

# **The Khasi Hills Autonomous District (Nomination and Election of the Syiem of Nongkhlaw Elaka) Act, 1994**

MEGHALAYA

India

## **The Khasi Hills Autonomous District (Nomination and Election of the Syiem of Nongkhlaw Elaka) Act, 1994**

### **Rule**

### **THE-KHASI-HILLS-AUTONOMOUS-DISTRICT-NOMINATION-AND-ELECTION-OF 1994**

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The Khasi Hills Autonomous District (Nomination and Election of the Syiem of Nongkhlaw Elaka) Act, 1994 Last Updated 19th February, 2020 Published in Meghalaya Gazette, Extraordinary, Part IV, dated 27.1.1995 pages 9-12. (Passed by the Khasi Hills Autonomous District Council, on the 2nd July, 1994). (Received the assent of the Governor on 25th January, 1995) An Act to make provision for the Nomination and Election of the Syiem of Nongkhlaw Elaka. Preamble. - Whereas it has becoming an imperative need to clearly define the necessary procedure, and manner in which the Nomination and Election of the Syiem of Nongkhlaw, should be conducted so as to avoid any controversy that may arise in connection with the appointment of the Syiem and in exercise of the powers conferred under paragraph 3 (1) (g) of the Sixth Schedule to the Constitution of India. It is hereby enacted by the Khasi Hills Autonomous District Council in the Forty Fifth 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 of Nongkhlaw (Elaka) Act, 1994. (2) It applies to the whole of the Nongkhlaw Elaka. (3) It shall come into force at once. Note. - The pending case of the Nomination and Election of the Syiem of Nongkhlaw shall be dealt with, disposed of under the provisions of this Act.

## 2. Definition.

(1) In this Act, unless the context otherwise requires, the following expression shall have the meaning hereby respectively assigned to them as follows :-(a) "District Council" means the Khasi Hills Autonomous District Council. (b) "Durbar Hima" means an Annual General Durbar of the Elaka to be convened by the Syiem within 30 days from the date that a requisition is made by the Executive Durbar or by not less than 50 Sordars of the Elaka; provided that the Executive Committee, approves the purpose for which the meeting of the Durbar is sought to be requisitioned. (c) "Electors" means the persons eligible to elect the Syiem of Nongkhlaw consisting of the Myntris and Sordars of the Elaka whose names have been duly recognised by the Syiem and his Executing Durbar and approved by the Executive Committee. (d) "Executive Committee" means the Executive Committee of the Khasi Hills Autonomous District Council. (e) "Executive Durbar" means a Committee presided over by the Syiem of the Elaka with the Myntris and certain Sordars as Members; the number of which shall be determined, and the names of which shall be approved by the Executive Committee on the recommendation of the Durbar Hima. The function of this Executive Durbar is to run the day-to-day administration of the Elaka. (f) "Myntris" means the authorised representatives of the Lyngdoh Nongum Clan the Lyngdoh Mawnai Clan, the Lyngdoh Noghri Clan, the Lyngdoh Kynshi Clan, the Basaiawmoit Clan, and any other Clan recognised by the Syiem and his Executive Durbar, and, whose names have been approved by the Executive Committee. (g) "Sordar" means the Headman of a village within the Nongkhlaw Elaka duly elected/nominated by the people of the concerned village who has been recognised by the Syiem and his Executive Durbar and whose name has been approved by the Executive Committee. (h) "Syiem" means male adult belonging Syiem's Clan of Nongkhlaw eligible to become the Syiem and who has been duly nominated unanimously by the Myntris or elected by the majority of the Electors, as the case may be, and whose nomination or election has been approved by the District Council in Session and appointed by the Executive Committee.

**2. Any terms or expressions that may- occur and not defined this Act, shall have the same meaning in which they are used in the United Khasi Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959, as amendment.**

## 3. Nomination and Election of the Syiem.

(1) When the vacancy occurs in the post of the Syiem of Nongkhlaw, the Returning Officer shall call upon the Myntris to nominate an eligible person from the Syiem's Clan by an unanimous decision, and which shall be placed before the Executive Durbar and then to the Durbar Hima for consideration and affirmation. Thereafter, the Executive Durbar shall report to the Returning Officer who shall declare the result thereof. The returning Officer may in case of doubt or uncertainty refer to the Executive Committee who shall decide and direct the Returning Officer accordingly. Provided that the Returning Officer shall declare the result of the nomination if the Executive Durbar and the Durbar Hima fails to consider and affirm within a period of 30 days from the date of the nomination. (2) If the Myntris are not unanimous in their nomination of the Syiem as

required under sub-section (1) above; the Syiem shall be elected by the majority of the Electors whose names have been duly recognised and approved by the Executive Committee.(3)For the purpose of sub-section (2) above; the Returning Officer shall call for the filing of nomination paper from interested and eligible persons of the Syiem's Clan of Nongkhlaw Elaka, prescribe the manner and or do things necessary for the election and declares the result of the election thereof. The Returning Officer may, in case of doubt or uncertainty refer the matter to the Executive Committee who shall decide and direct the Returning Officer accordingly.

#### **4. Appointment of Syiem.**

- On the basis of the result referred to in Section 3, the Executive Committee shall recommend the appointment of the nominated/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.

#### **5. Dispute regarding Nomination/Election.**

- If within 30 days of the declaration of the result by the Returning Officer any dispute arises regarding any matter relating to or connected with the Nomination/Election of the Syiem of Nongkhlaw : the dispute shall be referred by the party or parties concerned, by a petition, to the Tribunal constituted by the Council for the purpose and decision of the Tribunal shall be final. Such petition shall be filed to the Secretary of the Executive Committee in duplicate accompanied by a fee of Rs. 500 (Rupees five hundred) only in cash.

#### **6. Bar to Civil Suits.**

- No suit or legal proceedings shall lie before any Court of Law against any order or action taken or anything done in good faith under any provisions of this Act.