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PART-IIA

GOVERNMENT OF MEGHALAYA
DISTRICT COUNCIL AFFAIRS DEPARTMENT

NOTIFICATION

The 8th September, 20223.

No.DC.XXVIII/Genl/72/2015-2023/18. - In exercise of the power conferred under Section 11 of the Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem and Headman of Langrin Syiemship) Act, 2007 herein after called the "Principal Act", the Executive Committee, Khasi Hills Autonomous District Council is pleased to approve and notify the following Rules for effective implementation of the provisions of the said Act, namely:-

THE ADMINISTRATION OF LANGRIN SYIEMSHIP RULES, 2023.

PREAMBLE:

WHEREAS, Section 11 of the Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem and Headman of Langrin Syiemship) Act, 2007 empowers the Executive Durbar to make Rules for the day to day administration of the Syiemship in accordance with the prevailing customary practices.

Now, therefore, in exercise of the powers conferred upon it as aforesaid in that behalf, the Executive Durbar of Langrin Syiemship hereby make and frame- "The Administration of Langrin Syiemship Rules, 2023" as follows:-

1. Short Title, Extent and Commencement:-

- (i) These Rules shall be called, The Administration of Langrin Syiemship Rules, 2023.
- (ii) They shall apply to the whole of Langrin Syiemship.
- (iii) They shall come into force at once.

2. **Definitions:-** In these Rules, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them as follows:-

- (1) "Act" means the Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem and Headmen of Langrin Syiemship) Act, 2007 as amended.
- (2) "Dorbar Shnong" means a recognized village Dorbar comprising of all adults of Khasi households who are the recognized residents of a village duly approved by the Syiem and Durbar of Langrin Syiemship.
- (3) "Additional Subordinate District Council Court" means the Additional Subordinate District Council Court of Langrin Syiemship duly constituted under the provision of the United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953, as amended.
- (4) "Village Court" means a court of any village or a group of villages within the jurisdiction of Langrin Syiemship duly constituted under the provision of the United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953, as amended.
- (5) "Executive Dorbar Shnong" means a committee of the Sordar/Headman and some Khasi elders as may be constituted by the Dorbar Shnong concerned, duly confirmed and approved by the Syiem and his Durbar.
- (6) "Secretary Hima" means an official of the Durbar Hima with adequate knowledge and experience in the affairs of the Hima, duly appointed from among Khasi adults and assigned with such designation by the Syiem and his Durbar, who is also a member of the Durbar Hima.
- (7) "Shnong" means a village having clear boundary marks with human habitation and economic activities duly recognized by the Syiem and his Durbar and confirmed by the Executive Committee.
- (8) "Secretary Shnong" means an adult Khasi who is a resident within the village, duly appointed and assigned as such by the Dorbar Shnong concerned and recognized by the Syiem and his Durbar.
- (9) "Rules" means the Administration of Langrin Syiemship Rules, 2023.
- (10) "Market" means a place of business within the territorial area of Langrin where persons are allowed to transact business either daily, weekly or bi-weekly for sale or purchase of goods for transaction inside or outside the Syiemship and includes Haats, Bazaars, Fairs and Melas. Markets may be private markets or Syiemship Markets.
- (11) "Customary Tolls" means a collection of tolls from all produce or goods meant for business purpose and transported within or outside the Syiemship as may be determined by the Durbar Hima and include Musur/Royalty, Bai-nguh Syiem.
- (12) "Ka Bainguh Syiem" means a customary toll levied on every carrier of goods transacted through the Syiemship as a token of respect to the Syiemship.
- (13) "Ka Musur" means a customary toll levied on all goods or merchandise entering into the Syiemship markets.
- (14) "U Synniang u Bynhei" means a voluntary contribution either in cash or in kind by ki Khun ki Hajar and all other residents of the Hima towards the fund of the Syiemship in time of need such as calamity relief, ceremonial rituals and other purposes duly authorized by the Durbar Hima.

