

NOTIFICATION

Dated Shillong, the 26th November, 2007

No.DC.L/VII/7/2007/7/4007 - 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 SYIEM, DEPUTY SYIEM AND ELECTORS OF MYRIAW SYIEMSHIP) ACT, 2007.

AN

ACT

to make provisions for the Appointment and Succession of the Syiem, Deputy Syiem and Electors of Myriaw Syiemship.

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 Syiem, Deputy Syiem and Electors of Myriaw Syiemship.

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- Eighth 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 Syiem, Deputy Syiem and Electors of Myriaw Syiemship) Act, 2007.
- (2) It applies to the whole of the Myriaw Syiemship.
- (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 Myriaw Syiemship comprising of the Syiem, the Deputy Syiem, elders and electors of the Syiemship including other representatives of the villages as may be summoned by the Executive Durbar, to be convened at least once a year by the Syiem and in his absence by the Deputy Syiem and in the absence of both, by any of the Lyngdohs duly authorized by the Executive Durbar. In the event of emergencies, the Durbar Hima may be convened oftener than what has been provided in this Act;
- d. **“Durbar Kur Pyllun”** mean the customary General Durbar of the Syiem Shangngoi clan comprising of both male and female adults who are residents of Myriaw Syiemship;
- e. **“Deputy Syiem”** or **“Syiem Khynnah”** means a male adult belonging to the Syiem Shangngoi clan who is the Customary Deputy Chief of Myriaw Syiemship and appointed as such under the provisions of this Act;

- f. **“Elector”** means an indigenous Khasi male adult, who as per custom hold office as a Lyngdoh or a Sordar Shnong as the case may be, duly appointed and recognized as such by the Syiem and his Executive Durbar and duly approved by the Executive Committee, who is eligible to elect the Syiem of Myriaw under the provisions of this Act;
 - g. **“Executive Committee”** means the Executive Committee of the Khasi Hills Autonomous District Council;
 - h. **“Executive Durbar”** means a Committee consisting of the Syiem, Deputy Syiem, Lyngdohs and the Khasi elders appointed by the Durbar Hima as per the prevailing customs and usages and approved by the Executive Committee to run the day-to-day administration of Myriaw Syiemship, and it shall be presided over by the Syiem and in his absence by the Deputy Syiem and in his absence of both by any of the Lyngdohs authorized by the Executive Durbar;
 - i. **“Hima” or “Elaka”** means the entire geographical areas comprising of all villages under the jurisdiction and administrative control of the Syiem and the Durbar of Myriaw Syiemship;
 - j. **“Lyngdohs”** means the authorized adult male representative belonging to the Khasi Community who is the native of the Hima and belongs to the respective clans, namely: (i) Marngar-8 kpoh of Ramsiej (ii) Marngar -3 kpoh of Laitseh (iii) Mawtyllup of Myriaw-Masar village and (iv) Lyngkhoi Warshrieh-Umjakoit, duly appointed under the provision of this Act;
 - k. **“Returning Officer”** means any officer as may be appointed by the Executive Committee;
 - l. **“Sordar Shnong”** means the administrative Head of a village under Myriaw Syiemship who has been elected and appointed as such under the provision of this Act;
 - m. **“Syiem”** means the Customary Chief and the administrative Head of Myriaw Syiemship which is the Khasi male adult belonging to the Syiem Shangngoi clan of Myriaw Syiemship and appointment as such under the provisions of this Act.
- 3. Qualification for the office of Syiem, Deputy Syiem and Acting Syiem:** - A male person belonging to the Syiem Shangngoi Clan of the Hima shall qualify to be elected to the office of the Syiem, Deputy Syiem or Acting Syiem if:-
- a) he is a natural descendant of the Syiem Shangngoi Clan both of whose parents are indigenous Khasi by birth;
 - b) he is a native and resident of Hima Myriaw Syiemship;
 - c) he bears a good moral character and he is not less than 25 years of age;
 - d) he is not an employee of any Government Department/ Organization or District Council;
 - e) he is not a member of another Elaka;
 - f) he is able to read, write and speak the Khasi language; and
 - g) he is governed by Khasi matrilineal system of lineage and the Khasi laws/ practices of inheritance and succession.
- 4. Election and affirmation of the Syiem:** - (1) When a vacancy occurs in the office of the Syiem, a person who has the qualifications prescribed under Section 3 of this Act, is eligible to contest for the post of the Syiem.
- (2) The Returning Officer shall cause the Electoral Roll to be prepared of all eligible voters, call for the nomination and scrutiny of candidates, hold election, declare the result thereof and or do things necessary for the purpose of the election.

