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PART-IV

OFFICE OF THE EXECUTIVE COMMITTEE
KHASI HILLS AUTONOMOUS DISTRICT COUNCIL
SHILLONG

NOTIFICATION

The 29th July, 2015.

No.DC.XXVII/Genl/73/2015/2. - In exercise of the power conferred under Section-19 of the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllichem Syiemship) Act, 2007, hereinafter 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 MYLLIEM SYIEMSHIP, RULES, 2015.

PREAMBLE:

WHEREAS, in pursuance to the provision laid down under Section 19 of the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors, and Rangbah Shnong of Myllichem Syiemship) Act 2007, which empowers the Executive Dorbar to make Rules for the day- to- day general and as well as revenue administration of Hima Myllichem in accordance with the prevailing customary practices and its administrative rights which have been in practice since time immemorial.

And whereas it is expedient to safeguard and preserve the prevailing customary practices of the Syiemship which have been in practice since time immemorial and to make such provisions for the smooth functioning of Myllichem Syiemship.

Now, therefore, in exercise of the powers conferred upon it as aforesaid and of all other power enabling it in that behalf hereby made and framed “The Administration of Myllem Syiemship Rules, 2015” as follows: -

1. Short Titles, extent and commencement.

- (i) These Rules shall be called as The Administration of Myllem Syiemship Rules, 2015.
- (ii) They shall apply to the whole of Myllem Syiemship.
- (iii) They shall come into force at once.

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

- (1) “Act” means the Khasi Hills Autonomous District (Appointment and Succession of the Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act 2007, as amended.
- (2) “Rules” means the Administration of Myllem Syiemship Rules, 2015.
- (3) “Syiemship” means the Khasi State of Myllem Syiemship or Hima Myllem, comprising all territorial areas under the administrative control and jurisdiction of the Syiem of Myllem.
- (4) “Syiem and Dorbar” means the Syiem and Dorbar of Myllem Syiemship.
- (5) “Dorbar Pyllun” means a Dorbar comprising of the Syiem, Deputy Syiem, Basan, Myntri and Lyngdoh of the Syiemship which shall be presided by the Syiem or Deputy Syiem at least once a year or as may deemed necessary, as summoned by the Executive Dorbar Hima.
- (6) “Dorbar Raid” means a Dorbar comprising of Myntri, Lyngdoh and Basan, in case of a Raid Ri-Lum, and the Syiem Raid/Bongthe Raid, Lyngdoh Raid and Longsan, in case of Raid Ri-Them, which shall be convened and presided over at least once a year or as deemed necessary by the customary Head of the concerned Raid Ri-Lum or Raid Ri-Them, as the case may be.
- (7) ‘Dorbar Kur’ means an assembly/conglomeration of the recognized members of a Kur/clan pertaining to any affair of a Kur, and includes the election/nomination of Basan, Myntri, Lyngdoh, Syiem Raid, Lyngdoh Raid, Bongthe Raid and Longsan, which is normally presided over by the Rangbah Kur concerned.
- (8) “Rangbah Kur” means a recognised male Elder of a Kur /clan who is well conversant with the customs and usages of the Kur/clan concerned, duly elected/nominated by the Dorbar Kur and confirmed by the Syiem and Dorbar.
- (9) “Sanad” means a customary appointment Order issued by the Syiem and Dorbar to the duly elected/nominated Deputy Syiem, Basan, Myntri, Lyngdoh, Syiem Raid/Bongthe Raid, Lyngdoh Raid, Longsan or Rangbah Shnong, as provided under the Act and these Rules.
- (10) “Myntri In-charge” means a Myntri who is a member of the Executive Dorbar Hima and appointed by the Syiem to carry out day-to-day administrative and judicial functions in the office of the Syiem of Myllem, as per customs and under the provisions of these Rules.

- (11) “Public Information Officer” means any person belonging to the Khasi community and designated as such by the Syiem and Dorbar under the provision of the Right to Information Act, 2005 and the Rules made there-under.
- (12) “Nongpyniaidshnong” means a male adult village head who is a permanent resident of a village within Raid Marwet and belongs to the Garo community, who looks after the affairs of a village inhabited by Garos under the direct control of the Syiem and Dorbar.
- (13) “Officials” means the appointed members of the Executive Dorbar Hima, and include the Myntri, Basan, and Lyngdoh of the Syiemship.
- (14) “Office Staff” means and includes the Secretary Hima, Head Assistant, Officer-in-charge Hima Myllem Thana, Range Forest Officer, Forest Beat Officer, Dealing Assistants, Cashier, Police Personnel, Sheristedar, Bailiff, Typist, and any other office staff of Syiemship as may be appointed by the Syiem and Dorbar.
- (15) “Legal Adviser” means any person belonging to the Khasi Community from the Legal fraternity appointed purposely to assist and advice the Syiem and his Dorbar in any judicial matters concerning Myllem Syiemship.
- (16) “Village/Shnong” means an area of human habitation having definite contiguous boundary where a number of house-holds are grouped together under one administrative set up, duly recognized as such by the Syiem and Dorbar.
- (17) “Dorbar Shnong” means a traditional Dorbar comprising of u Khun u Hajar and include a Bhoi Mikir and a Marngar of Raid Ri Them inhabiting a particular village/urban locality who have attained the age of 18 (eighteen) years which shall be convened at least once a year or as may deemed necessary and is presided over by the Rangbah Shnong.
- (18) “Nongshongshnong” means u Khun u Hajar, u Khun-Soh-Shnong, u Khun-Soh-Syiem, Bhoi Mikir and a Marngar of Raid Ri Them and u Raiot, who reside or settle within the territorial jurisdiction of Myllem Syiemship.
- (19) “Bar Hima” means a person who is not a nongshongshnong of Myllem Syiemship.
- (20) “U Khun u Hajar” means a permanent resident of the Syiemship who belongs to a Khasi community within the territorial jurisdiction of Myllem Syiemship and who are governed by the Customary Laws in vogue in the Syiemship.
- (21) “Khun -Soh-Shnong” means ‘u khun u hajar’ who migrate from one village and settle in another village within the Syiemship and who is recognized as such by the Dorbar shnong concerned.
- (22) “Khun- Soh-Syiem” means a person belonging to the Syiem clan who has migrated from another Hima or Elaka and residing within Myllem Syiemship and pays allegiance to the Syiemship and its authority.
- (23) “Bhoi Mikir and Marngar” means a native of Raid Ri Them within the territorial jurisdiction of Myllem Syiemship who is well conversant with the customary laws, usages and practices in vogue within the Syiemship.
- (24) “Raiot” means a subject of the Syiemship who does not belong to the Khasi community and does not practice the Khasi customs and usages and includes a person by virtue of his being a land holder in any village or locality of the Syiemship.

