

NOTIFICATION

Dated Shillong, the 2nd March, 2006

NO.DC/L/VII/1/2006/543 – 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 (CONSTITUTION AND ADMINISTRATION OF COMMUNITY DEVELOPMENT ORGANISATIONS) BILL, 2006

(Passed by the Khasi Hills Autonomous District Council on the 28th February, 2006)

(Received the assent of the Governor on _____)

(Published in the Meghalaya Gazette on _____)

A

BILL

to provide for the Constitution and Administration of Community Development Organisations in Khasi Hills Autonomous District.

Now, therefore, in exercise of the powers envisaged under paragraph 3(1) (e) and (f) of the Sixth Schedule to the Constitution of India, it is hereby enacted by the Khasi Hills Autonomous District Council in the Fifty Seventh Year of the Republic of India as follows:-

Chapter I

1. Short Title, Extent and Commencement: -

- (1) This Act may be called the Khasi Hills Autonomous District (Constitution and Administration of Community Development Organisations) Act, 2006.
- (2) It extends to the whole of the Khasi Hills Autonomous District.
- (3) It shall come into force with effect from the date of its publication in the Official Gazette of Meghalaya.

2. Definitions: In this Act, unless the context otherwise requires or there is anything repugnant in the subject –

- (1) “Autonomous District” means the Khasi Hills Autonomous District as defined under subparagraph (1) of paragraph 1 of the Sixth Schedule to the Constitution of India;
- (2) “Chief” means a Syiem, a Lyngdoh, a Sirdar or a Wahadadar as the case may be, of any Elaka/Hima and includes an Acting Chief as duly appointed by the District Council as per law for the time being in force;
- (3) “Circle Development Committee” means a Circle Development Committee notified under this Act;
- (4) “Community Resource Management Group” means a Community Resource Management Group established under this Act;
- (5) “Deputy Commissioner” means the Deputy Commissioner in respect to a district;
- (6) “District” means and includes any of the three districts, namely, East Khasi Hills, West Khasi Hills and Ri Bhoi District;

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- (7) “District Council” means the Khasi Hills Autonomous District Council;
- (8) “District Fund” means the District Fund of the Khasi Hills Autonomous District constituted under paragraph 7 of the Sixth Schedule to the Constitution of India;
- (9) “District Supervisory and Co-ordination Board” means a District Supervisory and Co-ordination Board in respect of a District under this Act;
- (10) “Elaka” or “Hima” means any administrative unit in the Autonomous District as specified under the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959 as amended;
- (11) “Executive Body” means the Executive Body of the Community Resource Management Group as applicable under this Act;
- (12) “Executive Committee” means the Executive Committee of the Khasi Hills Autonomous District Council and the terms “Executive Member” and “Secretary to the Executive Committee” shall be construed accordingly;
- (13) “Financial Year” means the year commencing on the 1st day of April of each calendar year and ending on the 31st day of March of the next succeeding year;
- (14) “General Body” means the General Body of the Community Resource Management Group as applicable under this Act;
- (15) “Headman” for the purpose of this Act means and includes a Rangbah Shnong, a Sordar Shnong or a Myntri Shnong or a Matabor Shnong as the case may be, as duly appointed under the law for the time being enforced;
- (16) “Household” means a group of persons consisting of parents, children and grandchildren living in one family as a unit;
- (17) “Returning Officer” means a Returning Officer nominated/appointed by the Executive Committee under the provision of this Act.
- (18) “Rules” means the Rules made under the provisions of this Act;
- (19) “Village” means a village duly recognised and approved by the Executive Committee under the law for the time being enforced.

Chapter II

3. Fund Allocation:- (1) On and from the commencement of this Act, the Executive Committee, within the limit of its economic capability and subject to the availability of funds shall earmark a portion of its annual budget for the purpose of supporting the implementation of schemes and projects approved under this Act. All grants, funds and other financial assistance received from the Central Government, State Government and/ or any other agency for the purpose of socio-economic development and poverty alleviation shall be spent only in accordance with and to achieve the purpose of this Act.

