

NOTIFICATION

Dated Shillong, the _____ November, 2006

NO.DC./L/VII/9/2006/ : - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Bill of the Khasi Hills Autonomous District Council is hereby published for general information:-

THE KHASI HILLS AUTONOMOUS DISTRICT (NOMINATION AND ELECTION OF THE SYIEM, DEPUTY SYIEM AND ELECTORS OF HIMA MAHARAM) ACT, 2006.

(Passed by the Khasi Hills Autonomous District Council on the 26th October, 2006.)

(Received the assent of the Governor on _____)

(Published in the Meghalaya Gazette on _____)

AN ACT

to codify and make provisions for the Nomination and Election of the Syiem, Deputy Syiem and Electors of Hima Maharam.

PREAMBLE:- Whereas it is expedient to make provisions for the nomination and election of the Syiem, Deputy Syiem and Electors of Hima Maharam in accordance with the prevailing customary practices of the Hima;

Now, therefore, the Khasi Hills Autonomous District Council, in exercise of the power conferred upon it under clause (g) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India and of all other powers enabling it in that behalf, hereby enacted in the Fifty Seventh year of the Republic of India as follows:-

Section 1. Short title, Extent and Commencement –

- (1) This Act may be called the Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem and Electors of Hima Maharam) Act, 2006.
- (2) It shall extend to the whole of Hima Maharam.
- (3) It shall come into force at once.

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

- (a) “**Adult**” means a person who is not less than eighteen years of age;
- (b) “**Deputy Syiem**” means and includes the customary Syiem-khynnah who is elected from amongst the male members of the Syiem clan by the Syiem and Durbar and approved by the Executive Committee as per the prevailing customs and under the provisions of this Act;
- (c) “**District Council**” means the Khasi Hills Autonomous District Council constituted under the provisions of the Sixth Schedule to the Constitution of India.
- (d) “**Durbar Hima**” means the Durbar Pyllun or General Durbar of Hima Maharam to be convened, wherever necessary on the advice of the Executive Durbar, by the Syiem or any person acting as such, provided that it shall be convened by the Syiem as the Chairman at least once a year.
- (e) “**Electors**” means the indigenous Khasi male adults of the Hima who are eligible to elect the Syiem of Maharam comprising of the Lyngdohs and Myntris duly appointed and recognised by the Syiem and Durbar as per customs and under the provisions of this Act .

- (f) “**Executive Committee**” means the Executive Committee of the Khasi Hills Autonomous District Council;
- (g) “**Executive Durbar**” means the Durbar of the Syiem, Deputy Syiem with some Electors appointed by the Durbar Hima and approved by the Executive Committee to run the day-to-day administration of the Hima. Such meeting shall be presided over by the Syiem and in his absence by the Deputy Syiem or by any member elected by the members present in the meeting in case both are absent;
- (h) “**Hima**” means an administrative and territorial jurisdiction of the Syiem and Durbar of Maharam Syiemship duly recognised by the Executive Committee.
- (i) “**Lyngdohs**” means the authorized Khasi male representatives of the Lyngdoh Marshillong clan, the Lyngdoh Nonglang clan, the Lyngdoh Sakwang clan, the Lyngdoh Nonglynkien clan and the Lyngdoh Nongsynrieh clan, including the Lyngdoh or Basan Dommawleih, duly elected/nominated by the Lyngdoh clans concerned as per the prevailing customs and under the provisions of this Act;
- (j) “**Myntri**” means a Khasi male adult who is the administrative head of a recognised village within Hima Maharam, duly elected/nominated as per the prevailing customs and under the provision of this Act;
- (k) “**Returning Officer**” means the Secretary of the Executive Committee or any officer as may be appointed by the Executive Committee;
- (l) “**Syiem**” means the Syiem of Maharam who is the traditional administrative Head of the Hima, duly appointed as per the prevailing customs and under the provisions of this Act.
- (m) “**Syiem clan**” means the Syiemiong clan, Sawkpoh Nonglang-Jakrem and the Syiemlieh clan Sawkpoh Maharam which have the customary right to nominate the Syiem, Deputy Syiem and the Acting Syiem of the Hima.

Section 3. Qualification for the office of a Syiem, Deputy Syiem and Acting Syiem – (1) A male person belonging to the Syiem clan of the Hima shall qualify to be elected to the office of the Syiem, Deputy Syiem or Acting Syiem if he:

- (a) Is a natural descendant of the Syiem clan and of good moral character, both of whose parents are indigenous Khasi by birth;
- (b) Is a native and a resident of Hima Maharam and is not less than 25 years of age;
- (c) Is not an employee of any Government Department or District Council; and
- (d) Is not a member of another Hima or Elaka.