- (25) "Produce" means:-
- i. "Agricultural Produce" which includes any produce whether processed or non-processed of agriculture, horticulture, floriculture or any other produce of agriculture.
 - ii. "Fishery produce" which includes all fishes, creatures and produces both processed or non-processed caught or taken from rivers, streams, lakes and other water bodies.
 - iii. "Sericulture produce" which includes cocoons of Muga, Eri, Mulberry, Tasar and other silk worms that have specifically reared or bred.
 - iv. "Animal Produce" which includes buffaloes, oxen, cows, bulls, horses, mares, goats, rams, pigs, piglets, hens, cocks, ducks, fowls, animal hides and skins and other animal produces domesticated.
 - v. "Apiculture produce" which includes bees, wasps, hornets and other domesticated hymenopterous insects producing honey and wax that are reared.
 - vi. "Mineral produce" which includes peats, surface soil, coal, silver, feldspar, bronze, zinc, mica, petroleum, kerosene oil, quartz, diamond, boulders, pebbles, water and other substances occurring in nature both organic and inorganic processed and non-processed.
 - vii. "Forest produce" which includes timber, charcoal, caoutchouc, catechu, wood oil, resin, bark, natural barnish, lac, trees, fruits, flowers, leaves and other produce of trees, bamboos and other plants not being trees including creepers, reeds, moss, canes, orchids, wild animals, skins, tusks, horns, bones, honey, wax and any other produce which are found in or brought from a forest or a farm.
 - viii. "Industrial produce" which includes all produce processed or manufactures in factories or mills or industries or any other processing/ manufacturing unit.
- (26) "Trades" means any business transaction for profit and includes exchange of goods and services for other goods or for money which shall include trade as saloon, shoe-making, furniture units, automobile agency (sale and service including spare-parts), petrol pumps, gas agency, mobile counter, tourist spot, etc., carried on in the Syiemship and the term "Trader" and "Trading" shall be construed accordingly.
- (27) "Land" means any part of the earth's surface or immovable property of the Syiemship which includes benefits arising out of land and things attached to the earth or permanently fastened to anything attached to the earth and any right in or over it.
- (28) "Ka Bui" means a book of register for records maintained by the office of the Syiem and Dorbar of the Syiemship Lands, Ri-Raid Lands, Village Lands and Bri-Kur.
- (29) "Patta" means a land document issued by the Syiem and Dorbar to a Landholder who has the right to use and occupy of any Ri-Raid land and includes a squatter and a grazer who settles, cultivates and pays regularly a rent for the use of such land.

- (30) “Dulir Pynskhem Khyndew” means a Deed of Confirmation of the Rights and Titles over a land issued by the Syiem and Dorbar to a Land Owner who by way of Inheritance and Relinquishment OR by way of Sale, Gift and Will has acquired such rights and titles as absolute owner of such land as per the customary practices in vogue in the Syiemship.
- (31) “Ri-Raid Land” means a commune land which since time immemorial is under the custody and direct control and management by the Syiem and Dorbar in consultation with the Dorbar Raid concerned and includes forest land which is demarcated by u Mawbri.
- (32) “Ri-Kynti Land” means a land belonging to a private person/individual or group of persons and includes a forest land having been demarcated by u Mawbri.
- (33) “Bri-Kur” means a land own and managed by the “Dorbar Kur” (clan) concerned and includes a forest land having been demarcated by u Mawbri duly recognised by the the Syiem and Dorbar.
- (34) “Land Revenue” means any revenue assessed and collected by the Syiem and Dorbar which is accruable from the Ri-Raid Lands and Ri-Kynti Lands situated in the Syiemship.
- (35) “Land Owner” means a person who owns land within the Syiemship which may be either a Ri-Kynti land or Bri-Kur, duly recognized by the Syiem and Dorbar.
- (36) “Landholder” means a person having a land holding certificate or a patta of any Ri-Raid Land or Syiemship land issued by the Syiem and Dorbar and includes a squatter and a grazer who settles, cultivates and pays regularly a rent for the use of such land.
- (37) “Syiemship land” means a land which is under the management and direct control of the Syiem and Dorbar.
- (38) “Village land” means a land under the management and control of a Dorbar Shnong.
- (39) “Syiemship market” means a market which is owned, established and under the control and management of the Syiem and Dorbar.
- (40) “Stall holder” means a person who possess a ‘stall holding certificate’ or ‘Ka Kot Dukan’ in any market of the Syiemship, duly registered by the Syiem and Dorbar.
- (41) “Syiemship stall holder” means a person who has a permission from the Syiem and Dorbar to carry out business on a temporary/open stall without a shutter in any markets of the Syiemship on payment of a musur on a daily basis.
- (42) “Customary Tolls” means the tolls levied on all merchandise that enter into the Syiemship in accordance with the established customs and usages prevailing since time immemorial and hereto which includes as follows:
- a. “Royalty” means the right of the Syiem and Dorbar to collect/impose revenue on the trades or unit of production of natural resources or merchandise produce coming from within the Syiemship and transported outside the Syiemship.
 - b. “Ka Musur” means a type of customary toll/royalty levied by the Syiem and Dorbar on all

