

NOTIFICATION

Dated Shillong, the 30th June 2006.

NO.DC/L/VII/4/2006/ – 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 THE SIRDAR AND HEADMEN OF PAMSANNGUT SIRDARSHIP) ACT, 2006.

(Passed by the Khasi Hills Autonomous District Council on the 28th June, 2006)

(Received the assent of the Governor on 10.08.06.)

(Published in the Meghalaya Gazette on _____)

AN ACT

to make provisions for the Appointment and Succession of the Sirdar and Headmen of Pamsanngut 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 Pamsanngut 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 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 (Appointment and Succession of the Sirdar and Headmen of Pamsanngut Sirdarship) Act, 2006.

(2) It applies to the whole of Pamsanngut 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) “District Council” means the Khasi Hills Autonomous District Council constituted under the provisions of the Sixth Schedule to the Constitution of India.

(c) “Durbar Hima” or “Durbar Pyllun” means the general Durbar of the Pamsanngut Sirdarship to be convened, wherever necessary on the advice of the Executive Durbar, by the Sirdar or any person acting as such provided that the Durbar Hima shall compulsorily be convened by the Sirdar at least once in every year with prior intimation to the Executive Committee.

(d) “Elector” means a Khasi male adult of the Pamsanngut elaka eligible to elect the Sirdar of the Pamsanngut Sirdarship;

- (e) "Executive Committee" means the Executive Committee of the Khasi Hills Autonomous District Council;
- (f) "Executive Durbar" means the Committee consisting of the Sirdar, Myntris and such other members as may be appointed by the Durbar Hima and approved by the Executive Committee to run the day-to-day administration of the Pamsanngut Sirdarship, and it shall be presided over by the Sirdar and in his absence by any member elected by the members present in the meeting;
- (g) "Headman" means a Rangbah Shnong of a village duly elected/nominated under the provisions of this Act and as per the prevailing custom of Pamsanngut Elaka;
- (h) "Myntri" means any male adult belonging to the Rani clan, Nongbet clan, Sawkmie clan and Khasain clan of Pamsanngut Elaka, duly elected/nominated as per the prevailing customs and under the provision of this Act.
- (i) "Returning Officer" means any Officer as may be appointed by the Executive Committee;
- (j) "Sirdar" means the traditional Chief and the administrative Head of Pamsanngut Sirdarship who is 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 cause the Electoral Roll to be prepared of all eligible voters, call for the nomination of candidates, hold election, declare the result thereof and or do things necessary for the purpose of the election.

(2) The Returning Officer may, in case of doubt or uncertainty, refer the proceedings to the Executive Committee who shall decide and direct the Returning Officer accordingly.

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 Sirdar elect 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: - If within thirty 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 Sirdar, the party or parties concerned shall by a petition refer the dispute to the Tribunal constituted by the Council for the purpose which shall dispose of the matter as early as possible and shall not ordinarily exceed six months from the date of receipt of the case records which decision shall be final.

Such petition shall be filed to the Secretary of the Executive Committee in duplicate accompanied by a fee to be prescribed by the Executive Committee.

6. Qualification for the office of Sirdar - A person shall qualify to be elected as a Sirdar if he:

- a) is a native of Pamsanngut Sirdarship and belongs to the Umdor clan of the Elaka;
- b) is not less than 18 years of age;
- c) is included in the Voters' List of Pamsanngut Sirdarship;
- d) is not an employee of any Government Department or District Council; and
- e) is not a member of another Elaka.

7. **Term of office:-** There shall be only one Sirdar to be elected from the whole of Pamsannut Sirdarship and his term of office shall be for life from the date of his appointment 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

(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 in solvent,

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;

or

(n) he fails to convene the annual Durbar Hima or Durbar Pyllun.

Provided further 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 also 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.

8. 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 any male adult belonging to the Umdor Clan of Pamsanngut 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 the 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.

9. Election and Confirmation of Myntris and Headmen: - (1) Any vacancy in the post of Headmen shall be reported to the Sirdar who shall direct the Secretary of the village concerned to summon a meeting of all the male adults of that village on such date and time as may be fixed by him for the election of a new Headmen, and such meeting shall be presided over by the Sirdar or by any person authorised by him. On the basis of the result of such election, the Sirdar shall issue appointment letter to the successful/elected candidate under such terms and conditions as the Executive Durbar may provide which shall be intimated to the Executive Committee immediately.

(2) Any vacancy in the post of Myntri of Pamsanngut Sirdarship shall be elected/nominated by the respective clans namely Sawkmie, Rani, Nongbet and Khasain under the prevailing custom of the Elaka, which result 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 with an intimation to the Executive Committee.

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

(4) An appeal against any order passed by the Sirdar and his Durbar shall lie to the Executive Committee whose decision shall be final. 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 to be prescribed by the Executive Committee.

10. Power to make Rules – 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.

11. Taking part in Politics and Elections:- (1) The Sirdar, or Acting Sirdar or any 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, or Acting Sirdar or any Headman shall not canvass 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 Acting Sirdar or any Headman 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 Acting Sirdar or any 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 or under any law for the time being in force; and

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

12. Demonstrations and Strikes- The Sirdar, or Acting Sirdar or any 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.

13. Connection with press, radio, television, etc:- (1) The Sirdar, or Acting Sirdar or any 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, or Acting Sirdar or any 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 authorised to communicate such documents or information.

14. Criticism of the Executive Committee - (1) The Sirdar, or Acting Sirdar or any 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, or Acting Sirdar or any Headman in their official capacity or the due performance of their duties.

15. **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 the authorised officer or person under this Act or the rules or orders made thereunder.

16. **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 Pamsangut Sirdarship is concerned.

STATEMENT OF OBJECT AND REASONS

It is considered expedient to safeguard and preserve the customary practices within the Pamsangut Sirdarship in matters relating to Appointment and Succession of its Sirdar and Headmen.

Hence this Bill.

Certified that the above Bill was passed by the Khasi Hills Autonomous District Council on the 28th June, 2006.

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

No. _____

I assent to this Bill

Dated Shillong,
The _____

GOVERNOR OF MEGHALAYA.