

**OFFICE OF THE LEGISLATIVE
KHASI HILLS AUTONOMOUS DISTRICT COUNCIL
SHILLONG.**

NOTIFICATION

Dated Shillong the 7th November, 2007

NO.DC.L/VII/11/2007/14/3076: - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act 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 HEADMEN OF
LANGRIN SYIEMSHIP) ACT, 2007.**

(Passed by the Khasi Hills Autonomous District Council on the 29th October, 2007.)

(Received the assent of the Governor on 12th March, 2008)

(Published in the Meghalaya Gazette on 25th March, 2008)

An

Act

to make provisions for the Nomination and Election of the Syiem, Deputy Syiem, Lyngdoh, Myntri and Headman of Langrin Syiemship

Preamble: - Whereas under clause (g) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council of an Autonomous District is empowered to make laws with respect to the appointment or succession of Chiefs or Headmen.

And whereas it is expedient to make such provisions for the administration and nomination and election of the Syiem, Deputy Syiem, Lyngdoh, Myntri and Headmen of Langrin Syiemship.

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

1. **Short title, Extent and Commencement:** – (1) This Act may be called the Khasi Hills Autonomous District (Nomination and Election of the Syiem, Deputy Syiem and Headmen of Langrin Syiemship) Act, 2007.
(2) It shall extend to the whole of Langrin Syiemship
(3) 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: -
 - (a) **“Adult”** means a person who is not less than eighteen years of age;
 - (b) **“District Council”** means the Khasi Hills Autonomous District Council constituted under the provisions of the Sixth Schedule to the Constitution of India;
 - (c) **“Durbar Hima” or “Durbar Pyllun”** means the General Dorbar of Hima Langrin 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 in every year with prior intimation to the Executive Committee;
 - (d) **“Electors”** means the indigenous Khasi male adults who are the permanent residents of the Hima, both of whose parent are Khasi by birth who are eligible to elect the Syiem of Langrin and includes the Lyngdoh, Myntris and Headmen whose names

have been duly recognized by the Syiem and Dorbar of Hima Langrin and approved by the Executive Committee;

- (e) **“Executive Committee”** means the Executive Committee of the Khasi Hills Autonomous District Council;
- (f) **“Executive Durbar”** or **“Dorbar Syiem”** means the Committee consisting of the Syiem, Deputy Syiem and some Myntri, Lyngdoh, Headman and Elders/representative of the Hima to run its day-to-day administration, as may be appointed by the Syiem or Acting Syiem and approved by the Executive Committee. Such meeting shall be presided over by the Syiem and in his absence by the Syiem-Khynnah.
- (g) **“Headman”** means and includes a Sordar Shnong or Rangbah Shnong of a village who belongs to a Khasi community, duly elected/nominated by the male adults of the village concerned as per the prevailing custom and under the provision of this Act;
- (h) **“Hima”** or **“Elaka”** means the areas under the administrative jurisdiction of Langrin Syiemship;
- (i) **“Lyngdoh”** means the authorized adult male representative of the Lyngdoh Sangriang clan, Lyngdoh Nongdiang clan, Lyngdoh Nongtnger clan, Lyngdoh Kharsaw Myllang clan, Lyngdoh Shiji clan and Lyngdoh Nongphlang clan of Hima Langrin duly elected/nominated by the clan concerned as per the prevailing customs and under the provisions of this Act;
- (j) **“Myntri”** means the authorized adult male representative of the respective Myntri clans of the Hima viz. (i)Thongni Rkew, (ii) Thongni Khadsaw-Kynthei , (iii) Rkew Mawblei, (iv) Langrin Lai Kpoh and (v)Kharsaw Mynnia, duly elected/nominated by the respective clan concerned as per the prevailing custom 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 traditional Chief and the customary administrative Head of Hima Langrin who belongs to the Syiem clan and is duly appointed as per the prevailing customs and under the provisions of this Act;
- (m) **“Syiem-Khynnah”** or the Deputy Syiem means a Khasi male belonging to the Syiem clan of Hima Langrin duly nominated/elected as such by the Syiem and Durbar and approved by the Executive Committee as per the prevailing customs and under the provisions of this Act;
- (n) **“Syiem Clan”** means the Syiemiong clan of Langrin Syiemship who are the descendants from the womb of Ka Roin Syiemiong, Ka Siang Syiemiong and Ka Labon Syiemiong. The genealogical table of the Syiem’s family of Langrin Syiemship is as shown in the Appendix – I of this Act. The Syiemlieh clan of Langrin Syiemship has become extinct since the death of (L) Dolising Syiem;
- (o) **‘Syiem Seng’** means an adult female member of the Syiemiong clan of Langrin Syiemship who has the customary rights to nominate the Syiem with the approval of the Syiem clan.

