements were made.<sup>4</sup>

### III

In their relations with the Khasi states the British recognised twenty-five states categorised as semi-independent and dependent. These states had from the third decade of the nineteenth century entered into relations with the East India Company, and the Government of British India through *sanads*, engagements and *parwanas* which clearly laid down the principles of relations between the two parties. Juxtaposed to or interspersed with these states were thirty-five British villages which formed part of British India. The emergence of political activity in these hills in the early part of this century affected the rulers of the states who in early 1934 formed the Federation of Khasi States.<sup>5</sup> It was with the revived Federation and the individual Khasi chiefs that the Indian Dominion had to negotiate for the integration of the Khasi states into the Indian Union.

Even as early as April 1945, it was reported that the tribal people were beginning to take a more vocal interest in their own future. A meeting in Shillong which contained most of the more prominent men opposed emphatically their inclusion into either Pakistan or India.<sup>6</sup> But the future of these hills was not to be decided by this body but by the Khasi Chiefs. Sometime in July 1947, an agreement was reached between the states and Sir Akbar Hydari, the Governor of Assam on the three terms that Patel had asked the states to accept.<sup>7</sup> On 9 August the Khasi states signed the Standstill Agreement. They agreed that with effect from 15 August 1947, all existing 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 now or modified arrangements should be arrived at between the authorities concerned. The agreement was subject to certain exception which gave the federated states judicial, administrative, legislative and revenue powers. It was also agreed that all British villages in the district which decided to rejoin states of which they formerly formed a part should be allowed to do so.<sup>8</sup>

The Government of India found a problem when it came to the question of getting the Khasi States to sign the Instrument of Accession. On 2 December that year Hydari informed the Khasi chiefs that he had brought with him from Delhi the Instrument of Accession and that they should sign it. It was accordingly agreed that all the twenty-five chiefs should assemble at the Governor's residence on 15 December and individually sign the Instrument. Twenty chiefs signed the Instrument that day, among the remaining five states the chiefs of three were ill and would sign at home, while two refused to sign, it being assumed that summons had not reached them.<sup>9</sup> Hydari reported to Patel:

That various underhand forces had been at work between 2 December and 15 December is shown by the fact that this morning's proceedings seemed likely to break; for, three of the principal Syiem, i.e., those of Myllem, of Khyrim and of Cherra... refused to sign and wanted more time "to consult their people". I made them realise what the consequences of not signing would be, and after nearly an hour's confabulation among themselves they signed. The rest was easy.<sup>10</sup>

Generally, the Khasi states had no desire to join Pakistan. The Syiem of Cherra did flirt with the local authorities in Sylhet before signing the Instrument of Accession but was warned by Hydari against playing that game. The Syiem was attached to Pakistan for the simple reason that some part of his personal land lay in Sylhet. Hydari had exerted his authority during these negotiations by intimidating the chiefs that the fact of mere accession was not a guarantee of a particular person continuing as a chief and that if there was substantial amount of feeling in a particular state that its chief was not doing his duty, he would have an enquiry conducted by the Deputy Commissioner. If it was found that allegations against a chief were true fresh elections would be ordered. This

undertaking by the Governor reconciled the people at large to the signing of the Instrument of Accession. This was not taken well by the chiefs who found their tenure thereby insecure. The federation considered it as a diminution of their influence.<sup>11</sup>

Nobosohphoh and Nongspung states signed the Instrument on 11 January, 1948 followed by Mawlong on 10 March.<sup>12</sup> There remained Rambrai and Nongstoin which procrastinated. Hydari then sent G.P. Jarman, the Deputy Commissioner/Dominion Agent and his Assistant, R.T. Rymbai to these states with instructions that failure to comply to signing the Instrument would be followed by pressure of various kinds and in the last resort to deposition.<sup>13</sup> At one time, it looked as if Jarman might encounter armed opposition from Nongstoin and so a platoon of the Assam Rifles was sent into the state "whose presence and Jarman's tact did the trick".<sup>14</sup> The Syiem signed on 19 March, 1948. Rambrai had signed two days earlier.<sup>15</sup> Hydari who felt that the policy should be one of conciliation and patient adjustment of difficulties is said to have told Rymbai before leaving for Nongstoin, "Let Junagadh not be repeated."<sup>16</sup> Behind a tough exterior Hydari had a concern that there should be no violence in the integration process.

More material is now available about how Nongstoin acceded into India. R.W. Selby, the British High Commissioner to India had come across a curious reference in the *Sunday Statesman* of 28 March, 1948 to an alleged appeal by the Syiem to the United Nations Organisation Security Council against the unlawful aggression of the Indian Government into his state. The Syiem was also understood to have sent a note to Jawaharlal Nehru requesting the withdrawal of Indian troops "in order to avoid further complications". Wickliffe, the Syiem's nephew and likely successor to the Syiemship who disclosed this was then preparing to leave for Lake Success to take up the matter with the United Nations Organization.<sup>17</sup> Selby's enquiries made in official quarters confirmed that the Syiem had in fact sent a letter to Nehru. There was however no reference in the Syiem's letter to an appeal to the U.N.O.<sup>18</sup> Further enquires revealed that on the day the Syiem signed the Instrument of Accession certain parties, official reports say, were sending out false telegraphic reports to the effect that the Government had sent military forces into the state and that the chief had appealed to the U.N.O.<sup>19</sup> That Nongsoin and Rambrai were pressurised into acceding into India there is no doubt. The appeal to the World body must still be verified. Wickliffe does not appear to have gone to the U.N.O. It is believed that he remained in East Pakistan.