- (15) "Nerik" means the amount of customary toll as may be prescribed by the Syiem and his Durbar and approved by the Durbar Hima.
- (16) "Lynti Shnong" means a public road or footpath used by the Nongshong Shnong (villagers) and other persons and recognized as such by the village Dorbar and includes a "Kharai".
- (17) "Goods" means commodities or merchandise or wares transported by road or any form of transport.
- (18) "Khuti-Wala" means a dairy farmer.
- (19) "Rangbah Shnong" means a village Headman having the same power as a Sordar.
- (20) "Appropriate Authority" means and includes authority under the Central or State Government including the District Council.

3 (1). Qualification for the Office of Syiem, Acting Syiem or Deputy Syiem:

In addition to the qualifications provided in the Act, a candidate for the post of Syiem or Acting Syiem including Deputy Syiem should be a genuine resident of the Hima who resides and settles permanently in any recognized village of the Syiemship, and:

- (i) He is well conversant with the customary laws, practices and usages in vogue in the Syiemship.
- (ii) He is well acquainted with the territorial, judicial and administrative system of the Syiemship.
- (iii) He observes and is governed by the Khasi matrilineal system of lineage, the Khasi laws of inheritance and succession.
- (iv) He is able to read, write and speak the Khasi language.
- (v) He must not be lame, deaf, dumb, blind or in any manner physically handicapped.

3 (2). Nomination and Election for the Office of Syiem:

- (i) In case of any vacancy in the Office of Syiem, the recognized elders of the Syiem clans may convene an emergent meeting to nominate a candidate as Acting Syiem who fulfils the requisite qualifications aforesaid and forward the resolution of such meeting to the Executive Committee, for appointment as per the provisions of the Act.
- (ii) The Executive Committee may appoint or authorize any of its officers to be a Returning Officer for the purpose of conducting the election. The Executive Committee shall also appoint Presiding Officers, Polling Officers and such other Officers required to assist the Executive Committee or the Returning Officer in conducting the election and who shall also prepare ballot papers, the list of symbols and take all necessary steps for smooth conduct of the election.
- (iii) Preparation of the Voter List: The electors comprise of Khasi adults of the Syiemship including the Lyngdoh, Myntri and Sordar recognized by the Syiem and his Durbar and duly confirmed by the Executive Committee. The Sordar shall prepare a list of the names of all Khasi adults residing in a village and submit it to the Syiem and his Durbar which, after verification and correction, shall forward the same to the Executive Committee. The Executive Committee shall scrutinize and make any other necessary modifications, publish and notify the list for claims and objections within a period of 30 days from the date of publication of the notice. On receipt of written claims and objections, the Executive Committee shall take necessary steps to dispose of such claims and

objections. The electoral roll containing the seal of the District Council shall then be published as final and used for the election.

When the voter list is finalized, the Executive Committee shall, after consultation with the elders, call for filing of nominations and scrutiny of candidates desiring to contest for the post of Syiem. Eligible candidates must apply in a prescribed form duly recommended by Syiem clan concerned, along with the nomination fees (not refundable) as may be prescribed by the Executive Committee.

- (iv) Place of election and method of voting: Election of the Syiem must be held at the earliest in consultation with the Durbar Hima and the elders of the Syiem clan. The date of election must be notified at least 30 (thirty) days before the election and it shall be held in the Office of the Hima at Phlangdiloin or any other place within the Syiemship.

Voting shall be by secret ballot to be determined by a simple majority of the electors who are physically present on the date and time fixed for the election. Each voter shall be entitled to only one vote, who shall cast his vote in person. Voting by proxy is not allowed and no voter shall be allowed to vote after the close of the poll, with the exception of those who are present inside the polling station before the close of the poll.

Provided that the Presiding Officer shall issue slips bearing his signature, to all those voters who are present at the polling station five minutes before the close of poll.

- (v) The Polling Officer shall, as soon as the elector enters the Polling Station, ascertain his name and address and any other particulars as appear in the electoral roll, call out the number, name and description of the elector, according to the entry in the electoral roll. He shall then take out a ballot paper stamped with the District Council's seal on the back (so as not to conceal the names and symbols of the candidates) and hand it over to the elector with the instrument meant for marking the ballot paper.

The Polling Officer shall, at the time of delivery of the ballot paper to the elector, put down the serial number of the ballot paper against the name of the elector in the electoral roll to indicate that a ballot paper has been issued to him.

