

The People—Khasis, Jaintias and Garos

The Khasis

General

The homeland of the Khasis is the hilly tracks in the North-East of India, at present constituting the districts of the Khasi and Jaintia Hills. The term "Khasi" means born of the mother. "Kha" means "born" and "si" refers to "ancient mother". "Khasi" is a general name given to the various tribes and sub-tribes that inhabit the Khasi and Jaintia Hills. The name includes the following tribes: (1) Khyriams or Nonglums (Khasis proper), inhabiting the middle ranges of Khasi Hills; (2) the Pnars, inhabiting the central plateau of Jaintia Hills. They are also called Syntengs, but they prefer to be called Pnars; (3) the War people of the South, comprising the Shella people and their allied groups of tribes; (4) the Bhoi people inhabiting the north of Khasi and Jaintia Hills.

According to one writer¹, the Khasis originally settled near the river *Ka Mei Kha* in Assam. "Kha" means watercourse and "Chai" (in Bodo) means children or persons and the word "Kha Chai" is the genesis of "Khasi".

Who is a Khasi

Generally speaking, a person born of a Khasi mother is considered to be a Khasi under the Khasi customary law, since descent is traced through the mother. The child takes the mother's *jait* or clan. By the process of assimilation and absorption for long periods, persons who are descendants, originally of a non-Khasi ancestress, may also be considered to be Khasi. Thus, in one instance cited by an author², a Khasi male,

1. Gemini Paul, "Certain tribal names pertaining to Assam" 147 *Vanyajati* (1956).

2. Khongphai, *Principles of Khasi Law* 10 (1974).

U mohon Diengdoh, married a non-Khasi woman by the name of Pushpalata. They had three daughters, namely, Bani, Rani and Sati. These daughters lived as Khasis, married Khasis and, in course of time (not less than two, or three generations) they formed their *jait* or clan called Khar-bani, Khar-rani, Khar-sati and their descendants are known by the above *jait*.

Khasi mother and English father

The question "who is a Khasi" has come up for judicial consideration in a few election petitions. In an appeal³ under the Representation of the People Act, the question was whether a person born of an English father and a Khasi mother would be a Khasi or not. The constituency in question was within the autonomous district of Khasi and Jaintia Hills and the seat was reserved for a member of the scheduled tribe of that district. The nomination paper of the appellant was rejected on the ground that he was an "Anglo-Indian" within the meaning of the word as defined in article 366 (2) of the Constitution and was thus not a member of the scheduled tribe and was not therefore entitled to be nominated as a candidate for the seat. The High Court held that the nomination paper had been wrongly rejected. According to Justice Mehrotra—

We do not think that the purity of blood is the only criterion to judge whether a particular individual is a member of the Khasi community or not. If that is the only element which will have to be considered in determining whether the appellant is a member of the Khasi clan, it will be hardly possible to find a dozen people who can be said to possess racial purity in that restricted sense.⁴

It was argued against the appellant that he had been admitted into the Auxiliary Force and some of his children had been admitted into the Medical College on the basis that they were of European descent in the male line and as such, they were Anglo-Indian and could not claim to be members of the Khasi clan. The court, however, held that a person who claims to be a British subject of European descent in the male line does not in any way forfeit his right to continue to be a member of the Khasi clan. The court also held that the mere fact that the petitioner fulfilled the definition of an "Anglo-Indian" in article 366 (2) of the Constitution did not imply that he could not be a member of the Khasi community. Khasi community has nowhere been defined in the Constitution, nor is it anywhere laid down that a person who is an Anglo-Indian is a non-Khasi. Besides, under Khasi customary law, a child born of a Khasi mother is

3. *Wilson Reade v. C. S. Booth*, A. I. R. 1958 Assam 128.

4. *Id.* at 132.

regarded as a member of the Khasi community. A witness for the respondent tried to make a distinction between (i) the issue of non-Khasi (Indian) father and a Khasi mother and (ii) the issue of a European father and a Khasi mother. The children of the former, according to him, were "pucca Khasi", whereas in the latter case, it was not so. The High Court refused to accept this submission and held that—

In accordance with the usage prevalent among the community, a person born of a Khasi mother, though of non-Khasi father, was in course of time assimilated in the community and was regarded as a member of the Khasi community.⁵

According to Deka, J. who gave a separate judgment—

There is nothing in the evidence to hold that in the case of a son of a British father or a European father,—who lives and identifies with his mother's community—there can be any discrimination from the standpoint of the Khasis, from other children of non-Khasi fathers born of Khasi mother.⁶

