

THE KHASI HILLS AUTONOMOUS DISTRICT

**(APPOINTMENT AND SUCCESSION OF SIRDAR
AND HEADMEN OF NONGLANG SIRDARSHIP)**

ACT, 2000.

NOTIFICATION

The 14th July, 2000

No.DC/L/VII/2/2000/968 – Pursuant of Paragraph 11 of the Sixth Schedule to the Constitution of India the following Act of the Khasi Hills Autonomous District Council is hereby published for general information.

THE KHASI HILLS AUTONOMOUS DISTRICT (APPOINTMENT AND SUCCESSION OF SIRDAR AND HEADMEN OF NONGLANG SIRDARSHIP) ACT, 2000.

Received the assent of the Governor on 4th May, 2001.

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**AN
ACT**

to make provisions for the appointment and succession of the Sirdar and Headmen of Nonglang Sirdarship.

PREAMBLE:- Whereas under clause (g) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council of an Autonomous District is empowered to make laws with respect to the appointment or succession of Chiefs or Headmen;

And whereas it is expedient to make such provisions for the appointment and succession of the Sirdar and Headmen of Nonglang Sirdarship;

Now, therefore, the District Council of the Khasi Hills Autonomous District, in exercise of powers conferred on it as aforesaid and of all other powers enabling it in that behalf, hereby enacted in the Fifty first year of the Republic of India as follows:-

1. Short title, Extent and Commencement –

(1) This Act may be called the Khasi Hills Autonomous District (Appointment and Succession of the Sirdar and Headmen of Nonglang Sirdarship) Act, 2000.

(2) It applies to the whole of Nonglang Sirdarship.

(3) It shall come into force at once.

2. **Definitions** - In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them as follows:-

- (a) "Adult" means a person who is not less than eighteen years of age;
- (b) "Deputy Sirdar" or "Sirdar Khynnah" means a male adult belonging to the Nianglang clan of Khasi-Nongtraï community elected under the prevailing custom and appointed as such under the provisions of this Act;
- (c) "District Council" means the Khasi Hills Autonomous District Council constituted under the provisions of the Sixth Schedule to the Constitution of India;
- (d) "Durbar Hima" or "Durbar Pyllun" means the general Durbar of the Nonglang Sirdarship convened on the advice of the Executive Durbar by the Sirdar or any person acting as such;
- (e) "Electors" means the Lyngdohs, Myntris, Sordars shnong or Rangbah shnong of Nonglang Sirdarship belonging to the Khasi Nongtraï community and who under the prevailing customs are the only eligible electors to elect the Sirdar or Deputy Sirdar of the Nonglang Sirdarship;
- (f) "Executive Committee" means the Executive Committee of the Khasi Hills Autonomous District Council;
- (g) "Executive Durbar" means the Committee consisting of the Sirdar, Deputy Sirdar, the Lyngdohs, Myntris and such adult persons belonging to the Khasi Nongtraï community appointed as members by the Durbar Hima and approved by the Executive Committee to run the day-to-day administration of the Nonglang Sirdarship, and it shall be presided over by the Sirdar and in his absence; by the Deputy Sirdar and in the absence of both; by any members elected by the members present in the meeting;
- (h) "Headmen" means a Sordar shnong or Rangbah Shnong of village under the jurisdiction of Nonglang Sirdarship;
- (i) "Khasi Nongtraï" means the Khasis who are the natives of the Nonglang Sirdarship and recognised as such by the Durbar Hima;
- (j) "Returning Officer" means the Secretary to the Executive Committee or any officer as may be appointed by the Executive Committee;
- (k) "Sirdar" means the customary Chief and the administrative head of the Nonglang Sirdarship who is the male adult belonging to the Nianglang clan of Khasi Nongtraï Community elected under the prevailing custom and appointed as such under the provisions of this Act.

3. **Election for the appointment of the Sirdar -**

(1) When a vacancy occurs in the office of the Sirdar, the Returning Officer shall call upon the Executive Durbar to summon a meeting of the Electors at such place; and on such date and time as may be fixed by him for the election of the new Sirdar; and such meeting shall be presided over by the Officer deputed by the Returning Officer.

(2) The Presiding Officer shall submit the proceedings of the meeting to the Returning Officer who shall declare the result of the election.

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(3) The Returning Officer may, in case of doubt or uncertainty refer the proceedings to the Executive Committee which shall appoint a one-man Tribunal consisting of a Magistrate of the District Council Court who shall dispose of the reference as early as possible and ordinarily not later than three months from the date of receipt of the proceedings.

(4) If the Electors are not unanimous in their election of the new Sirdar, the election shall be determined by a simple majority of votes by the Electors present and voting and votes shall be taken up by show of hands.

4. **Appointment of the Sirdar** - On the basis of the result referred to in section 3 of this Act, the Executive Committee shall recommend the appointment of the elected Sirdar to the next Session of the District Council and after approval of the Council, shall forthwith issue appointment order under such terms and conditions as the Executive Committee may provide and not inconsistent with the provisions of this Act.