The Khasi states had acceded into India but refused to merge on the ground that the chiefs were elected heads of their respective states. Their refusal caused Patel to visit Shillong on 1-2 January, 1948. His meeting with the chiefs ended in a stalemate over the merger issue, for the Khasis said that only a duly constituted durbar of the states could decide on such a move.<sup>20</sup> Accordingly rules were drawn up by the Dominion Agent for the nomination and election of members of the Khasi States Constitution Making

Durbar.<sup>21</sup> This took almost sixteen months. The Durbar was inaugurated on 29 April, 1949.

While the Khasi States Constitution Making Durbar had just been convened the Indian Constituent Assembly was preparing the final draft of the Constitution. J.J.M. Nichols-Roy who was a member of both the Assembly and the Durbar urged the latter to accept the broad framework of the Sixth Schedule of the Constitution. The Schedule was the product of the North East Frontier (Assam) Tribal and Excluded Areas Sub-Committee headed by Gopinath Bordoloi, the Assam Chief Minister. Its report submitted to the Constituent Assembly on 28 July, 1947 had pointed out that the Khasi states had comparatively little revenue or authority and seemed to depend for a good deal of support on the Political Officer in their relations with their people. It believed that there was a strong desire among people of the states to "federate" with the people of non-state villages. It was also noted that some of the Syiems favoured amalgamation but their idea of the Federation differed from that of the people in that the chiefs sought greater power for themselves than what the people were prepared to concede to them.<sup>22</sup> By then factionalism had raised its head in the Khasi Hills with two political bodies vying with each other to voice the demands of the people. One was the Federation of Khasi States. The more popular body was Nichols-Roy's Khasi-Jaintia Federated State National Conference. By then Nichols-Roy was much disliked by the chiefs for the official stand he was taking.

Matters came to a head over the question of the future administrative arrangement for the Khasi and Jaintia Hills. On 21 July, 1949 Dr. Homiwell Lyngdoh, the Chairman of the Durbar read Nichols-Roy's resolution which suggested the formation of an autonomous unit of the Khasi and Jaintia Hills within Assam province. This was followed by the Syiem of Jirang's amendment demanding one united administration for the two hills outside Assam, provision for which was possible under the terms of the Instrument of Accession and the draft Constitution of India. Though Nichols-Roy and his supporters had a majority of members in the Durbar, the vote over the resolution and its amendment went with a 40-46 victory for the chiefs. At this Nichols-Roy and his 39 supporters over the debate walked out of the proceedings of the Durbar. The remaining members then elected a sixteen member Negotiating Committee which sent a resolution to the Drafting Committee of the Constituent Assembly for a reconsideration of the future status of the Khasi states and non-state villages.<sup>23</sup>

The twenty-five Khasi states were too small even collectively to get representation in the Constituent Assembly. The eminent anthropologist, G.S. Guha was made the representative of the Khasi states, Tripura and Manipur. The Khasi chiefs suffered two disadvantages. Guha does not appear to have said anything on their behalf. Nichols-Roy did all he could to undo the defeat he had suffered in the Durbar. On 7 September a

resolution was adopted at the Constituent Assembly creating the United Khasi-Jaintia Hills District comprising the territories which before the commencement of the Constitution were known as the Khasi states and non-states areas.<sup>24</sup> There was still no mention in this third reading of the draft Constitution of whether the district would form part of Assam. Nichols-Roy was particularly happy that the Khasi states had been incorporated in the Sixth Schedule for it would enable the same people (apart from being a personal triumph) to have one administration for the two types of areas.<sup>25</sup>

Oddly enough it was Mohammad Saadulla one of Assam's earlier premiers who pointed out an anomaly over what had been accepted. "Sir", he addressed the Chairman of the Assembly:

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 embrace 25 Native States most of which had treaty rights with the sovereign 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 even though 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.<sup>26</sup>

Saadulla added that Olim Singh, President of the Federation of Khasi States had led a delegation early in November to press their grievances before the State Ministry and the Drafting Committee. But "they are late in the day and nothing can be done at the third reading."<sup>27</sup> The Draft Constitution was adopted on 26 November 1949 and the Assembly was adjourned till 26 January 1950.

