

**OFFICE OF THE EXECUTIVE COMMITTEE  
KHASI HILLS AUTONOMOUS DISTRICT COUNCIL  
SHILLONG**

NO.DC. III/LAW/6/2020-21/77 /24

Dated: Shillong, The 12<sup>th</sup> October, 2021.

**PRESS RELEASE**

The Advisory Committee on Law & Traditional Affairs, Khasi Hills Autonomous District Council, having considered the Khasi Hills Autonomous District Council (Khasi Social Custom of Clan Administration) Bill, 2020 has resolved to post the said Bill on the Council Website for views and opinions.

The Committee comprises of the following members:-

<b>Chairman</b>	Shri. Bindo M Lanong, MDC
<b>Non-Official Members</b>	1. Shri. Teinwell Dkhar, MDC 2. Shri. Lamphrang Blah, MDC 3. Shri. Macmilan Byrsat, MLA 4. Shri. Robertjune K. Jahrin, Legal Adviser 5. Shri. A. Shangpliang, Special Secretary 6. Shri. R.S. Wanniang, Special Secretary 7. Shri. R.O. Wahlang 8. Shri. K. Ryntathieng 9. Shri. H. S. Suting 10. Shri. Aristotle Lyngdoh 11. Shri. Herman Nongrum
<b>Member Secretary</b>	Smti. A. Nonghuloo, Joint Secretary

Members of the public may visit the website @ [www.khadc.nic.in](http://www.khadc.nic.in) for their views and opinions either to the Secretary to the Executive Committee, Khasi Hills Autonomous District Council, or the Secretary of the Committee on or before 15<sup>th</sup> November, 2021.

  
Member Secretary  
Advisory Committee on Law & Traditional Affairs  
And  
Joint Secretary to the Executive Committee  
Khasi Hills Autonomous District Council,  
Shillong.

Memo. NO.DC. III/LAW/6/2020-21/77 (a) /24

Dated: Shillong, The 12<sup>th</sup> October, 2021.

Copy to:

1. The Editor \_\_\_\_\_ for favour of information with a request to have the same published in the next issue of your esteemed Newspaper as per Government approved rate (Quarter page).
- ✓ 2. The System Analyst for information and necessary action.

  
Member Secretary  
Advisory Committee on Law & Traditional Affairs  
And  
Joint Secretary to the Executive Committee  
Khasi Hills Autonomous District Council,  
Shillong.

**OFFICE OF THE EXECUTIVE COMMITTEE  
KHASI HILLS AUTONOMOUS DISTRICT COUNCIL,  
SHILLONG**

**NOTIFICATION**

Dated: Shillong, the \_\_\_\_\_ .

**NO.DC.**\_\_\_\_\_ : In pursuance of Rule 73 (2) of the Assam and Meghalaya Autonomous Districts (Constitution of District Councils) Rules, 1951 as amended, the following Bill of the Khasi Hills Autonomous District Council proposed to be introduced in the Council Session is hereby published with the statement of objects and reasons for general information:-

**THE KHASI HILLS AUTONOMOUS DISTRICT (KHASI SOCIAL CUSTOM OF CLAN  
ADMINISTRATION) BILL, 2020**

**PREAMBLE:** -“Whereas it is expedient to codify and regulate the age old traditional custom of the Khasi tribe based on the system of Kur (clan) being the foundation of matrilineal system.”

AND

Whereas, Paragraph 3(1) (j), Paragraphs 4 and 5 of the Sixth Schedule to the Constitution of India empower the Khasi Hills Autonomous District Council to make laws on Social Custom and to set up Courts or Tribunals;

AND

Whereas, Article 12 and Article 29(1) of the Constitution of India also empower the same to preserve the culture which includes the prevailing customs and traditional practices of the Khasi Tribe in matters of the Kur or Clan system with a view to protect, conserve and allow the same to grow for the benefit of the present generation and posterity.

Now, therefore, the Khasi Hills Autonomous District Council, in exercise of powers conferred on it as aforesaid and of all other powers enabling it in that behalf, hereby enact in the Seventy First year of the Republic of India as follows:-

**1. Short title, Extent, applicability and Commencement:-**

- (i) This Act may be called the Khasi Hills Autonomous District (Khasi Social Custom of Clan Administration) Act, 2020.
- (ii) It shall extend to all Districts of the Khasi Hills.
- (iii) It shall be applicable to every member of the Khasi tribe wherever they settle.
- (iv) It shall come into force at once.