In deciding the right of a person to obtain a ballot paper under this Rule, the Presiding Officer may interpret an entry in the electoral roll, over-looking clerical or printing errors, provided he is satisfied that such person is identified as the elector to whom such entry relates.

- (vi) The voter on receiving the ballot paper and marking instrument shall go inside the polling compartment and record his vote by stamping one mark on or against the symbol of the candidate for whom he wishes to vote and then fold it as indicated by the polling officer at the time of issue of the ballot paper and come out of the polling compartment with the folded ballot paper and insert it (the ballot paper) into the ballot box. If the folded ballot paper is too long and inconvenient to insert in the ballot paper, he may fold it a second time before inserting it in the box.
- (vii) Recording of votes:- After the close of the poll, the Presiding Officer shall count the votes in the presence of the candidates and/or their agents. Each candidate shall be entitled to have not more than two agents at the time of counting. The box shall be opened after the Presiding Officer and the candidates and/or their agents have satisfied themselves that the box or boxes are in order and in good condition.

The Presiding Officer shall allow the candidates and/or their agents who may be present, reasonable opportunity to inspect all ballot papers which, in the opinion of the Presiding Officer are liable to be rejected but shall not allow them to handle those or any other ballot papers. The Presiding Officer shall, on every ballot paper which is rejected, endorse the word "rejected" recording briefly on such ballot paper, the ground for its rejection.

The valid ballot papers found in the box or boxes shall be counted and kept in separate envelopes with the seal of the District Council writing the names of the candidates on each envelope. The rejected ballot papers of each of the candidates shall also similarly be kept in separate named envelopes and sealed.

(viii) Grounds for rejection of ballot papers: A ballot paper shall be rejected if;

- a) It does not contain the District Council's seal on its back.
- b) It is a spurious ballot paper.
- c) It has been so damaged or mutilated that its identity as a genuine ballot paper cannot be established.
- d) No vote is recorded on it or if the votes are given in favour of more than one candidate or if the mark indicating the vote there-on is placed in such a manner as to raise doubts and such vote shall be invalid.

(ix) Statement of ballot papers found in the box or boxes: A statement shall be prepared of both valid and rejected ballot papers found in the box or boxes by the Presiding Officer which shall be countersigned by the candidate/agent.

The Presiding Officer shall, after preparing the statement as mentioned above and in the presence of any of the candidates or their agents who may be present, keep in separate packets, the unused ballot papers, the tendered ballot papers, the returned ballot papers, the marked copy of the electoral roll, the tendered vote list, the list of challenged votes and any other paper directed by the Executive Committee to be kept in sealed packets with his own seal and the seals of such candidates or polling agents as may desire to affix their seals there-on.

(x) Prohibitions: Canvassing either for or against any candidate is prohibited during the day of the election and on the day preceding the day of the election. No canvassing of any kind is allowed within the polling area either by words, loudspeakers, posters, signs, gestures, writing or inscriptions.

4. Election and qualification for the post of Lyngdoh, Myntri or Sordar Shnong:-

- (I) An adult Khasi may be appointed as a Myntri or a Sordar Shnong whenever a vacancy arises, as the case may be and in addition to the provisions of the Act, fulfil the following qualifications:-
 - (i) He observes and is governed by the Khasi matrilineal system of lineage and the Khasi laws of inheritance and succession.
 - (ii) He is a permanent resident of the village of which he desires to be the Sordar.
 - (iii) He bears a good moral character and commands social respect in the village or Syiemship.
 - (iv) He is well acquainted with the customary laws, practices and usages in vogue in the Syiemship.
 - (v) He is well acquainted with the territorial, judicial and administrative system of the Syiemship.

