

**United Khasi-Jaintia Hills Autonomous District Council
(Appointment And Succession Of Chiefs And Headmen) Act,
1959**

2 of 1959

[28 October 1959]

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**United Khasi-Jaintia Hills Autonomous District Council
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AN ACT

To make provisions for the appointment and succession of Chiefs and Headmen in the Autonomous District of the United Khasi-

Jaintia Hills.

Preamble- Whereas it is necessary to make provisions in the Autonomous, District of the United-Khasi Jaintia Hills with respect to the appointment and succession of Chiefs and Headmen it is hereby enacted in the Tend year of the Republic of India as follows :-

1. Short title, extent and commencement :-

(1) This Act may be called the United Khasi-Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959.

(2) It extends to the whole of the United Khasi-Jaintia Hills Autonomous District.

(3) It shall come into force at once. The pending appointment of Chiefs and Headmen shall be dealt with, and disposed of, under the provisions of this Act.

2. Definition :-

In this Act, unless the context otherwise requires the following-expression shall have the meaning hereby respectively assigned to them, that is to say-

(a) "Chief" means a Syiem, a lyngdoh, a Dolo, a Sirdar or a Wahadar as the case may be, of any Elaka.

(b) "Custom" with reference to any Elaka means any rule regarding the appointment of a Chief or Headmen for the Elaka which having been continuously and uniformly

(c) "Deputy Chief" means any persons appointed by the Chief and his Durbar with the previous approval of the District Council and includes a customary Syiem observed for a long time, has obtained the force of law in that Elaka. Khynnah.

(d) "District" means the United Khasi - Jaintia Hills Autonomous District.

(e) "District Council" means the District Council of the United Khasi - Jaintia Hills Autonomous District.

(f) "The Chief and his Durbar" means an Executive Durbar preside over by the Chief of the Elaka with certain Headmen 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 of the Chief and all the Headmen of the Elaka. The function of this Durbar is to run the day-to day administration of the Elaka.

(g) "Durbar Pyllun" means a Durbar Hima or a general Durbar of the Elaka to be convened by the Chief within 30 days from the date that a requisition is made by not less than one-third of the members of the durbar as define in clause (f) above, or by not less than 50 adult male residents of the Elaka; provided that the Executive Committee approves the agenda and or purpose for which the meeting of the Durbar is sought to be requisitioned.

(h) "Electoral College" means a body of such persons as have been declared qualified to or as the case may be to elect a Chief under any Act, Regulation or Rules made by the District Council or under such customary practice as may be recognized by the Executive Committee to be prevailing in Elaka concerned.

(i) "Elaka" means any administrative unit in the District specified in Appendix I, II and III or any other administrative unit to be constituted and declared as such by the Executive Committee.

(j) "Executive Committee" means the Executive of the United Khasi- Jaintia Hills District Council.

(k) "Headmen" means a Myntri, a Basan, a Matabor, an Elector, a Pator, a Sirdar Shnong, and Rangbah Shnong.

(l) A Syiem Raid, a Lyngdoh Raid or a Sordar Raid means a Customary Head under a traditional Chief of any Elaka as the case may be, duly appointed and recognized as such under the prevailing custom or under any law in force.

3. Election or Nomination and Appointment of Chief and Headmen :-

Subject to the provisions of this Act and the Rules made thereunder, all elections or nominations and appointment of Chiefs and Headmen shall be in accordance with the existing custom or prevailing in the Elaka concerned and or in accordance with the orders as the Executive Committee may issue from time to time. The Secretary of the Executive Committee or any Officer appointed by the Executive Committee in this behalf shall be the Returning Officer for all nominations or elections under this section.

4. Procedure in the Nomination or Election of Chief :-

(a) When a vacancy occurs the Returning Officer shall cause a meeting of the Electoral College of the Elaka concerned to be held and preside over by the officer deputed by the Returning Officer. The Presiding Officer shall submit the proceedings of the nomination meeting to the Returning who shall declared the result

of the nomination. The Returning Officer may, in cases of doubt or uncertainty, refer the proceeding to the Executive Committee who shall decide and direct the Returning Officer accordingly.

(b) When vacancy occur in an Elaka where there is no Electoral College the Returning Officer shall cause the Electoral Roll to be prepare of all eligible voters call for the nomination of candidates, hold election declare the result thereof and or do things necessary for the purpose of the Election. The Returning Officer may refer cases of doubt or uncertainty to the Executive Committee shall who decide and direct the Returning Officer accordingly.

5. Appointment of Chiefs :-

On the basis of result referred to in Section 4 the Executive Committee shall recommend the appointment of nominated or elected Chief to the next session of the Council and after approval of the Council, shall forthwith issue appointment order under such terms and conditions as the Executive Committee may provide.

