



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 28

Shillong, Thursday, February 17, 2011,

28th Magha,

1932 (S.E)

PART IV

**GOVERNMENT OF MEGHALAYA
DISTRICT COUNCIL AFFAIRS DEPARTMENT
ORDERS BY THE GOVERNOR**

NOTIFICATION

The 9th November, 2010.

No.DC/L/VII/9/2010/3/1869 : 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, LYNGDOH AND SORDAR OF RAMBRAI SYIEMSHIP) ACT, 2010.

(Passed by the Khasi Hills Autonomous District Council on the 2nd November, 2010)

(Received the assent of the Governor on 11th February, 2011)

(Published in the Gazette of Meghalaya Extraordinary issued on dated 7th February, 2011)

AN

ACT

to make provisions for the Nomination and Election of the Syiem, Deputy Syiem, Lyngdoh and Sordar of Rambrai Syiemship.

Preamble: - Whereas under paragraph 3(1) (g) 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 Headman.

And whereas it is expedient to make such provisions for the administration and nomination / election of the Syiem, Deputy Syiem, Lyngdoh and Sordar of Rambrai Syiemship.

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 enacted in the Sixty First 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, Lyngdoh and Sordar of Rambrai Syiemship) Act, 2010.”

(2) It shall extend to the whole of Rambrai 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 provision of the Sixth Schedule to the Constitution of India.
- (c) “**Durbar Hima**” means the General Dorbar or **Durbar Pyllun** of Hima Rambrai 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) “Durbar Kur Pyllun” means the customary general Durbar of the Syiem clan of Rambrai Syiemship which comprises of the adult males and females belonging to the Khasi community which has the customary right to nominate the Syiem, Deputy Syiem and the Acting Syiem when vacancy occurs.
- (e) “Electors” means the indigenous Khasi male adults of the Hima who as per customs holds office as a Lyngdoh or a Sordar duly appointed and recognised by the Syiem and his Durbar and approved by the Executive Committee who is eligible to elect the Syiem of Hima Rambrai under the prevailing custom as well as the provision of this Act.
- (f) “Executive Committee” means the Executive Committee of the Khasi Hills Autonomous District Council.
- (g) “Executive Durbar” or “Durbar Syiem” means the committee consisting of the Syiem, Deputy Syiem, Lyngdoh and some Myntris and Elders/ Representative of the Hima, as may be nominated by the Syiem 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 Syiem- Khynnah or by any member elected by the members present in the meeting in case both are absent.
- (h) “Hima” means the areas under the administrative jurisdiction of Rambrai Syiemship.
- (i) “Lyngdoh” means the authorized adult male representative of the Lyngdoh Marngar clan, Lyngdoh Mawdoh clan, Lyngdoh Shianglong clan and Lyngdoh Mawlieh clan of Hima Rambrai duly elected/nominated by the respective Lyngdoh clan as per the prevailing customs and under the provisions of this Act.
- (j) “Myntri” means the official known as Myntri of Rambrai Syiemship as may be nominated by the Syiem and his Durbar from among the Khasi natives who has been born and brought up within Rambrai Syiemship and both of whose parents are indigenous Khasi by birth.
- (k) “Returning Officer” means any Officer as may be appointed by the Executive Committee.
- (l) “Sordar” means a Khasi traditional elected head of a village and includes a Headman or Rangbah Shnong of a village duly elected/ nominated by the adult males of the village concerned under the administrative control and territorial jurisdiction of Rambrai Syiemship as per the prevailing custom and under the provision of this Act.
- (m) “Syiem” means the traditional Chief and the customary administrative Head of Hima Rambrai who is a Khasi male adult belonging to the Syiem Sad clan of the Hima Rambrai and is duly appointed as per the prevailing customs and under the provision of this Act. The names of the Syiem of Rambrai Syiemship are shown in the Appendix-I.
- (n) “Syiem-Khynnah” or the Deputy Syiem means a Khasi male belonging to the syiem sad clan of Hima Rambrai duly nominated/elected as such by the Syiem and his Executive Durbar and approved by the Executive Committee as per the prevailing customs and under the provisions of this Act.
- (o) “Syiem Clan” means the Syiem sad clan of Rambrai Syiemship who are the descendents from the womb of ka Mahkaiang Syiem sad of Rambrai Syiemship.