A year earlier an interesting suit was filed in the Federal Court of India by Sati Raja, Syiem of Myllem, against the Dominion of India and the Assam Government. Carefully worded the case reviewed the developments between Myllem and the Indian Dominion since the Standstill Agreement and the arbitrary manner of the two governments in continuing to exercise the rights, privileges and jurisdiction that the former government had exercised. Among others the Syiem wanted a declaration that his state had recovered or was entitled to recover sovereign rights, power, functions and jurisdiction over his states.<sup>28</sup> This must have been quite an embarrassment for the Government of India and Assam. Sri Prakasa, the Governor of Assam meeting Sati Raja and others on 31 December 1949 was able to make the Syiem withdraw his case.<sup>29</sup>

Something of the irregular manner of administering the Khasi Hills that the Syiem of

Mylliem sought clarification may now be explained. On 15 August 1947, the Governor-General issued a Provisional Constitutional Order abolishing all references to "tribal areas" and the distinction between "India" and British India. This was followed on 27 August by the Extra Provincial Jurisdiction Ordinance re-establishing retrospectively the severed links which resulted from the first order. Two notifications were issued under this Ordinance. The first promulgated the Assam Tribal Area Order, 1947, confirming and giving effect to every instrument, that, is, every notification, order, bye-law, rule, regulation or directive made or issued under Section 313 of the Government of India Act, 1935. The second notification authorised the Assam-Governor to continue to discharge his former functions in or in relation to the tribal areas in Assam as the Agent of the Governor-General.<sup>30</sup> Under provisions of the Extra Provincial Jurisdiction Order, 1947, a special notification, the Khasi States Federation (Administration of Justice) Order, 1948 was made applicable from 1 July by the Governor. This notification defined the civil and criminal powers allocated to the Federation of Khasi States and the Khasi States under the supervision of the Assam High Court.<sup>31</sup> A Khasi Federation Court and Executive began exercising the judicial and executive functions formerly vested in the Deputy Commissioner, who however remained in that capacity and as Dominion Agent.

This arrangement continued till the end of 1949. One may surmise that very little control was actually transferred to the chiefs whose future continued to be undefined. More surprise was in store for the Federation and its chiefs. One day, before the Constitution of India was adopted the Governor of Assam passed an order cancelling the Khasi States Federation (Administration of Justice) Order, 1948 and its Supplement of the same year. The Khasi States (Administration of Justice) Order, 1950 which came into force on 25 January 1950, entrusted civil and criminal justice to the Deputy Commissioner of Khasi and Jaintia Hills District, his Assistant and the Courts of the Syiems, Sirdars, Lyngdoh and Wahadadars in a manner similar to the pattern that existed during British administration. That same day another notification was issued changing the designations of the Dominion Agent, Additional Dominion Agent and the Assistant to the Dominion Agent and the Court of the Khasi States Federation as referring respectively to the Deputy Commissioner, Additional Deputy Commissioner, Assistant to the Deputy Commissioner, and the Court of the Deputy Commissioner, Khasi and Jaintia Hills District.<sup>32</sup>

Apparently this was done to suit the Constitution for Part A of the first Schedule of the Constitution read that the territory of the Assam "shall comprise territories which immediately before the commencement of this Constitution were comprised in the Province of Assam, the Khasi States and the Assam Tribal Areas". Thus the Khasi states became part of Assam without any agreement of merger and disregarding the provisions of the Standstill Agreement. It was in the Constitution of India the drafting of which the Chiefs played no part that the integration of the Khasi states into India was made

complete. The final process may have been done arbitrarily, but this was only possible because of the divergent views among the Khasis, their indecision to merge, all of which was taken advantage by those who held the ropes in Delhi and Shillong.

### NOTES AND REFERENCES

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5. K. Cantlie, *Notes on Khasi Law* (reprint) Shillong, nd, pp. 176-188; H. Bareh, *The History and Culture of the Khasi People*, Calcutta, 1967, p. 235.
6. Mansergh, *op.cit.*, Vol. V, No. 397, London, 1974, p. 912.
7. D. Das (ed.), *Sardar Patel's Correspondence*, Vol. V, No. 43, Ahmedabad, 1973, pp. 42-43.
8. L.L.D. Basan, *The Khasi States Under the Indian Union*, Shillong, 1948, pp. 1-3.
9. Das, *op.cit.*, pp. 42-44. These five states were Nobosohphoh, Nongspung, Mawlong, Rambrai and Nongstoin.
10. *Ibid.*, p. 43.
11. Das, *op.cit.*, Vol. VI, No. 74, Ahmedabad, 1973, pp. 101-103.
12. Poplai, *op.cit.*, No. 55, p. 236; *White Paper on Indian States*, New Delhi, 1950, p. 216.
13. Das, *op.cit.*, Vol. VI, No. 74, p. 103.
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15. *White Paper on Indian States*, p. 216; Poplai, *op.cit.*, p. 236.
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17. India Office Records, London, L/P & J/7-10635, R.W. Selby to H.A.F. Rumbold, 13 April 1948; *The Statesman*, 28 March 1948.
18. *Ibid.*
19. *Ibid.*, Selby to Rumbold, 10 May 1948. V.P. Menon, Secretary to the States Department gave the impression to Selby that he considered the whole affair as having no importance at all. The Governor-General accepted these Instruments of Accession on 17 August 1948, I.O.L., London, L/P & J/7-10635, R.W. Selby to Rumbold, 10 May 1948; *White Paper on Indian States*, p. 216.
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32. Shullai, *Ki Hima Khasi*, pp. 27-36.