5A. Dispute regarding Election :-

If within 30 days of the declaration of the result by the Returning officer under Section 4 any dispute arises regarding any matter relating to or connected with the election or nomination of a Chief, the dispute shall be referred by the party of parties concerned by a petitions, to the Tribunal constituted by the Council for the purpose which shall submit its report and finding at the earliest and not later than six months from the date of receipt of the case records, to the Executive Committee for its decision.

However, the Executive Committee may from time to time extend the aforesaid period of six months at the request of the Tribunal by means of written order. The 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 in cash.

5B. Saving :-

Notwithstanding anything contained in Sections 3, 4, 5, and 5A, any case or cases of dispute taken up by the Executive Committee prior to 9th October, 1971 but lying undisposed of even after that date, shall be disposed of by the Executive Committee. An appeal against the decision of the Executive Committee shall lie to the Tribunal within 30 days from the date the order passed by the

Executive Committee is communicated to the parties to be accompanied by a fee of Rs.250.

6. Removal and Suspension of Chiefs :-

(1) The chief may be removed from office or suspended by the Executive Committee if in its opinion.

(a) he violates any of the terms and conditions of the appointment;
or

(b) he violates any of the laws, regulations, rules and the resolutions passed by the Council;
or

(c) he refuses to carry out the orders and instructions issued by the Executive Committee;
or

or

(d) he is found to be mentally unfit to carry out his functions;
or

or

(e) has been incapable of carrying on the administration to the satisfaction of the Executive Committee due to ill health, old age or habitual drunkenness;
or

or

(f) he violates any customary rights and practices prevailing in the Elaka concerned and duly approved by the Executive Committee;
or

or

(g) he has been convicted of an offences involving moral turpitude;
or

or

(h) has been oppressed the people of the Elaka and they have just cause for dissatisfaction with his misrule;
or

or

(i) he has lost the confidence of the majority of his electors or of the people of the Elaka;
or

or

(j) he is an undischarged insolvent;
or

or

(k) he has been conducting himself in a manner derogatory to his office or pre-judicial to the interest of the Elaka or part thereof)
or

or

(l) has been conducting himself in a manner which may undermine the authority of the Executive Committee of the District Council;

Provided that every such case shall be placed before the Council in its next Session;

Provided further that no Chief shall be removed from office or

punished with suspension unless he is given an opportunity of being heard;

Provided further that the requirements of the second proviso above 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;

(ii) in the case of order of suspension pending inquiry.)

(2) REFERENDUM.- If any dispute arises as to whether the Chief has or has not lost the confidence of the majority of the electors or of the people of the Elaka as provided in clause (i) of sub-session (1) above, the Executive Committee may, if deems necessary, hold and conduct a referendum consisting of the electors of the Elaka or of the people of the Elaka as the case may be and take appropriate action on the basis of a simple majority of the result of such a referendum.

7. Confirmation of Headmen :-

(i) All nomination and/or elections of Headmen shall be reported to or as the case may be, be conducted by the Chief and his Durbar who shall forthwith declare the nomination and/or result of the election and issue appointment letter to the person concern with information to the Executive Committee.

(ii) If any dispute arises regarding any matter relating to or connected with the nomination of headmen, the dispute shall be referred by the party or parties concerned to the Chief and his Durbar on payment of Durbar fee of Rs.40 (Rupees Forty) for decision. An appeal against such decision shall lie to the Executive Committee whose decision is final.

The appeal to the Executive Committee shall be filed within 30 days from the date the order of the Chief and his Durbar is communicated to the party or parties concerned accompanied by :-

-

(a) The certified copy of the order appeal against;

(b) a petition fee of Rs.100 (Rupees one hundred) only

(iii) Notwithstanding anything contained in sub-section

(i) above, the Executive Committee may, either on application or of its own initiative conduct the nomination and election of headman and issue appointment letter if the Chief and his Durbar fails to do so.

8. Qualification for the office of the headmen :-

(1) pending making of Rules as provided under Section 3, the Chief and his Durbar shall determine-

(a) the clan or clans that can set up a candidate for the office of a headmen;

(b) the qualifications of a person eligible for the office of a headman;

(c) the manner in which a headman shall be nominated.

(2) An appeal against any order passed by the Chief and his durbar under sub-section (1) above shall lie to the Executive Committee whose decision shall be final. Such appeal shall be filed within 30 days from the date the order of the Chief and his Durbar is communicated or known to the party or parties concerned accompanied by :-

(a) Certified copy of the order appealed against;

"Provided that the appeal may be admitted without a certified copy if the party concerned satisfies the Executive Committee that such a copy is not obtainable within a reasonable period.