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

- (1) “**Central Executive Body**” means functionaries of the Kur who are nominated or elected as the Central Executive members by the Durbar Kur or Seng Kur.
- (2) “**Chief**” means Traditional heads such as Syiem, Lyngdoh, Sirdar or Wahadadar, as the case may be of any Elaka;
- (3) “**Clan Certificate**” means a certificate granted by the Rangbah Kur or an authorized person of respective clan or kur under the provision of this Act;
- (4) “**District**” means all the Districts within Khasi Hills.
- (5) “**District Council**” means the Khasi Hills Autonomous District Council established under the Sixth Schedule to the Constitution of India;
- (6) “**Dorbar Kur**” means a customary General Meeting of the respective Khasi Kur comprising of both male and female adults belonging to the Kur/Clan concerned.

- (7) **“Dorbar Shnong”** means the traditional village institution composed of all inhabitants of not less than 18 years of age as per prevailing age-old customary practice and traditional governance.
- (8) **“Executive Committee”** means the Executive Committee of the Khasi Hills Autonomous District Council.
- (9) **“Gazette”** means the Official Gazette of the State of Meghalaya.
- (10) **“Headman”** includes Myntri Shnong, Matabor, Elector, Pator, Sordar Shnong or Rangbah Shnong as the case maybe, duly elected under relevant Acts.
- (11) **“Iawbei Tynrai and Iawbei Tymmen”** the root ancestress of the Kur (clan) means Iawbei Tynrai and the common ancestress of the Kur (clan) means the Iawbei Tymmen.
- (12) **“Jait”** means members descended from a common Iawbei Tymmen.
- (13) **“Khasi”** means a person belonging to Khasi tribe who may be a Khasi, Pnar, Bhoi, War and Lynggam.
- (14) **“Khasi Custom of Lineage”** means a customary practice by which any Khasi person reckons his or her clan from the mother, following the matrilineal system of lineage.
- (15) **“Khasi Social Custom of Marriage”** means a primary custom of marriage based on the principle ‘Tip Kur Tip Kha’ in Khasi Society involving two different ‘kur’, ‘jait’ or clans not related by any bond of consanguinity where a Khasi man from the kur, jait or clan following a matrilineal system enters into marriage relationship or has married a Khasi woman from the other kur, jait or clan in a matrilineal system.
- (16) **“Kpoh”** means the family members of a common biological mother.
- (17) **“Khasi Social Custom of no beggary”** In sync with the Khasi philosophy and practice that there should be no beggary among the Khasis, the society being inclusive, it is a social obligation of every Khasi Clan/Kur to take care of parentless children and desolate elders.
- (18) **“Kur”** means living entity of Khasi Clan governed by the Khasi matrilineal system of lineage and inheritance whose members are descendants of a common Iawbei or ancestress and u Thawlang the common ancestor or father.
- (19) **“Legal Marriage”** means any form of marriage performed, solemnized or recognized under any law for the time being in force or under the prevailing Khasi Custom and falling within the definition of Khasi Social Custom of Marriage.
- (20) **“Minor”** means a person who has not attained the age of eighteen years.
- (21) **“Privilege”** includes any or all immunities, privileges, rights or concessions which a Khasi is entitled to or is eligible as a member of Scheduled Tribe under the Constitution of India or any law, rule, regulation, notification or order made by any authority, including District Council, the Legislature of the State of Meghalaya, the Parliament, the Government of India or Government of Meghalaya.
- (22) **“Prescribed”** means prescribed by rules made under this Act.
- (23) **“Rangbah Kur”** means a Khasi clan elder elected or selected or nominated by the Dorbar Kur or Seng Kur as a representative head.
- (24) **“Rap-iing”** means the Khasi custom which allows or permits a Khasi family having no female member or whose female members have become extinct to bring or induct into the family or in other words, to adopt a female member from their kpoh or from their kur to obviate the family from iapduh or being extinct with no custodian to the family ancestral property and to perform such religious rites or ceremonies if any, normally vested in the female member or Ka Khun Khadduh or the youngest daughter of the family.
- (25) **“Registrar General of Dorbar Kur or Seng Kur”** means such Registrar General of Dorbar Kur or Seng Kur as the Executive Committee, shall notify for the purpose of

exercising all or any of the powers, duties or functions under this Act and the rules made there under for the whole or any part of the district as may be specified in the notification;