- (3) The Returning Officer, on receipt of the names of the electors, shall by public notification of not less than 30(thirty) days, notify their names, call for objection etc., if any and shall place before the Executive Committee for approval.
- (4) In case, there is any objection regarding the name or names of the elector or electors, the Returning Officer shall conduct a hearing of parties involved and shall finally dispose of the matter after affording the opportunity of being heard and shall notify the name or names of elector or electors.
- (5) The Returning Officer, after finalization of the name(s) of the candidate(s), shall by public notification of not less than 30(thirty) days, fix a date and time and summon a meeting of all the approved electors in such a place within the Hima for their affirmation /election of the Syiem. Such meeting shall be presiding over by an Officer deputed by the Returning Officer for the purpose.
- (6) Such meeting for affirmation/election of the Syiem shall be conducted by the Officer deputed under Sub-Section (5) above which shall be determined by counting of heads and submit the report accordingly to the Returning Officer.
- (7) The Returning Officer may, incase of doubt or uncertainty, make a reference to the Executive Committee for direction and decision.

5. Appointment and confirmation of the Syiem: - On the basis of the result referred in Section 4 of this Act, the Executive Committee shall recommend the appointment of the affirmed/elected Syiem 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 provision of this Act.

6. Dispute regarding the election and affirmation of the Syiem:- (1) If within 30 (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/affirmation of the Syiem, the party or parties concerned shall, by a petition refer the dispute 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) Such petition shall be filed to the Secretary to the Executive Committee in duplicate, accompanied by a fee of Rs. 500.00 (Rupees Five hundred) only in cash.

7. Terms of Office:- The Syiem 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 District 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 violates any customary rights and practices prevailing in the Hima 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 Hima 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 Hima;
or
- (j) he is an undischarged insolvent;
or
- (k) he does not reside within the Hima;
or
- (l) he is found to have been conducting himself in a manner derogatory to his Office or prejudicial to the interest of the Hima or part thereof;
or
- (m) he has been conducting himself in a manner which may undermine the authority of the Executive Committee or the District Council.

Provided that:-

1. every such case shall be placed before the Council in its next Session and
2. the Syiem shall not be removed from Office or punished with suspension unless he is given an opportunity of being heard.

Provided further that the requirement of the second proviso shall not apply –

1. in the case where the order of removal or punishment on suspension is awarded on account of his being convicted of an offence involving moral turpitude;
2. in the case of the order of suspension pending inquiry.

8. Appointment of the Acting Syiem: - (1) If at any time the Office of a Syiem become 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 Syiem or any person belonging to the Syiem Shangngoi clan of the Hima as an Acting Syiem who shall exercise all the powers and functions of the Syiem.

Provided that the Executive Committee, may, in case a necessity arises appoint any indigenious Khasi male adult of good moral character, who is a resident and is not employed under any Organisation, to act as Acting Chief when a vacancy occurs.

(2) An Acting Syiem or Acting Chief will remain in Office until appointment of a new Syiem 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 some Lyngdoh or Sirdar as witnesses.