3. Nomination/Election for the appointment of the Syiem: -

(1) When a vacancy occurs in the office of the Syiem of Rambrai, the Durbar Kur of Syiem Sad clan shall nominate a nominee/candidate for the office of Syiem which shall accordingly be intimated to the Returning Officer in writing.

(2) (a) The Returning Officer on receipt of the nominee/candidate Syiem from the Durbar Kur Pyllun of the Syiem clan, shall summon a meeting of all the approved Electors in such a place within the Hima to confirm and affirm/elect the Syiem to be determined by a simple majority of the Electors present in such meeting which shall be presided over by the Presiding Officer deputed by the Returning Officer.

(b) In case the Durbar kur Pyllun of the Syiem Sad clan recommend or nominate only one eligible candidate belonging to the Syiem clan, there will be no election and the electors of the Syiemship shall have to confirm and affirm the candidate recommended by the Syiem clan as per the prevailing customary practices.

(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 proceeding to the Executive Committee which shall decide and direct the Returning Officer accordingly.

(4) If the Syiem clan are not unanimous in their nomination or recommendation of a nominee/candidate for the post of the Syiem as required under sub-section (1) above, the election shall be determined by a simple majority of the electors present whose names have been duly recognize by the Syiem and his Executive Durbar and approved by the Executive committee.

(5) (a) For the purpose of sub-section (4) above, the Returning Officer shall call for the filling of Nomination Paper from eligible persons of the Syiem clan of Hima Rambrai whose names have been duly recommended by Durbar Kur Pyllun of the Syiem clan. The Returning Officer shall cause the Electoral Roll to be prepared of all eligible electors and scrutiny of candidates, hold election, declare the result thereof and or do things necessary for the purpose of the election. The Returning Officer, may in case of doubt or uncertainty refer the matter to the Executive Committee, which shall decide and direct the Returning Officer accordingly.

(b) The Returning Officer, on receipt of the names of the electors, shall by a public notification of not less than 30 (thirty) days, notify their names, call for claim and objection etc, if any, and shall finalized the names of the electors. In case of any objection against the names of any elector, the Returning officer shall conduct a hearing of parties involved and shall finally dispose of the matter after affording an opportunity of being heard and accordingly finalized the list of the electors. The decision of the Executive committee in approving the names of electors shall be final and binding.

(c) If more than one nominee/candidate are nominated or recommended by the Syiem clan, the confirmation and affirmation/election of the Syiem shall be determined by a simple majority of the electors present and the successful nominee/candidate shall be declared elected and his name shall be recommended for issuing of Appointment Order or Sanad.

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 for approval, who shall thereafter be issued with appointment order / Sanad 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 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 Council for the purpose and 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 and submit its reports and findings to the Executive Committee for final decision.

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

Such petition shall be filed before 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 and Acting Syiem:

A male person shall qualify to be elected as a Syiem if he:

- (a) is a natural descendant of the Syiem Sad clan of Rambrai Syiemship and of good moral character, both of whose parents are indigenous Khasi by birth;
- (b) is a native and resident of Rambrai Syiemship and is not less than 25 years of age ;
- (c) he observes and is governed by Khasi matrilineal System of lineage, the Khasi laws of inheritance and succession and the Khasi Laws of consanguinity and kinship;
- (d) is not an employee of any Government Department or District Council;
- (e) is not a member of another Hima or Elaka;
- (f) has obtained prior recommendation from the Durbar Kur Pyllun of the Syiem clan.