- produce, merchandise etc., that enter into and come-out of the Syiemship including those entering the Syiemship markets and also includes the customary toll/royalty levied per stall for the sale of such produce, merchandise etc., inside the Syiemship.
- c. "Ka Khrong Ka Dan" means a type of customary toll on perishable goods/merchandise that enter into and are exported outside the Syiemship.
 - d. "U Synniang u Bynhei" means a voluntary contribution either in cash or in kind for ceremonial rituals and other purposes, by U Khun U Hajar, Bhoi Mikir and Marngar of the Syiemship.
 - e. "Bainguh Syiem" means a type of customary offertory given to the Syiem, in cash or in kind, as a token of respect and allegiance to his authority.
 - f. "Khajna" means a type of customary collection of rents from any land within the Syiemship as well as stall holders in any Syiemship Markets.
 - g. "Toll Gate" means barricade and stopping mechanism erected near a highway, road, route, footpath or any part of a land or across the rivers, streams, etc., for collection of customary tolls by the Syiem and Dorbar or his duly authorized agent/lessee from all carriers of merchandise.
- (43) "Carrier" means all forms of conveyance or transport which includes vehicles, trucks, cars, vans, buses, jeeps, tempos, taxi, auto rickshaw, boats, rafts, ropeways conveyor, railway and any other forms or mode of transport.
- (44) "Merchandise" means and includes all produce, goods and commodities which are being sold or brought in the Syiemship market or being traded or transacted to the external markets.
- (45) "Essential commodities" means produce, goods and commodities acquired or bought solely for the purpose of domestic consumption, residential uses or for social and charitable purposes and not for sale, trade or transaction.
- (46) "Nerik" means a list of toll rate on various items of merchandise prepared by the Syiem and Dorbar.
- (47) "Revenue Station" means any area within the Syiemship notified as such by the Syiem and Dorbar for the purpose of collection of revenues and customary tolls.
- (48) "Residential Holding" means building, houses and other structures wholly used for living accommodation.
- (49) "Commercial Holding" means shops, shopping complexes, hotels, lodges, restaurants, godown, warehouses, granaries, depots, cinemas, theatres or places of public entertainment and any other business establishment.
- (50) "Industrial Holding" means building, factories, mills, workshops and other forms of industrial units, etc.
- (51) "Institutional Holding" means hospitals, nursing homes, educational institutions,

rehabilitation centre etc.

- (52) “Khutiwalla” means a non-khasi who rears/keeps cattle in the Hima for commercial purposes.
- (53) “Catchment Area” means the area where spring, streams, rivulets and water sources originate and serve as a potential source of perennial flow of water.
- (54) “Lynti Shnong or Lynti Sorkari” means a route, a footpath, a katcha road, a way, a passage, or any other form of spatial linkage being used by the public for connection of:
- i) a village to another village
 - ii) a village to a town/city
 - iii) a village to a market/commercial centre/growth centre
 - iv) a village to a permanent farm or agricultural and allied area
 - v) a village to any other place/area which is more or less permanent in nature.
- (55) “Mawbri” means a boundary stone erected by the landowner of any Ri-Kynti land or Bri-Kur or Ri-Raid land with the knowledge of the bordering land owner/landholder.
- (56) “Mawpud” means a boundary pillar erected between the Syiemship and other Elaka and includes a boundary pillar erected between a Raid or any village falling under the jurisdiction of the Syiemship.

2(2). All words and expressions not defined in these Rules shall have the same meaning respectively assigned to them by the Act.

3. Nomination/Election and qualification for the office of Basan, Myntri, Lyngdoh, Syiem Raid, Lyngdoh Raid, Bongthe Raid and Longsan :

- 1) An adult male shall be appointed as a Basan, Myntri, Lyngdoh, Syiem Raid, Lyngdoh Raid, Bongthe Raid, Longsan as the case may be, and in addition to the provisions of the Act, he fulfills the following: -
 - (a) He is a permanent resident of the Syiemship and of the Raid for which he desires to represent as Myntri, Basan, Lyngdoh, of Raid Ri Lum, or as Syiem Raid, Lyngdoh Raid, Bongthe Raid and Longsan of Raid Ri Them, as the case may be.
 - (b) He is well acquainted with the customary laws, practices and usages in vogue in the concerned Raid and in the Syiemship.
 - (c) He is well acquainted with the territorial, judicial and administrative system of the concerned Raid and the Syiemship.
- 2) A Basan, Myntri, Lyngdoh, Syiem Raid, Lyngdoh Raid, Bongthe Raid or Longsan is as per the prevailing customary practices, elected by the adult members of the Dorbar Kur concerned. The Dorbar Kur concerned through the recognized Rangbah Kur shall prepare a voters list to be approved by the Syiem and Dorbar. Election shall on the basis of the

approved voters list, be held on any convenient place within the Syiemship and the result shall be determined on a simple majority of the voters who are present and participated in the election. In case of a consensus candidate, the Rangbah Kur concerned shall recommend/forward the nominee to the Syiem and Dorbar for confirmation and issuance of Sanad or appointment order under such terms and conditions.

