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PART-IIA

GOVERNMENT OF MEGHALAYA DISTRICT COUNCIL AFFAIRS DEPARTMENT

NOTIFICATION

The 7th August, 2024.

No.DC/L/VII/2/97-2024/180/270- In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Amendment Act of the Khasi Hills Autonomous District Council is hereby published for general information:-

THE KHASI HILLS AUTONOMOUS DISTRICT (KHASI SOCIAL CUSTOM OF LINEAGE) (AMENDMENT) ACT, 2023.

(Passed by the Khasi Hills Autonomous District Council on the 22nd December, 2023)

(Received the assent of the Governor on the 3rd October, 2024)

(Published in the Meghalaya Gazette on the 9th October, 2024)

AN

ACT

to amend the Khasi Hills Autonomous District (Khasi Social Custom of Lineage) Act, 1997 hereinafter referred to as the 'Principal Act' in the manner herein appearing.

It is hereby enacted by the Khasi Hills Autonomous District Council in the Seventy-Fourth year of the Republic of India as follows:-

1. Short Title, Extent and Commencement:-

- This Act may be called the Khasi Hills Autonomous District (Khasi Social Custom of Lineage) (Amendment) Act, 2023.
- It shall apply to the whole of Khasi Hills Autonomous District.
- It shall come into force at once.

2. All words and expressions shall have the same meaning as defined in the Principal Act.

3. Amendment of Section 2 of the Principal Act:-

- (i) In the existing clause (p) of Section 2 the word "with the prefix of "Dkhar" or simply "Khar" to it" appearing in between the words "adopting a jait" and "for the person or persons" shall be deleted.
- (ii) In the existing Section 2, the following new clauses shall be added viz.,
 - (q) **"Clan/Kur Certificate"** means a certificate granted/issued by the Rangbah Kur or an authorized person of respective Clan or Kur under the provision of this Act.
 - (r) **"Dorbar Kur"** means a customary meeting of the respective Khasi Kur comprising of both male and female adults belonging to the Kur/Clan concerned,
 - (s) **"Duh Iing"** means a family having no biological female offspring.
 - (t) **"Infant"** means a person below the age of 3 (three) years old.
 - (u) **"Khasi Custom of Lineage"** means a customary practice by which any Khasi person takes his or her clan from the mother and followed the matrilineal system of lineage.
 - (v) **"Kpoh"** means the family members of a common biological mother.
 - (w) **"Kur or Clan"** means living entity of Khasi Clan governed by the Khasi matrilineal system of lineage, customs, traditions and inheritance.
 - (x) **"Rangbah Kur"** means a Khasi clan elder elected/selected/nominated by Dorbar Kur or Seng Kur and approved by the Executive Committee.
 - (y) **"Registrar of Dorbar Kur or Seng Kur"** means such Registrar of Dorbar Kur or Seng Kur as the Executive Committee, shall notify for the purpose of exercising all or any of the powers, duties or functions under this Act and the rules made thereunder for the whole or any part, of the district as may be specified in the notification,
 - (z) **"Ring Bia or Shaw Rhoi"** means the customary practices prevailing among certain indigenous Khasi Clan in Ri-Bhoi District, where in the case of duh iing, the Khasi male member of such family may marry a non Khasi and his offspring may adopt his clan or title with the consent of the kpoh concerned and duly recommended by the Kur and they may be deemed to be a Khasi if they fulfill the conditions of being a Khasi.
 - (aa) **"Sengkur"** means a body or organisation of clan members created for the purpose of maintaining the bond of consanguinity among clan members and any matter relating to clan or Kur welfare.
 - (ab) **"Tribunal"** means a tribunal constituted by the Executive Committee for the purpose of adjudication of appeals and claims by any aggrieved person.

4. Amendment of Section 6 of the Principal Act:-

In Section 6 after (d) add the following-

- (e) In case of a person adopting the jait of the father under the customary practice of "Ring Bia or Shaw Bhoi". by the father or his offspring(s)

5. After Section 12 of the Principal Act, the following Sections shall be inserted:-**13. (1) Registrar of Dorbar Kur or Seng Kur:-**

- (a) The Executive Committee shall appoint an Officer of the Khasi Hills Autonomous District Council not below the rank of Deputy Secretary as the Registrar of Dorbar Kur or Seng Kur.
- (b) The Registrar of Dorbar Kur or Seng Kur shall be an office of record of the various Kur and their members.

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

- (a) Every Dorbar Kur or Seng Kur shall register before the Office of the Registrar as prescribed by Rules framed under this Act.
- (b) The Registrar of Dorbar Kur or Seng Kur shall issue a certificate of recognition to the Dorbar Kur or Seng Kur after following the due procedure prescribed in the Rules.

- (c) the Registrar of Dorbar Kur or Seng Kur shall by public notification notify the recognized Dorbar Kur or Seng Kur.
- (d) The Registrar of Dorbar Kur or Seng Kur shall prepare and cause to be published the list of all the recognized Dorbar Kur or Seng Kur as per the true, actual and correct name of the Dorbar Kur or Seng Kur in the Gazette of Meghalaya.
- (e) The Registrar shall approve the powers of Rangbah Kur and functionaries elected or nominated by the Dorbar Kur or Seng Kur and notified accordingly after every reconstitution.
- (f) Any other related matter.

