



सत्यमेव जयते

# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 181

Shillong, Wednesday, October 9, 2024

17<sup>th</sup> Asvina, 1946 (S. E.)

## PART-IIA

GOVERNMENT OF MEGHALAYA

DISTRICT COUNCIL AFFAIRS DEPARTMENT

### NOTIFICATION

The 20<sup>th</sup> September, 2024.

**No.DC/LVII/5/2012-2024/176/316-** In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Amendment Act of the Khasi Hills Autonomous District Council is hereby published for general information:-

#### **THE KHASI HILLS AUTONOMOUS DISTRICT (ADMINISTRATION OF ELAKA) (AMENDMENT) ACT, 2023.**

*(Passed by the Khasi Hills Autonomous District Council on the 25<sup>th</sup> September, 2023)*

*(Received the assent of the Governor on the 4<sup>th</sup> October, 2024)*

*(Published in the Meghalaya Gazette on the 9<sup>th</sup> October, 2024)*

**AN**

**ACT**

to further amend the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991.

Be it enacted by the Khasi Hills Autonomous District Council in the Seventy-Fourth 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 of Elaka) (Amendment) Act, 2023.
2. It shall extend to the whole of the Khasi Hills Autonomous District.
3. It shall come into force at once.

2. **Amendment of Section 2** :Section 2 of the Principal Act shall be entirely deleted and substituted as follows:-

2. **Definition:** In this Act, unless the context otherwise requires the following expression shall have the meaning hereby respectively assigned to them, that is to say.
- (a) **"Adong Shnong"** means prohibitory orders as decided and issued by the Dorbar Shnong and erected at vantage points within the jurisdiction of the village for necessary information and compliance of the inhabitants including non residents.
  - (b) **"Certificate"** means a formal document such as residential certificate, character certificate, No objection certificate *etc*, issued by the Headman of a shnong or village which is issued for a specific purpose only and not ambiguous in nature. Any such certificate issued must be recorded in a register to be kept under the custody of the Headman.
  - (c) **"Chief"** means a Syiem, a Lyngdoh, a Sirdar or a Wahadadar as the case may be of any Elaka.
  - (d) **"Committee Dong"** means a Dorbar composing of a Rangbah Dong, with some village Elders elected or nominated by the residents of a Dong or Kyntoit or locality and which members are recognised by the Executive Committee of the Dorbar Shnong.
  - (e) **"Deputy Secretary"** means an officer appointed as such by the Executive Committee.
  - (f) **"District"** means the Khasi Hills Autonomous District.
  - (g) **"Council"** means the Khasi Hills Autonomous District Council constituted under the provisions of the Sixth Schedule to the Constitution of India.
  - (h) **"Dong or Kyntoit"** - means an area of human habitation located within a village and carved out into a subsidiary administrative unit of the Village and such unit is administered by a Rangbah Dong functioning under the authority of the Dorbar Shnong.
  - (i) **"Dorbar Dong"** means a traditional institution of the Dong or Kyntoit composed of adult inhabitants as per the prevailing age-old customary and traditional practices as defined and prescribed as per the Rules made hereunder. Such Dorbar shall be convened at least once a year or as may deemed necessary and is presided over by a Rangbah Dong.
  - (j) **"Dorbar Shnong"** means a traditional village institution of the Shnong or Village composed of adult inhabitants as per the prevailing age-old customary and traditional practices as defined and prescribed as per the Rules made hereunder. Such Dorbar shall be convened at least once a year or as may deemed necessary and is presided over by a Rangbah Shnong or Headman or Sordar Shnong or Myntri Shnong, as the case may be.
  - (k) **"Elaka"** means any administrative unit within the Khasi Hills Autonomous District specified in Schedule I and II or any other Administrative unit to be constituted and declared as such by the Executive Committee.
  - (l) **"Executive Committee"** means the Executive Committee of the Khasi Hills Autonomous District Council.
  - (m) **"Executive Committee of the Dorbar Shnong"** means a Dorbar comprising a Headman, with some village Elders elected or nominated by the Dorbar Shnong and confirmed and formally ratified by the Chief and his Dorbar.
  - (n) **"Gazette"** means the Gazette of Meghalaya.
  - (o) **"Headman"** means a Rangbah Shnong, a Sordar Shnong, a Myntri Shnong who has been nominated or elected by the Dorbar Shnong duly recognised by the Chief and his Dorbar.
  - (p) **"Mediation Committee"** means a committee constituted by the Executive Committee consisting of the Chief Executive Member or Executive Member of the Executive Committee as Chairman, three mediators; all of whom shall be persons of repute and integrity selected by the Executive Committee from the civil society and an officer of the Executive Committee shall be the Member Secretary.
  - (q) **"Prescribed"** means prescribed under this act or by Rules made thereunder.