(2) All funds, grants and other forms of monetary or financial assistance received from any source for the purpose of achieving the objects of this Act shall be treated to be part of the District Fund and be subjected to audit as per provisions of paragraph 7 of the Sixth Schedule to the Constitution of India.

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Chapter III

4. Constitution, Composition and Duties of Community Resource Management Group (CoRMG):- (1) The Executive Committee, shall by notification constitute a Community Resource Management Group in each village comprising of 60(sixty) households or more that shall function in accordance with the provisions of this Act for all development and income generating activities of the village.

A village comprising less than 60(sixty) households may be combined with adjoining and nearby villages to constitute a Community Resource Management Group or be a part of an existing Community Resource Management Group.

(i) Provided that two-thirds majority of the total number of households of the village are willing and support to constitute a Community Resource Management Group in that village. However, no village or household shall be a member of more than one Community Resource Management Group.

(ii) Provided further that the Executive Committee may in certain exceptional cases constitute a Community Resource Management Group for village(s) having less than 60(sixty) households if such village(s) fulfill proviso (i) above.

(2) Each Community Resource Management Group shall have two Bodies to be known as the General Body and the Executive Body respectively which shall be constituted for a term of three years from the date of such constitution by the Executive Committee unless they are dissolved earlier.

(3) Each Community Resource Management Group shall be a body corporate by its name having perpetual succession and common seal with the power to hold such property, asset(s) and capital as may be permitted by the Executive Committee and may sue and be sued in its name. It shall be competent to enter into contracts and doing all such things which are necessary, proper and expedient for the purpose for which it is constituted.

(4) Composition and Duties of Community Resource Management Group, General Body:- (a) The Community Resource Management Group, General Body shall be represented by at least one adult male and one adult female member from each and every household of the village. In no case however, shall the representation of a female member be substituted or replaced by a male member or vice versa, either of the same household or any other household.

(b) The General Body so constituted shall elect from among the members, 4 (four) persons one of which shall be a woman, to be its Chairman, Vice- Chairman, Secretary and Assistant Secretary for a tenure of 3 (three) years from the date of election, unless such person resigns, dies or is removed earlier.

(c) The General Body shall be the policy making body of a Community Resource Management Group which shall meet at least once every three months to plan, formulate and monitor various Developmental Schemes/Projects specially income generating activities to be implemented by the Executive Body. It shall identify resources and assets available to the Community that are relevant towards the socio-economic development of the community. It shall plan and formulate as to how these resources can be applied for the Short and Long term socio economic development of the Community. It will also encourage Community Participation in the preparation of Annual Plan(s), Five Year Plan(s) as well as a Perspective Plan(s) for the whole Community with special attention to Land, Water and Forest resources of the Community. It shall evaluate and debate on the various developmental schemes, income generating activities and interventions undertaken by the Executive Body.

(d) The meeting of a General Body shall be presided over by the Chairman and in his absence by the Vice Chairman. The minutes of the proceedings shall be recorded by the Secretary and in his absence by the Assistant Secretary which shall be ratified by the General Body in each successive meeting. It shall be mandatory for the Secretary and in his absence, the Assistant Secretary to present at every meeting of the General Body the recorded proceedings of the last meeting together with the up-to-date statement of income and expenditure.

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(e) The quorum to constitute a meeting of the General Body shall be one-half of its total number of members with at least one-third of the members so present are women. If however, at any time fixed for the meeting a quorum is not attained, the presiding authority shall wait for thirty minutes, and even if after that period there is still no quorum, the meeting shall be adjourned to the following day or to a future date as may be fixed but not beyond seven days from the date of such adjournment where such adjourned meeting shall require no quorum.

(f) No person shall however be eligible to be elected or become a member of the Community Resource Management Group if he or she:

(i) has been convicted of any criminal offence or ordered to give security for good behavior under Section 110 of the Code of Criminal Procedure, 1973;

or

(ii) has been dismissed from Government service for commission of an act involving moral turpitude or financial irregularity;

or

(iii) is a discharged insolvent.

(g) Every Chairman or Vice-Chairman or Secretary or Assistant Secretary of the General Body shall be deemed to have vacated his/her respective office forthwith when a resolution expressing want of confidence against him/her is passed by a majority of two-third of the total number of members of the General Body. Any such meeting to decide upon any such resolution shall be convened on requisition by not less than half of the total number of members of the General Body, by the Supervisor.