(b) a petition fee of Rs.100 (Rupees one hundred) only.

9. Removal and Suspension of Headmen :-

(1) The headmen may be removed from office or suspended by the Chief and his durbar if in their opinion--

(a) he refuses to carry out the order and instruction issued by them;

or

(b) he violates any of the laws, regulations, rule and resolutions of the District Council;

or

(c) he has been convicted of an offence involving moral turpitude;

or

(d) he is found incapable of carrying on his duties and functions due to ill health, old age or habitual drunkenness;

or

(e) he is found to be mentally unfit to carry out his duties and functions;

or

(f) he is found to have been conducting himself in a manner derogatory to his office;

or

(g) he is found to have been conducting himself in a manner which

may under mine the authority of the Executive committee of the District Council.

or

(h) he has lost the confidence of the majority of the members of the clan that elect him or by the persons eligible to elect the headman concern.

(2) An appeal against any order passed under sub-section (1) above shall lie to the Executive Committee whose decision in appeal shall be final. Such appeal shall be filed within 30 days from the date the order is communicated or known to the party or parties concerned accompanied by-

(a) A certified copy of the order appealed against; Provided that the appeal may be admitted without a certified copy if the party concern satisfied the Executive Committee that such a copy is not obtainable within a reasonable period.

(b) A petition fee of Rs.100 (Rupees One hundred) only.

(3) Notwithstanding anything contained in sub-section (1) above, the Executive Committee may remove or suspend a headman if in its opinion he is liable for taking action under any of the clauses or sub-section (1) above; and the order passed by the Executive Committee in such case shall be final.

Provided that no headman shall be removed or punished with suspension under Section 9 above unless he is given an opportunity of being heard;

Provided further that the requirements of the first proviso above 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;

(ii) in the case of order of suspension pending inquiry.

10. Appointment of Deputy Chief :-

(1) The Chief and his Durbar may with the prior approval of the Executive Committee appoint a Deputy Chief who shall exercise such powers and functions as may be delegated to him by the Chief and his Durbar.

(2) Immediately after the operation of this Act, the existing Deputy Chief shall cease to be in office and shall be appointed in accordance with its provisions.

(3) The Chief and his Durbar may with the previous consent of the Executive Committee, remove the Deputy Chief from his office if in

their opinion-

(a) he is conducting himself in a manner derogatory to his office prejudicial to the interest of the Elaka or which may undermine the authority of the Executive Committee;

or

(b) he is found to have been convicted of an offence involving moral turpitude;

or

(c) he is found to be mentally unfit to carry out his functions;

or

(d) he is found incapable of carrying out his functions due to ill health, old age or habitual drunkenness;

or

(e) he violates any provision of the Act.

Provided that a Deputy Chief shall not be removed from office except for reason enumerated in clause (b) above, unless he is given an opportunity of being heard.

(4) Notwithstanding anything contained in sub-section (3) above the Deputy Chief may be removed from office by the Executive Committee if in its opinion he is liable to any of the lapses enumerated in sub-section (3).

Provided that a Deputy Chief shall be removed from office except for reason enumerated in clause (b) of sub-section (3) above unless he is given an opportunity of being heard.

(5) The order passed by the Executive committee under this Section is final.

11. Appointment of Acting Chief :-

(1) If at any time the post of a Chief becomes vacant as a result of death, resignation, expiry of tenure of office), removal or the Chief is under suspension, the Executive Committee may by order in writing appoint the Deputy Chief or any Khasi male adult belonging to customary ruling clan of the Elaka and/or is a native of the Elaka concerned to act as an Acting Chief, who shall exercise all the powers and function of the Chief.

An Acting Chief will remain in office until appointment of a new chief or until further order of the Executive Committee whichever is earlier.

(2) Whenever, there is a change of incumbent on account of sub-section (1) above there shall be a proper taking and handing overcharge of office properties duly recorded in writing between the

predecessor and the successor incumbent in the presence of the witnesses.

Any deliberate or willful violation of this provision shall be treated to be an act of criminal breach of trust and the incumbents be proceeded with accordingly.

12. Taking part in Politics and Elections :-

(1) No Chief, Deputy Chief and Acting shall be a member of or be otherwise associated with any political party or any organization which takes part in politics, nor shall he 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) No Chief, Deputy Chief or Acting Chief shall canvas 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) a Chief, Deputy Chief or Acting Chief qualified to vote and 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) a Chief, Deputy Chief or Acting Chief shall not be deemed to have contravene the provisions of this Act by reason only that he assists in the conduct of all election in due performance of a duty imposed on him or under any law for the time being in force;

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

13. Demonstration and Strikes :-

No Chief, Deputy Chief or Acting Chief shall participate in any demonstration or resort to any form or strike in connection with any matter pertaining to his condition of service.

