

Notification

The 26th August 1971.

No. DC/111/7/70 – 71/44 - As conferred to it by Section 1 (3) of the United Khasi and Jaintia Hills Autonomous District (Election Sirdar of Dwara Nongtyrnem) Act, 1971 (Act No. 1 of 1971) the Executive Committee of the United Khasi and Jaintia Hills District Council is pleased to appoint the 1st September 1971 as the date on which the said Act shall come into force.

**Sd/ J. Swer,
Chief Executive Member,
United Khasi & Jaintia Hills,
District Council, Shillong.**

The 3rd May 1971

No. SS/DC/40/70/8 - In pursuance of paragraph (ii) of Sixth Schedule to the Constitution of India the following Act of the United Khasi- Jaintia Hills Autonomous District Council, which received the assent of the Governor of Assam and Meghalaya is hereby published for general information.

ACT No. I 1971

(Passed by the United Khasi-Jaintia Hills Autonomous District Council)

(Received the assent of the Governor on 1st May 1971)

(Published in the Meghalaya Gazette dated the 22nd May 1971)

**THE UNITED KHASI-JAINTIA HILLS AUTONOMOUS
DISTRICT (ELECTION OF SIRDAR OF DWARA
NONGTYRNEM) ACT, 1970**

**AN
ACT**

To provide for election of the Sirdar of Dwara Nongtyrnem Sirdarship within the United Khasi-Jaintia Hills Autonomous District.

Preamble - Whereas it is expedient to enact a law for the election and appointment of the Sirdar of Dwara Nongtyrnem Sirdarship within the United Khasi-Jaintia Hills autonomous District and in exercise of the powers conferred under paragraph 3 (i) (g) of the Sixth Schedule to the Constitution of India it is hereby enacted in the Twenty First Year of the Republic of India as follow –

1. Short title, extent and Commencement - (1) The Act may be called the United Khasi-Jaintia Hills Autonomous District Election of a Sirdar for the Dwara Nongtyrnem Sirdarship) Act, 1970.

(2) It applies to the whole of the Dwara Nongtyrnem Sirdarship.

(3) It shall come into on such date as the Executive Committee may, by Notification appoint in this behalf.

2. Definition - (1) in this Act, unless there is anything repugnant or the context otherwise requires-

(a) “Agent” means any person declared or appointed as such by the candidate in connection with the election;

(b) “District Council” means the District Council of the United Khasi-Jaintia Hills Autonomous District constituted under the provision of the Sixth Schedule to the Constitution of India.

(c) “Executive Committee” means the Executive Committee of District Council of the United Khasi-Jaintia Hills Autonomous District.

(d) “He” stands for male and female.

(e) “Native of Dwara Nongtyrnem Sirdarship” means an original inhabitant of any of the four villages of Thyllaw, Nongrim, Lumdiengngan and Mawdngiem of Dwara Nongtyrnem Sirdarship.

(f) “Person” means man or woman who is a native of the Dwara Nongtyrnem Sirdarship.

(g) “Sirdarship Dorbar” or “Dorbar Hima” means the Dorbar of the Sirdarship with the Sirdar as Chairman and the Headmen of each of the villages within the Sirdarships Members.

(h) “Sirdarship” means the entire area known as the “Dwara Nongtyrnem Sirdarship” before the commencement of the Constitution of India.

(i) “Sirdar” means an administration head of the Dwara Nongtyrnem Sirdarship.

(j) “Village Dorbar” or “Dorbar of Village” means the Dorbar of each of the villages within Dorbar Nongtyrnem Sirdarship with the recognized Village Headman as Chairman.

(2) Any expression not defined in this Act but appearing therein shall be deemed to have the same meaning in which they are used in the Constitution of India or, as the case may be in the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 as amended.

3. Post of Sirdar and Term of Office – There shall be a Sirdar to be elected from the whole Sirdarship and his term of office shall be for five years.

Provided that a person holding the office of a Sirdar, shall on the expiry of his term be eligible to stand for re-election.

4. Persons to conduct the Election – The election of a Sirdar shall be conducted by an officers duly authorised by the Executive Committee which shall fix the place or places and date of the elections.