- (26) **“Ring Bia or Shaw Bhoi”** means the customary practices prevailing among some native, indigenous Khasi Clan in Ri-Bhoi District, where in the case of duh iing, the Khasi male member of such family may marry a non Khasi and his offspring adopt his clan or title and they may be deemed to be a Khasi if they fulfill the conditions of being a Khasi as laid down in the KHAD (Khasi Social Custom of Lineage) Act, 1997 and Rules as amended from time to time.
- (27) **“Scheduled Tribe”** means a person belonging to any of the Scheduled Tribes pertaining to the State of Meghalaya and specified in the Constitution (Scheduled Tribe) Order, 1950, as amended from time to time.
- (28) **“Sengkur”** means a body or organisation of clan members created for the purpose of maintaining the bond of consanguinity among clan members and any matter relating to clan or Kur welfare.
- (29) **“Shibakha”** means a relationship amongst offsprings of a sister and offsprings of a brother in a khasi family. Intermarriage amongst Shibakha upto three generations, is prohibited.
- (30) **“Shipara Kha”** means a relationship amongst offsprings of brothers in a khasi family. Intermarriage amongst Shipara Kha upto three generations, is prohibited.
- (31) **“Tangjait”** means a ceremony performed for adopting a Jait with a prefix of “Dkhar” or abbreviation “Khar” to it for the person or persons born of a Khasi father and a non-Khasi mother and have been absorbed and assimilated as such into the Khasi community in accordance with the prevailing customary practices among the Kur, Jait, or Clan of the Khasi father.
- (32) **“Teh Kur”** is a form of established relationship by two or more Kur/Clans, where inter-marriage among them is prohibited.
- (33) **“Ting Kur”** means mutual practice among the Kur/clan, who are descendants from a common Iawbei Tynrai and u Thawlang (great grand ancestress and ancestor) irrespective of the difference in the nomenclature of the clan name, provided a joint formal ceremony or declaration is held in presence of the elders and Rangbah Kur.
- (34) **“Tip Kur Tip Kha”** ‘**Tip Kur**’ means to acknowledge and uphold the Consanguinity of one’s own clan/kur. ‘**Tip Kha**’ means to acknowledge and respect the blood and progeny relationship with paternal mother (Meikha) and between her children’s siblings.
- (35) **Tribunal:-** means a Tribunal on Khasi Clan constituted by the Executive Committee under the provision of this Act.
- (36) **“U Kñi”** means the maternal uncle of the Kpoh.
- (37) **“U Thawlang”** means the common ancestor of the clan.

### 3. Structure of the Kur system and formation of Iing, Kpoh, Jait or Kur:-

- (1) Every Khasi Man or Woman belongs to the primary family or Kpoh (common womb) and shall be part of the main Kur (Clan).

The Kur system shall be based on the following:-

- (i) Shi-Iing Shi-Sem (of the same family) are the descendants of the great grand Mother (Iawbei Tymmen).
- (ii) Shi-Kpoh Shi Sohpet (lineage of the same womb or same navel) are descendants where the degree of kinship is traceable.
- (iii) Shi-Kur Shi-Jait (same clan) are descendants of the common Iawbei Tynrai, where the degree of kinship is traced from the commonly inherited Clan or Kur name.

- (2) Every person who belongs to any Kur must prove his/her clan identity certificate issued by the Competent Authority whenever required.

#### **4. Registration of Dorbar Kur or Seng Kur:-**

##### **(1) Registrar General of Dorbar Kur or Seng Kur:-**

- (a) The Executive Committee shall appoint an Officer of the Khasi Hills Autonomous District Council not below the rank of Joint Secretary as the Registrar General of Dorbar Kur or Seng Kur.
- (b) The Registrar General of Dorbar Kur or Seng Kur shall be an office of record of the various Kur and their members.
- (c) The Registrar General of Dorbar Kur or Seng Kur shall maintain records of Lineage and genealogical record of the various Kur. He/she shall have the power to certify the same.