14. Connection with Press or Radio :-

(1) No Chief, Deputy Chief or Acting Chief shall, except with the previous sanction of the Executive Committee own wholly or in

part, or conduct participate in the editing or managing of any news paper or other periodical publication.

(2) No Chief, Deputy Chief and Acting Chief shall, 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 him communicate directly or in- directly any official document or information to any other person or to the press to whom he is not authorized to communicate such document or information.

15. Criticism of the Executive Committee :-

No Chief Deputy Chief or Acting Chief shall in any Radio broadcast or in any document published anonymously or in his name or in the name of any other person or in any communication to the press or in any public utterance, make any statement (i) which has the effect of an adverse criticism of the Central or State Government of the Executive Committee or (ii) which is capable of embarrassing the relations between the Central Government and the Council or the State Government and the Council or the Central Government and any State Government: Provided that nothing in this section shall apply to any statements made or views expressed by a Chief, Deputy Chief or Acting Chief in his official capacity or in the due performance of his duties.

16. Authorisation :-

The Executive Committee may, by order in writing, authorise two of its members to exercise on its behalf any power or powers conferred upon it by this Act and any thing heard, any act done or order passed as such by such members of the Executive Committee shall be deemed to have been heard, done or passed by the Executive Committee.

17. Section 17 :-

The Executive Committee may, either on application or of its own initiate, call for report and the records of any proceedings before the Chief and his Durbar connected with the election and appointment of a Headman.

18. Emergency provisions in case of case of Illness / Absence :-

(1) Notwithstanding anything contained in this Act, if at any time it is found that a Chief of any Elaka cannot carry on with his duties and functions due to his illness or prolong absence from headquarter, the Executive Committee may, by a notification temporarily take over the administration of such an Elaka and appoint for the purpose of running the administration of such an Elaka, an Administrative Officer and such Administrative Officer together with either the Chiefs Durbar or a Committee consisting of 4 to 6 members appointed by the Executive Committee to assist the Administration Officer in running the administration of the Elaka as the case may be shall function and exercise all the powers and functions of the "Chief and his Durbar" as provided in the Act or any other Act or Regulation or Rule both administrative and judicially. Provided that such an Administrative Officer may also be appointed from among persons who are Headmen or Elders of the Elaka.

(2) During the period of such taking over all the powers and functions of the Chief shall effect from the date of the notification under Section 18 (i) be deemed to have been suspended till the Executive Committee of the District Council vacates the order of taking over or issue further orders.

19. Emergency provisions in case of Administrative Deadlock :-

(1) Notwithstanding anything contained in this Act, if at any time it is found that a Chief of any Elaka cannot carry on with his duties and functions due to the absence of his Durbar either on account of vacancies in the posts of Myntries or of recognized members of such Durbar or on account of lack of co-operation or confidence as between the Chief and his Durbar thereby creating a deadlock in the administration of the Elaka the Executive Committee of the District council, after due consideration and declaration made of the deadlock in the administration may temporarily take over the administration of such an Elaka, and appoint, for the purpose of running the administration of such an Elaka, an Administrative Officer and further constitute a Committee consisting of four to six members to assist the Administrative Officer in running the affairs of the Elaka, and such Administrative Officer and the Committee shall function and exercise all the powers and functions of the "Chief and his Durbar" as provided in this Act or any other Act or Regulation or Rule both administratively and judicially.

[Provided that such an Administrative Officer may also be appointed from amongst persons who are Headmen or elders of the Elaka.

Provided further that members of such Committee who will assist an Administrative Officer, shall be appointed from amongst persons who are Headmen or any other persons who is a native of the Elaka.

(2) During the period of such taking over all the powers and functions of the Chief shall, with effect from the date of the notification under section 19 (1), be deemed to have suspended till the Executive Committee of the District Council vacates the order of taking over or issue further order.

(3) The period of taking over of the Elaka by the Executive Committee of the District Council shall terminate at the expiry of a period of one year from the date of taking over extenable every six months at a time or as soon as the Executive Committee is satisfied that the cause of the taking over has either been removed or disappeared which the Executive Committee shall, by another notification, vacate the earlier notification of taking over.

(4) Any action taken under this section, shall be reported by executive committee for information to the Council at its following session.

20. Bar to Civil Suit :-

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 of the provisions of this Act.

21. Power to make Rule :-

Subject to the approval of the District Council, the Executive Committee may make rules for carrying out the purposes of this Act.