Provided, however, the election/nomination of a Lyngdoh to Raid Myllem from Kur Marbaniang shall as per customary practice in vogue be the prerogative decision of the Myntris from the San- Kur and the Khadwei- Kur of Raid Myllem.

4.(A) Powers and Functions of the Dorbar Pyllun: -

- (1) A Dorbar Pyllun comprises of the Syiem, the Deputy Syiem, Myntri, Basan, Lyngdoh as may be summoned by the Executive Dorbar at least once a year or on more occasion as deem necessary, which shall be presided over by the Syiem and in his absence by the Deputy Syiem.
- (2) The Dorbar Pyllun shall exercise its powers of decision making over matters pertaining to the customary practices and usages prevailing in the Syiemship.
- (3) Whenever it comes to the notice of the Dorbar Pyllun through a written complaint concerning the violation of any of the provision(s) laid down in the Act or Rules of the Syiemship, it shall exercise its powers of decision-making according to the customary practices and usages in vogue in the Syiemship and after deliberations and discussion over the matter-in-issue shall be decided on the basis of two third majority of the Dorbar Pyllun.

4(B) . Powers of the Dorbar Hima:

- (1) A Dorbar Hima comprises of the Syiem, Deputy Syiem, Myntri, Basan, Lyngdoh, Syiem Raid, Lyngdoh Raid, Bongthe Raid, Longsan and Rangbah Shnong.
- (2) A Dorbar Hima have the power of decision-making in matters relating to political nature like boundary dispute between Myllem Syiemship and any Elaka or authority or in the event of any emergency concerning the affairs of the Syiemship.

4(C). Administrative function of the Dorbar Raid:

A Dorbar Raid shall carry out its administration in accordance with the customary practices and usages in vogue in the concerned Raid which shall be in conformity with the order and rules prevailing in the Syiemship and shall carry out any order/direction issued by the Syiem and Dorbar from time to time.

5 (A).Administrative function of Dorbar Shnong:

- (1) All Dorbar Shnong must be recognized by the Syiem and his Dorbar and consist of Khasi inhabitants including a Bhoi Mikir and Marngar of Raid Ri Them above 18 years of age. A Dorbar Shnong with a recognized Rangbah Shnong as the Traditional Head shall function as per the customary practices and traditions in vogue within its territorial jurisdiction.

All Dorbar Shnong must have its own fund/account with proper records of all receipts and expenditure which is normally reported before the Dorbar Shnong once in a year or as deem necessary. Any payment pertaining to the affairs of the village including honorarium to Rangbah Shnong and any member of the Dorbar may be as decided by the Dorbar Shnong.

- (2) A Dorbar Shnong must ensure protection of the Office cum Dorbar hall, lynti shnong etc and all the assets and property of Dorbar Shnong.
- (3) It must take all necessary steps to conserve all source of water, forest and catchment areas, etc and to ensure preservation and proper usage of all natural sources of water including ground water for common sustainable use by all the residents; to maintain cleanliness and ensure proper disposal of waste;
- (4) to ensure peaceful co-existence among the residents and its neighbour;
- (5) to ensure strict implementations and compliance within its jurisdiction of all Acts/Rules/Regulation/Order/notification issued by the KHADC and render assistance as deem necessary;
- (6) Any other functions as may be entrusted by the Syiem and Dorbar and /or the Executive Committee from time to time.
- (7) A Dorbar Shnong shall have its Executive Dorbar (Shnong) comprising of the Rangbah shnong, Secretary with some members under the jurisdiction of the Dorbar Shnong as Executive Member with prior approval of the Syiem and Dorbar. An elected Rangbah shnong should obtain sanad/appointment order from the Syiem and Dorbar before assuming charge as Rangbah shnong.

The Executive Dorbar shnong is empowered to implement the resolutions and decisions of the Dorbar Shnong, to plan developmental activities, to prepare reports to be presented in the annual Dorbar Shnong, to maintain population register of all inhabitants residing within the jurisdiction of a Dorbar Shnong and may also maintain in records up-to-date lists of the eligible voters for Election of a Rangbah Shnong and other duties as may be entrusted by the Dorbar Shnong.

- (8) Formation of a Shnong must be confirmed by the Syiem and his Dorbar on the recommendation of the parent village or as may be determined by the Syiem and his Dorbar. The parent village, must in case of bifurcation of a shnong into a separate Dorbar Shnong, give written consent along with the decision/resolution and a clear boundary mark duly confirmed by the Syiem and his Dorbar and approved by the Executive Committee as required under the Khasi Hills Autonomous District (Administration of Elaka) Act, 1991, as amended.

Provided that in case of any village/ locality within Myllem Syiemship where the customary practice of a Dorbar Shnong does not exist, the Syiem and Dorbar shall discharge all powers of administration within that locality.