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

15. Powers and Functions of the Dorbar Kur or Seng Kur:-

- (i) The Dorbar Kur or Seng Kur shall be the final Authority to decide on any issue or matter relating to the Kur Administration as a whole.
- (ii) The Dorbar Kur or Seng Kur shall have the power to frame or make bye laws or Kur Constitution and such bye laws or Kur Constitution shall have the force of law only after the approval of the Registrar General of Seng Kur, which shall include any amendment made from time to time by the Dorbar Kur/Seng Kur.
- (iii) The Dorbar Kur or Seng Kur shall have the Authority to delegate the power to issue Khasi Clan Certificate, which shall be the criteria for granting Khasi Tribe Certificate as per Section 6 of KHAD (Khasi Social Custom of Lineage) Act, 1997.
- (iv) The Dorbar Kur or Seng Kur shall be the Office of record of all the members of the Kur.
- (v) The Dorbar Kur or Seng Kur shall be the final arbiter in case of disputes amongst the members of that particular Kur. It shall arbitrate on matters of -
 - (a) Appeal against the decision of the Rangbah Kur.
 - (b) Any question arising as to the inheritance of property of the Kpoh and questions of disputes of the different Kpoh.
 - (c) Adoption of children by the members of different Kpoh.
 - (d) Tangjait of a non Khasi Woman married to a Khasi Male who is a member of that Kur.
 - (e) Recognizing a Rap iing chosen for a Kpoh that has no female issue.
 - (f) Dispute regarding Ting Kur and Teh Kur.
 - (g) Any other matter relating to the rights and privileges of the Kur or Kpoh Kur
- (vi) The Dorbar Kur or Seng Kur shall have its own fund from donation subscription, fees from any members of the Kur for the fund of the Kur.
- (vii) The Dorbar Kur or Seng Kur shall have the power to receive any fund or financial assistance or any other assistance from the Khasi Hills Autonomous District Council, Government, Chiefs, Headmen, etc.
- (viii) The Dorbar Kur or Seng Kur shall meet at least once a year or as and when required. The Secretary of the Kur shall call for the meeting and the Rangbah Kur shall preside over this meeting.
- (ix) The Dorbar Kur or Seng Kur shall have the right and power to seek for a general report, financial report, audit report and other reports and queries from the Central Body.

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

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

18. **Khasi Clan Certificate:-**

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

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

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

(1) It shall comprise of a Chairman not below the rank of a Magistrate 1st Class of the District Council Courts and three other members. Provided that two such members shall be experts in knowledge of the prevailing Khasi Social Custom and/or law and one other member shall be an Advocate of at least 10 years of practice at Bar respectively.

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

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

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

- (i) Summoning and enforcing the attendance of any person and examination of that person under oath.
- (ii) Requiring the discovery and production of any document and,
- (iii) Any other matter which may be prescribed.

(2) The decision of the Tribunal under this Act shall have the force of a decree of the Civil Court in the Civil aspects of any appeal, decision on Khasi Social Custom of Kur and Reference made to it.

(3) The Tribunal in its sitting shall be the Authority on Khasi Social Custom relating to Khasi Clans according to the prevailing customs and traditional practices. It shall also act as a Court of Reference in these matters.

(4) The Tribunal shall also have powers of revision and review of its own decision.

(5) The Tribunal may also take *Suo Moto* cognizance of any violation of this Act with prior approval of the Executive Committee.

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

- (i) Any person or party aggrieved over the order of the Dorbar Kur or Seng Kur, reserves the right to appeal before the Tribunal within 30 (thirty) days from the date of such order.
The Dorbar Kur or Seng Kur, shall however within 10 (ten) days from the date of such orders passed, provide a copy of such order to the party concerned.
- (ii) The Tribunal may condone and admit an appeal after the expiry of such period of 30 days if it is satisfied that the Appellant was prevented by sufficient cause from filing the appeal in time.
- (iii) An appeal under this Section may be filed by the person aggrieved by such order or by any other person, Chiefs, Headmen and Dorbar Shnong or any Authority, body or association on ground of injury suffered, prejudicial to the Khasi Social Customs.
- (iv) An appeal under this Section shall be made in such form or manner and on payment of such fee(s) as prescribed by the Executive Committee from time to time.
- (v) The order or decision of the Tribunal in appeal under this Section shall be final and binding.

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

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

22. Violation of the provision(s) of this Act:-

Any deliberate or willful violation of any provision of this Act shall be proceeded with accordingly as per law

- 6. Section 13 of the Principal Act shall be re-numbered as Section 23 and subsequent Sections shall be re-numbered accordingly.**

STATEMENT OF OBJECT AND REASONS

Whereas it has become necessary to further strengthen the Khasi Social Customs of Lineage by way of codification of Khasi Customary Laws for effective implementation of the **Khasi Hills Autonomous District (Khasi Social Custom of Lineage) Act, 1997**.

Hence this Amendment ACT

Certified that the above Amendment ACT was passed by the Khasi Hills Autonomous District Council in Session on the 22nd December, 2023.



LAMPHRANG BLAH
Chairman

Khasi Hills Autonomous District Council, Shillong.

No. _____

I assent this Amendment Bill.

Dated Shillong,

The 3rd October, 2024.



C. H. VIJAYASHANKAR

GOVERNOR OF MEGHALAYA