- (r) **“Rangbah Dong”** means a person who has been nominated or elected by the Dorbar Dong duly recognised by the Executive Committee of the Dorbar Shnong.
- (s) **“Record Shnong”** means a record maintained by the Dorbar Shnong recording details of every household and resident of the village, including details and occupations of residents such as students, employees, labourers etc., as the case may be and these records shall also include the details of the landowners, house-owners, tenants, lessees, business establishments, shops, vendors, factories, educational institutions, business units etc. present within the Shnong or Village and which shall be produced for easy reference.
- (t) **“Rules”** means the rules framed under the provision of this Act.
- (u) **“Sanad”** means a customary appointment Order issued by the Syiem and Dorbar to the duly elected Sordar Shnong as provided under the Act and the Rules framed thereunder.
- (v) **“Schedule”** means a schedule appended to this Act.
- (w) **“Seng Long Kmie or Seng Kynthai”** –means an association of the adult female members of the Shnong or Village that actively participates in the welfare, development, upliftment of women of the Shnong or Village and which association assists the functioning of the Dorbar Shnong as and whenever called for. The association shall comprise of the President, Secretary and members duly recognised by the Dorbar Shnong.
- (x) **“Seng Samla”** – means an association of the youth of the Shnong or Village that actively participates in the welfare, development, upliftment of the youth of the Shnong or Village and which association assists the functioning of the Dorbar Shnong as and whenever called for. The association shall comprise of the President, Secretary and members duly recognised by the Dorbar Shnong.
- (y) **“Social Vigilance Committee”** means a committee constituted by the Executive Committee of the Dorbar Shnong comprising of various office holders of the Executive Dorbar, Seng Longkmie and Seng Samla.
- (z) **“Tribunal”** means a Tribunal constituted by the Executive Committee under this Act not below the rank of a Deputy Secretary.
- (aa) **“Village”** means an area of human habitation having a definite contiguous boundary where a number of houses have been grouped together under one village for administrative purposes and recognised as such by the Elaka under which the village falls and by the Executive Committee.

**3. Amendment of Section 4:** Section 4 of the Principal Act shall be amended as follows:-

- (1) In the first paragraph of Section 4 of the Principal Act, in between the word “Elakas” and the words “the dispute”, the words “or between a village and the Elaka of that village” shall be inserted and also in between the word “the” and “Elaka”, the words “village or” shall be inserted.
- (2) In the Second Paragraph of Section 4 of the Principal Act, The word “of Rs.250/- in cash” shall be deleted and substituted by the word “as may be prescribed by the Executive Committee from time to time”.

**4. Amendment of Section 5 :** Section 5 of the Principal Act shall be amended as follows:-

(1) The word "of Rs.250/- in cash" appearing in the first proviso shall be deleted and substituted by the word "as may be prescribed by the Executive Committee from time to time".

**5. Amendment of Section 6 of the Principal Act:** Section 6 of the Principal Act shall be amended as follows:-

After the words "for disposal by the Tribunal" a "full stop (.)" shall be inserted and the words "constituted under sub-sections (1) and (2) above and the decision of the Tribunal shall be final" shall be deleted and the words "an appeal against the order of the Tribunal shall lie before the Executive Committee and its decision shall be final" shall be inserted.