Khasi mother and American father

In another case,⁷ a similar question came up for determination before the Election Tribunal at Gauhati. Nichols Roy, the respondent, had been elected as a candidate for the Cherrapunji Assembly Constituency which is reserved for the members of the scheduled tribes of the Khasi and Jaintia Hills autonomous district. The petitioner contended that the respondent who was born of an American mother and a Khasi father was not a member of the Khasi scheduled tribe, since, according to the customs and usages of the Khasis, the children take the *kur* or clan of the mother, and not of the father. Besides this, the respondent and the members of his family had never followed the customs and the ways of life of the Khasis and hence, they could not be regarded as belonging to the Khasi community. It was, however, argued on behalf of the respondent that he was born and brought up as a Khasi in a Khasi family of Shella (near Cherrapunji) in a Khasi locality of Shillong. He had always considered himself as a Khasi and had identified himself completely with this community, that he had been accepted and looked upon as a Khasi, not only by the Khasis of the United Khasi and Jaintia Hills district but also by the people of the other communities of the district. The Election Tribunal discussed the issue at length. According to it, Khasi tribe is nowhere defined and under these circumstances, the question whether a

5. *Id.* at 136.

6. *Id.* at 138.

7. *Clifford v. Stanley D. D. Nichols Roy*, (1962) Election Petition No. 43 of 1962. Reported in the Assam Gazette, October 31, 1962.

person could be regarded as a member of the Khasi tribe under the Constitution was a question of fact, depending upon the evidence produced in the case and the totality of circumstances. The Khasi people, generally speaking, are matriarchal, but there are certain areas, in the War country (to the west of Cherrapunji) where both the patriarchal and the matriarchal systems prevail. Shella and Mostoh are said to be two of such areas where children take the clan of the father. This point, according to the Tribunal, was substantiated by Gurdon who, referring to the clans in this area says that, "it being remarkable that in this case descent is traced from male ancestors and not from females". In the instant case the father of the respondent was admittedly a member of the War community of Shella. Besides this, it was an admitted fact that the children of a non-Khasi mother by a Khasi father had been accepted and regarded as members of the Khasi community in innumerable cases. According to the petitioner's own evidence, in the Khasi community there are numerous clans known as 'Jaid Dkhar' and they are so called because their ancestresses were non-Khasi women. The word 'Dkhar' or 'Khar' is applied by the Khasi to an inhabitant of the plains. In support of this point, the Election Tribunal relied on the following statement of Gurdon--

If the lists of Khyrim and Cherra clans are examined, it will be seen what a large number bear the name of "Dkhar" or its abbreviation "Khar". The word 'Dkhar' is that applied by a Khasi to an inhabitant of the plains. We came across names such as 'Khar Mukhi', 'Khar Sowali', the first word being an abbreviation of 'Khar' and 'Mukhi' being the common Bengali name which occurs in Chandra Mukhi, Surya Mukhi, *etc.* Sowali is a common Assamese word for a girl. The ancestresses of these tribes were plains women, carried off, no doubt in the raids made by the Khasis over the border into Assam and Sylhet.⁸

Reliance was also placed on the proceedings of the Khasi National Durbar held on 25th and 26th March, 1925. wherein the laws governing the acquisition of citizenship of the Khasi State were recorded. The word "citizenship" and "person" were thus defined in the laws as recorded by the *Durbar*:

“(a) Citizenship of the State means the right of a person to be counted as one of the members of the State where he resides and lives, that he is competent or has the right to participate in the affairs of that State as one of the citizens of that State.

(b) The words 'U brew' or person include (1) a Khasi whose

8. Gurdon, *The Khasis* 66 (1914).

father and mother are Khasi, (2) him whose mother or father is a Khasi, (3) him or her, who married a Khasi, (4) a male and female.”

It was argued that the Khasi National Durbar thus made no distinction in the matter of acquiring citizenship of a Khasi State between (i) a person whose both the parents were Khasi and (ii) one whose father or mother was a Khasi or (iii) one who married a Khasi. The Election Tribunal held that —

Though these rules or laws do not specifically say anything as to who is a Khasi, it is evident that none who has got no connection with Khasi either by birth or by marriage was recognised as a citizen of a Khasi State by these rules or laws. It is further clear from these rules that no distinction was made between a person whose both the parents are Khasi and a person whose mother or father alone is a Khasi. These rules or laws throw sufficient light on the question as to whether a person born of a non-Khasi mother and a Khasi father is recognised as a member of the Khasi community and it can safely be inferred, in my opinion, from these rules or laws that such a person is recognised as a Khasi for all intents and purposes.