##### **(2) Registration of Dorbar Kur or Seng Kur:-**

- (a) Every Dorbar Kur or Seng Kur shall register before the Office of the Registrar General as prescribed by Rules framed under this Act.
- (b) The Registrar General of Dorbar Kur or Seng Kur shall issue a certificate of recognition to the Dorbar Kur or Seng Kur after following the due procedure prescribed in the Rules.
- (c) The Registrar General of Dorbar Kur or Seng Kur shall by public notification notify the recognized Dorbar Kur or Seng Kur.
- (d) The Registrar General of Dorbar Kur or Seng Kur shall prepare and cause to be published the list of all the recognized Dorbar Kur or Seng Kur as per the true, actual and correct name of the Dorbar Kur or Seng Kur in the Gazette of Meghalaya.
- (e) The Registrar General shall approve the powers of Rangbah Kur and functionaries elected or nominated by the Dorbar Kur or Seng Kur and notified accordingly after every reconstitution.
- (f) Any other related matter.

- 5. Dorbar Kur or Seng Kur:-** Every Kur shall have a Dorbar Kur or Seng Kur consisting of all the kpo and all members of the Kur or Clan. The Dorbar Kur or Seng Kur shall consist of the Dorbar Pyllun of all members of that Kur or Clan and the Central Executive Body made up of office bearers and members duly elected by the Dorbar Kur or Seng Kur.

#### **6. Powers and Functions of the Dorbar Kur or Seng Kur:-**

- (i) The Dorbar Kur or Seng Kur shall be the final Authority to decide on any issue or matter relating to the Kur Administration as a whole.
- (ii) The Dorbar Kur or Seng Kur shall have the power to frame or make bye laws or Kur Constitution and such bye laws or Kur Constitution shall have the force of law only after the approval of the Registrar General of Seng Kur.
- (iii) The Dorbar Kur or Seng Kur shall have the Authority to delegate the power to issue Khasi Clan Certificate. The Khasi Clan certificate shall be the criteria for granting Khasi Tribe Certificate as per Section 6 of KHAD (Khasi Social Custom of Lineage) Act, 1997.
- (iv) The Dorbar Kur or Seng Kur shall be the Office of record of all the members of the Kur.
- (v) The Dorbar Kur or Seng Kur shall be the final arbiter in case of disputes amongst the members of that particular Kur. It shall arbitrate on matters of:-
  - (a) Appeal against the decision of the Rangbah Kur.

- (b) Any question arising as to the inheritance of property of the Kpoh and questions of disputes of the different Kpoh.
- (c) Adoption of children by the members of different Kpoh.
- (d) Tangjait of a non Khasi Woman married to a Khasi Male who is a member of that Kur.
- (e) Recognizing a Rap iing chosen for a Kpoh that has no female issue.
- (f) Dispute regarding Ting Kur and Teh Kur.
- (g) Any other matter relating to the rights and privileges of the Kur or Kpoh Kur.

- (vi) The Dorbar Kur or Seng Kur shall have its own fund from donation subscription, fees from any members of the Kur for the fund of the Kur.
- (vii) The Dorbar Kur or Seng Kur shall have the power to receive any fund or financial assistance or any other assistance from the Khasi Hills Autonomous District Council, Government, Chiefs, Headmen, etc.
- (viii) The Dorbar Kur or Seng Kur shall meet at least once a year or as and when required. The Secretary of the Kur shall call for the meeting and the Rangbah Kur shall preside over this meeting.
- (ix) The Dorbar Kur or Seng Kur shall have the right and power to seek for a general report, financial report, audit report and other reports and queries from the Central Executive Body.

**7. Central Executive Body of Dorbar Kur or Seng Kur:-** (i) Each and Every Clan or Kur shall have a Central Executive Body comprising of functionaries for the proper administration of the Clan or Kur.

- (ii) The election or nomination of all the functionaries of the Central Executive Body including the Rangbah Seng Kur shall be decided by the Dorbar Kur or Seng kur convened for this purpose.
- (iii) The term of office of the Central Executive Body shall be decided by the Dorbar Kur or Seng Kur as per the constitution or convention of Dorbar Kur or Seng Kur.
- (iv) The Central Executive Body shall be solely accountable and answerable to the Dorbar Kur or Seng Kur.

**8. Powers and functions of the Central Executive Body:-** The Central Executive Body shall have the powers and functions to look after the day to day administration of the Kur. It shall execute and implement all the decisions and resolutions of the Dorbar Kur/Seng Kur and shall perform such functions as empowered by the Dorbar Kur/Seng Kur.

**9. Eligibility for appointment as Rangbah Kur and other functionaries:-** The Dorbar Kur/Seng Kur shall decide the eligibility for appointment of Rangbah Kur and other functionaries. Provided that no person who does not follow the matrilineal system or the Khasi Custom of Lineage shall be appointed as the Rangbah Kur or any other functionaries.