3. Election for the appointment of the Syiem: -

- (1) When a vacancy occurs in the office of the Syiem of Langrin, the Dorbar Kur Syiemiong clan through the Syiem Seng shall nominate a nominee (s)/ candidate (s) for the post/office of Syiem which shall accordingly be intimated to the Returning Officer in writing.
- (2) The Returning Officer on receipt of the nominee (s) /candidate (s) Syiem from the Dorbar Kur through the Syiem Seng shall summon a meeting of all the approved electors in such a place within the Hima to confirm and affirm/elect the Syiem. Such

meeting of the electors shall be presided by the Officer deputed by the Returning Officer which shall be determined by simple majority of the electors present.

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

4. Appointment of the Syiem: - On the basis of the result referred to in Section 3 of this Act, the Executive Committee shall recommend the appointment of the elected Syiem 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. Dispute regarding the Election: - If within thirty (30) 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 refer the dispute by a petition, to the Tribunal constituted by the Executive Committee for the purpose. The Tribunal shall dispose of the matter accordingly 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.

Provided that the period of six months may be extended on receipt of a written application from the Tribunal for certain reasonable grounds.

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

6. Qualification for the office of the Syiem/Deputy Syiem & Acting Syiem:

(1) A male person shall qualify to be elected as a Syiem if: -

- a) he is a natural descendant of the Syiemiong clan of Langrin Syiemship and bears a good moral character, both of whose parents are indigenous Khasi by birth;
- b) he is a native and resident of Langrin Syiemship and is not less than 25 years of age;
- c) he is not an employee of any Government Department or District Council;
- d) he is not a member of another Elaka;
- e) he has obtained the recommendation of the Syiem's clan through the Syiem Seng;
- f) he is able to read, write and speak the Khasi language; and
- g) he is governed by Khasi matrilineal system of lineage and the Khasi laws/practices of inheritance and succession.

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

7. Term of Office: - There shall be only one Syiem to be elected from the whole of Langrin Syiemship and his term of office shall be for life from the date of his appointment provided that he may be removed from office or suspended by the Executive Committee if:-

- (a) he violates any of the terms and conditions of his appointment;
- or
- (b) he violates any of the laws, regulations, rules and the resolution passed by the Council;
- or
- (c) he refuses to carry out the orders and instruction issued by the Executive Committee;
- or

- (d) he is found to be mentally unfit to carry out his functions;
or
- (e) he is found incapable of carrying on the administration to the satisfaction of the Executive Committee due to ill health, old age or habitual drunkenness;
or
- (f) he violates any customary rights and practices prevailing in the Elaka and duly recognized by the Executive Committee;
or
- (g) he has been convicted of an offences involving moral turpitude;
or
- (h) he is found to have oppressed the people of the Elaka and they have just cause for dissatisfaction with his misrule;
or
- (i) he has lost the confidence of the majority of his electors or of the people of the Elaka;
or
- (j) he is an undischarged insolvent;
or
- (k) he is found to have been conducting himself in a manner derogatory to his office or pre-judicial to the interest of the Elaka or part thereof;
or
- (l) he has been conducting himself in a manner which may undermine the authority of the Executive Committee;
or
- (m) he fails to convene the annual Durbar Hima or Durbar Pyllun.