**6. Insertion of new Sections: -**

After Section 6 in the Principal Act, the following new sections shall be added as follows:-

**Section 7:** In case of boundary disputes as appeared in Section 4 or 5 of this Act, if both parties agree, the Tribunal or the Executive Committee may refer cases to the Mediation Committee for the purpose of an amicable settlement of the dispute and such settlement shall be reported to the Tribunal or the Executive Committee for decision.

**Section 8. A: Roles and Functions of Dorbar Shnong:-**

- (1) A Dorbar Shnong shall be recognised by the Chief and his Dorbar, and approved by the Executive Committee;
- (2) A Dorbar Shnong may constitute its Executive Committee of the Dorbar Shnong comprising of the Headman, together with some village Elders with prior approval of the Chief and his Dorbar;
- (3) A Dorbar Shnong shall function as per custom and practices and all orders or decisions or proceedings, including any notice duly authorized by a Dorbar Shnong should bear the seal of a Dorbar Shnong;
- (4) A Dorbar Shnong shall ensure peaceful co-existence among the residents and its neighbours;
- (5) A Dorbar Shnong shall ensure proper custody of all the assets and property of the village such as the Office or ling Dorbar, Lynti Shnong, village land or forests etc;
- (6) Dorbar Shnong shall take necessary steps to preserve all source of water and to ensure proper usage of all natural sources of water, including ground water, and catchment areas for common sustainable use by all the residents. It must also ensure cleanliness and proper disposal of waste by all residents within its jurisdiction;
- (7) Dorbar Shnong shall ensure compliance of all Acts or Rules or Regulations or Orders or Notifications issued by the Council within its jurisdiction and render assistance as deemed necessary;
- (8) Any other functions as may be entrusted by the Chief and his Dorbar and or the Executive Committee from time to time;



- (9) A Dorbar Shnong shall have its own fund or account with proper records of all receipts and expenditure and should be reported before the Dorbar Shnong once in a year or as deemed necessary;
- (10) Any order or notice issued without the decision of a Dorbar Shnong shall be deemed as 'Bein Dorbar' which is highly illegal and shall have no effect;
- (11) It shall be mandatory for the Dorbar Shnong to maintain a record shnong or a register recording details of every household and residents of the village including details and occupations of residents such as students, employees, labourers etc.. as the case may be and these records shall also include the details of the landowners, house-owners, tenants, lessees, business establishments, shops, vendors, factories, educational institutions, business units etc. present within the Shnong or Village and which shall be produced for easy reference;
- (12) The Dorbar Shnong shall have the power to approve the constitution of Seng Longkmie, Seng Samla, Sport Club or any other association;
- (13) A Dorbar Shnong may constitute a Social Vigilance Committee comprising of various office holders of the Executive Committee of the Dorbar Shnong, members of the Seng Longkmie and Seng Samla to be headed by any Member of the Executive Committee of the Dorbar Shnong. The Executive Committee of the Dorbar Shnong shall on such Social Vigilance Committee being constituted, send a copy of the members nominated to the Chief and his Dorbar, the Secretary to the Executive Committee, the Superintendent of Police of that particular District and Officer in Charge of the Police Station under which the area lies;
- (14) A Dorbar Shnong shall not in any manner arbitrarily decide or take any action that may cause injury or damage to property or any injustice against any inhabitant or household of the village on the basis of difference of faith and practices or difference of political affiliations;
- (15) A Dorbar Shnong shall uniformly implement the Acts, Rules, Notification and instructions of the Council and their concerned Elaka.

**Section 8. B: Duties and Function of the Executive Dorbar Shnong:-** The Executive Committee of the Dorbar Shnong shall perform such function and duties as assigned or entrusted by the Dorbar Shnong and it shall see that the existing prevailing customary practices, Act and rules framed thereunder, the rules, regulation, orders and resolutions passed by the Chief and his Dorbar or the Council or the Executive Committee of the Dorbar Shnong are implemented in letter and spirit. It shall be collectively be responsible for carrying the day-to-day affairs on behalf of the Dorbar Shnong and it shall be accountable to the Dorbar Shnong.