- (vi) He must not be lame, deaf or in any manner physically handicapped.
- (vii) A Lyngdoh or a Myntri must be elected/ nominated by the Dorbar Kur of the Lyngdohclan or the Myntri clan concerned, and a Sordar by the Dorbar Shnong concerned, as the case may be.
- (2) A Lyngdoh or a Myntri is elected by the Dorbar comprising of the recognized adult members of the Lyngdoh clan or the Myntri clan concerned, duly approved by the Syiem and his Durbar. Election may be held at any convenient place within the Hima, as may be decided by the Syiem and his Durbar, in consultation with the Rangbah Kur/ Elders of the clan concerned, with not less than 20 (twenty) days' public notice. The result shall be determined by simple majority of the members who are present in the election. Requisite fees may be as prescribed by the Hima and the result should be declared by the Office of the Syiem immediately or not later than two days from the date of the election.
- (3) A Lyngdoh or a Myntri may remain in Office as long as he enjoys the confidence of the majority members of the Lyngdoh or Myntri clan concerned. However, he may be removed or placed under suspension by the Syiem and his Durbar, in case of a written complaint on valid grounds or if he violates any of the terms and conditions prescribed in the Sanad or if he has lost the confidence of the majority in a referendum.
- (4) A Sordar is elected by the adult residents of a village as electors duly confirmed by the Syiem and his Durbar. A list of the eligible adult members of the village should be prepared with not less than 15 (fifteen) days' public notice for general information and for claims and objections. When the voter list is finalized, the Syiem and his Durbar shall, within a period of 7 (seven) days' public notice after consultation with the village elders concerned, call for filing of nominations and scrutiny of candidates, fix the date and time of the election and appoint the officials to conduct the election. The election is to be conducted as per custom, within the village and determined by counting of heads or show of hands as may be agreed upon and the result is declared on the basis of simple majority of the voters who are present and who have participated in the election. The Syiem and his Durbar shall, as per custom take all necessary steps and prescribe the requisites fees as deemed necessary and if there is only one candidate, may declare the result immediately or not later than two days from the date of the election and issue the appointment order (Sanad) with intimation to the Executive Committee.

Any person aggrieved by the order of the Syiem, may file an appeal before the Executive Committee within thirty days, along with prescribed fees.

5. Powers and functions of the Durbar Hima and the Executive Durbar Hima:-

1. (a) The Durbar Hima means the highest Durbar in the Hima.
- (b) The Durbar Hima shall comprise of the Myntris, Lyngdohs, Village Chief or Headmen, Village elders and any adult who has attained the age of 18 years and above.
- (c) The functions of the Durbar Hima are to raise funds and to make laws governing the culture and custom followed in the Langrin Syiemship.
- (d) The Durbar Hima may be convened:
 - (i) If the Office of the Syiem and his Executive Durbar faces any problem of considerable importance which may affect the Syiemship and its people in general.
 - (ii) To let the people of the Hima know about the works and functions carried out by the Syiem and his Durbar.

(iii) The Durbar Hima shall ordinarily be held not less than once a year, by giving 2 weeks' prior notice to all the Village Chiefs (Sordar) for the information of the villages.

2. (a) There are three kinds of Durbar:

(i) The Durbar Syiem or the Working/Functioning Durbar (Durbar trei kam).

(ii) The Durbar Hima, and

(iii) The Durbar bishar kam.

(b) The Durbar Hima comprises of some of the Myntris, Lyngdohs and Village Elders who possess the requisite knowledge and sound understanding.

(c) The main function of the Syiem and his Durbar is to work for and serve the people of the Syiemship and power vests with the Syiem and his Durbar to complete all work sanctioned by the Government, to settle disputes and to implement the rules and laws made by the Durbar Hima.

(d) In case of any dispute that arises in the Hima or any demand from the Government, the Syiem shall call for or hold a Durbar Hima along with the executive members of his Durbar.

6. Village Administration: Langrin Syiemship comprises of many villages which are the basic components at the grass-root level. Each village must be recognized by the Syiem and his Durbar and has a Sordar with the Dorbar Shnong which functions within its respective territorial jurisdiction as per the prevailing custom or as may be decided by the Durbar Hima.

(1) All recognized villages have a Dorbar Shnong with the Sordar or Rangbah Shnong as the Head, duly constituted as per custom and recognized as such by the Syiem and his Durbar. Only a Khasi adult is eligible to participate in the Dorbar Shnong, which should be held at least once a year or as may be necessary, with not less than 15 (fifteen) days' public notice. A Dorbar Shnong is normally presided over by the Sordar or Rangbah Shnong.

In case of an emergency, the Syiem and his Durbar may authorize the Executive Dorbar of the village to convene a village Dorbar with not less than 3 (three) days' public notice.