Provided further that (i) any complaint against the Syiem should first be brought to the knowledge of the Durbar Hima and (ii) the Syiem shall not be removed from office or punished with suspension unless he is given an opportunity of being heard.

Provided also that the requirement of the second proviso shall not apply –

- (i) in the case where the order of removal or suspension is awarded on account of his being convicted of an offence involving moral turpitude;
or
- (ii) in the case of order of suspension pending inquiry.

8.(a). Nomination of the Deputy Syiem:-

(1) When a vacancy occurs in the Office of the Deputy Syiem, it is the duty of the Syiem Clan to produce an eligible person from the Syiem Clan through the Syiem Seng and to forward the name to the Syiem who shall place before the Durbar Hima which shall be convened and presided by the Syiem for the purpose of confirmation.

(2) As soon as the Durbar Hima have given the confirmation, the Syiem and his Durbar shall issue appointment to the Deputy Syiem who shall exercise such powers and functions as may be delegated to him by the Syiem and his Durbar. The Syiem shall submit a report to the Executive Committee for information and record at the earliest and not later than 30 (thirty) days from the date of such appointment order.

8.(b). DISPUTE REGARDING NOMINATION OF THE DEPUTY SYIEM: If any dispute arises regarding the nomination of the Deputy Syiem under sub-section (2) of section 8(a), the dispute shall be referred by the party or parties concerned, by a petition to the Executive committee within a period of thirty days from the date of nomination. The decision of the Executive Committee shall be final. Such petition shall be filed to the Secretary of the Executive Committee, in duplicate accompanied by a fee of Rs. 500.00 (Rupees Five hundred) in cash.

8.(c). NOMINATION OF THE SYIEM SENG:

(1) The Syiem or Acting Syiem, with the approval of the Syiem clan, shall nominate the Syiem Seng from amongst the adult female member of the Syiem clan and such nomination shall be reported by him to the Executive Durbar which shall summon the Durbar Hima for confirmation of the nomination.

(2) The nomination or election of the Syiem Seng shall be reported to the Executive Committee for approval.

(3) The Syiem Seng shall hold office for life provided that she may be removed from office if she is found to be conducting herself in a manner derogatory to the interest of the Syiemship and the Executive Committee.

9. Appointment 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 may by order in writing appoint any adult male belonging to the Syiemiong clan of Langrin Syiemship duly recommended by the Syiem clan through the Syiem Seng to function as an Acting Syiem who shall exercise all the powers and functions of the Syiem.

(2) No Acting Syiem shall be appointed without the recommendation of the Syiem clan through the Syiem Seng.

(3) An Acting Syiem will remain in office until appointment of a new Syiem or until further order of the Executive Committee whichever is earlier.

(4) Where 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 office properties duly recorded in writing between the predecessor and the successor incumbents in the presence of reliable witnesses.

Any deliberate or willful violation of this provision shall be treated to be an act of criminal breach of trust and the incumbent is liable to be proceeded with accordingly. Further, such person shall henceforth not eligible to hold any post/office under this Act.

10. Election and Confirmation of Lyngdoh, Myntri and Headmen: - A Khasi male shall be eligible to be elected as a Lyngdoh, Myntri or Headman if he has attained 25 years of age and bears a good moral character, both of whose parents are Khasi by birth.

(1) Any vacancy in the post of Lyngdoh or Myntri shall be reported to the Syiem and Durbar who shall direct the clan concerned to elect/nominate the Lyngdoh or Myntri as the case may be, under the prevailing customs and shall thereafter confirmed and issue appointment to the person concerned under such terms and conditions as the Executive Dorbar may provide with immediate intimation to the Executive Committee.