(2) The Executive Durbar shall with the approval of the Dorbar Hima have the power to determine the essential qualifications and other matters connected with the office of Syiem, Deputy Syiem or Acting Syiem of the Hima.

Section 4. Election and appointment of the Syiem: - (1) When a vacancy occurs in the office of the Syiem of Maharam, the Syiem clans shall in writing jointly or separately recommend to the Durbar Hima a nominee/candidate for the office of Syiem with a written intimation to the Returning Officer.

Provided that, a person belonging to the Syiem clans of the Hima cannot on his own contest for the election of a Syiem without the knowledge and recommendation of the respective Syiem clan.

(2) The Returning Officer on receipt of the nominee/candidate Syiem from the Syiem clans shall by a public notification of not less than 30 (thirty) days, summon a meeting of all the approved electors in such a place within the Hima to affirm/elect the Syiem. Such meeting of the electors shall be presided over by

the Officer deputed by the Returning Officer who shall forthwith submit the report .The election/nomination shall be decided by counting of heads which result shall be determined by simple majority.

Provided that the electors shall take part in such meeting for election of the Syiem on prior consultation with the Durbar Shnong concerned and shall act accordingly.

Provided further that $\frac{3}{4}$ of the total membership of the recognised electors shall constitute a quorum for such meeting.

(3) The Returning Officer shall on the basis of the report of the Presiding Officer declare the result and may, incase of doubt or uncertainty, refer the proceedings to the Executive Committee which shall decide and direct the Returning Officer accordingly.

(4) On the basis of the result referred to above, the Executive Committee shall recommend the appointment of the Syiem elect to the next Session of the District Council and after approval of the Council, shall forthwith issue appointment order under such terms and conditions as the Executive Committee may provide and not inconsistent with the provisions of this Act.

(5) If within thirty days of the declaration of the result by the Returning Officer, any dispute arises regarding any matter relating to or connected with the Election of the Syiem, the party or parties concerned shall, by a petition refer the dispute to the Tribunal constituted by the Executive Committee for the purpose. Such Tribunal shall consist of at least two members which shall dispose of the matter as early as possible and shall not ordinarily exceed six months from the date of receipt of the case records which reports and findings shall be submitted to the Executive Committee for its decision.

However, the Executive Committee may on receipt of a written request from the Tribunal, extend the period of six months on reasonable grounds.

Such petition shall be filed to the Secretary of the Executive Committee in duplicate accompanied by a fee as may be prescribed by the Executive Committee from time to time.

Section 5. Term of office of the Syiem: - The Syiem of Maharam shall be appointed for life from the date of his appointment.

However, in the event of any complaint against the Syiem which prima facie disclosed that he has violated any of the terms and conditions of his appointment/Sanad or that he has lost the confidence of the majority of his electors, or he has been conducting himself in a manner derogatory to his office or which may undermine the authority of the Council, or he is found to be mentally unfit or incapable to carry out the administration of the Hima due to ill health, old age or habitual drunkenness, the Executive Committee may after inquiry suspend or remove him from office.

Provided that, any complaint against a Syiem should first be brought to the knowledge and notice of the Durbar Hima.

Provided further that, the Syiem shall not be removed or suspended from office unless he is given an opportunity of being heard.

Section 6. (1) Appointment of Deputy Syiem: - The Executive Durbar, shall on the advice of the Syiem, decide on the appointment of a Deputy Syiem from amongst the rightful male members of the Syiem clans to assist the Syiem in the day-to-day affairs of the Hima.

(2) Suspension or removal of the Deputy Syiem :- The Executive Durbar, with the approval of the Durbar Hima is bestowed with the power to remove or suspend the Deputy Syiem if he is found to indulge in activities against the interest of the Hima or fails to comply and obey the orders of the Syiem and his Durbar.

Section 7. Appointment and function of Acting Syiem: - (1) If at any time the office of a Syiem becomes vacant as a result of death, resignation, retirement due to old age, removal or suspension, the Executive Committee shall by order in writing appoint a Deputy Syiem or an adult male member of the Syiem clan of the Hima duly recommended/ approved by the Syiem clan, to function as an Acting Syiem who shall function strictly on the advice of the Executive Durbar.

(2) An Acting Syiem will remain in office until appointment of a full-fledged Syiem or until further order of the Executive Committee whichever is earlier.

Provided that, an Acting Syiem shall not ordinarily be appointed for more than six months.

(3) Whenever there is a change of incumbent on account of sub-section (1) above, there shall be a proper taking and handing over charge of the properties of the Hima duly recorded in writing between the predecessor and the successor in the presence of some electors or certain reliable persons as witnesses.

