

The 20th July 1994

No. DC/L/VII/1/94/694.- In pursuance of paragraph II of Sixth Schedule to the Constitution of India the following Act of the Khasi Hills autonomous District Council, is hereby published for general information:-

THE KHASI HILLS AUTONOMOUS DISTRICT
(NOMINATION AND ELECTION OF THE SYIEM OF
NONGKHLAW ELAKA) ACT, 1994.

(Passed by the Khasi Hills Autonomous District Council, on
the 2nd July, 1994).

(Received the assent of the Governor on 25th January, 1995.)

(Published in the Gazette of Meghalaya (Extraordinary) on 27th
January, 1995).

An
Act

To make provision for the Nomination and Election of the
Syiem of Nongkhlaw Elaka.

Preamble: - Whereas it has become an imperative need to
clearly define the necessary procedure and manner in which the
Nomination and Election of the Syiem of Nongkhlaw, should
be conducted so as to avoid any controversy that may arise to
or connected with the appointment of the Syiem and in exercise
of the powers conferred under paragraph 3 (l) (g) of the Sixth
Schedule to the Constitution of India;

It is hereby enacted by the Khasi Hills Autonomous District
Council in the Forty Fifth 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 (Nomination and Election of the Syiem of Nongkhlaw Elaka) Act, 1994.

(2) It applies to the whole of the Nongkhlaw Elaka.

(3) It shall come into force at once.

Note: - The pending case of the Nomination and Election of the Syiem of Nongkhlaw, shall be dealt with, disposed of under the previous of this Act,

2. Definition – (1) In this Act, to less the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them as follows :-

(a) “District Council” mean the Khasi Hills autonomous District Council.

(b) “Durbar Hima” means the durbar of the Elaka presided over by the Syiem with Deputy Syiem and 5 (five) Myntris, Sordars and certain Elders of the villages in the Elaka as members. It is the highest Authority in the Elaka. It shall meet at least once in a year, to be convened by the Syiem with the approval of the Executive Durbar. The Syiem shall convene a Requisition Durbar Hima within 30 days from the date that a requisition is made by not less than 50 Sordars of the Elaka provided that the Executive Committee approves the purpose for which the meeting is sought to be requisition.

(c) “Electors” means the persons eligible to elect the Syiem of Nongkhlaw consisting of the Myntris and Sordars of the Elaka whose names have been duly recognized by the Syiem and his Executive Durbar and approved by the Executive Committee.

(Section 2 substituted vide First Amendment Act, 2005)

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

(e) “Executive Durbar” means a Durbar Syiem presided over by the Syiem of the Elaka with the Deputy Syiem and Myntris as Members. The function of this Executive Durbar is to run the day-to-day administration and judiciary of the Elaka.

(f) “Myntris” means the authorised representatives of the Lyngdoh Nongum Clan, the Lyngdoh Mawnai Clan, the Lyngdoh Nongbri Clan, the Lyngdoh Kynshi Clan, the Basaiawmoit Clan, and any other Clan recognised by the Syiem and his Executive Durbar, and whose names have been approved by the Executive Committee.

(g) “Sordar” means the Headman of a village within the Nongkhlaw Elaka duly elected/nominated by the people of the concerned village who has been recognized by the Syiem and his Executive Durbar, and whose name has been approved by the Executive Committee.

(h) “Syiem” means any male adult belonging Syiem’s Clan of Nongkhlaw eligible to become the Syiem and who has been duly nominated unanimously by the Myntries or elected by the majority of the Electors as the case may be, and whose nomination or election has been approved by the District council in Session and appointed by the Ex-cutive Committee.

(i) “Deputy Syiem” means a male adult belonging to Syiem Clan of Nongkhlaw Syiemship appointed by the Durbar Syiem and approved by the Executive Committee, Khasi Hills Autonomous District Council, who shall assist the Syiem.

(2) Any terms or expressions that may occur and not defined in this Act, shall have the same meaning in which they are use in the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959, as amended.

3. Nomination and election of the Syiem :- (1) When the vacancy occurs in the post of the Syiem of Nongkhlaw, the Returning Officer shall call upon the Myntris to nominate can eligible person from the Syiem's Clan by a unanimous decision, and which shall be placed before the Executive Durbar and then to the Durbar Hima for consideration and affirmation . Thereafter the Executive Durbar shall report to the Returning Officer who shall declare the result thereof. The Returning Officer may, in case of doubt or uncertainly refer to the Executive Committee who shall decide and direct the Returning Officer accordingly.

Provided that the Returning Officer shall declare the result of the nomination if the Executive Durbar and the Durbar Hima fail to consider and affirm within a period of 30 days from the date of the nomination.

(2) If the Myntris are not unanimous in their nomination of the Syiem as required under sub-Section (1) above; the Syiem shall be elected by the majority of the Electors whose name have been duly recognized and approved by the Executive Committee.

(3) For the purpose of Sub-Section (2) above; the Returning Officer shall call for the filling of nomination paper from interested and eligible persons of the Syiem's Clan of Nongkhlaw Elaka, prescribe the manner and method of the Election fix the plan due and time of the Election and or do things necessary for the Election and declare the result of

(Section 2 (e) as amended vide First Amendment Act, 2005)

(Section 2 (i) inserted ibid)

the election thereof. The Returning Officer may in case of doubt or uncertainly refer the matter to the Executive Committee who shall decide and direct the Returning Officer accordingly.

4. Appointment of Syiem :- On the basis of the result referred to in Section 3, the Executive Committee shall recommend the appointment of the nominated/elected Syiem to the next Session of the District Council and after approval of the Council, that forthwith issue appointment order under such terms are conditions as the Executive Committee may provide.

5. Dispute regarding Nomination /Election: - If within 30 days of the declaration of the result by the Returning Officer any dispute arises regarding any matter relating or connected with the Nomination/Election of the Syiem of Nongkhlaw and dispute shall be referred by the party or parties concerned, by a petition to the tribunal constituted by the Council for the purpose and decision of the Tribunal shall be final.

Such petition shall be filled to the Secretary of the Executive Committee in induplicate accompanied by a fee of Rs. 500 (Five hundred) only in cash.

6. Bar to Civil Suits: - No suits or legal proceedings shall lie before any Court of Law against any order or action taken or any thing done in good faith under any provisions of this Act.