**10. Duty and Function of the Rangbah Kur and other functionaries:-** The Rangbah Kur is the representative head of the Kur. He and other functionaries of the Kur shall exercise their powers and functions as may be delegated by the Dorbar Kur/Seng kur, and the Central Executive Body of the Dorbar Kur/Seng Kur in accordance with the prevailing customary practices and the provisions of this Act.

**11. Removal and suspension of Rangbah Kur and other functionaries:-** The Rangbah Kur and other functionaries shall be removed or suspended from office by the decision of the Dorbar Kur or Seng Kur of not less than 2/3 majority of the members present:-

- if
  - (a) He refuses to carry out the order and instruction issued by the Executive Committee of the Dorbar Kur/Seng Kur or Central Executive Body of the Dorbar Kur/Seng Kur;
- if
  - (b) He Violates any of the provision in this Act and the Rules framed under this Act;

- if
- (c) He has been convicted of any offence involving moral turpitude;
- if
- (d) He is found incapable of carrying on his duties and functions due to ill health, old age or any other physical disabilities;
- if
- (e) He is found to be mentally unfit to carry out his duties and functions;
- if
- (f) He is found to have been conducting himself in a manner derogatory to his office;
- if
- (g) He has lost the confidence of the majority of the members of the Clan (Kur) that elected him.

Provided that no Rangbah Kur or any other functionaries shall be removed or suspended under this Section above unless he is given an opportunity of being heard by the Dorbar Kur or Seng Kur concerned and such removal or suspension shall become operative on confirmation of the same by the Registrar General. The Registrar General on receipt of such intimation shall approve the same forthwith.

(ii) Appeals against any such order of the Dorbar Kur or Seng Kur and confirmed by the Registrar General shall lie with the Tribunal on Khasi Clan Administration. Such appeals shall be filed within 30 days from the date of the confirmation order of the Registrar General excluding the time seeking for certified copy of the said order.

**12. Rights and privileges of the Dorbar Kur or Seng Kur:-** All the rights and privileges relating to the rights of representation, traditional political rights, rights on land, rights of religious practice and other customary or legally recognized rights of the Dorbar Kur/ Seng Kur or of the Kpoh in any Hima, Elaka, Raid and Villages, enjoyed and practised by the Kur or Kpoh as per the prevailing custom and usage and/or as per the provision(s) of any relevant Act and/or Rule in force shall be guaranteed by this Act.

**13. Khasi Clan Certificate:-**

- (i) Any member of the Kur by himself/herself or by his/her natural parent/legal guardian or by his/her family members shall whenever necessary apply for a Clan Certificate in a form as prescribed by the Registrar General of Seng Kur.
- (ii) The Rangbah Kur or any person authorized as the Competent Authority by the Dorbar Kur or Seng Kur after due verification shall issue the Clan Certificate to such Clan member clearly mentioning his or her name, both his or her parents' name and the place of residence apart from such other consideration or factor or information as may be deemed fit and necessary.
- (iii) The said Certificate shall be issued within a period of seven days from the date of receiving the application and on payment of a fee prescribed by the Registrar General of Seng Kur from time to time.
- (iv) The Rangbah Kur or any person issuing Clan Certificate shall keep an office copy and one copy shall be submitted to the Registrar General of Seng Kur or Regional Registrar of Seng Kur for information, record and necessary action.
- (v) The Rangbah Kur or any authorized person of the Dorbar Kur or Seng Kur shall have the power to deny granting of Khasi Clan Certificate to any applicant if in his or her opinion the applicant does not fulfill the criteria and condition of being a Khasi as laid down in the KHAD (Khasi Social Custom of Lineage) Act, 1997 and Rules as amended from time to time.

**14. Prohibition to acquire Clan name or title from the Father or Spouse :-**

- (i) No Khasi person belonging to any Kur shall take or acquire his or her Clan Title from the Father or Spouse.

Provided that this provision shall not apply to cases of Shaw-Bhoi or Ring-Bia as defined in sub clause 25 of clause 2 under definition.

Provided further that if any Khasi person has acquired his/her Clan Title from the father may within a period of twelve months, file an application before the Competent Authority to revert back/change to matrilineal system of Lineage.

- (ii) The Dorbar Kur or Seng Kur is strictly prohibited to authorize the Rangbah Kur or any person to issue any Clan Certificate to any person who takes his or her Clan name or title from the Father.