Provided that, only the adult residents of the Hima who belong to the respective Lyngdoh or Myntri clan, shall be eligible to take part in the election of the Lyngdoh or Myntri concerned.

(2) The post of Myntri or Lyngdoh is normally elected for life, however, the Durbar Hima may on the advice of the Executive Durbar, removed from Office or suspend any of the Myntri or Lyngdoh if he is found.

(i) to have violated or purposely ignored to follow any laws, rules and regulations of the Syiemship and the resolutions/Orders passed by the Durbar Hima and the District Council under the provision of this Act.

(ii) to be incapable to carry out his function due to ill health, old age or habitual drunkenness.

(iii) to have been convicted of any offence by any Court of Law.

(vi) to have lost the confidence of the majority of the members of the clan concerned.

(3) Any vacancy in the post of Headmen shall be reported to the Syiem who shall summon a meeting of all the male adults of that village on such date and time as may be fixed by him for the election of a new Headman, 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

Headman shall be appointed by the Syiem under such terms and conditions as the Executive Durbar may provide which shall be intimated to the Executive Committee immediately.

(4) A Headman shall hold Office as per the terms and conditions of the appointment order or sanad however, he may be removed from office or suspended by the Executive Durbar if: -

- a) he refuses to carry out the orders and instructions issued by the Executive Durbar;
- or
- b) he violates any of the provisions of this Act or Rules or/and Resolution of the Executive Durbar;
- or
- c) he violates any of the laws, regulations, rules and resolution passed by the District Council;
- or
- d) he has been convicted of an offence involving moral turpitude;
- or
- e) he is found incapable of carrying on his duties and functions due to ill health, old age or habitual drunkenness;
- or
- f) he is found to be mentally unfit to carry out his duties and functions;
- or
- g) he is found to have been conducting himself in a manner derogatory to his office;
- or
- h) he is found to have been conducting himself in a manner which may undermine the authority of the Executive Committee;
- or
- i) he has lost the confidence of the majority of the members of the clan or of the persons eligible to elect him, as the case may be.

5) If any party (ies) is / are aggrieved of any order passed by the Syiem/Acting Syiem and Executive Durbar, regarding any matter connected with the post of Lyngdoh, Myntri or Headman, the aggrieved party (ies) shall within thirty days from the date of such order, refer the dispute by a petition, to the Syiem/Acting Syiem and Executive Durbar on payment of prescribed fee, for decision.

6) An appeal against any order passed by the Syiem/Acting 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 such order is communicated to the party or parties concerned along with a certified copy of such order and a petition fee as may be prescribed by the Executive Committee.

Notwithstanding, anything contained in sub-section (4) above, the Executive Committee may remove or suspend any Headman if in its opinion he is liable for taking action under any clause of sub-section (4) above and the order passed by the Executive Committee in such cases shall be final.

Note: -All pending cases pertaining to the nomination and election of the Syiem, Deputy Syiem, Lyngdoh, Myntri and Headmen of Langrin Syiemship shall be dealt with and disposed of under the provisions of this Act.

11. Power to make Rules: - The Executive Durbar shall have the power to make rules for the day-to-day administration of the Syiemship in accordance with the customary practices and the provisions of this Act including the normal collection of customary toll which have been in practice since time immemorial and such rules shall be submitted to the Executive Committee for approval.

12. Composition of the Durbar Hima: - The Durbar Hima shall be the supreme and final authority of the Hima where the Deputy Syiem, the Lyngdoh, the Myntri, the Headmen and some Elders as may be summoned by the Executive Durbar to be the member. The Syiem shall be the Chairman who shall convene and preside such a Durbar which is the supreme policy decision of the Hima.

13. Taking part in Politics and Election:-

(1) The Syiem, or Acting Syiem or Deputy Syiem, Lyngdoh, Myntri and Headmen shall not be a member or be otherwise associated with any political party or any organization which take part in politics, nor shall they take part in subscribe in aid of or assist in any other manner, any political movement or activity.