7. Term of Office: - There shall be only one Syiem to be elected from the whole of Rambrai 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 Hima 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 Hima and they have just cause for dissatisfaction with his mis-rule;
or
- (i) he has lost the confidence of the majority of his electors or of the people of the Hima;
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 prejudicial to the interest of the Hima or part thereof;
or
- (l) he has been conducting himself in a manner which may undermine the authority of the Executive Committee or the District Council;
or
- (m) he fails to convene the annual Durbar Hima or Durbar Pyllun.

Provided that the Syiem shall not be removed from office or punished with suspension unless he is given an opportunity of being heard.

Provided further that the above proviso shall not apply –

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

8. 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 nominate an eligible person belonging to the Syiem Clan through the Durbar Kur Pyllun which shall forward the name to the Syiem for placing before the Executive Durbar or Durbar Syiem to be convened and presided by the Syiem before submission to the Executive Committee for approval.
- (2) After approval of the Executive Committee, the Syiem and his Durbar shall issue appointment order/Sanad to the Deputy Syiem who shall exercise such powers and functions as may be delegated to him by the Syiem and his Durbar with a report to the Executive Committee.
- (3) 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 above, the dispute shall be referred by the party or parties concerned, through a petition to the Executive Committee within a period of 30 days from the date of nomination. The decision of the Executive Committee shall be final. Such petition shall be filed before the Secretary to the Executive Committee, in duplicate accompanied by a fee which is non-refundable, as may be prescribed by 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 Syiem Sad clan of Rambrai Syiemship duly recommended by the Syiem clan through the Durbar Syiem to function as an Acting Syiem who shall exercise all powers and functions of the Syiem.
- (2) Appointment of Acting Syiem shall be appointed with written decision and recommendation from the Syiem clan.
- (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) Wherever 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 incumbent in the presence of 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.

10. Election and Confirmation of Lyngdoh and Sordars: - An adult male person who bears a good moral character shall be eligible to be elected as a Lyngdoh or Sordar if he has completed 25 years of age and both of whose parents are Khasi by birth.

- (1) Any vacancy in the post of a Lyngdoh shall be reported to the Syiem and his Executive Durbar, who shall direct the Lyngdoh clan concerned to elect/nominate the Lyngdoh under the prevailing customs. The meeting for nomination/election of the Lyngdoh shall be presided over by an Officer deputed by the Syiem and on the basis of the result of such nomination/ election, the Lyngdoh shall be appointed by the Syiem/Acting Syiem under such terms and conditions as the Executive Durbar may provide with immediate intimation to the Executive Committee.

A Lyngdoh is normally elected for life, however the Durbar Hima may on the advice of the Executive Durbar, remove from office or suspend any of the Lyngdoh if:-

- i) He violates or intentionally ignores 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) He is incapable to carry out his function due to ill health, old age or habitual drunkenness;
 - iii) he has been convicted of any offence by any Court of Law;
 - iv) he has lost the confidence of the majority of the members of the Lyngdoh clan concerned.
- (2) There are three Myntri in Rambrai Syiemship who are nominated by the Syiem and his Durbar from among the native Khasi male adult of the Hima both of whose parents are indigenous Khasi by birth. The appointed Myntri of the Syiemship shall remain in office during the pleasure of the Syiem and his Dorbar.
- (3) Any vacancy in the post of Sordar shall be reported to the Syiem and his Executive Durbar, who shall summon a meeting of all the recognized male adults of that village on such date and time as may be fixed by the Executive Dorbar for election of a new Sordar 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, a Sordar shall be appointed by the Syiem under such terms and conditions as the Executive Dorbar may provide which shall immediately be intimated to the Executive Committee.
- (4) A Sordar Shnong shall hold office as long as he enjoys the confidence of the majority residents of the village concerned but he may be removed from the Office or suspended by the Executive Dorbar if :
- (a) He refuses to carry out the orders and instructions issued by the Executive Dorbar;
Or
 - (b) He violates any of the Provisions of this Acts or Rules or /and Resolution of the Executive Durbar;
Or
 - (c) He violates any of the laws, regulations, rules and resolutions 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 the District Council;
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) An appeal against any order passed by the Syiem and his Dorbar shall lie to the Executive Committee whose decision shall be final. Such appeal shall be filed within thirty days from the date of the order is communicated or known to the party or parties concerned accompanied by a petition fee as may be prescribed by the Executive Committee.