The Tribunal also relied on the observation made by the High Court in *Wilson Reade's* case to the effect that purity of blood is not the only criterion for judging whether a particular individual is a Khasi or not. The conduct of the members of the community and the manner in which he is recognised by them as one of them are equally important and must be considered. In the instant case, according to the Election Tribunal, the respondent was born and brought up in Shillong, was a member of various Khasi organisations and associations, had always identified himself with the Khasis and hence he was a member of the Khasi tribe.

Next year, another petition⁹ in respect of the same respondent was filed. In this case also, the nomination of respondent, Nichols Roy, was challenged on the ground that he was not a Khasi as his mother was an American and Khasi society being matriarchal descent was traced through the mother. It was argued on the basis of Keith Cantlie's *Notes on Khasi Law* that Khasi children belong to the mother and not to the father, and that the mother takes the clan name of the ancient ancestress known as *Iawbei* under the Khasi custom. The respondent's mother being an American and not belonging to any Khasi clan and not being *Iawbei* of

9. *A. S. Khongphai v. Stanley D. D. Nichols Roy*, (1963) 27 E. L. R. 161.

any Khasi clan herself, her children could not be Khasi even though she married a Khasi gentleman.

On behalf of the respondent it was argued that Khasi society is not matriarchal but matrilineal—and that too, not in all cases and all places in the Khasi Hills district.

The Election Tribunal dismissed the petition and upheld the respondent's election. An appeal was preferred to the High Court, wherein the issue whether the respondent was a Khasi or not was discussed at length. It was argued before the High Court that according to Khasi custom every Khasi must have a *jaid* (clan) and the society being matriarchal, it could be the *jaid* of his mother only. The mother of the respondent had no *jaid* and therefore he could not claim to be a Khasi.

As oral evidence produced by the appellant was not conclusive, recourse was had to certain treatises on Khasi law. According to Cantlie:¹⁰

The customs of Khasi War villages such as Umniuh and Nongjri, Mawthangsohkhylung and Sohbar resemble those of Shella. Not all people who live in the War country observe War customs. The War people come from highlands and some families preserve the highland customs. The main test is whether they keep their clan. (*jaid*). The Wars have no *jaid*.

Thus, the contention of the petitioner that every Khasi must have a *jaid* remained unproved.

It was next considered whether a Khasi takes the *jaid* of his mother, and not of his father. It was found on the evidence that descendants of Khasi fathers and non-Khasi mothers became absorbed in the Khasi community. Gurdon also mentions three clans which are descended from three men and descent was traced from them rather than from female ancestors.¹¹

On the basis of the above evidence, Dutta J., delivering the judgment of the High Court, held that—

[A]lthough it may be true that so far as the original Khasis are concerned, every Khasi must have a *jaid* and he or she can take only the *jaid* of his or her mother, this does not appear to be so in the case of some other tribes like the Wars, Lynngams or Bhois...In the result the contention that every Khasi must take the *jaid* of his or her mother only is not proved and cannot be accepted.¹²

Chief Justice Mehrotra, expressing his own views on the point, referred to his earlier judgment in *Wilson Reade's case*¹³ and held that

10. Cantlie, *Notes on Khasi Law* 50 (1974-reprint).

11. *Supra* note 8 at 90.

12. *Supra* note 9 at 204.

13. *Supra* note 3.

for determining the question whether a person belonged to the Khasi community or not for the purposes of special representation, it was not only the purity of blood which would be the criterion but all the surrounding circumstances would have to be looked into. In this case, the respondent had conducted himself as a Khasi and had been recognised by the community as a Khasi and so was held to be a Khasi. It is now, thus, a settled proposition that a person who follows Khasi customs, conducts himself like a Khasi, assimilates himself with that culture and is, above all, so recognised by the Khasi community as a Khasi will be considered to be a member of the Khasi tribe, even if he has a mixed blood whether on the maternal or on the paternal side.

The Jaintias

The Jaintias or Pnars, also known as Syntengs, inhabit the Jaintia Hills portion of the Khasi-Jaintia Hills District. They are also found in the forest areas of Cachar District and the adjoining Sylhet District of East Pakistan. In fact, the Jaintias belong to the same race as the Khasis and most of the customs and beliefs are common between them. The dissimilarities between the Khasis and Jaintias are few, and to an outsider, they appear to be the same group. The principal language spoken by the Jaintias is Pnar, which is very similar to the Khasi language. The script is Roman. They are mainly an agricultural people. Paddy is the chief crop. Maize, potato, sweet potato and millet are also grown. Besides these, oranges, pine-apples, lemons, and some other fruits are found in plenty. Like the Khasis, the Jaintias too are very good humoured people, full of life and jest. As mentioned above, the Khasis and Jaintias are very similar to each other in almost everything and any description of the Khasi people should be generally considered to apply to the Jaintias as well.