5 (B). Election and qualification for the office of Rangbah Shnong:

(1) In addition to the provisions laid down in the Act, a person shall be eligible to be elected as a Rangbah Shnong if he fulfills the following qualifications:-

i) In case of u Khun u Hajar:

- a) He belongs to the Khasi community.
- b) He resides permanently in the particular village for which he desires to be elected as Rangbah Shnong.
- c) He is a male adult who commands social respect and has a good moral character and integrity.
- d) He is well conversant with the customary laws, practices and usages in vogue in the concerned village and in the Syiemship.
- e) He is able to read and write the Khasi language.

ii) In case of u Khun-Soh-Syiem and u Khun-Soh-Shnong:-

- a) He belongs to the Khasi community.
- b) He is a permanent resident for not less than 10(ten) years in a particular village for which he desires to be elected as Rangbah Shnong.
- c) He is a male adult who commands social respect and has a good moral character and integrity.
- d) He is well conversant with the customary laws, practices and usages in vogue in the concerned village and in the Syiemship.
- e) He is able to read and write the Khasi language.

iii) In case of Bhoi Mikir and Marngar-

- a) He belongs to the Bhoi Mikir and Marngar community of Raid Ri-them
- b) He resides permanently in the particular village for which he desires to be elected as Rangbah Shnong.
- c) He is a male adult who commands social respect and has a good moral character and integrity.
- d) He is well conversant with the customary laws, practices and usages in vogue in the village concerned and in the Syiemship.
- e) He is able to read and write the Khasi language.

iv) In case of u "Raiot"

A Raiot shall have no right to become a member of the Executive Dorbar or village Dorbar within any urban locality or village of the Syiemship.

(2) A duly appointed Rangbah Shnong as a recognized functionary shall act and represent a Dorbar Shnong and executes its decisions within the jurisdiction of a Dorbar. All official orders and decisions including any notice authorized by a Dorbar should bear the seal and designation of the Rangbah Shnong on behalf of a Dorbar Shnong. Any order issued by a

Rangbah Shnong in his personal capacity without the decision of a Dorbar Shnong shall be deemed as illegal and it has no effect.

- (3) A Rangbah Shnong shall hold office strictly within the period and as per the terms and conditions of the Sanad issued by the Syiem and Dorbar. However, if not less than 50 (fifty) percent of the total inhabitants/members requisition for a meeting of the Dorbar shnong, the Syiem and Dorbar may conduct a referendum for electing a new Rangbah Shnong. Provided that in case of any dispute pertaining to the office of Rangbah Shnong, the Syiem and Dorbar may authorised any Myntri to look after such village.
- (4) A Rangbah Shnong who has lost the confidence of the majority of the residents must hand over all properties of the Dorbar to the Secretary Shnong. There must be handing and taking over charge of the property/materials/documents of the Dorbar by the preceeding Rangbah Shnong to the succeeding Rangbah Shnong in the presence of the elders with a report before the Dorbar shnong and information to the Syiem and Dorbar. A Rangbah Shnong and Secretary shnong should maintain and preserve all records pertaining to a Dorbar Shnong.
- (5) In a village/urban locality where the residents belong to the Khasi community (U Khun u Hajar) and to non – Khasi (U Khun u raiot), a Rangbah Shnong, shall as per custom be elected only from amongst the resident belonging to Khasi community.
Provided that in any village inhabited entirely by Garo/non-Khasi community, the Syiem and Dorbar may by order appoint a Nongpyniaid shnong to look after such village, who is directly under the control and direction of the Syiem and Dorbar.
- (6) The Syiem and Dorbar shall on the commencement of these Rules, submit a format of the terms and conditions of the Sanad to the Executive Committee for its approval.

5 (C) Administration of Justice:

The administration of justice in the Syiemship including all Raids and all Villages shall be in accordance with the provisions laid down under the UK-JHD (Administration of Justice) Rules, 1953 where the Court of the Syiem of Myllem is designated as the 'Additional Sub-ordinate District Council Court, Myllem Syiemship and the Syiem is invested with the power of a Magistrate of the first class.

6. Budget Preparation: -

- a) The Syiem and his Dorbar shall formulate the annual budget of the Syiemship indicating there in, the anticipated income and expenditure for a given financial year accruing from its revenue and administration.
- b) The financial year adopted by the District Council shall always be the financial year of the Syiemship.
- c) The Syiemship shall have the right to accept any form of regular funding either from the Executive Committee or the State Government or the Central Government or any other sources and incorporate the same in its budget.

- d) The annual budget of the Syiemship, i.e., all anticipated receipts and expenditures of any financial year shall be placed before the Executive Dorbar either in the month of February or March of each year before implementing the same for each financial year.
- e) The office of the Syiem shall always maintain proper and transparent accounting procedure and should maintain the cash book, ledger, daily entry register of the transactions, statement of assets and liabilities and should maintain a proper Annual Income and Expenditure Statement for each and every financial year.
- f) Every actual income and expenditure may be audited regularly as may be decided by the Executive Dorbar.
- g) The Executive Dorbar shall in exigent circumstances have the power to re-appropriate from any Head of account of the Hima as and when the exigency arises.

