

UNITED KHASI – JAINTIA HILLS AUTONOMOUS DISTRICT

**(ADMINISTRATION AND ELECTION
OF SIRDAR OF MAWLONG)**

ACT, 1960.

Sample Only (KHADG)

THE 27TH JULY, 1960.

No.TAD/R/57/58:- In pursuance of paragraph II of the Sixth Schedule to the Constitution of India, the following Act of the United Khasi – Jaintia Hills District Council, which received the assent of the Governor of Assam is hereby published for general information:-

ACT No. I OF 1960

(Passed by the United Khasi - Jaintia District Council)
(Received the assent of the Governor of Assam on the 23rd July 1960)
(Published in the Assam Gazette, dated the 23rd August, 1960)

**UNITED KHASI – JAINTIA HILLS AUTONOMOUS DISTRICT
(ADMINISTRATION AND ELECTION OF SIRDAR OF MAWLONG) ACT, 1960.**

**AN
ACT**

to make provision for the administration of Mawlong Sirdarship and for the election of its Sirdar.

Preamble:- Whereas under Clause (f) and (g) of sub-paragraph (1) of paragraph 3 of the Sixth Schedule to the Constitution of India, the District Council for an Autonomous District is empowered to make laws with respect to the matter relating to village or town administration and also with respect to the appointment or succession of Chiefs or Headmen:

And whereas it is expedient to make such provisions for the administration of Mawlong Sirdarship and for the election of a Sirdar;

Now therefore, the District Council of the United Khasi - Jaintia Hills District, in exercise of the powers conferred on it as aforesaid and of all other powers enabling it in that behalf, is pleased to enact and it is hereby enacted by the District Council in the Eleventh Year of our Republic of India as follows:-

1. Short title, extent and commencement:-

- (1) This Act may be called the United Khasi - Jaintia Hills Autonomous District (Administration and Election of Sirdar of Mawlong) Act 1960.
- (2) It applies to the whole of the Mawlong Sirdarship.
- (3) It shall come into force on such date as the Executive Committee, may, by notification, appoint in this behalf.

2. Definition:-In this Act, unless there is anything repugnant or the context otherwise requires:-

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- (a) "Adult" means a male who is not less than eighteen years of age.
- (b) "Agent" means any person declared or appointed as such by the candidate in connection with the election.
- (c) "District Council" means the District Council of the United Khasi - Jaintia Hills Autonomous District, constituted under the provisions of the Sixth Schedule to the Constitution of India in accordance with the Assam Autonomous Districts, (Constitution of District Councils) Rules, 1951 as amended.
- (d) "Durbar of Sirdarship" means a Durbar of the adult male of Mawlong Sirdarship convened by the Sirdars.
- (e) "Election Committee of the Sirdarship" means a committee consisting of eight (8) members constituted under this Act.
- (f) "Executive Committee" means the Executive Committee of the United Khasi - Jaintia Hills District Council, constituted under the Assam Autonomous Districts (Constitution of District Councils) Rules, 1959 as amended and the term "Secretary of the Executive Committee" shall be construed accordingly.
- (g) "Mawlong Sirdarship" means the entire area known as "Mawlong State" before the commencement of the Constitution of India.
- (h) "Person" means a Khasi man or a Khasi woman.
- (i) "Sirdar" or "Sirdars" means the Chief or Chiefs of Mawlong Sirdarship
- (j) "Sirdar & Durbar" means a Durbar consisting of four members to be elected by the Durbar of Sirdarship and such other person or persons specified in this Act.
- (k) "Reserved Fund" means a fund set apart and reserved for use for purposes other than for running the day to day administration.

3. **Sirdarship and term of office:-** There shall be only one Sirdar to be elected from the whole of Mawlong Sirdarship and his term of office shall be for five years;

Provided that:-

- (a) A person holding the office of a Sirdar shall, on the expiry of his term, be eligible to stand for re-election.
- (b) Candidature for the post of a Sirdar for the first election to be held immediately after the commencement of this Act shall be limited to the existing three Sirdars of the Sirdarship.
- (c) A Sirdar elected in the first election held under this Act, shall hold office for three years only.