In case the Supervisor does not convene a meeting within 30 (thirty) days from the date of receipt of any such requisition, the District Supervisor and Co-ordination Officer shall take all effective steps to hold the meeting within 15 (fifteen) days of his/her receipt of any information regarding non-convening of the meeting by the Circle Supervisor.

(5) Composition and Duties of Community Resource Management Group, Executive Body:- The Community Resource Management Group, Executive Body shall consist of the President, Secretary, Treasurer and six other members to be directly elected by the General Body for a term of three years unless such person dies, resigns or is removed earlier. However, one-third of such members including the Treasurer shall be women:-

(a) The Headman of the village shall be its Ex -Officio member.

(b) The funds of the Community Resource Management Group shall be kept in the nearest Nationalized or Rural Bank in the name of the said Community Resource Management Group and this account shall be operated jointly by its President, Secretary, Treasurer and the Supervisor in-charge.

(c) The Secretary of the Executive Body shall be the custodian of its common seal, assets, all records and accounts. He shall maintain the accounts and record the proceedings of all the Executive Body meetings and the actions taken on each resolution as well as prepare the income and expenditure statement, details of Bank Account and cash in hand if any of the Community Resource Management Group.

The proceedings of the Executive Body meetings and its resolutions shall be truthfully deduced to writing by the Secretary who shall present the proceedings of each meeting in the subsequent meeting of the Executive Body for ratification and confirmation. The resolutions and proceedings of each meeting of the Executive Body shall be signed by all the members of the Executive Body present in such meeting.

(d) The Executive Body shall at the beginning of the financial year prepare and present the Annual Work Plan and Budget to the General Body for its consideration and approval. Thereafter the Secretary of the Executive Body shall under the signature of the Chairman of the General Body and the President of the Executive Body, forward the same to the District Supervisory and Co-ordination Board concerned for its final approval and sanction. The Annual Work Plan and Budget as approved by the authorities under this Act shall be implemented by the Executive Body.

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(e) Every President or Treasurer or any other member (s) of the Executive Body shall be deemed to have vacated his/her/their office forthwith when a resolution expressing want of confidence in him/her/them is passed by a majority of two-third of the total members of the General Body Meeting to decide upon any such resolution shall be convened on requisition by not less than half of the total number of members of the General body, by the Supervisor. In case the Supervisor does not convene a meeting within 30 (thirty) days from the date of receipt of any such requisition, the District Supervisor and Co-ordination Officer shall take all effective steps to hold the meeting within 15 (fifteen) days of his receipt of any information regarding non-convening of the meeting by the Supervisor.

Provided that when a no-confidence motion is lost, no such motion shall be allowed within the next 6 (six) months.

5. Establishment, Constitution and Duties of Circle Development Committee:-

(1) For effective management and to make the provisions of this Act compatible and harmonious with customary and traditional administrative systems prevailing in the Autonomous District, the Executive Committee, may by a notification, constitute in each Elaka/ Hima, a Circle Development Committee comprising of more than one Community Resource Management Groups as deem necessary.

In case of large Elaka/Hima and for the sake of administrative convenience and managerial expediency, the Executive Committee, may in such cases constitute within such Elaka/Hima more than one Circle Development Committee.

(2) Each Circle Development Committee shall be constituted for a term of three years and shall comprise of the following members:-

(a) The Chief of the Elaka/Hima under which the Circle Development Committee falls;

(b) The Syiem Raid, Sordar Raid, Lyngdoh Raid and Headmen under which the Circle Development Committee falls;

(c) The Presidents and Secretaries of all the constituent Executive Bodies;

(d) The Secretary who shall be directly elected from amongst its members for three years unless he/she dies, resigns or is removed earlier.

(3) The Chief of the Elaka shall be a Chairman of not more than two Circle Development Committees but he can be a member of any other Circle Development Committee within his Elaka/Hima. For the Elaka/Hima having more than two Circle Development Committees, the Chairman of such other Circle Development Committees shall be the Syiem Raid or Sordar Raid or Lyngdoh Raid or any other person to be elected by the Circle Development Committee from among its members under which the Circle Development Committee falls.