5. **Dispute regarding the Election** –

(1) If, within thirty days of the declaration of the result by the returning Officer any disputes arises regarding any matter relating to or connected with the election of the Sirdar, the party or parties concerned shall refer the dispute by a petition, to the Tribunal constituted by the Council for the purpose and the Tribunal shall dispose of the matter as early as possible which shall not ordinarily exceed six months from the date of receipt of the case records and the decision of the Tribunal shall be final.

(2) Every Such petition shall be filed to the Secretary of the Executive Committee in duplicate accompanied by a fee of Rs. 500 (Rupees Five Hundred) only in cash.

6. **Term of office** - The Sirdar shall hold office during his lifetime provided that he may be removed from office or suspended by the Executive Committee if:-

(a) he violates any of the terms and conditions of his appointment,

or

(b) he violates any of the laws, regulations, rules and the resolutions passed by the Council,

or

(c) he refuses to carry out the orders and instructions issued by the Executive Committee,

or

(d) he is found to be mentally unfit to carry out his functions,

or

(e) he is found incapable of carrying on the administration to the satisfaction of the Executive Committee due to ill health, old age or habitual drunkenness,

or

(f) he violated any customary rights and practices prevailing in the Elaka and duly recognised by the Executive Committee,

or

(g) he has been convicted of an offences involving moral turpitude,

or

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(h) he is found to have oppressed the people of the Elaka and they have just cause for dissatisfaction with his misrule,

or

(i) he has lost the confidence of the majority of his electors or of the people of the Elaka,

or

(j) he is undischarged insolvent,

or

(k) he does not reside within the Elaka,

or

(l) he is found to have been conducting himself in a manner derogatory to his office or pre-judicial to the interest of the Elaka or part thereof,

or

(m) has been conducting himself in a manner which may undermine the authority of the Executive Committee or the District Council;

Provided that (i) every such case shall be placed before the Council in its next Session and (ii) the Sirdar shall not be removed from office or punished with suspension unless he is given an opportunity of being heard.

Provided further that the requirements of the second proviso shall not apply-

(i) in the case where the order of removal or punishment or suspension is awarded on account of his being convicted of an offence involving moral turpitude,

or

(ii) in the case of order of suspension pending inquiry.

7. Appointment of Acting Sirdar -

(1) If at any time the office of a Sirdar becomes vacant as a result of death, resignation, retirement due to old age, removal or suspension, the Executive Committee may by order in writing appoint the Deputy Sirdar or any person belonging to the Nianglang clan of the Elaka to act as an Acting Sirdar who shall exercise all the powers and functions of the Sirdar.

(2) An Acting Sirdar will remain in office until appointment of a new Sirdar or until further order of the Executive Committee whichever is earlier.

8. Election of the Deputy Sirdar -

(1) When the vacancy occurs in the office of the Deputy Sirdar, the Sirdar or any person acting as such shall summon a meeting of the Electors for the election of the new Deputy Sirdar and result of such election shall be placed before the Executive Durbar for confirmation and to be approved by the Executive Committee.

(2) If the Electors are not unanimous in their election of the new Deputy Sirdar, the election shall be determined by a simple majority of the votes of the Electors present and voting and votes shall be taken by show of hands.

(3) The Deputy Sirdar shall exercise such powers and functions as may be delegated to him by the Executive Durbar.

9. Election and Confirmation of Headmen and Myntris -

(1) Any vacancy in the post of Sordar shnong or Rangbah Shnong or Myntri shall be reported to the Sirdar who shall direct the Secretary/ Sectaries of the village/ villages concerned to summon a meeting of the adult male persons of the village/ villages concerned on such date and time as may be fixed by him for the election of a new Sordar shnong or Rangbah shnong or Myntri and such meeting shall be presided over by the Deputy Sirdar or any person authorised by the Sirdar.

(2) The result of the election shall be placed before the Executive Durbar for confirmation and on receipt of such confirmation, the Sirdar shall issue appointment letter to the person concerned under such terms and conditions as the Executive Durbar may provide.

(3) The Executive Durbar shall have the power to determine the necessary qualifications and other matters connected with the post of Headmen and Myntri.

10. Election/ Nomination of the Lyngdohs – The two Lyngdohs of Nonglang Sirdarship shall be elected or nominated by their respective clans namely, the Umiap clan and the Tynhiang clan under the prevailing custom of the Elaka.

11. Term of office, removal and suspension of the Deputy Sirdar, Lyngdohs, Myntris and Headmen -

(1) The Deputy Sirdar, Lyngdohs, Myntris and Headmen shall hold office during the life time provided that they may be removed from office or suspended by the Executive Durbar if :-

(a) they refuse to carry out the orders and instructions issued by the Executive Durbar,

or

(b) they violate any of the laws, regulations, rules and resolutions of the District Council,

or

(c) they have been convicted of an offence involving moral turpitude,

or

(d) that are found incapable of carrying on their duties and functions due to ill health, old age or habitual drunkenness,

or

(e) they are found to be mentally unfit to carry out their duties and functions,

or

(f) they are found to have been conducting themselves in a manner derogatory to their office,

or

(g) they are found to have been conducting themselves in a manner which may undermine the authority of the Executive Committee or of the District Council,

or

(h) they have lost the confidence of the majority of the members of the clan or of the persons eligible to elect them, as the case may be.

