

NOTIFICATION

The 31st March 1997

No. DC/L/VII/3/97/587 – In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Bill of the Khasi Hills Autonomous District Council, is hereby published for general information :-

THE KHASI HILLS AUTONOMOUS DISTRICT (ADMINISTRATION AND ELECTION OF SORDARS OF SAW RAID, KHYRIM SYIEMSHIP) ACT, 1997

(Passed by the Khasi Hills Autonomous District Council on the 13th March, 1997.)

(Received the assent of the Governor on 27th April, 1999.)

(Published in the Gazette of Meghalaya on 29th April 1999)

An Act

To provide for the administration and election of Sordars of Saw Raid, Khyrim Syiemship within the Khasi Hills Autonomous District.

Preamble :- Whereas it is expedient to enact a law for the administration and election of Sordars of Saw Raid, Khyrim Syiemship and in exercise of powers conferred under paragraph 3 (1) (g) of the Sixth Schedule to the Constitution of India it is hereby enacted in the forty-seventh 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 (Administration

and election of Sordars of Saw Raid, Khyrim Syiemship) Act, 1997.

(2) It applies to the whole of Saw raid, Khyrim Syiemship.

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

2. Definition – In this Act, unless there is anything repugnant or the context otherwise requires-

(a) “Adult” means a male who is not less than eighteen years of age.

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

(c) “District” Council” means the District Council of the Khasi Hills Autonomous District.

(d) “Executive Committee” means the Executive Committee of the Khasi Hills Autonomous District Council.

(e) “Saw Raid” means and consist of the Raid Shabong, Raid Rangnah, Raid Lyngkhat and Raid Mawshun.

(f) “Sordar” means the administrative head of each of the Raid Shabong, Raid Rangnah, Raid Lyngkhat, and Raid Mawshun.

(g) “Syiem” means the Chief of Khyrim Syiemship.

3. There shall be a Sordar for each of the Saw Raids to be elected by the male adults of that raid and his term of office shall be for five years.

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

3-A. First election under the provision of this Act – (i) Immediately after elections are notified, all the existing Sordars in all the four (4) Raids shall cease to be in office.

(ii) For the conduct of the first election of Sordar in the four (4) Raid, the Executive Committee shall authorise any of its officers to act as Returning Officer.

(iii) (a) The Returning Officer shall cause for the preparation of the voters list consisting of eligible male voters, call for the nomination papers of candidates and scrutinise the same, hold election, declare the result thereof and or do things necessary for the purpose.

(b) The result of the election shall not later than one week after its declaration, be reported to the Executive Committee for its approval and issuance of the appointment order under such terms and conditions as the Executive Committee may provide and the Executive Committee shall send the report of the election to the Syiem within one week after its approval.

(iv) If, within 30 days of the declaration of the result by the Returning Officer, any dispute arises regarding any matter relating to or connected with the election of the Sordar, the dispute shall be referred by the party or parties concerned, by a petition, to the Executive Committee.

(Section 3-A inserted vide First Amendment Act, 2001)

The petition should be accompanied by a fee of Rs. 250/- (Rupees Two hundred fifty) only, in cash along with certified copy of the result of the election.

The decision of the Executive Committee is final.

4. Election Committee - (1) There shall be an election committee consisting of the Sordars of the Saw Raids and two elders from each Raid of the Saw Raids.

(2) The elders from each raid shall be selected by the adult males of that raid in an open Durbar to be convened by the Sordar of that Raid.

(3) If any members of the Election Committee become himself a candidate for the post of Sordar of any of the Saw raids, he shall ceased to be the member of the Committee.

(4) The Committee shall have a Chairman and a Secretary to be selected from amongst its members.

(5) The duties of the Committee shall be:-

(a) Finalisation of the voters list of the Raid.

(b) Shall fix the place, date and time of the election of Sordar of any of the Saw Raid.

(c) Shall conduct the election of the Sordar.

(d) Declare the result of the election.

(e) Shall within 15 days submit a report of the result of the election to the Syiem and his Durbar and to the District Council.

(f) Any other matter connected with the election of the Sordars of the Saw raid.

5. Preparation of voters list – (1) The voters list of any Raid of the Saw Raid shall be prepared village-wise and shall be prepared by the headman along with the village committee on being asked by the Election Committee.

(2) The headman and the Secretary of the village Durbar shall put their signature with date at the end of the list and shall submit the list so prepared to the Election Committee after wide publicity in the village.

(3) Any claim and objection to the voters list so prepared shall be made to the Secretary of the Election Committee within 30 days from the date of receipt of the list from the headman.

(4) On receipt of any claim and objection, the Secretary shall fix the date, time and place for hearing by the Election Committee and the decision of the Election Committee shall be final.

6. Filing of nomination paper by the candidate – The candidates shall submit their nomination paper and declaration duly signed by all concerned in the form prescribed at Appendix I to the Secretary, Election Committee within such date and time as may be fixed by the Election Committee.