Any deliberate or wilful 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. Appointment and affirmation of the Deputy Syiem: - (1) When a vacancy occurs in the Office of the Deputy Syiem, a person who fulfill the qualification prescribed under Section 3 of this Act shall on the recommendation of the Syiem and Dorbar be forwarded to Executive Committee for approval.

(2) The Deputy Syiem, shall after obtaining approval of the Executive Committee, be issued with appointment order or Sanad who shall exercise powers and functions as the Syiem and Dorbar as may be delegated to him in the appointment order or Sanad and remain in Office during the pleasure of the Syiem and Dorbar.

10. Election/Nomination of the Lyngdohs:-

(1) When a vacancy occurs in the Office of any Lyngdoh, the Syiem/Acting Syiem shall, on the advice of the Executive Durbar, direct the clan concerned which is eligible to elect the Lyngdoh from amongst the adult males of that clan under the prevailing custom and under the provision of this Act.

(2) The newly elected Lyngdoh shall be placed before the Executive Durbar for confirmation and upon which the Syiem shall issue appointment letter to the newly elected Lyngdoh under such terms and conditions as the Executive Durbar may prescribed. Intimation shall be sent to the Executive Committee for records at the earliest.

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

11. Term of Office, removal and suspension of the Lyngdoh:-

(1) A Lyngdoh normally holds Office for life, however, he may on the advice of the Executive Dorbar, be removed or suspended by the Dorbar Hima if he is found that:-

(a) he violates any of the provisions of this Act;

or

(b) he violates any rule, instruction or order passed by the Syiem / Acting Syiem,/ Acting chief and the Executive Durbar or the durbar Hima;

or

(c) he violates any of the terms and conditions of his appointment;

or

(d) he violates any of the laws, regulations, rules and regulation passed by the District Council;

or

(e) he refuses to carry out the orders and instructions issued by the Executive committee;

or

(f) he is found to be mentally unfit to carry out his functions;

or

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

or

(h) he violates any customary rights and practices prevailing in the Hima;

or

(i) he has been convicted of an offence involving moral turpitude;

or

(j) he is an undischarged insolvent;

or

(k) he does not reside within the Hima;

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 Hima or part thereof;

or

(m) he has lost the confidence of the majority of the clans that elect him;

or

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

12. Election and confirmation of Sordars Shnong: -(1) When a vacancy occurs in the Office of any Sordar Shnong or Rangbah Shnong the Syiem or Acting Syiem or acting Chief shall, on the advice of the Executive Durbar direct the Secretaries/Secretary of the villages/village concerned to summon a meeting of the heads of households of the villages/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. Such meeting shall be presided over by the Deputy Syiem or the Lyngdoh as and when duly authorized by the Syiem and his Executive Durbar.

(2) The result of the election shall be placed before the Syiem and his Executive Durbar for confirmation and upon which 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 a Sordar Shnong.

13. Dispute regarding the election and confirmation of the Sordar Shnong: - 1) If any party (ies) is aggrieved of any order passed by the Syiem/Acting Syiem /Acting Chief and Executive Durbar regarding any matter connected with the post of Sordar Shnong, the aggrieved party (ies) shall within thirty days from the date of such order, refer the dispute by a petition, to the Syiem/Acting Syiem/ Acting chief and Executive Durbar on payment of Rs. 200 (Rupees two hundred) only, for decision.

(2) An appeal against such decision shall lie to the Executive Committee whose decision is final.

(3) The appeal to the Executive Committee shall be filed within thirty days from the date the order of the Syiem/Acting Syiem/ Acting Chief and his Executive Durbar is communicated to the party or parties concerned accompanied by: -

(a) The certified copy of the order appealed against;

(b) A petition fee of Rs. 100 (Rupees one hundred only).