(2) An appeal against any order passed under sub-section (1) above shall lie to the Executive Committee whose decision shall be final and every such appeal shall be filed within thirty days from the date the orders is communicated or known to the party or parties concerned accompanied by a petition fee of Rs. 100.00 (Rupees One hundred) only.

(3) Notwithstanding any contained in sub-section (1) above, the Executive Committee may remove or suspend the Deputy Sirdar or Lyngdohs or Myntris or Headmen if in its opinion he is liable for taking action under any of the clauses of sub-section (1) above and the order passed by the Executive Committee in such cases shall be final:

Provided that the Deputy Sirdar, Lyngdohs, Myntris and Headmen shall not be removed or punished under section 10 (1) above unless he is given an opportunity of being heard.

Provided further that the requirements of the first proviso above shall not apply-

(i) in the case where the order of removal or punishment or suspension is awarded on account of their being convicted of an offence involving moral turpitude;

(ii) in the case of order of suspension pending enquiry.

12. **Power of the Executive Durbar** – The Executive Durbar shall have the power to make rules for the day-to-day administration of the Sirdarship in accordance with the customary practices and the provisions of this Act and such rules shall be submitted to the Executive Committee for approval.

13. **Taking part in Politics and Elections -**

(1) The Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or any Myntri or Headmen shall not be a member or be otherwise associated with any political party or any organisation which takes part in politics, nor shall they take part in, subscribe in aid or assist in any other manner, any political movement or activity.

(2) If any question arises whether any movement or activity falls within the scope of this Act, the decision of the Executive Committee shall be final.

(3) The Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or Myntri or Headmen shall not canvas or otherwise interfere or use his influence in connection with or take part in an election to any Legislature, Council or Local authority:

Provided that (i) the Sirdar or Deputy Sirdar or Acting Sirdar or any Lyngdoh or Myntri or Headmen qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted.

(ii) the Sirdar or Deputy Sirdar or Acting Sirdar or any other Lyngdoh or Myntri or Headman shall not be deemed to have contravened the provisions of this act by reason only that he assists in the conduct of an election in due performance of a duty imposed on him in his official capacity or under any law for the time being in force; and

(iii) the display by the Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or Myntri or Headmen on his person or vehicle any election symbol shall amount to using his influence in connection with an election within the meaning of this sub-section.

14. **Demonstrations and Strikes** - The Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or Myntri or Headman shall not participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his condition of service.

15. Connection with press, radio, television, etc.-

(1) The Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or Myntri or Headman shall not except with the previous sanction of the Executive Committee own wholly or in part, or conduct or participate in the editing or managing of any newspaper or other media.

(2) The Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or Myntri or Headman shall not except in accordance with any general or special orders of the Executive Committee or in the performance in good faith of the duties assigned to them communicate directly or indirectly any official documents or information to any other person or to the press to whom they are not authorise to communicate such documents or information.

16. Criticism of the Executive Committee -

(1) The Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or Myntri or Headman shall not in any manner make radio or television broadcast, or publish any document, or make any statement or public utterances, or any communication to the press (i) which has the effect of an adverse criticism of the Central or the State Government or the Executive Committee or (ii) which is likely to embarrass the relation between the Central Government and the District Council or the Central Government and any State Government or the State Government and the District Council.

(2) Subject to the provisions of sub-section (1) above, nothing in this section shall apply to any statements made or views expressed to the Executive Committee in confidence by the Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or Myntri or any Headman in their official capacity or in the due performance of their duties.

17. Power to make rules- The Executive Committee subject to the approval of the District Council may make rules for carrying out the purposes of this Act.

18. Protection of action taking in good faith- No suit, prosecution or other legal proceedings shall lie against any officer or person for executing any order made by the Executive Committee or in respect of anything which is in good faith done or intended to be done by any authorised officer or person under this Act or the rules or orders made thereunder.

19. Annulment- The provisions contained in the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs & Headmen) Act, 1959 as amended, shall on and from the commencement of this act, no longer be operative as far as the Nonglang Sirdarship is concerned.

STATEMENT OF OBJECT AND REASONS

It is considered expedient to safeguard and preserve the customary practices within the Nonglang Sirdarship in matters relating to appointment and succession of its Sirdar and Headman.

Hence this Act.

Certified that the above Act was passed by the Khasi Hills Autonomous District Council on the 26th June, 2000.

HECTOR MARWEIN,
Chairman
Khasi Hills Autonomous District Council,
Shillong.

No. _____ I assent to this Act.

Dated Shillong, The 4th May, 2001

GOVERNOR OF MEGHALAYA