(2) The Dorbar Shnong is the authority in all matters concerning the village and comprises of all Khasi adults. No 'party' system is allowed in the Dorbar and all village affairs are to be discussed openly in the Dorbar and deliberated upon. A decision should be arrived at by consensus or by a simple one third (1/3) majority of the members present. All decisions should be entered in a register to be maintained for the purpose, with the signatures of the members present. The Dorbar Shnong is the final authority in taking any decision for the welfare of the villagers. Persons who disturb or use foul language in the meeting of the Dorbar Shnong shall be barred, with payment of a fine as may be imposed by the Dorbar Shnong.

(3) (i) Composition and functions of the Executive Dorbar Shnong- The Executive Dorbar shall be constituted by the Dorbar Shnong and shall comprise of not less than 15 (fifteen) members, to be approved by the Syiem and his Durbar. The term of office of the Executive Dorbar shall be for a period of three years provided that the Sordar remains the same during this period. Its quorum shall be 1/3 (one third) of the total members. The Executive Dorbar Shnong shall implement the resolutions and decisions of the Dorbar Shnong, plan developmental activities and prepare reports to be presented in the annual Dorbar Shnong, etc.

(ii) The Village Court shall take up judicial matters that arise in the village concerned as per the provisions of the United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953, as amended.

(4) A duly appointed Sordar of a village shall function under its jurisdiction and execute all the decisions of the village Dorbar. All official orders and decisions of the Dorbar Shnong must bear the seal and signature of the Sordar on behalf of the Dorbar Shnong. Any order issued in the personal capacity of the Sordar without the knowledge and decision of the Dorbar shall have no effect.

(5) A Sordar Shnong may hold office as long as he enjoys the confidence of the majority of the residents and is eligible for re-election, provided that he may be removed or suspended by the Syiem and his Durbar in case of written complaints against him or if he violates any of the terms and conditions prescribed in the Sanad. In case of dispute, the Syiem and his Durbar may conduct a referendum in the village, and not less than 7 days' public notice shall be given.

(6) A Sordar Shnong who has lost the confidence of the majority of the residents of the village must hand over all official papers/ documents/ property of the village to the Secretary Shnong. A new Sordar is to be elected in the presence of the officials of the Hima as per rule 4 of these Rules. If for any reason, a regular Sordar cannot be appointed, the Syiem and his Durbar may, in consultation with the villagers, appoint an Acting Sordar from amongst the elders of the village. There must be proper handing and taking over charge of the documents/ property/materials of the village by the preceding Sordar to the succeeding Sordar in the presence of the village elders, with a report to the Dorbar Shnong and to the Syiem and his Durbar.

(7) As per the prevailing customs which have been in practice in the Syiemship, formation of any new village must be confirmed/ approved by the Syiem and his Durbar. In case of bifurcation of a locality or Dong (Kyntoit) into separate villages, the parent village must give written consent (NOC) along with the decision/ resolution with clear boundaries of the villages duly recommended and approved by the Syiem and his Durbar which shall be confirmed by the Executive Committee as per the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991 as amended.

7. Financial functions including preparation of the Budget and maintenance of Accounts:-

(1) The Syiem and his Durbar shall prepare the annual budget of the Syiemship indicating there-in the anticipated receipts and expenditures for a given financial year accruable from all revenue sources of the Syiemship. The preparation of the Annual Budget of the Hima shall be made as directed by the Executive Committee of the Khasi Hills Autonomous District Council.

The Syiemship has the right to accept any form of funding either from the Executive Committee, the State or Central Government or any other Agency/ Institution and shall incorporate the same in its Budget.

(2) All funds of the Syiemship must be kept in a joint account in any recognized Bank to be operated by the Syiem or Acting Syiem with at least one member of the Executive Durbar. The maximum cash in hand at the disposal of the Syiem and his Durbar for emergency expenses shall not exceed an amount of Rs. 10,000/-.

(3) All receipts and expenditures must be audited regularly and annually by recognized officials and if necessary, by an external auditor as directed by the Syiem and his Durbar. The audited report must be placed for discussion in the Executive Durbar and thereafter be approved by the Durbar Hima.