5. Voting by Secret Ballot and Symbol System – The voting shall be by secret ballot and symbol system.

6. Preparation of Election Roll – The procedure for preparing the Electoral Roll shall be as follows –

(1) The Dorbar of the Sirdarship shall prepare and submit the voters list to the Executive Committee, which shall scrutinise correct or have the same corrected necessary. A copy of the list which has so been scrutinised and corrected, where necessary shall then sent to the Dorbar Hima for wide publicity in the villages, and the Chairman of the said Dorbar shall submit a report to the Executive Committee of this having been done. A copy of the list shall also be hung in the Notice Board of the District Council.

(2) Any person whose name does not appear in the Electoral Roll thus published, or any person having any objections to make with respect to the eligibility or otherwise of any voter whose name appears in the Electoral Roll thus published, shall within 30 days from the date of publication put in a petition for the inclusion of his name or file his objection petition before the Secretary Executive Committee or any officer duly authorised by the Executive Committee in this behalf.

(3) On receipt of such petition or objection petition the Secretary Executive Committee or the officer duly authorised in this behalf shall notify the place date and time when such petition or objection shall be heard for disposal.

Any party aggrieved with the decision made may, within 15 days of the date the decision is communicated prefer an appeal to the Executive Committee with a fee of Rs. 5. The decision of the Executive Committee in the matter shall be final.

(4) The Executive Committee shall then cause the final Electoral Roll to be published by posting a copy each on the Notice Board of the Office of District Council and the Office of the Sirdarship.

The Electoral Rolls thus published shall be used in election.

7. Symbol, Ballot Papers, etc to be prepared by the Executive Committee:- The Executive Committee shall prepare the symbols, ballot paper, ballot boxes and all other necessary forms connected with the election.

8. Qualifications for Electors:- A person shall be eligible to vote if he satisfies any of the following conditions:-

(1) Every person of 18 years of age and above, who is a native of Dwara Nongtyrnem Sirdarship and is residing in any of the villages of Dwara Nongtyrnem Sirdarship, shall be entitled to vote if he is so declared by the “Dorbar Hima” and his name is entered in the final electoral roll.

(2) A non Dwara Nongtyrnem Khasi male of 18 years and above who lives in any village of the Dwara Nongtyrnem Sirdarship is married to a Dwara Nongtyrnem woman and has issue or issues by her, or has been so married for a least 3 years whether with or without any issue, but lives with her in any of the villages of the Dwara Nongtyrnem Sirdarship shall be entitled to vote if he is so declared by the “Dorbar Hima” but he shall have no right to should as a candidate for the post of a Sirdar unless he satisfies the conditions laid down in the second proviso of clause (1) of Section 12.

(3) A person who is a native of Dwara Nongtyrnem of 18 years and above shall be entitled to vote even if he lives outside Dwara Nongtyrnem Sirdarship provided that he has his relations living in any village of Dwara Nongtyrnem Sirdarship and is so declared by the “Dorbar Hima” but non of a Dwara Nongtyrnem male living outside the Dwara Nongtyrnem Sirdarship from a non-Dwara Nongtyrnem woman shall not be entitled to vote.

(4) The issue of a Dwara Nongtyrnem woman of 18 years and above living outside Dwara Nongtyrnem Sirdarship shall be entitled to vote if their mother has relations living in any village of the Dwara Nongtyrnem Sirdarship and if they are so declared by the “Dorbar Hima”.

9. Method of Voting: - Each voter shall be entitled to one vote only and he shall cast his vote in person. Voting by proxy shall not be allowed.

10. Time and Hour Voting:- Voting shall commence from 8 a.m. and closed at 4 p.m. provided that any voter present inside the enclosure of the Polling Station before 4 p.m. shall be allowed to cast his vote.

11. Counting of Votes: - The Presiding Officer shall count the vote at the close of the Poll in the presence of the candidates and or their Agents.

The total against such candidate shall be recorded then and there, countersued by the candidate/agent against the total vote polled by him/his candidate. Each candidate shall be entitled to have not more than two agents at the time of counting

12. Qualification for the Post of Sirdar – Such person only shall be eligible to be candidate for the post of Sirdar as satisfies any of the following qualifications:-

(1) A candidate shall be a voter who is native of Dwara Nongtyrnm Sirdarship living in any villages of the Dwara Nongtyrnm Sirdarship as mentioned in sub-section (i) of section 8.