(4) The meetings of the Circle Development Committees shall be presided over by the Chief of the Elaka and in his absence by the Deputy Chief or any other person duly authorised by the Chief or the Syiem Raid or Lyngdoh Raid or Sordar Raid of the area falling under the Circle as the case may be or by the Chairman duly elected as per provision (3) above.

(5) The Circle Development Committee shall meet at least twice a year to identify schemes/projects of mutual interest and benefit to its constituent Community Resource Management Groups and submit the same through its Secretary to the District Supervisory and Co-ordination Board concerned at the beginning of the financial year under the signatures of the members present in the meeting.

Such schemes/projects duly approved by the authorities under this Act shall be implemented by the District Supervisory and Co-ordination Board.

(6) The quorum to constitute a meeting of the Circle Development Committee shall be two-third of the total number of members of the Circle Development Committee.

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(7) The Secretary of the Circle Development Committee shall be the custodian of its common seal, assets, all records and accounts. He shall maintain the accounts and record the proceedings of all meetings of the Circle Development Committees and the action on each resolution as well as prepare the income and expenditure statement, details of Bank Account and cash in hand, if any.

(8) The funds of the Circle Development Committee shall be kept in its name in the nearest Nationalised or Rural Bank and the account thereof shall be jointly operated by its Chairman and Secretary.

6. Constitution, Composition and Duties of District Supervisory and Co-ordination Board:- (1) For each District, the Executive Committee, shall constitute and notify a District Supervisory and Co-ordination Board with the following members who shall hold office for a term of three years:-

(a) The District Supervisor and Co-ordination Officer of the District to be appointed by the Executive Committee as its Member Convener;

(b) All the Members of the District Council elected from the various District Council Constituencies falling within the District as stipulated under Appendix-II of the Assam and Meghalaya Autonomous Districts (Constitution of District Council) Rules, 1951, as applicable to the District Council;

(c) All the Chiefs whose Elakas/ Himas fall under the District;

(d) Any other member(s) who may be co-opted by the Executive Committee as expert(s) as may be deemed necessary.

(2) The Executive Committee shall appoint any Member of District Council to be the Chairman of the District Supervisory and Co-ordination Board.

(3) The Deputy Commissioner of the District or his nominee shall be the Permanent Invitee in each of the meeting of the District Supervisory and Co-ordination Board

(4) The District Supervisory and Coordinating Board shall meet at least thrice a year, each of the meetings be held not later than five months of the preceding meeting. The records and proceedings of the District Supervisory and Co-ordination Board shall be maintained by the District Supervisor and Co-ordination Officer and the minutes of the proceedings of each meeting shall be ratified in the succeeding meeting of the Board.

(5) The District Supervisory and Co-ordination Board shall perform all functions entrusted to it by the Executive Committee in addition to the following general duties :-

(a) Preparation of Annual Work Plan and Budget in respect of the schemes/projects entrusted to it by virtue of this Act and submission thereof to the Executive Committee for approval and to support and fund the implementation of the approved schemes of the Community Resource Management Groups and Circle Development Committees.

(b) Consideration and Consolidation of the Annual Plans submitted by the Community Resource Management Groups and Circle Development Committees under this Act and submission of the consolidated Annual Plans to the Executive Committee.

(c) Identify and formulate schemes/projects in the spheres of public health, irrigation, water harvesting and management of agriculture, horticulture and other use in rural sector; study, research, management and establishment of markets and marketing avenues for products that contribute to the revenue and income of the communities; improved scientific methods of agriculture, horticulture and animal husbandry; establishment of centres for quality primary education and adult education; establishment of dispensaries; construction of roads and other forms of connectivity in rural sector; providing ferry service and communication in water ways as well as such other subjects as may be entrusted to it by the Executive Committee and admission of such schemes to the Executive Committee for its consideration within such time limit as may be prescribed.

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(d) Call for status and progress reports, aside from the annual and periodic reports expected from all Community Resource Management Groups and Circle Development Committees within its jurisdiction.

(e) To implement socio-economic Development Schemes, income generating activities and poverty alleviation programmes as may be entrusted by the Executive Committee.