(4) Each village shall have its own fund with proper records of all receipts and expenditure which shall normally be reported to the Dorbar Shnong once a year or as deemed necessary. Any payment pertaining to the affairs of the village including honorarium to the Sordar and the members of the Executive Dorbar may be as decided by the Dorbar Shnong.

8. Revenue Administration:-

(1) The Syiem and his Durbar shall have the right to collect a customary toll called "Ka Musur" and "Ka Bainguh Syiem" for all types of commercial goods, excluding forest products, at any revenue station authorized by the Syiem and his Durbar. Such revenue station may be set up on any footpath, route, road (excluding National Highways and Major State Highways) within the area of the Syiemship, with intimation to the authorities concerned.

The Syiem and his Durbar may if required, obtain permission from the appropriate authority provided that this shall not apply to the collection of revenue in the Syiemship which has been allowed by the authority concerned before the commencement of these Rules.

(2) The Syiem and his Durbar may erect check points at any exit point within the area of the Syiemship (excluding National Highways and Major State Highways) to protect and guard the territorial area, including checking the entry and exit of illegal items/ goods and bootleggers, etc.

(3) The right to collect customary toll and market tolls shall, as far as practicable, be settled by public auction through Notices Inviting Tenders under certain terms and conditions as may be decided by the Syiem and his Durbar. The Notices Inviting Tenders must be notified not less than 15 (fifteen) days from the date of the auction, with the approval of the Executive Committee.

The collection of revenue of the Syiemship shall be settled within the 31st day of March, to be effective from the 1st day of April of each year. The successful bidder will be the bidder with the highest offer and the leased amount shall be deposited in the account of the Syiemship, in full or as may be decided by the Syiem and his Durbar. However, the Syiem and his Durbar shall not bind themselves to accept or reject any or all tenders. Provided that, if a situation so arises due to exigency of funds, the lease shall be settled as may be decided by the Syiem and his Durbar, with the approval of the Executive Committee.

(4) The Syiem and his Durbar have the right to establish any Syiemship market(s) within the Syiemship and to control, manage and regulate such markets including the levy and collection of customary tolls on the entry of goods into these markets, in accordance with the provisions of the Khasi Hills District (Establishment, Management and Control of Market) Regulation, 1979 as amended.

Further, no market/customary toll is to be collected in respect of essential commodities meant for personal consumption.

(5) As far as the regulation, management and control of forests (Law Kyntang, Law Shnong, Law Adong, Law Syiem) is concerned, the Syiem and his Durbar shall implement/ apply the relevant provisions of the United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests) Act 1958, as amended.

(6) An appeal against any order passed by the Syiem and his Durbar under these Rules, shall lie to the Executive Committee. Such appeal shall be filed within 30 (thirty) days from the date of receipt of such order, along with the fee for appeal as may be prescribed.

The Executive Committee may condone the period of 30 (thirty) days on sufficient and reasonable grounds being shown.

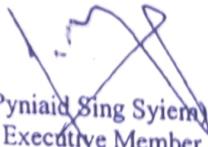
(7) All 'Khuti-Wala' who keep and rear cattle mainly for the purpose of business within any area of the Syiemship, shall have to pay the "Khajna Ri Jingri" as may be prescribed by the Syiem and his Durbar.

(8) No land owners/ land holders shall in any manner, create obstruction or destroy any source of drinking water or any existing "Lynti Shnong" duly recognized as such, within any village of the Syiemship.

9. **Power of the Executive Durbar:** Any affair or matter of the Syiemship which does not come within the specific operation of these rules, including imposition of fines, violation of these rules or laws, Act, enactments, ordinances, rules, regulations, bye-laws, orders, notifications, schemes or other existing instruments shall be decided separately by the Executive Durbar or Durbar Hima as the case may be.

10. **Repeal:** The Administration of Langrin Syiemship Rules, 2010 and (First Amendment) Rules, 2015 are hereby repealed.

Certified that these Rules were approved by the Executive Committee, Khasi Hills Autonomous District Council, Shillong.


(Shri. Pyniaid Sing Syiem)
Chief Executive Member,
Khasi Hills Autonomous District Council,
Shillong.