14. Term of Office, removal, suspension of the Sordar Shnong:-(1) The Sordar Shnong shall hold Office so long as he enjoy the confidence of the majority residents of the village concerned, however he may be removed from office or suspended by the Executive Durbar if: -

a) he refuses to carry out the orders and instructions issued by the Executive Durbar;

or

b) he violates any of the provisions of this Act or Rules or/and Resolution of the Executive Durbar;

or

c) he violates any of the laws, regulations, rules and resolution passed by the District Council or orders/resolution issued by the Executive Committee;

or

d) he has been convicted of an offence involving moral turpitude;

or

e) he is found incapable of carrying on his duties and functions due to ill health, old age or habitual drunkenness;

or

f) he is found to be mentally unfit to carry out his duties and functions;

or

g) he is found to have been conducting himself in a manner derogatory to their office;

or

h) he is found to have been conducting himself in a manner which may undermine the authority of the Executive Committee of the District Council;

or

i) he has 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 order 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 any Sordar Shnong if in its opinion he is liable for taking action under any clauses of sub-section (1) above and the order passed by the Executive Committee in such cases shall be final;

Provided that, a Sordar Shnong, shall not be removed or punished under Section 14 (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 being convicted of an offence involving moral turpitude.
- (ii) in the case of order of suspension pending enquiry.

15. Power of the Executive Durbar: - The Executive Durbar shall have the power to make rules for the day-to-day general and as well as revenue administration of the Hima in accordance with the customary practices and the provisions of this Act and as such, rules shall come to effect only after approval by the Executive Committee.

16. Taking part in Politic and elections: - (1) The Syiem, the Acting Syiem, the Acting Chief, the Deputy Syiem or any Lyngdoh or Sordar Shnong shall not be a member of or be otherwise associated with any political party or any organization which take part in politic, nor shall they take part in, subscribe in aid or assist in any other manner, any politic 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 Syiem, the Acting Syiem, the Acting Chief, the Deputy Syiem or any Lyngdoh or any Sordar Shnong 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 Syiem, the Acting Syiem, the Acting Chief, the Deputy Syiem or any Lyngdoh or Sordar Shnong 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 Syiem, the Acting Syiem, the Acting Chief, the Deputy Syiem or any Lyngdoh or Sordar Shnong 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 Syiem, the Acting Syiem, the Acting Chief, the Deputy Syiem or any Lyngdoh or Sordar Shnong 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.

17. Demonstrations and strikes: - The Syiem, the Acting Syiem, the Acting Chief, the Deputy Syiem or any Lyngdoh or Sordar Shnong shall not participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his condition of service.

18. Connection with Press, Radio, Television etc: - The Syiem, the Acting Syiem, the Acting Chief, the Deputy Syiem or any Lyngdoh or Sordar Shnong 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.

19. Criticism of the Executive Committee: - (1) The Syiem, the Acting Syiem, the Acting Chief, the Deputy Syiem or any Lyngdoh or Sordar Shnong shall not in any manner make radio or television broadcast, or publishes any document, or make any statement or public utterance, 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 statement made or views expressed to the Executive Committee in confidence by the Syiem/Acting Syiem/ Acting Chief, Deputy Syiem or any Lyngdoh or any Sordar Shnong in their official capacity or in the due performance of their duties.

20. 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.

21. Authorisation: - The Executive Committee may, by order in writing, authorize two or more of its members to exercise on its behalf any power or powers conferred upon it by this Act and anything heard, any act done or order passed as such by such members of the Executive Committee shall be deemed to have been heard, done or passed by the Executive Committee.

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

STATEMENT OF OBJECT AND REASONS

It is considered expedient to safeguard and preserve the customary practices within the Myriaw Syiemship in matters relating to appointment and Succession of the Syiem, the Deputy Syiem and the Electors of the Syiemship.

Hence this Act.

Certified that the above Act was passed by the Khasi Hills Autonomous District Council on the 29th October, 2007.

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

No. _____

I assent to this Act.

Dated Shillong,
The 6th March, 2008

S.S. SIDHU,
GOVERNOR OF MEGHALAYA.