**15.(A) Prohibition to Change the Custom or name of title or Kur:-**

- (i) No person shall change his/her Clan or Kur from one Kur to another name of Clan or Kur or family name by affidavit or any declaration.
- (ii) No person shall wrongly spell the name of the Clan and he or she shall strictly write down the true and actual name and spelling of his or her Clan in any and all documents. This also includes prohibition of anglicized spellings of Clan or Kur names.

Provided if any person has wrongly spelt the name of a Clan may rectify the same within the period of twelve months from the date of commencement of this Act.

- (iii) No person shall claim that he or she belongs to any Khasi Clan nor enter the name of any of the Khasi Clan in any documents without the proof of a valid Clan Certificate issued by the Competent Authority.

**15. (B) Lyngdoh, Syiem, Dkhar, Lyngskor and Basan:-** Clan surnames using titular terms applicable in traditional bodies, like Syiem, Lyngdoh, Lyngskor, Basan or partial use of Clan's name like Dkhar, Lyngdoh, or War only, lacks clarity on the actual clan's identity, which cannot be entertained for issue of Khasi or Scheduled Tribe certificates.

**15. (C) Adoption of Personal Law:-** Any Khasi person or persons who has adopted any other recognised personal law on ground of cultural or religious obligation or inter-marital relationship shall forthwith forfeit the right of being a member of any khasi clan or kur as specified in the Khasi Hills Autonomous District (Khasi Social Custom of Lineage) Act, 1997 and Rules framed there under.

**16. Burden of proof:-** Save or as otherwise provided in this Act, where, in any proceeding under this Act, the Clan status of a person is called into question, the burden of proof, notwithstanding anything contained in this Act and any other Law, shall lie with the person who claims that he/she belongs to such Clan.

**17. Tribunal on Khasi Clan Administration:-**

There shall be a Tribunal on Khasi Clan Administration to determine all questions of the Khasi Clan system.

- (1) It shall comprise of a Chairman, a Vice-Chairman and three other members to be nominated by the Executive Committee of the Khasi Hills Autonomous District Council (KHADC).

Two of these members shall be experts in knowledge of the prevailing Khasi Social Customs and/or law. The person who shall be appointed as Chairman and Vice-Chairman shall preferably be an Advocate of at least fifteen (15) years and ten (10) years of practice at the Bar respectively.

- (2) The Executive Committee shall frame Rules for conduct of business by the Tribunal.

**18. Powers of the Tribunal on Khasi Clan Administration:-**

- (1) The Tribunal while making inquiries under this Act shall have all the powers of a Civil Court and Criminal Court as provided in the United Khasi-Jaintia Hills District (Administration of Justice) Rules, 1953 in respect of the following matters, namely:

- (i) Summoning and enforcing the attendance of any person and examination of that person under oath.

- (ii) Requiring the discovery and production of any document and,



- (iii) Any other matter which may be prescribed.
- (2) The decision of the Tribunal under this Act shall have the force of a decree of the Civil Court in the Civil aspects of any appeal, decision on Khasi Social Custom of Kur and Reference made to it.
- (3) The Tribunal in its sitting shall be the Authority on Khasi Social Custom relating to Khasi Clans according to the prevailing customs and traditional practices. It shall also act as a Court of Reference in these matters.
- (4) The Tribunal shall also have powers of revision and review of its own decision.
- (5) The Tribunal may also take Suo Moto cognizance of any violation of Sections 15 and 16 of this Act.

**19. A. Appeal to the Tribunal on Khasi Clan Administration:-**

- (i) Any person or party aggrieved over the order of the Dorbar Kur or Seng Kur, reserves the right to appeal before the Tribunal within 30 (thirty) days from the date of such order.

The Dorbar Kur or Seng Kur, shall however within 10 (ten) days from the date of such orders passed, provide a copy of such order to the party concerned.

- (ii) The Tribunal may condone and admit an appeal after the expiry of such period of 30 days if it is satisfied that the Appellant was prevented by sufficient cause from filing the appeal in time.
- (iii) An appeal under this Section may be filed by the person aggrieved by such order or by any other person, Chiefs, Headmen and Dorbar Shnong or any Authority, body or association on ground of injury suffered by misinterpretation prejudicial to the Khasi Social Customs as may be shown in the appeal petition.
- (iv) An appeal under this Section shall be made in such form or manner and on payment of such fee(s) as prescribed by the Executive Committee from time to time.
- (v) The order or decision of the Tribunal in appeal under this Section shall be final and binding.