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4. **Allowance of a Sirdar and Ex-Sirdars:-**

(1) The Sirdar of Mawlong Sirdarship elected under this Act shall, for the time being and until otherwise fixed by the District Council, get an allowance of one-eighth ($\frac{1}{8}^{\text{th}}$) of the Gross income of Sirdarship. He shall not be entitled to any other allowance.

(2) A person holding the post of Sirdar of the Sirdarship of Mawlong immediately before the commencement of the Act and who lost that post as a result of the Act coming into force shall, during his life time, be entitled to, a compensation for such lost, to a share of one-third ($\frac{1}{3}^{\text{rd}}$) of one-eight ($\frac{1}{8}^{\text{th}}$) of the gross income of the Sirdarship or any other amount of compensation as may be fixed by the District Council from time to time.

The share of any such person shall after his death, be credited to the Reserved Fund of the Sirdarship.

5. **Sirdar's Durbar-**

(1) There shall be a Durbar of the Sirdar of Mawlong Sirdarship to be called as "Sirdar's Durbar".

(2) The Sirdar's Durbar be composed of:-

(a) The Sirdar of the Sirdarship who shall be the Chairman of the Durbar.

(b) Four (4) members to be elected by the Majority of the adult males of Mawlong Sirdarship in the Durbar which shall be convened by the Sirdar specially for this purpose not later than a month after his election has been duly approved by the Council:

Provided that for the first three years immediately after the election of the Sirdar of the Sirdarship a person who holds the post of a Sirdar immediately before the commencement of this Act and who lost that post as a result of this Act coming into force, shall be a member of the Sirdar's Durbar and his term as such member shall be for a period of three years only.

(3) An elected member of the Sirdar's Durbar shall have a tenure of office of:-

(a) Three years only in the case of the one elected immediately after the election of the first Sirdar as mentioned in the Proviso (b) of Section 3; but shall be eligible for re-election.

(b) Five years for each of the subsequent terms from the date of his first sitting in the Durbar but shall be eligible for re-election in the case or cases other than those specified in clause (a) of this sub-section.

(4) There shall be a Vice-Chairman of the Sirdar's Durbar to be elected by the majority of the Sirdar's Durbar from amongst them. He shall perform all the duties of the Chairman in his absence.

(5) Unless otherwise provided for in this Act or otherwise the context is repugnant to any of the provisions of the United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953, the Sirdar's Durbar shall also carry out all the functions of the Additional Subordinate District Council Court within the territorial limit of Mawlong

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Sirdarship as provided under the United Khasi-Jaintia Hills Autonomous District (Administration of Justice) Rules, 1953, and the orders made thereon from time to time.

6. Election Committee of the Sirdarship:-

- (1) There shall be an election Committee of the Sirdarship consisting of eight (8) members to be selected by the adult males of the Sirdarship in an open Durbar to be convened specially by the Sirdars for this purpose on a date to be fixed by the Executive Committee.
- (2) The duties of the Committee shall be preparation of the voter's list and any other matter that may be referred to it by the Executive Committee, for the purpose of election of a Sirdar of Mawlong Sirdarship.
- (3) The Committee shall have a Chairman and a Secretary to be selected from amongst its members.
- (4) The office of a member of the Committee shall be honorary and shall terminate with the finalization of the Voter's list. After the election of the first Sirdar the function of this Committee shall be done by the Sirdar's Durbar.

7. Persons to conduct the Election - The election of a Sirdar shall be conducted by an Officer or Officers duly authorised by the Executive Committee which shall fix the place or place and date of the election.