7. **Revenue Administration:** The Syiem and his Dorbar shall have the right and the power to assess and collect revenue and impose/levy customary tolls, royalty, fees in accordance with the customary practices and usages prevailing in the Syiemship since time immemorial as indicated below:

A) **The Right to impose/levy and collect customary tolls, Royalty, etc**

- i. The Syiem and his Dorbar shall have the right and the power to issue permission and collect a nominal fee at the rate prescribed by it for such permission, from any trader who engage himself/herself in any business of buying and selling or processing on all types of produces on entering within and also for transaction outside the Syiemship and no wine Store, Bar, Dhaba, tourist site, sawmills, stone-crusher, playwin, teer-counter, online lottery, jackpot, fete, mela including all types of commercial/industrial /institutional holdings etc., shall be allowed within the jurisdiction of Hima Myllem without obtaining prior permission along with a No Objection certificate from the Syiem and his Dorbar under such terms and conditions as may be prescribed.
- ii. As duly sanctioned by customs and usages prevailing in the Syiemship, the Syiem and his Dorbar shall have the right and the power to impose/levy customary tolls on any trader and collect such tolls at the toll station or revenue station for every carrier he/she uses in transporting the merchandise coming from within the Syiemship and other areas to external market.
- iii. The Syiem and his Dorbar shall have the right and powers to impose/levy and collect customary tolls called "Ka Bainguh Syiem" on entering the toll station or revenue station of the Syiemship from any trader or for every carrier he/she uses in transporting the merchandise coming from within and outside the Syiemship at the prescribed rate.
- iv. The Syiem and his Dorbar shall not impose any kind of customary toll in respect of essential commodities meant for personal consumption.

- v. The Syiem and his Dorbar shall as per the prevailing customs and usages have the right and the power to establish revenue station on every exit point adjacent to or in the vicinity to any route, way, footpath or catcha road constructed by Central and State PWD or C&RD Block or Government Department or Organization or village Dorbar or any other local authority for the purpose of collecting customary tolls for all kinds of merchandise and from each and every carrier/trader.
- vi. The Syiem and his Dorbar shall have the right and powers to guard the territorial, social, political and economic integrity of the Syiemship as well as for checking the entry and exit of illegal merchandise at every exit points adjacent to any road, river or on the revenue station of the Syiemship.
- vii. The Syiem and Dorbar shall have the right and power to set up/establish any Syiemship market(s) within the Syiemship and regulation, administration of and civil adjudication of disputes in such markets shall be exclusively placed under the administrative control and management of the Syiem and his Dorbar in accordance with the provision of the Khasi Hills District (Establishment, management and control of market) Regulation 1979, as amended. The Syiem and Dorbar may acquire land for the purpose by way of possession if required and in case of private land either by outright purchase or mutation by way of an expressed agreement with the land owner.
- viii. The Syiem and Dorbar shall have the right and power to set up/establish proper sanitation, parking lots in all the Syiemship markets inclusive of new establishments and shall levy tolls for the maintenance of the same including the customary collection from stalls within Raid Marwet.
- ix. The Syiem and Dorbar have as per the prevailing customs and usages the right and power issue permission for collection of river sand within it territorial jurisdiction.
- x. The Syiem and his Dorbar shall have the right and powers to issue a Certificate of Origin (C.O) on all forest produces as well as all mineral produce coming from within the Syiemship and shall mark all produce being traded inside or outside the Syiemship with its own hammer mark/trade mark "MS" whenever required on payment of royalty to the office of the Syiem or to the Lessee or agent duly authorized for the purpose. The rates of royalty shall be determined based on the cubic contents or the carriage capacity of the plying vehicle.
- xi. Any Khuti-walla who keep or rear cattle within the Syiemship for commercial purposes shall have to pay the "Khajna Ri Jingri" as may be prescribed by the Syiem and Dorbar.
- xii. The right to collect customary toll and market tolls shall, as far as practicable, shall be settled annually by public auction through notice inviting tender in accordance with the provision of the Khasi Hills District (Establishment, management and control of market) Regulation 1979, as amended.

- xiii. Work Order (s) shall be allotted to the highest bidder provided he fulfills the criteria framed by the Syiem and Dorbar.

8. Land Administration: Right to Register of Syiemship lands, Ri- Raid lands, Village lands, Ri-kynti lands and Ka Bri-Kur:

A) Syiemship lands, Ri- Raid lands, Village lands:

1) The Syiem and his Dorbar as has been the customary practice of the Syiemship shall be the custodian and sole ownership of all Syiemship lands and Ri-Raid lands within the Syiemship.

2) The Syiem and his Dorbar as has been the customary practice of the Syiemship shall cause entry and keep records into the "KA BUI" of all Syiemship lands, Ri-Raid Lands and village lands.

3) The Syiem and his Dorbar, as has been the customary practice prevailing in the Syiemship, shall have the power to commute any Ri-Raid lands or a portion of such lands to u Khun u Hajar for the purpose of settlement, vegetation or for any other purpose for their sustenance and livelihood.

B) Ri-kynti lands and Ka Bri-Kur

- i. The Syiem and his Dorbar shall have the customary right to register land or to issue non-encumbrance certificate /a land holding certificate/ a Patta/ a Building permission/commercial establishment permission/ mineral excavation and extraction to any land owner/land holder of Ri-kynti lands and ka Bri-Kur in accordance with the prevailing custom and usages in the Syiemship. A Record of Right shall be maintained in the Office of the Syiem and shall be legally recognised by all financial institutions on payment of a nominal prescribed fee.
- ii. No Registration of land or any immovable property shall be granted by any authority without a No Objection Certificate or a land registration from the Syiem and his Dorbar. However, No Objection Certificate of any land shall be granted without a land registration issued by the Syiem and his Dorbar.
- iii. Evaluation of land for registration and for a Record of Right shall be as follows:
 - a) Evaluation of land solely for a record of right, shall be done by the land owner himself/herself or as prescribed by the Syiem and Dorbar.
 - b) Evaluation of land for registration and for a Record of Right shall be done as prescribed by the Syiem and Dorbar.
- iv. Any person possessing residential holdings, commercial holdings, institutional holdings, industrial holdings within the Syiemship shall have to register such land acquired or purchased by them in the office of the Syiem along with the prescribed registration fees.
- v. The Syiem and Dorbar shall at any time, have the right and power to de-recognise and de-register the land(s) of any land owners if he/she refuses to carry out the order /resolution/instructions of the Syiem or if he/she has been found to have contravened or violated any provision(s) of the Act and Rules, or if his/her action undermine(s) or is

considered by the Syiem to be a threat to the territorial and administrative integrity of the Syiemship.