Provided that such a voter who is a native of Dwara Nongtyrnm Sirdarship shall be eligible to be a candidate irrespective of whether he lives or not in any of the village of the Dwara Nongtyrnm Sirdarship but has landed properties of his own therein or his relation that his mother or mother's daughters and brothers living in any of the villages of the Dwara Nongtyrnm Sirdarship:

Provided further that a non-Dwara Nongtyrnm Sirdarship voter shall be eligible to be a candidate for Sirdarship if he has continuously been living in any of the

villages of Dwara Nongtyrnem Sirdarship for a period of not less than 12 years.

(2) A candidate shall be literate, that is able to read and write in Khasi.

(3) A candidate shall not be less than 35 years of age at the time of submission of nomination paper.

13. Deposit of Nomination and form of Nomination Papers:- (1) The candidates shall submit their names in writing to the Secretary Executive Committee, District Council, United Khasi-Jaintia Hills in the prescribed form together with a fee of Rs.50 in cash which shall not in any case be refundable.

(2) Candidate shall submit their nomination papers and declarations in the form prescribed at Appendix I, within such date and time as may be fixed by the Executive Committee for the purpose.

14. The Secretary, Executive Committee shall notify the date and time when nomination papers shall be scrutinised and objections heard. Each of the candidates and or not more than two of their duly appointed agents may be present. The decision of the Chief Executive Member in the matter shall be final.

The Secretary, Executive Committee shall cause the names of all the person who have filed nomination papers to sent to every such of person together with the notice notifying the date and time of scrutiny of the nomination papers and hearing of objection.

15. Effect of Nominations:- The names of the candidates declared duly nominated after disposal of objections shall be published by the Secretary, Executive Committee in an alphabetical order at least, 30 days before the election.

16. Deposit on Objections:- Any candidate or duly authorised agent acting on behalf of the candidate, shall deposit a sum of Rs.2 for every voter he desires to object to. This money shall be forfeited to the District Council if the objection failed. The Presiding Officer shall not take cognizance of objection unless the requisite objection fee is first deposited.

17. Decision of Presiding Officer to be Final:- The decision of the Presiding Officer in any objection shall be final.

18. Impersonation and prosecution :- Any person found to vote by impersonating any other voter or is otherwise ineligible to vote in accordance with this Act shall be liable to legal proceedings under the relevant section/sections of the Indian Penal Code.

19. Expenses to be borne by the District Council – All expenses for the conduction of the Election shall be by the District Council.

20. Polling Agents in the Polling Station – The candidates' Agents shall be confined to voters only. A candidate shall not be allowed to have more than one agent at a time inside a Polling Station.

21. Duties of the Elected Candidate – The candidate duly declared elected shall –

(1) Carry out all orders issued on him from time to time by the Executive Committee or its officers acting for and on behalf of the Executive Committee.

(2) Run the administration of the Sirdarships in accordance with such Laws, Regulations and Rules as may be passed from time to time by the District Council and in

accordance with such customary practices as are in the opinion of the Executive Committee not in conflict with the Laws, Regulation or Rules made by the District Council.

(3) Collect all the revenue from Dwara Nongtyrnem Sirdarship which are the dues of the District Council and shall deposit the same to the District Fund, United Khasi-Jaintia Hills Autonomous District.

(4) Live in one of the Villages of the Dwara Nongtyrnem Sirdarship and shall establish his office at Thylla or Nongrim where he shall transact all his official business.

(5) Be liable to removal or at any time by the order of the District Council under the provision of Section 6 of the United Khasi-Jaintia Hills Autonomous District (Appointment and succession of Chiefs and Headmen) Act 1959 as amended.

22. Rules to be framed by the Executive Committee: - The Executive Committee may frame rules under this Act.

APPENDIX I
[Rule 14 (b)]

Nomination paper for the Election of a Sirdar for the Dwara Nongtyrnem Sirdarship.

Name of the Candidate.....
His Age
His Mother's Name
His Village in the Dwara Nongtyrnem Sirdarship
His present Address
His Number in the Electoral Roll
Name of his proposer and his No. in the Electoral Roll and
Name of his Village
Signature of Proposer
Name of his Seconder and his No. in the Electoral Roll
Signature of Seconder

DECLARATION BY THE CANDIDATE

I, hereby declare that I agree to his nomination.

Date..... Signature of the Candidate

I, hereby declare that I have appointed.....
To be my election agent.

Date..... Signature of the Candidate

I, hereby declare that I have selected
As the symbol of my election.

Date Signature of the Candidate

J. ROPMAY
Deputy Secy. to the Meghalaya
Social Services (District Council Affair)
Department.