(2) If any question arises whether any movement or activity falls within the scope of this Act, the decision of the Executive Committee shall be final.

(1) The Syiem, or Acting Syiem or Deputy Syiem, Lyngdoh, Myntri and Headmen shall not canvass or otherwise interfere or use his influence in connection with or take part in an election to any Legislature, Council or Local authority.

Provided that (i) the Syiem or Acting Syiem or any Headman qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) The Syiem, or Acting Syiem or Deputy Syiem, Lyngdoh, Myntri and Headmen shall not be deemed to have contravened the provisions of this Act by reason only that he assists in the conduct of an election in due performance of a duty imposed on him or under any law for the time being in force;

(iii) The display by the Syiem, or Acting Syiem or Deputy Syiem, Lyngdoh, Myntri and Headmen on any election symbol on his person or vehicle, shall amount to using his influence in connection with an election within the meaning of this sub-section.

14. Demonstrations and Strikes: - The Syiem, or Acting Syiem or Deputy Syiem, Lyngdoh, Myntri and Headmen shall not participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his condition of service.

15. Connection with press, radio, television, etc:- (1) The Syiem, or Acting Syiem or Deputy Syiem, Lyngdoh, Myntri and Headmen shall not except with the previous sanction of the Executive Committee, own wholly or in part, or conduct or participate in the editing or managing of any newspaper or other media.

(2) The Syiem, or Acting Syiem or Deputy Syiem, Lyngdoh, Myntri and Headmen shall not except in accordance with any general or special orders of the Executive Committee or in the performance in good faith of the duties assigned to them communicate directly or indirectly any official documents or information to any other person or to the press to whom they are not authorized to communicate such document or information.

16. Criticism of the Executive Committee:- (1) The Syiem, or Acting Syiem or Deputy Syiem, Lyngdoh, Myntri and Headmen shall not in any manner make radio or television broadcast, or publish any document or make any statement or public utterance, or any communication to the press (i) which has the effect of an adverse criticism of the Central or the State Government or the Executive Committee or (ii) which is likely to embarrass the relation between the Central Government and the District Council or the Central Government and any State Government or the State Government and the District Council.

(2) Subject to the provisions of Sub-Section (1) above, nothing in this section shall apply to any statement made or views expressed to the Executive Committee in confidence by the Syiem, or Acting Syiem or Deputy Syiem in their official capacity or in the due performance of their duties.

17. Protection of action taking in good faith:- No suit, prosecution or other legal proceedings shall lie against any officer or person for executing any order made by the Executive Committee in respect of anything which is in good faith done or intended to be done by the authorized officer or person under this Act or the rules or orders made thereunder.

18. Annulment: - The provisions contained in the United Khasi-Jaintia Hills Autonomous District (Appointment and succession of Chief & Headmen) Act, 1959 as amended, shall on and from the commencement of this Act, no longer be operative as far as Langrin Syiemship is concerned.

STATEMENT OR OBJECT OF THE REASONS :

It is considered expedient to safeguard and preserve the customary practices within Langrin Syiemship in matters relating to the administration and appointment and succession of the Syiem, Deputy Syiem, Lyngdoh, Myntri and Headmen.

Hence this Act.

Certified that the above Act was passed by the Khasi Hills Autonomous District Council on the 29th October, 2007.

M. PYRBOT,
Chairman,
Khasi Hills Autonomous District Council,
Shillong.

No. _____

I assent to this Act.

Dated Shillong,
The 12th March, 2008.

S. S. SIDHU,
GOVERNOR OF MEGHALAYA.

Published in the Gazette of Meghalaya
Extraordinary

No. 53 Shillong, Tuesday March 25, 2008

APPENDIX – I
(Section – 2 (n))

GENEALOGICAL TABLE OF THE SYIEM FAMILY OF LANGRIN SYIEMSHIP