7. Scrutiny of nomination papers – The Secretary, Election Committee shall inform of the date, time and place where nomination papers shall be scrutinised and objection heard if any. Candidates and/or their agents duly authorised may be present and the decision of the Election Committee shall be final.

8. Effect of nomination – The names of the candidates declared duly nominated with the symbols assigned shall be publicly notified by the Secretary, Election Committee at least two weeks before the election.

9. Method of voting – (1) Each voter shall be entitled to one vote only and shall cast his vote in person. Voting by proxy shall not be allowed.

(2) The voting shall be by secret ballot on a system to be decided by the Election Committee.

10. Symbols, Ballot papers etc, to be prepared by the Election Committee: - The Election Committee shall prepare the symbols, ballot papers, ballot boxes and all other necessary forms connected with the election.

11. Time and hour of voting: - Voting shall commence at 8 a.m and close 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 even after 4 p.m.

12. Counting of votes: - The Chairman of the Election Committee shall count the votes at the close of the poll in the presence of the candidates and/or their authorised agents. The total against each candidate shall be recorded then and there and be countersigned by the candidate/agent against the total vote polled by him/his candidate. Each candidate shall be entitled to have not more than 2 agents at the time of counting.

13. Declaration of the result of the election: - The Election Committee shall declare the result of the election and shall within 15 days submit a report thereof to the Syiem and his Durbar and to the District Council.

13-A Dispute regarding election - (i) If, within 30 days of the declaration of the result by the Election Committee under Section 13 of the Act, any dispute arises regarding any matter relating to or connected with the election of Sordar, the dispute shall be referred by the party or parties concerned to the Syiem and Dorbar on payment of a dispute fee of Rs. 150/- (Rupees one hundred fifty) only, for decision. An appeal against such decision shall lie to the Executive Committee whose decision shall be final.

(ii) The appeal shall be filed to Executive Committee within 30 days from the date the order of the Chief and his Dorbar is communicated to the party or parties concerned accompanied by :-

(a) Certified copy of the order appealed against:

(b) A petition fee of Rs. 250/- (Rupees two hundred fifty) only.

The decision of the Executive Committee is final.

14. Appointment of the Sordar - The elected candidate shall be appointed by the Syiem and his Durbar, after obtaining the approval of the Executive Committee, as the Sordar of the Raid.

15. Qualification for the post of Sordar - (1) A candidate shall be a male voter who has a permanent residence within the Raid

(2) A candidate shall not be less than 25 years of the age at the time of submission of nomination paper.

(Section 13-A inserted vide First Amendment Act, 2001)

Provided that a person shall be disqualified from being elected as a Sordar if:-

- (a) he is of unsound mind and stands so declared by a competent Court.
- (b) he is an undischarged insolvent.
- (c) Whether before or after the commencement of this Act, he has been convicted by a Court of a law of any offence and sentenced to imprisonment for not less than 2 years.

16. Qualification of voters- A person shall be eligible to vote in the election of a Sordar if he satisfies following conditions:-

- (a) Every person who is a permanent resident of the Raid and who has attained the age of 18 years and above is entitled to vote if so declared by the Election Committee.
- (b) Every person of 18 years and above who is not a native but married a Raid woman and live within the Raid and has issues by her or has been so married for at least 5 years whether with or without issue but live with her within the Raid, is entitled to vote if so declared by the Election Committee.
- (c) A native of the Raid of 18 years and above is entitled to vote if he lives outside the Raid provided he has his mother or sister or brother or mother's sister living within Raid.
- (d) The sons of 18 years and above of the Raid woman living outside the Raid are entitled to vote if their mother has a mother or a sister or a brother or a son or a daughter living within the Raid.

17. Removal or suspension of Sordar: - The provision of section 9 of the United Khasi Jaintia Hills Autonomous District (Appointment and Succession of Chief and Headmen) Act, 1959, as amended, shall mutatis mutandis apply in case of removal or suspension of a Sordar.

18. Judicial power of the Sordar- The Judicial power of the Sordar shall be as provided in the United Khasi Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953, as amended.

19. Administrative power- (1) Any dispute arising within the Saw Raids which is an administrative matter shall not be entertained directly before the Syiem and his Durbar but should at the first instance be heard and decided jointly by the Sordars of the Saw Raids.

(2) Any matter connected with the Saw Raids should not be decided by the Syiem and his Durbar without the consent of the Durbar Saw Raid.

20. The Executive Committee may by notification make rules for carrying out the purpose of this Act.

APPENDIX I

(Section 6)

Nomination Paper for Election of Sordar of Saw Raid, Khyrim Syiemship.

Name of the Candidate.....

His age.....

His mother's name.....

His village within the Raid.....

His present address.....

His number in the Electoral Roll of the village.....

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 and name of his village.....

Signature of seconder.....

Declaration by the Candidate

I hereby declare that I agree to this nomination

Date.....

Signature of the Candidate

I hereby declare that I have appointed.....

..... to be my election agent.

Date.....

Signature of the Candidate.