The Garos

Theories about origin and abode

The Garos are the people now mainly to be found in the Garo Hills District situated on the western extremity of Assam adjoining the Mymensingh District of Bangladesh. They are also to be found in the plain areas of the Goalpara and Kamrup Districts of Bangladesh. The Garo Hills District covers an area of 8,084 square kilometers and has a population of 4,06,615 according to the 1971 census. The district headquarters are at Tura.

The name 'Garo' seems to have been given by the Britishers but its root is not known. It is said that the word came from the name of a village called Gara, in Bengal. Another view is that it is not unlikely that the most influential man of the group of people entering into the Garo

Hills was named Gara or Garo and from him the tribe derived its name.¹⁴ The Garos call themselves *actik-mande*¹⁵ (meaning literally, a hill man, derived from *actik*=hill, and *mande*=man).

The original abode of the Garos is obscure, but the tradition goes that it was in Tibet. From Tibet, in the course of years, they came down along the northern bank of the river Brahmaputra (or "Songai" as it is called by the Garos), through the North Eastern corner of Assam. They came by batches. Some of them could cross over the river, and occupied the valleys along the river bank. When they were later driven out from there, they ultimately settled down in the hills and plains of Kamrup and Goalpara Districts. From these places also, they were gradually driven off into the rugged hills, now known as the Garo Hills. The other batches who came down from Tibet but who could not cross the river followed down the Northern bank, scattered and settled in parts of Bengal, especially in the Districts of Mymensingh, Rongpur, Tippera, Agartalla, Talpaiguri and Dacca¹⁶.

Major Playfair, in his monograph on the Garos¹⁷, refers to certain linguistic resemblances between the Tibetan and the Garo tongues. He also refers to the reverence which the Garos, like the Tibetans, have for gongs and the value they attach to the *yaks*' tail, although the animal never inhabited these hills. It is said that their ancestors, while migrating from Tibet, brought *yaks*' tails with them and preserved them from generation to generation¹⁸.

14. B. N. Chaudhury, *Some Cultural and Linguistic Aspects of the Garos* 7 (1969).

15. Barketaki, *Tribes of Assam* 16 (1969).

16. K. R. Marak, *The Garos and their Customary Laws and Usages* 1 (1964).

17. Playfair, *The Garos* (1909).

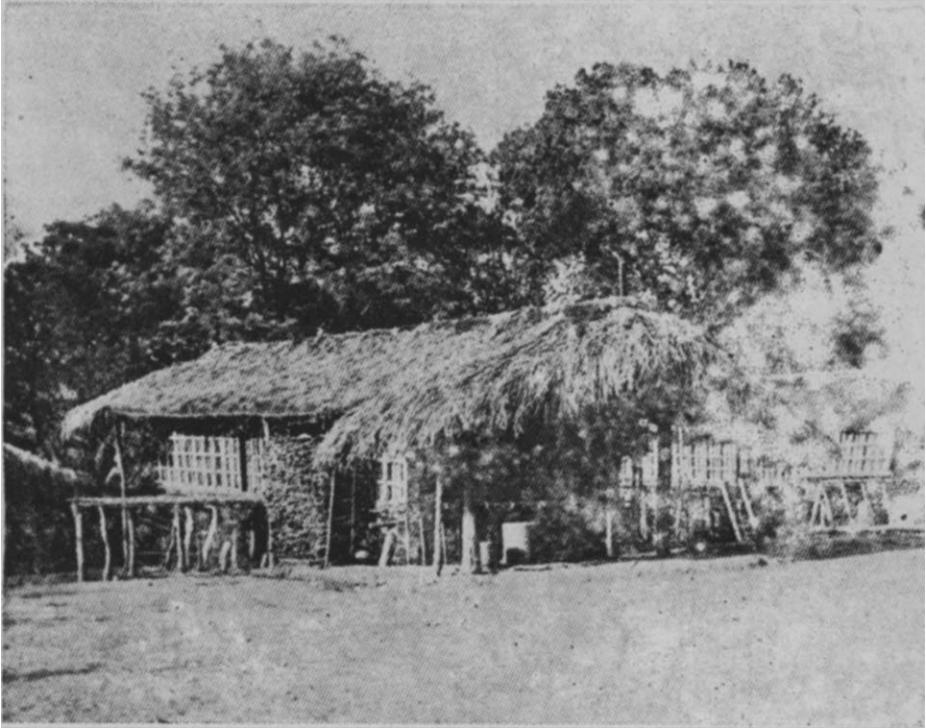
18. *Supra* note 14 at 6.



Khasi damsels in dance attire



Behdeinkhlam festival of the Jaintias, celebrated at Jowai between April-July.



A House in a Garo Village