(f) To generally guide, advise and monitor the schemes/projects and activities implemented by the Community Resource Management Groups and Circle Development Committees and supervise them as provided for under this Act.

CHAPTER IV

7. Appointment of District Supervisor and Co-ordination Officer and other Officers and staff: - (1) The Executive Committee shall appoint an officer not below the rank of its Deputy Secretary as the District Supervisor and Co-ordination Officer for each District under its jurisdiction.

(2) The Executive Committee shall also appoint a Planning Officer, a Project Manager/ Project Economist, an Engineer, an Account Officer and such other officers/ experts and staff under the establishment of the District Supervisor and Co-ordination Officer of each district as it may deem fit and necessary.

8. Appointment of Supervisor for Community Resource Management Groups and Circle Development Committees: - The Executive Committee shall appoint a Supervisor for a Community Resource Management Group and a Circle Development Committee and assign such functions as deem necessary for the proper carrying out of the purposes of this Act; mode of recruitment, educational qualifications and other criteria whereof may be prescribed by it at the time of framing appropriate Rules.

Provided that the Executive Committee shall be competent to entrust the duties of Supervisorship of more than one Community Resource Management Group or Circle Development Committee wherever it is expedient to do so.

9. Budget of the District:- (1) The District Supervisory and Co-ordination Board of each District shall prepare for each financial year a Budget of the estimated receipt and expenditure for each financial year for the District and submit to the Executive Committee within such time and manner as may be prescribed.

(2) The Executive Committee shall either approve the said Budget entirely or with necessary modifications as it may deem fit or return the same to the District Supervisory and Co-ordination Board with suggestions to be resubmitted within such time as may be prescribed therein.

Provided however that a final decision on such budget submitted /resubmitted by the District Supervisory and Co-ordination Board shall be taken by the Executive Committee within a period of one month from the date of such receipt.

(3) The District Supervisor and Co-ordination Officer shall keep and maintain the accounts which shall be audited by the Executive Committee in such manner as may be prescribed.

(4) No District Supervisor and Co-ordination Officer or Community Resource Management Group or Circle Development Committee shall make any payment of any sum unless the expenditure of the same is covered by the approved Budget or Annual Plan as the case may be.

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CHAPTER – V

10. General Power of Control and Superintendence of Officers and Staff:- (1) Every person in charge or in possession of money, account, assets, record or any other property pertaining to the Community Resource Management Groups, Circle Development Committees, District Supervisory and Co-ordination Board and the establishment of the District Supervisor and Co-ordination Officer shall on requisition in writing by the Secretary to the Executive Committee or any other authorized officer, forthwith handover such money, deliver such accounts, records or other property to the Executive Committee or any other authority authorized by it in such requisition.

(2) The Secretary to the Executive Committee or any Officer authorized on his behalf may also take any such step to recover money, assets, record or any other property from the person under whose possession the same is found or suspected to be kept in a manner contrary and in violation to the provisions of this Act.

(3) Every person knowing where any such money, assets, accounts, records or any other property as indicated above is/are concealed shall be bound to give information of the same to the Secretary of the Executive Committee.

(4) The Secretary to the Executive Committee or any other Officer empowered in this behalf shall have general powers of inspection and supervision over the performance of the Community Resource Management Groups, Circle Development Committees and the District Supervisors and Co-ordination Officers and without prejudice to the generality of the foregoing powers may also :-

(a) Enter into and inspect any immovable property, occupation or control of any work in progress under the direction of Community Resource Management Groups, Circle Development Committees and the District Supervisors and Co-ordination Officers.

(b) Call for and inspect any document which may, for the purpose of this Act, be in the possession or control of Community Resource Management Groups, Circle Development Committees and the District Supervisors and Co-ordination Officers.

(c) Require by an order in writing, a Community Resource Management Group, Circle Development Committee and the District Supervisor and Co-ordination Officer to furnish such statements, accounts, assets, reports, proceedings as they think fit.

(d) Give such advice in writing in respect of the administrative works, duties and proceedings as they think necessary and also see that all proceedings of a Community Resource Management Group, Circle Development Committee and the District Supervisory and Co-ordination Board are in conformity with law, rules and other executive instructions which is in existence and whenever considered not to be in conformity with law, may do all such things necessary to secure such conformity.