8. Voting by secret ballot - The voting shall be by secret ballot on a system to be decided by the Executive Committee.

9. Preparation of voters' list - The procedure for preparing the voters' lists shall be as follows:-

- (1) The election Committee of the Sirdarship shall prepare a list of all the persons eligible to vote in the ensuing election of a Sirdar.
- (2) The voters' lists shall be prepared village-wise or block-wise as the Sirdarship is usually divided a serial number to a voter shall be given accordingly. The voters' list shall be in a form in Appendix I.
- (3) The Chairman and the Secretary of the election Committee shall put their signatures with date at the end of the list of each village and shall submit the lists so prepared to the Executive Committee which shall scrutinise, correct or have the same corrected, if necessary. After the list has been so scrutinised and corrected, where necessary it shall then be printed or type and copies whereof sent to the Election Committee of the Sirdarship for wide publicity in the villages within the Sirdarship. The election Committee shall be required to submit a report to the Executive Committee of this having been done. A copy of the list shall also be hung up in the Notice Board of the District Council.
- (4) Any person whose name does not appear in the voters' list thus published, or any person having any objection to make with respect to the eligibility or otherwise of any voter whose name appears in the voters' list thus published shall within thirty days from the date of publication in the District Council Office, put in a petition for the inclusion of his name or file his objection petition before the Secretary Executive Committee.

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- (5) On receipt of such petition or objection petition the Secretary, Executive Committee shall notify the date, time and place when and where such petition or objection shall be heard by the Executive Committee or any Officer of the District Council authorised by it in writing whose decision in the matter shall be final.
 - (6) The Executive Committee shall then published the final voters' list thus amended by hanging a copy on its in the Notice Board and in the head quarter of the Sirdarship and the same shall be used for the purpose of the election,
 - (7) Only the voters' lists published as final under sub-section (6) above and containing the seal of the District Council shall be officially recognised.
10. Symbols, Ballot papers, etc., to be prepared by the Executive Committee - The Executive Committee shall prepare the symbols, ballot papers, ballot boxes and all other necessary forms connected with the election.
11. Qualification for a voter – A person shall be eligible to vote if he satisfies any of the following conditions:-
- (1) Every person who is a permanent resident of Mawlong Sirdarship and who has attained the age of 18 years and above is entitle to vote if so declared by the Executive Committee of the Sirdarship and accordingly confirmed by the Executive Committee.
 - (2) A non-Mawlong Khasi male of 18 years and above who live in any village of Mawlong Sirdarship and is married to a Mawlong woman and his issue or issues by her, or has been so married for at least 3 years whether with or without any issue, but lives with her in any of the villages of Mawlong Sirdarship, is entitled to vote if so declared by the Election Committee of the Sirdarship and accordingly confirmed by the Executive Committee.
 - (3) A person of Mawlong Sirdarship who has attained the ago of 18 years and above is entitled to vote even if he lives outside Mawlong Sirdarship provided that he has his mother or sister or brother or mother's sister living in any village of Mawlong Sirdarship. But the sons and daughters of a Mawlong male living outside the Mawlong Sirdarship from a non-Mawlong woman shall not be entitled to vote.
 - (4) The son and daughters of 18 years and above of a Mawlong woman living outside Mawlong Sirdarship are entitled to vote if their mother has a mother or a sister or a brother or a son or a daughter living in any village of the Mawlong Sirdarship.
12. Method of voting - Each voter shall be entitled to one vote only and shall cast his vote in person. Voting by proxy shall not be allowed.
13. Time and hour of voting - Voting shall commence at 8:00 a.m. and close at 4:00 p.m.; provided that any voter present inside the enclosure of the Polling Station before 4:00 p.m. shall be allowed to cast his vote even after 4:00 p.m.

The Presiding Officer shall, at least half an hour before 4:00 p.m. notify the said enclosure.

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14. Counting of votes - The Presiding Officer shall count the votes at the close of the poll in the presence of the candidates, and/ or their agents. The total against each candidate shall be recorded then and there and be countersigned by the candidate/ Agent against the total votes polled by him/ his candidate. Each candidate shall be entitled to have not more than two agents at the time of counting.

15. Qualification and disqualifications of Sirdarship -Such persons only shall be eligible to be candidates for the Sirdarship as satisfied any of the following qualifications:-

(1) A candidate shall be a male voter who has permanent residence in Mawlong Sirdarship:

Provided that such candidate shall be eligible irrespective of whether he lives or not in any or the village of the Mawlong Sirdarship but has landed properties of his own therein or has his mother or Sister or brothel or mother's sister living in any of the villages of the Sirdarship.

