

NOTIFICATION

Dated Shillong, the _____ October, 2005

NO.DC./L/ - 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 (APPOINTMENT AND SUCCESSION OF SIRDAR AND HEADMEN OF JYRNGAM SIRDARSHIP) ACT, 2005

(Passed by the Khasi Hills Autonomous District Council on the 24th October, 2005.)

(Received the assent of the Governor on _____)

(Published in the Meghalaya Gazette on _____)

AN

ACT

to make provisions for the appointment and succession of the Sirdar and Headman of Jyrngam 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 Chief or Headman.

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

Now, therefore the District Council of the Khasi Hills Autonomous District, in exercise of enacted in the Fifty Sixth 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 Jyrngam Sirdarship) Act, 2005.

(2) It applies to the whole of the Jyrngam 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 Syiem Jahnoh clan of Khasi-Muliang community elected under the prevailing custom and appointed as such under the provision 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 Jyrngam Sirdarship convened on the advice of the Executive Durbar by the Sirdar, Acting Sirdar or any person acting as such.

(e) **“Electors”** means the Lyngdohs, Myntris, Kongors, Sordar Shnong or Rangbah Shnong of Jyrngam Sirdarship belonging to the Khasi/ Khasi-Muliang/ Khasi Nongtraï community and who under the prevailing customs are the only eligible electors to elect the Sirdar or Deputy Sirdar of Jyrngam 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, the Kongors and such persons belonging to the / Khasi-Muliang/ Khasi-Nongtraï/ Khasi community appointed as members by the Durbar Hima and approved by the Executive Committee to run the day-to-day administration of the Jyrngam 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 Jyrngam Sirdarship.

(i) **“Khasi Nongtraï/ Khasi-Muliangs”** means the Khasis who are the natives of Jyrngam Sirdarship and recognized as such by the Durbar Hima.

(j) **“Kongor”** means any male adult belonging to the Khasi-Muliang/ Khasi-Nongtraï/ Khasi community who lives within Jyrngam Sirdarship and is married to the woman of Khasi-Muliang community belonging to the Syiem Jahnoh clan.

(k) **“Lyngdoh”** means any male adult belonging to the Khasi-Muliang/ Khasi-Nongtraï community, hereditary from a particular clan who carries out/ performs both administrative and as well as ceremonial functions under the prevailing custom of the village/area and appointed as such under the provisions of this Act.

(l) **“Myntri”** means any male adult belonging to the Khasi/ Khasi-Muliang/ Khasi-Nongtraï community who carries out administrative functions under the prevailing custom, representing a cluster of villages or a particular area elected and appointed as such under the provisions of this Act.

(m) **“Returning Officer”** means the Secretary of the Executive Committee or any other Officers as may be appointed by the Executive Committee.

(n) **“Sirdar”** means the customary Chief and the administrative head of the Jyrngam Sirdarship who is the male adult belonging to the Syiem Jahnoh clan of Khasi Muliang Community elected under the prevailing custom and appointed as such under the provisions of this Act.

3. Election for 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 within Jyrngam Sirdarship; 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.

(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 or counting of heads.

4. Appointment of the Sirdar - On the basis 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. 500.00 (Rupees Five hundred) only in cash.

6. Term of Office – The Sirdar shall hold office during his life time 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 resolution passed by the Council.

or

(c) he refuse 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 violates any customary rights and practices prevailing in the Elaka and duly recognized by the Executive Committee.

or

(g) he has been convicted of an offence involving moral turpitude.

or

(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 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 the requirements of the above proviso shall not apply –

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

(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 Syiem Jahnoh 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.

(3) Whenever there is a change of incumbent on account of sub-section (1) above there shall be a proper taking and handing over charge of office properties duly recorded in writing between the predecessor and the successor incumbents in the presence of witnesses.

Any deliberate or willful violation of this provision shall be treated to be an act of criminal breach of trust and the incumbent is liable to be proceeded with accordingly.

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 the 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/Secretaries of the village/villages concerned to summon a meeting of the heads of households of the village or the male adults of the villages as the case may be, 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 authorized by the Sirdar.

(2) The result of the election shall be placed before the Executive Durbar for confirmation and upon which the Sirdar shall issue appointment letter to the person concerned under such terms and conditions as the Executive Durbar may provide. Such action shall be intimated to the Executive Committee accordingly.

(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 and Kongors:-

(1) The four Lyngdohs of Jyrngam Sirdarship shall be elected or nominated by their respective clans namely, the Sangrin clan of Mawhawkraah village, the Syiem Nongstiin clan of Nongdiengkain village, the Syiem Jahnoh clan of Mawsngi village and the Umlang clan of Nongkyndang village under the prevailing custom of the Elaka.

(2) The result of the election shall be placed before the Executive Durbar for confirmation and upon which the Sirdar shall issue appointment letter to the person concerned under such terms and conditions as the Executive Durbar may provide. Such action shall be intimated to the Executive Committee accordingly.

(3) The Kongors shall be elected/ nominated by the Durbar Kur Syiem Jahnoh i.e. the Syiem Jahnoh clan Durbar under the prevailing custom of the Elaka.

11. Term of Office, removal and suspension of the Deputy Sirdar, Lyngdohs, Myntris, Kongors and Headman:-

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

(a) they refuse to carry 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) they 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 *Contd...6* 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 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.

Notwithstanding anything contained in sub-section (1) above, the Executive Committee may remove or suspend the Deputy Sirdar or Lyngdohs or Myntris or Kongors 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, Kongors and Headmen shall not be removed or punished under section 11 (1) above unless he is given an opportunity of being heard.

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

(i) in the case where the order of removal or punishment of 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 come to effect only after approval by the Executive Committee.

13. Taking Part in Politics and Elections:-

(1) The Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or any Myntri or Kongor or Headmen shall not be a member or be otherwise associated with any political party or any organization 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 Kongor 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 Kongor 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 Kongor 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 Kongor or Headman 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 Kongor 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 - The Sirdar, Deputy Sirdar or Acting Sirdar or any Lyngdoh or Myntri or Kongor 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 communicates directly or indirectly any official documents or information to any other person or to the press to whom they are not authorized 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 Kongor or Headman shall not in any manner make radio or television broadcast, or publish any document, to 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 State Government or the Executive Committee or (ii) which is likely to embarrass the relations 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 Kongor or Headman in their official capacity or in the due performance or their duties.

17. 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 authorized officer or person under this Act or the rules or orders made there-under.

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

STATEMENT OF OBJECT AND REASONS

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

Hence this Bill.

Certified that the above Bill was passed by the Khasi Hills Autonomous District Council on the 24th October, 2005.

(M. Pyrbot)
Chairman,
Khasi Hills Autonomous District Council,
Shillong.

No. _____

I assent to this Bill.

Dated Shillong,
The _____

GOVERNOR OF MEGHALAYA.