**Section 8. C: Duties and functions of the Dorbar Dong:-**The Dorbar Dong headed by the Rangbah Dong shall assist the Dorbar Shnong in matters pertaining to the administration of the Dong or it can function on any matters related to the welfare of the Dong and or any matters that may be entrusted upon by the Dorbar Shnong. It shall be mandatory for the Dorbar Dong to maintain a register recording details of every household and residents of the dong.

**Section 9. A: Roles and Functions of a Sordar Shnong, Rangbah Shnong or Myntri Shnong:-**

- (1) An elected Sordar Shnong, Rangbah Shnong or Myntri Shnong should obtain Sanad or Appointment Order from the Chief and his Dorbar before taking charge as a recognized functionary and shall hold office as per the terms and conditions laid down in the Sanad or Appointment Order;
- (2) A Sordar Shnong, Rangbah Shnong or Myntri Shnong shall carry out the decisions of the Dorbar Shnong within his jurisdiction;
- (3) There must be handing and taking over charge of all properties or materials or documents of the Dorbar Shnong in the presence of the elders with a report before the Dorbar Shnong from the outgoing Sordar Shnong, Rangbah Shnong or Myntri Shnong to the newly elected or appointed Sordar Shnong, Rangbah Shnong or Myntri Shnong;
- (4) A Sordar Shnong, Rangbah Shnong or Myntri Shnong may issue a residential certificate and other certificates to the residents for a very specific purpose which cannot be used for other purposes categorically on the basis of the Record Shnong and as defined in the Rules and the same shall be reported to the Executive Committee of the Dorbar Shnong;
- (5) The Dorbar Shnong shall ensure that the Adong Shnong containing the prohibitory orders as decided by the Dorbar and erected at vantage points within its jurisdiction are strictly adhered to by its residents and outsiders as well;
- (6) A Sordar Shnong, Rangbah Shnong or Myntri Shnong cannot take decisions on any matter concerning the village without prior consent or authorization of the Executive Committee of the Dorbar Shnong.

**Section 9. B. Roles and Functions of the Seng Longkmie of the Dorbar Shnong:-**

- (1) There shall be a Seng Longkmie consisting of the President, Secretary and other members in each Dorbar Shnong nominated or elected by the Longkmie Shnong and approved by the Executive Committee of the Dorbar Shnong.
  - i. They are residents of the particular village;
  - ii. They should promote the women and young girls of the village in organizing upliftment, initiatives and awareness programmes such as protection of women rights, educational innovative, and other activities that will protect and promote women in the village;
  - iii. They should assist the Dorbar Shnong and the Government in tackling crimes and other criminal activities in the village;
  - iv. They should look after the welfare and cleanliness of the village in accordance with the prevailing laws;
  - v. Any other functions as may be entrusted by the Dorbar Shnong.



**Section 9. C: Roles and Functions of the Seng Samla of the Dorbar Shnong:-**

- (1) There shall be a Seng Samla Shnong consisting of the President, Secretary and other members in each Dorbar Shnong nominated or elected by the Samla Shnong and approved by the Executive Committee of the Dorbar Shnong.
- i. They are residents of the particular village;
  - ii. They should promote the youths of the village in organizing upliftment programmes or initiatives and awareness such educational innovative, sports activities and other activities that will uplift and promote the youth of the village;
  - iii. They should assist the Dorbar Shnong and the Government in tackling crimes and other criminal activities in the village;
  - iv. They should look after the welfare and cleanliness of the village in accordance with the prevailing laws;
  - v. Any other functions as may be entrusted by the Dorbar Shnong.

**Section 9. D: Duties and Functions of the Social Vigilance Committee:-** (i) In order to maintain peace and contain the rising criminal activities within the Shnong or Village, the Social Vigilance Committee shall aid and assist the Government in checking and identifying peddlers of narcotics and psychotropic substances within their village.