- vi. All private land owners within the Syiemship have to maintain the Schedule of Boundary of their land very properly by way of physical demarcation and indication of direction using rivers, rivulets, streamlets, passers, ravines, etc and shall erect a "Mawbri" distinctly at any portion considered necessary and shall obtain a confirmation certificate from the Syiem Raid/Bongthe Raid/Lyngdoh Raid concerned and where any village of the Syiemship which is not under any Syiem Raid/Bongthe Raid /Lyngdoh Raid shall obtain a confirmation from the Rangbah Shnong and Dorbar of the Village concerned.
- vii. The Syiem and his Dorbar shall have the right to register any land or to issue a Non-Encumbrance Certificate/ a Land Holding Certificate/ a Patta and Building permission to any land owner/land holder in accordance with the prevailing customs and usages of the Syiemship. In this regard a Record of Rights will be maintained in the office of the Syiem and shall be legally recognised by all financial institutions.
- viii. Any person who is found to have uprooted or damaged a Mawbri (s) shall have to pay a fine as may be decided by the Syiem and his Dorbar as it may deem fit and proper.
- ix. The Syiem and Dorbar may on application, authorize a Myntri-in-charge for spot enquiry of such land and shall on basis of the report/recommendation issue certificate alongwith a nominal fee as may be prescribed. Provided that public notice of not less than 30 (thirty) days may be displayed for claim and objection, in the Office of the Hima and within the Raid/shnong, where the land is situated.
- x. No land situated within the Syiemship shall be transferred by way of lease, sub-lease to non tribal including Company/firm/societies/institutions without the prior approval of the Syiem and Dorbar.

9. Administration of Forest: Right to Register of Khlaw Hima, khlaw Raid, Khlaw Shnong, Khlaw Kur or khlaw shimet:

- 1) All Forests within Myllem Syiemship includes Khlaw Hima, khlaw Raid, Khlaw Shnong, Khlaw Kur or khlaw shimet.
 - (a) The Syiem and his Dorbar shall as per the customary practice in vogue in the Syiemship have the right to register any Forest and to issue Forest registration certificate. Felling of tree/bamboos etc for commercial purposes shall require prior permission from the Syiem and Dorbar.
 - (b) No Registration of Forests situated within the Syiemship shall be granted by any authority without obtaining a No Objection Certificate from the Syiem and his Dorbar.
 - (c) All Forests falling within the Syiemship shall have to register in the office of the Syiem along with the prescribed registration fees.

- (d) All Forests falling within the Syiemship have to maintain proper Schedule of Boundary of their forests by way of physical demarcation and indication of direction using rivers, rivulets, streamlets, passers, ravines, etc and shall erect a "Mawbri".
- (e) The Syiem and his Dorbar shall have the right and powers to issue a Certificate of Origin (C.O) on all forest produces coming from within the Syiemship on payment of royalty as may be prescribed by the Syiem and Dorbar
- (f) No forests situated within the Syiemship shall be transferred by way of lease, sub-lease to non tribal including Company/firm/societies/institutions without the prior approval of the Syiem and Dorbar.
- (g) As far as regulation, management and control of forest is concerned, the Syiem and his Dorbar shall implement/apply the relevant provision of the United Khasi-Jaintia Hills Autonomous District (Management and Control of Forests) Act, 1958.

10. Right and Power for Recommendation and Attestation:

- 1) The Syiem or Acting Syiem and the Deputy Syiem shall as per the customary practice in-vogue, have the power and right for recommendation and attestation of documents.
- 2) A Myntri, Basan, Lyngdoh, apart from the Syiem duly elected and appointed as such under the provisions of the Act and these Rules, shall as per customary practices in-vogue, have the right and power of attestation of documents of U-Khun- U- Hajar as well as U Raiot and any residents of Myllem Syiemship.
- 3) A Rangbah Shnong duly elected and appointed as such under the provisions of the Act and these Rules, shall as per customary practices in-vogue have the right and power to issue on behalf of Dorbar Shnong, a village residential certificate (V.R.C) and to identify/recommend or to issue any certificate to U-Khun- U- Hajar, of a village concerned within Myllem Syiemship.
- (4) However, any certificate including a village residential certificate (V.R.C) to a Raiot residing in any village/locality of the Syiemship shall be issued by a Rangbah Shnong with prior approval from the Syiem and Dorbar.

11. Code of Conduct of Dorbar Hima, Dorbar Pyllun, Dorbar Raid:

- (1) The Syiem/Syiem Raid/Bongthe Raid/Lyngdoh Raid and his Dorbar as the case may be, shall always send notices in advance to the member of a Dorbar, informing them the date, time and venue of the Dorbar concerned with a direction to attend the same.
- (2) The Agenda for the Dorbar Hima/Dorbar Pyllun/Dorbar Raid as the case may be, shall be sent either with the notice or shall be distributed on the day fixed for the Dorbar, as may be advised by the concerned Dorbar.
- (3) A Member who desires to take up/include any agenda(s) for discussion and deliberation in the Dorbar Hima shall have to inform the Syiem and Dorbar not less than 2(two) weeks in advance for its consideration.