(2) A candidate shall not be less than 25 years of age at the time of submission of nomination papers:

Provided that notwithstanding anything contained in this section a person shall be disqualified from being a candidate and from being elected Sirdar:-

(a) If he is of unsound mind and stands so declared by a competent Court;

(b) If he is an undischarged insolvent;

(c) If, whether before or after the commencement of this Act, he has been convicted by a Court in India of any offence and sentenced to transportation or to imprisonment for not less two years unless a period of five years, or such less period as the Governor may allow in any particular case, has elapsed since his release.

16. Deposit on Nomination and form of Nomination paper:-

(1) The candidates shall submit their names in writing to the Secretary, Executive Committee, District Council, United Khasi-Jaintia Hills in the form prescribed at Appendix II together with a fee of Rs. 50 in cash which shall not in any case be refundable.

(2) Candidates shall submit their nomination papers and declarations signed duly and legibly by all concerned in the form prescribed at Appendix III within such date and time as may be fixed by the Executive Committee for the purpose.

17. Scrutiny of Nomination papers:-

(1) The Secretary, Executive Committee shall notify the date and time when nomination papers shall be scrutinised and objections heard. Candidates and/ or their agents duly authorised may be present. The decision of the Executive Committee in the matter shall be final.

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(2) The Secretary, Executive Committee shall cause the names with symbols of all the candidates standing for election to be sent to every candidate together with the notice notifying the date and time of scrutiny of the nomination papers and hearing of objection.

18. Effect of Nomination - The names of the candidates declared duly nominated after disposal of objections with the symbol assigned to each shall be published by the Secretary, Executive Committee at least, two weeks before the election.

19. Deposit on objections - Any candidate or duly authorised agent acting on behalf of the candidates shall deposit a sum of Rs. 10 for every voter he wants to object to. This money shall be forfeited to the District Council if the objection failed. The Presiding Officer shall not take cognizance of objections unless the objection fee was first deposited.

20. Decision of Presiding Officer to be final - The decision of the Presiding Officer in any objection shall be final.

21. Personation and prosecution - Any voter found to vote by impersonating any voter or being otherwise ineligible to vote in accordance with this Act, shall be prosecuted under relevant Section/ Sections of the Indian Penal Code.

22. Expenses to be borne by the District Council - All expenses connected with the election shall be borne by the District Council.

23. Polling Agents in a Polling Booth – The candidates' agents shall be confined to voters only. A candidate shall not be allowed to have more than one agent at a time inside a Polling Booth.

24. Duties and functions of Sirdar – The candidate duly declared elected shall:-

- (1) Carry out all orders issued on him from time to time by the Executive Committee or its officer acting for and on behalf of the Executive Committee.
- (2) Run the administration of the Sirdarship in accordance with the customary rules and practice as may be approved by the Executive Committee and in accordance with such laws, rules and regulations as may be passed from time to time by the District Council.
- (3) Collect all the revenue from Mawlong Sirdarship which are the due of the District Council and shall deposit the same to the District Fund United Khasi-Jaintia Hills Autonomous District.
- (4) Regularly submit the Budget estimate of Sirdarship for every financial year in the month of December of the preceding year and any other statement of accounts as may be required from time to time by the Executive Committee.

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- (5) Live in and established his office at Mawlong where he shall transact all his official business.
- (6) Be vested with the executive functions of the Sirdarship by the Executive Committee.

The Sirdar shall, except in routine matter, consult his Durbar before passing orders... All orders so made shall be signed by the Sirdar.

25. Removal or suspension of Sirdar - A Sirdar may be removed from office or suspended by the District Council if –

- (1) He is not properly discharging his duties and responsibilities;
- (2) He is at any time found to be an undischarged insolvent;
- (3) He is convicted by a Court in India of any offence;
- (4) He violates any of the terms and conditions of his appointment.

26. Rules to be framed by the Executive Committee - The Executive Committee shall frame any other rules connected with the election if necessary.

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