Any deliberate or willful violation of these provisions shall be treated to be an act of criminal breach of trust and the incumbent is liable to be proceeded with accordingly.

Section 8. Election and Confirmation of Lyngdoh and Myntris and the essential Qualification thereof:- (1) A male person who is the resident of the Hima shall be eligible to be elected as a Lyngdoh or Myntri if he has completed 25 years of age and bears a good moral character both of whose parents are Khasi by birth.

(2) (i) - The Lyngdoh Sakwang shall be elected from either the Lyngkhoi clan or Nongrem clan (ii) The Lyngdoh Nonglang shall be elected from the Lyngdoh Rngaid clan (iii) The Lyngdoh Marshillong shall be elected from the Lyngdoh Marshillong clan (iv) The Lyngdoh Nonglynkien shall be elected from the Lyngdoh Umiong clan (v) The Lyngdoh Nongsynrieh shall be elected from the Nonglang clan and (vi) The Lyngdoh or Basan Dommawleñ shall be elected from the Sangleñ clan.

For any vacancy in the post of a Lyngdoh, the members of the Lyngdoh clans concerned shall in writing report to the Syiem and Durbar, who shall direct them to elect/nominate the Lyngdoh as per the customs and under the provisions of this Act and shall thereafter confirmed and issue appointment to the Lyngdoh elect under such terms and conditions as the Executive Durbar may provide with immediate intimation to the Executive Committee.

Provided that, only the recognised adult male members of the Lyngdoh clans concerned, who are the genuine residents of the Hima shall be eligible to take part in the election/nomination of the Lyngdoh concerned.

(3) Any vacancy in the post of Myntris shall be reported to the Syiem and Durbar, who shall in writing summon a meeting of all the recognised adult male residents of that village on such date and time as may be fixed by him for the election of a new Myntri and such meeting shall be presided over by the Syiem or by any person authorized by him. On the basis of the result of such election, the Syiem shall issue appointment under such terms and conditions as the Executive Durbar may provide with simultaneous intimation to the Executive Committee.

(4) In case a dispute arises regarding any matter relating to the election of Lyngdoh or Myntri, a written complaint along with the requisite Durbar fee, shall within thirty days from the date of declaration of the result of such election be filed before the Syiem and Durbar for decision.

(5) An appeal against any order passed by the Syiem and his Durbar shall lie to the Executive Committee whose decision shall be final. Such appeal shall be filed within thirty days from the date the order is communicated or known to the party or parties concerned accompanied by a petition fee to be prescribed by the Executive Committee.

(6) The Myntri shall be the Head of the Executive Durbar Shnong, the Local Committee and the Village Court duly constituted by the Durbar Shnong concerned and approved by the Syiem and Durbar as per customs and under the provisions of this Act.

(7) The Executive Durbar shall with the approval of the Durbar Hima have the power to determine the essential qualifications and other matters connected with the office of Lyngdoh and Myntris.

Section 9. Power to make Rules – The Executive Durbar shall with the recommendation of the Durbar Hima have the power to make Rules for the day-to-day administration of the Hima in accordance with the prevailing customary practices and under the provisions of this Act and such rules shall be submitted to the Executive Committee for approval.

Section 10. (1) Composition of the Durbar Hima: - The Durbar Hima shall be the supreme and final authority of the Hima where the Deputy Syiem, the Lyngdohs and the Myntris are members. The Syiem shall be the Chairman and the one who convenes and presides such a Durbar which is the supreme policy decision of the Hima.

(2) Composition of the Executive Durbar:- The Executive Durbar is the core committee which comprises of the Syiem and Deputy Syiem together with 15 (fifteen) other members elected by the Durbar Hima from amongst the Lyngdohs/Myntris of the Hima. The Durbar functions under the aegis of the Syiem and is convened once every three months or whenever the need arises.

Section 11. Annulment- The provisions contained in the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs & Headmen) Act, 1959 as amended, shall on and from the commencement of this Act, no longer be operative as far as the Hima Maharam is concerned.

STATEMENT OF OBJECT AND REASONS

Whereas it has become an imperative need to safeguard and preserve the customary practices within Hima Maharam so as to clearly define the manner and procedure in the matter of election and nomination of the Syiem, Deputy-Syiem and the Electors.

Hence this Bill.

Certified that the above Bill was passed by the Khasi Hills Autonomous District Council on the 26th October, 2006.

(M. Pyrbot)
Chairman,
Khasi Hills Autonomous District Council,
Shillong.

No. _____

I assent to this Bill.

Dated Shillong,
The _____

GOVERNOR OF MEGHALAYA.

Sample Only (KHADG)