- (4) The Dorbar Hima/ Dorbar Pyllun shall be presided over by the Syiem and in his absence by the Deputy Syiem, in case both of them are absent due to any emergency, by any Basan, Myntri, Lyngdoh who is elected unanimously in the Dorbar as Chairman.
- (5) The Syiem/ Deputy Syiem or Chairman shall have the right to accept / reject or postpone any agenda proposed to be taken up on the day of the Dorbar Hima.
- (6) One half (1/2) of the total strength of the members present in the Dorbar shall form the quorum.
- (7) No party system (Longliang) shall be allowed in the Dorbar Hima, Dorbar Pyllun/Dorbar Raid. All decisions of Dorbar shall be on the basis of consensus after deliberation and is always regarded as the 'Dorbar Blei'.
- (8) Members who take part in the discussion, deliberation, decision-making will have to do so by standing. While doing so, he shall express his feelings, etc., precisely and concisely without time consuming.
- (9) When the Syiem/Deputy Syiem or Basan, Myntri, Lyngdoh who preside the Dorbar Hima as a Chairman, stands to deliver on any points or issues, there should be no intervention in between by any members present in the Dorbar, until such points and issues are decided/concluded.
- (10) The Syiem/Deputy Syiem or Chairman of the Dorbar, shall have the right to stop any member who makes his discussion, deliberation and expression which are not in consonance with the agenda or subject under discussion.
- (11) No intoxicated member will be allowed to sit in a Dorbar Hima/ Dorbar Pyllun/Dorbar Raid and smoking during the sitting of a Dorbar is strictly prohibited.
- (12) The Syiem/Deputy Syiem or Chairman shall have full discretionary powers to stop or drive out or order for arrest any member or person who, in the course of the deliberation, pick up quarrels or speak immorally or furiously inside the Dorbar, and may imposing a fine upon such member or person as deem fit and proper.
- (13) The Syiem/Deputy Syiem or Chairman shall have full discretionary powers to decide/penalize any member who humbugs (Phlan Duman) during the sitting of a Dorbar.
- (14) The minutes of the proceedings of the Dorbar concerned shall be recorded in writing and shall be circulated to all member concerned after obtaining the signature of the Syiem/Deputy Syiem or Chairman for follow-up action on all/any agenda.
- (15) Any decision or resolution shall be passed by a majority of the members present in the Dorbar and shall do so as a gesture of approval either by (a) standing or (b) raising of hands and the issues discussed and decisions taken in the Dorbar shall be final and binding.

- (16) No member of a Dorbar is permitted to take-up any matter(s) or affair(s) of the Syiemship directly with the District Council or with the District Administration or any other authority without first presenting or discussing in the Executive Dorbar or Dorbar concerned, or without the knowledge and concern of the Syiem as the case may be. Whosoever violates these provisions, shall be liable to a penalty as decided/awarded by the Executive Dorbar or the Dorbar concerned.

12. Transaction of business of the Executive Dorbar:

Each member of the Executive Dorbar Hima shall be entrusted with specific Departments and designated as Myntri In-charge, the allocation of the Department as per customary practices prevailing in the Syiemship shall be done by the Syiem. The Executive Dorbar shall be collectively responsible for all Orders etc issued in the name of the Office of the Syiem and Dorbar, Myllem Syiemship, in accordance with the Act, Rules and the prevailing customary practices whether such orders are authorized by the Syiem and Dorbar on a matter appertaining to his subject or as a result of discussion at a meeting of the Executive Dorbar.

13. Official Language:

- (i) The official language of the Syiemship in both the office as well as the Court shall always be in Khasi language.
- (ii) However, this will not prevent the use of English language as an associate official language of the Syiemship.

14. Powers of the Executive Dorbar Hima: -

- (i) The Executive Dorbar shall have the power to amend any of these Rules/sub-rule as and when necessity arises. The amended Rules/sub-rule shall be submitted to the Executive Committee for approval.
- (ii) Any affair or matter of the Syiemship which does not come within the specific operation of these Rules or sub-rules shall be decided separately by the Executive Dorbar as the case may be, which is inclusive of the imposition of fines, violation of these Rules or Laws, Act, en-actment, ordinance, rules, regulation, bye-law, order, notification, scheme or other existing instruments.
- (iii) The Executive Dorbar comprises of the Syiem, Deputy Syiem, and some electors which shall be presided over by the Syiem or the Deputy Syiem. The Executive Dorbar exercises all executive functions pertaining to the day-to-day administration of the Syiemship.

15. Religious Festivals: As per the customary practices Religious Festivals are always held annually in the Syiemship and in the respective Raids within the Syiemship.

16. Savings:

- (i) No suit, prosecution or other legal proceedings shall lie against any Officer or person for executing any order or in respect of anything which is in good faith done or intended to be done by any Officer or person authorized under these Rules or Orders made there under.
- (ii) In the event of conflict between any part or portion of the Administration of Myllem Syiemship Rules 2015 or any other Acts, Rules and Regulations with any provision of the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors and Rangbah Shnong of Myllem Syiemship) Act, 2007, the latter shall prevail.

The Administration of Myllem Syiemship Rules, 2015 was passed by the Executive Dorbar, Myllem Syiemship on the 11th Day of June, 2015 as conferred upon under Section 19 of the Khasi Hills Autonomous District (Appointment and Succession of Syiem, Deputy Syiem, Electors, and Rangbah Shnong of Myllem Syiemship) Act, 2007.

LATHO MANIK SYIEM,
Syiem of Myllem,
Myllem Syiemship.

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

L. BLAH,
Executive Member i/c Elaka etc,
Khasi Hills Autonomous District Council,
Shillong.