**19. B. Reference to the Tribunal on Khasi Clan Administration:-**

- (i) In the event the Executive Committee, or any Court of Competent jurisdiction, requires that a question of prevailing customary law relating to the Khasi Social Custom of Kur is to be determined, the said question may be made for determination by the tribunal by means of Reference to it.
- (ii) The Tribunal shall determine such questions and seek opinion or evidence as may be required to arrive at a finding as empowered in Section 18 of this Act.
- (iii) The determination of the Tribunal of such question in reference shall be rendered as a judgement of a Civil Court and shall be binding unless reversed or otherwise modified by a process of review by the Tribunal.
- (iv) The decision of the Tribunal of such question(s) once rendered as a judgment shall be final and binding on the parties, authority or Court making the reference.

**20. Offences and Penalties:**

- (1) (i) Any person who is not a Khasi, who falsely or fraudulently claims, identifies or declares himself or herself to be a Khasi of such Khasi Kur, Jait or Clan or use a Khasi surname in order to gain such benefit, privileges, advantages or concessions which a Khasi person is entitled to as a member of the Schedule Tribes;
- or
- (ii) for any other purposes whatsoever or whomsoever continues to do so even after he/she had lost or had been deprived of Khasi status under the provisions of this Act or any other Act;

or

(iii) any person who fraudulently makes or furnishes false statement or declaration or information in order to obtain or deny or revoking registration and grant of Clan Certificate or for obtaining or denying or revoking change of Khasi surname, Kur, Jait or Clan under any Act;

or

(iv) willfully refuses or fails to furnish such information, paper or documents or has furnished, information which he knows or believes to be false;

or

(v) violates any provisions of this Act or the rules and orders made thereunder or obstruct the Registrar General of Seng Kur or an officer, person, Chief or Headman in the discharge of their duty under this Act or the rules or orders made thereunder shall be deemed to have committed an offence under this Act.

(2) (i) Whoever commits an offence under this Act and other provision of this Act shall, on conviction by a First Class Magistrate, be punishable with imprisonment for a term of three (3) years or with fine which may extend from Rupees Twenty thousand up to Rupees One Lakh or with both for the first offence and the above punishment shall be doubled for every subsequent offence.

(ii) An offence under this Act shall be cognizable and bailable or non-bailable as the case may be and no Court shall take cognizance of any offence under this Act except on a complaint made by the Rangbah Kur or Registrar General of Seng Kur or Regional Registrar of Seng Kur or any person authorized by the Dorbar Kur or Seng Kur or by the Executive Committee.

**21. Bar of jurisdiction of Civil Court:** No Civil Court shall have jurisdiction to settle, decide or deal with any matter or to determine any matter which is, by or under this Act, required to be settled, decided or dealt with or to be determined by the Registrar General of Seng Kur or by the Khasi Clan Tribunal.

**22. Power to issue direction:** The Executive Committee may issue such direction as it deems fit to the Registrar General of Seng Kur or Rangbah Kur or any functionary of the Dorbar Kur or Seng Kur for carrying out the provisions of this Act and the rules made thereunder and such directions shall be binding.

**23. Protection of action in good faith:** No suit or other legal proceeding shall lie against the Executive Committee, the Regional Registrar of Seng Kur or Registrar General of Seng Kur, any officer or person, authority, Chief, Headman or Rangbah Kur in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules or orders made there under.

**24. Power to make rules:** (1) The Executive Committee may, by notification in the Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:

(a) The form and manner in which application for registration of Kur may be made and the form of registration of Kur and Certificate of Kur or Clan Certificate may be granted and the fees payable and manner of payment thereof.

(b) The forms of registers and other documents and records that are to be kept and maintained under this Act.

(c) Fees for inspection of records and documents and for certified copies thereof or of entries there from and manner of payment thereof, and

(d) Any other matter which is to be or may be prescribed.

**STATEMENT OF OBJECT AND REASONS**

Whereas the khasis and their unique matrilineal clan system, which provides their legitimate descent, their socio-cultural ethos, land and their economy, desire the need to formally systematize their broad-multiple practices, by a clan legislation and also to forthwith bar others from surreptitiously claiming khasi titles for personal interest.

Hence, this Bill.

**Chief Executive Member  
Khasi Hills Autonomous District Council,  
Shillong.**