(ii) The Social Vigilance Committee shall strive to ensure that drug addicts are dealt with empathy and compassion and whenever possible assist them through their families to seek counselling and professional help.

(iii) The members of the Social Vigilance Committee shall work in tandem with, aid and assist the officials of the law enforcement agencies who are involved in protection of citizens and control of law and order and shall on apprehending any person involved in any illegal actions such as sale of illicit liquor, child abuse and domestic violence, human trafficking or any other unlawful activity immediately inform the law enforcement agencies and hand over such person or persons to their custody.

(iv) The Members of the Social Vigilance Committee shall report on any person who is habituated in causing trouble and nuisance within the Village to the Executive Committee of the Dorbar Shnong.

**Section 9. E: Roles and Functions of the Rangbah Dong and his Executive members:-**

(1) There shall be one Rangbah Dong, not more than three Assistant Rangbah Dong and executive members elected by the members of the respective dong and approved by the Executive Committee of the Dorbar Shnong.

- i. The Rangbah Dong is a male adult of good moral character who commands social respect in a village and the dong;
- ii. The Rangbah Dong and his Executive Members shall look after the welfare of the whole dong and perform duties under the instruction of the Dorbar Shnong;

- iii. The Rangbah Dong and his executive members shall assist the Rangbah Shnong and the Executive Members of the Dorbar Shnong in any matter or matters concerning of his respective dong;
- iv. The Rangbah Dong shall inform and report to the Dorbar Shnong in all matters concerning the dong and also in case of any disputes arises between the inhabitants of the particular dong of the village;
- v. The Rangbah Dong and his Executive Members shall not decide on any matter concerning the dong without the consent or approval of the Dorbar Shnong;
- vi. Any other functions as may be entrusted by the Dorbar Shnong.

**Section 10: Delegation of Power:-** The Executive Committee may, by order or notification empower two or more of its members to exercise on its behalf any power or powers conferred upon it by this Act or any Act of the Council and anything heard, any act done or order passed by such members of the Executive Committee shall be deemed to have been heard, done or passed by the Executive Committee.

**Section 11. Review of Order(s):-**

- (1) The Executive Committee may, either on its own motion or on the application of any Party interested, review any Order passed by itself or by any of its predecessors-in-office and or revise any order passed by any authority of the Council acting under this Act and pass such order in reference thereto as it deems necessary.
- (2) No order affecting any question of right between or amongst party(s) shall be reviewed or revised without giving the party(s) likely to be affected an opportunity of being heard.
- (3) No order shall be reviewed at the instance of any party(s) except on the following grounds, viz:-
  - (i) discovery of new and important matter of evidence; or
  - (ii) some mistake or error apparent on the face of the record; or
  - (iii) any other sufficient reason.

**Section 12: Power to make Rules:-** The Executive Committee may make Rule(s) for the purpose of carrying out the provisions of this Act with the approval of the Governor which shall be notified in the Gazette.

**7. Amendment of the First Schedule of the Principal Act:-**

The word "Cherra" appearing in serial 3 of the Schedule I shall be omitted and substituted by the word "Sohra".



STATEMENT OF OBJECTS AND REASONS

Whereas, it has become expedient to further amend the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991 as amended, hereinafter referred to as the "Principal Act" in the manner herein appearing.

It has been considered necessary to further amend the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991 as amended for smooth and efficient implementation of the Act.

Hence this Amendment ACT

Certified that the above ACT was passed by the Khasi Hills Autonomous District Council in Session on the 25<sup>th</sup> September, 2023.



**LAMPHRANG BLAH**  
Chairman

Khasi Hills Autonomous District Council, Shillong.

No. \_\_\_\_\_

I assent this Bill.

Dated Shillong,

The 4<sup>th</sup> October, 2024.



**C. H. VIJAYASHANKAR**

GOVERNOR OF MEGHALAYA