11. Power to make Rules: - The Executive Dorbar shall have the power to make rules for the day-to-day administration of the Syiemship including administration of land as well as revenue administration in accordance with the prevailing customary practices since time immemorial and the provisions of this Act and such rules shall be placed before the Dorbar Hima before submission

to the Executive Committee for approval. Any provision of this Act or the Rules framed there under shall be amended on a decision and a written resolution of the Dorbar Hima.

12. Composition of the Durbar Hima:- The Durbar Hima shall be the supreme and final authority of Rambrai Syiemship where the Deputy Syiem, the Lyngdoh, the Sordar Shnong, the Myntri and some Elders as may be invited by the Executive Dorbar. The Syiem or Acting Syiem as the case may be shall be the Chairman and the one who convenes and presides such a Dorbar 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 shall not be a member of or be otherwise associated with any political party or any organization which takes 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.
- (3) The Syiem or Acting Syiem or Deputy Syiem shall not canvas or otherwise interfere or use his influence in connection with or take part in an election to any Legislature, District Council or Local authority.

Provided that:

- (i) The Syiem or Acting Syiem or Deputy Syiem 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 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; and
- (iii) The display by a Syiem or Acting Syiem or Deputy Syiem of 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 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 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 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 shall not in any manner make radio or television broadcast, or publish any document or make any statement or public utterances, 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 , the State Government and the District Council or the Central Government and any State Government.
- (2) Subject to the provisions of Sub-Section (1) above, nothing in this section shall apply to any statements made or views expressed to the Executive Committee in confidence by the

Syiem, or Acting Syiem or Deputy Syiem in his official capacity or in the due performance of his 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 or in respect of anything which is in good faith done or intended to be done by any authorized officer or person under this Act or the rules or orders made there under.

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

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

STATEMENT OF OBJECTS AND REASONS:

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

Hence this Act.

Certified that the above Act was passed by the Khasi Hills Autonomous District Council on the 2nd November, 2010.

FABIAN LYNGDOH
Chairman,
Khasi Hills Autonomous District Council
Shillong.

No. _____

I assent to this Act.

Dated Shillong
The 11th February, 2011

R.S.MOOSHAHARY
Government of Meghalaya

APPENDIX-I

NAMES OF THE SYIEMS OF RAMBRAI SYIEMSHIP SINCE ITS INCEPTION TILL ENACTMENT OF THIS ACT.

1. U Ron Syiem, son of Ka Mahkaiang Syiemsad.
2. U Jibor Syiem, son of Ka Mahkaiang Syiemsad.
3. U Duwan Singh Syiem, son of Ka Riangmah Syiemsad.
4. U Amur Syiem, son of Ka Riangmah Syiemsad.
5. U Rai Singh Syiem, son of Ka Phanriang Syiemsad.
6. U Sngi Syiem, son of Ka Phanriang Syiemsad.
7. U Duba Singh Syiem, son of Ka Ieriang Syiemsad.
8. U Rabon Syiem, son of Ka Phanriang Syiemsad.
9. U Harishon Singh Syiem, son of Ka Ieriang Syiemsad.
10. U Shondro Syiem, son of Ka Stang Syiemsad.
11. U Ijon Syiem, son of Ka Liarie Syiemsad.
12. U Misingh Syiem, son of Ka Stang Syiemsad.
13. U Jo Singh Syiem, son of Ka Buh Syiemsad.
14. U Herson Singh Syiem, son of Ka Hor Syiemsad.
15. U Helikshon Syiem, son of Ka Sahon Syiemsad.
16. U Orderwel Syiem, son of Ka Peltina Syiemsad.

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