(e) Institute an enquiry in respect of any matter relating to a Community Resource Management Group, Circle Development Committee, District Supervisory and Co-ordination Board and the District Supervisor and Co-ordination Officer and rectify any act or commission.

(f) Recommend for dissolution or suspension of any Community Resource Management Group, Circle Development Committee, District Supervisory and Co-ordination Board.

(5) Notwithstanding anything contained in this Act or any other law for the time being in force, the general disciplinary authority of all staff and officers appointed under this Act shall be vested with the Executive Committee where it shall be competent to affect transfer to the Officers and staff either within the District or from one District to another.

11. Manner of Election and taking of oath or affirmation: - (1) All elections pertaining to any provision under this Act shall be on party less democratic and direct elections from amongst the members present and voting through secret ballot on the basis of adult franchise.

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(2) The mode, manner and procedure including the superintendence, direction and control of the preparation and the conduct of all elections under this Act shall be vested in the Executive Committee which shall also appoint a Returning Officer for such elections.

(3) Every Community Resource Management Group, Circle Development Committee and District Supervisory and Co-ordination Board which has been constituted under this Act shall unless sooner suspended or dissolved by the Executive Committee, continue for a term of three years from the date of such constitution.

Provided however that no dissolution shall be given effect to without affording a notice and reasonable opportunity of hearing to the affected party.

Provided further that no order of suspension shall continue beyond the period of three months.

(4) Every person who is elected and/or appointed to be a Member or staff of the Community Resource Management Group, Circle Development Committee and District Supervisory and Co-ordination Board shall before taking his seat, make and subscribe before such authority and in such form and manner as may be prescribed by the Rules, an oath or affirmation of his allegiance to the Constitution of India.

12. Settlement of dispute between and amongst Community Resource Management Groups and Circle Development Committees of a District:- If any dispute arises between or amongst two or more Community Resource Management Groups and/or Circle Development Committee of a District, the same shall forthwith be referred to the District Supervisor and Co-ordination Officer for his decision. The Executive Committee shall dispose of any such appeal against such decision or order passed/rendered by the District Supervisor and Co-ordination Officer and its decision shall be final.

13. Settlement of dispute between and amongst Community Resource Management Groups and Circle Development Committees of two or more Districts:- If any dispute arises between or amongst two or more Community Resource Management Groups, Circle Development Committees and/or of different Districts, the same shall be referred to the Executive Member, In-Charge for his decision and order. An appeal shall lie to the Executive Committee in respect of any such decision or order rendered by the Executive Member, In-charge.

14. Vesting of properties etc. of Community Resource Management Groups, Circle Development Committees and District Supervisory and Co-ordination Boards:- In the event of suspension/withdrawal of the provisions of this Act, all the properties, assets, funds and dues, which were vested in and lying with the Community Resource Management Groups, Circle Development Committees and District Supervisory and Co-ordination Boards shall be vested with the Executive Committee.

15. Power to make Rules :- (1) The Executive Committee may make Rules for carrying out all or any of the purposes and objects of this Act.

(2) Any Rule framed under sub-section (1) may be given retrospective effect.

(3) The Executive Committee shall also be competent to issue necessary executive instructions from time to time in consonance with the provisions of this Act to effectively implement the provisions and objects thereof.

16. Removal of difficulties: - If any doubt or difficulty arises in giving effect to any provisions of this Act, the same may be referred to the Executive Committee whose decision shall be final and binding.

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STATEMENT OF OBJECT AND REASONS

Whereas for the enhancement of the socio-economic development by way of scientific planning, execution and proper management of resources as well as implementation of various developmental projects and income generating activities at the grass root level of Society, it is necessary to organize community level resource mobilization and utilization groups with well defined infrastructures and supervisory mechanisms.

Hence this Bill.

Certified that the above Bill was passed by the Khasi Hills Autonomous District Council on the 28th February, 2006.

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

No. _____

I assent to this Bill

Dated Shillong,
The _____

GOVERNOR OF MEGHALAYA.

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