



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 49

Shillong, Friday, May 29, 2015,

8th Jyaistha, 1937 (S. E.)

PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

ORDERS BY THE GOVERNOR

NOTIFICATION

The 29th May, 2015.

No.LL(B)39/2015/21.—The Meghalaya Local Administration (Empowerment of Traditional Institutions, Traditional Bodies and Headmen in Governance and Public Delivery System) Ordinance, 2015 is hereby published for general information.

MEGHALAYA ORDINANCE NO. 1 OF 2015.

Promulgated by the Governor on the 29th May, 2015.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 29th May, 2015.

THE MEGHALAYA LOCAL ADMINISTRATION (EMPOWERMENT OF TRADITIONAL INSTITUTIONS, TRADITIONAL BODIES AND HEADMEN IN GOVERNANCE AND PUBLIC DELIVERY SYSTEM) ORDINANCE, 2015.

An

Ordinance

to provide for association of traditional institutions, traditional bodies and headmen in the Government developmental programmes and delivery of public services, wherever required and to the extent necessary, in the interest of public at large and for matters connected therewith.

Whereas, the institutions of Syiem, Lyngdoh, Sirdar, Wahadar, Dolloi, Rangbah Shnong and headman have been defined in the United Khasi – Jaintia Hills Autonomous District (Appointment and Succession of Chiefs and Headmen) Act, 1959;

Whereas, the institutions of A.king nokma and elder have been recognized as per the Garo Hills District (Constitution of Village Council) Act, 1958;

Whereas, as per section 40 of the Code of Criminal Procedure 1973, the headman has been vested with certain responsibilities for communicating with the nearest Magistrate or nearest Police Station in connection with the affairs of the village;

Whereas the traditional institutions, traditional bodies and headmen have been traditionally associated with the welfare of the society in the locality and thereby with the implementation of various programmes and schemes of the Government designed for the welfare of the society; and it is necessary to empower these institutions with a legal mandate in order to formalize their functions in various matters connected with the welfare of the people;

Whereas the traditional institutions, traditional bodies and headmen have been issuing certificates pertaining to any individual residing in the Shnong, gittim or songni or locality to meet certain requirements;

Whereas it is considered necessary to have a law to give legal recognition to the work and functions of traditional institutions, traditional bodies and headmen as provided in this Ordinance in the interest of the public at large;

Whereas, the Legislative Assembly of Meghalaya is not in session and the Governor of Meghalaya is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor is pleased to promulgate in the Sixty-sixth Year of the Republic of India the following Ordinance, namely,-

**Short title,
extent and
commencement.**

1. (1) This Ordinance may be called the Meghalaya Local Administration (Empowerment of Traditional Institutions, Traditional Bodies and Headmen in Governance and Public Delivery System) Ordinance, 2015.

(2) It extends to the whole State of Meghalaya.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless the contexts otherwise requires-

- (a) "District Council" means the Khasi Hills Autonomous District Council, the Garo Hills District Autonomous Council and the Jaintia Hills Autonomous District Council;
- (b) "headmen" means the headmen or Rangbah Shnong who is part of the local durbar or Myntri or Gaonbura or gittim or Songni Nokma of the village or locality or any person who is looking after the welfare of the resident of the shnong gittim or song or locality and their status as such being acknowledged and recognized by the resident of the locality concerned;
- (c) "song or gittim" means a village or locality;
- (d) "notification" means a notification published in the Official Gazette;
- (e) "Official Gazette" means the Gazette of Meghalaya;
- (f) "Ordinance" means the Meghalaya Local Administration (Involvement of Traditional Institutions, Traditional Bodies and Headmen in Governance and Public Delivery System) Ordinance, 2015;

- (g) "prescribed" means prescribed by rules made under this Ordinance;
- (h) "shnong" means a village or locality;
- (i) "State Government" means the Government of the State of Meghalaya and the word "Government" shall be construed accordingly;
- (j) "traditional institutions" means the office of the traditional Chiefs, village Dorbar or Committee and includes Chiefs, Syiem, Dolloi, Headmen, Rangbah Shnongs, Myntri, a Syiem Raid, a Basan, a Lyngdoh Raid, a Pator, Sirdar Elaka, Wahadar, a Village elder, A. king nokma, songni or gittim nokma or Gaonbura and such other body which exists as per the existing customary law and traditional practice and the words "traditional bodies" shall be construed accordingly; and
- (k) "Village" means the village or group of villages constituted or notified by the District Council, or, as the case may be, by the Government and includes areas or locality in urban area as may be issued by notification by the Government.

**Powers of
headmen,
to issue
certificate.**

3. (1) On the commencement of this Ordinance, the headmen or as the case may be, the traditional institutions or traditional bodies may issue certificates to the residents of village, shnong, song or gittim or locality within their respective jurisdictions indicated below:-

- (i) a certificate as proof of residence in such form as may be prescribed;
- (ii) life certificate of pensioners including family pension holders in such form as may be prescribed;

(iii) no objection certificate for running a hostel or guest house in the Shnong, gittim or songni or locality in such form as may be prescribed; and

(iv) any other matter as may be notified by the Government from time to time and in such manner as may be specified in such notification, for better administration and the welfare of the people.

(2) The State Government may, by notification in the Official Gazette to be issued from time to time, fix the rate of fees to be realized by the traditional institutions, traditional bodies and headmen for the certificate issued by them.

(3) The headmen or as the case may be, the traditional institutions or traditional bodies shall issue a certificate under sub-section (1) above within a period of five days.

(4) No headmen or as the case may be, the traditional institutions or traditional bodies shall refuse to issue any certificate referred to sub-section (1) above without reasonable opportunity of being heard and in the event of refusal they shall communicate it in writing within a period of five days intimating the grounds and reasons for such refusal.

Appeal for refusal to issue certificate.

4. Every resident of the shnong, gittim, song or locality shall, by an application in plain paper, have the right to appeal to the Sub-Divisional Officer (Civil) or Deputy Commissioner of the respective Sub-Division or District where he resides against any decision of refusal or otherwise by the headmen or as the case may be, by the traditional institutions or traditional bodies and he or any officer authorised by him shall dispose of such appeal within a period of three working days from the date of receipt of such application.

Protection of action taken under this Ordinance.

5. No suit or legal proceeding shall lie against the headmen or traditional institutions or traditional bodies or any officer or employee as authorised by this Ordinance to discharge such functions for anything done or intended to be done in pursuance of this Ordinance or any notification or rule made thereunder.

Powers to make rules.

6. (1) The State Government may make rules for carrying out the provisions of this Ordinance and publish through notification in the Official Gazette.

(2) Every rule made under this Ordinance shall, as soon as after it is made, be laid in the Meghalaya Legislative Assembly.

Powers to remove difficulties.

7. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may by order remove such difficulties not in consistence with such provisions for the purpose of removing the difficulties;

Provided that no such order shall be made after the expiration of four years from the date of commencement of this Ordinance.

(2) Every order made under this Section shall, as soon as after it is made, be laid in the Meghalaya Legislative Assembly.

Dated Raj Bhavan,
Shillong the 29th May, 2015

V. SHANMUGANATHAN,
Governor of Meghalaya.

Dated Shillong,
The 29th May, 2015

L. M. SANGMA,
Secretary to the Govt. of Meghalaya,
Law Department.

GOVERNMENT OF MEGHALAYA
LAW (B) DEPARTMENT

NOTIFICATION

Dated Shillong the 29th May, 2015.

No.LL (B)39/2015/26. - In exercise of the powers conferred under sub-section (2) of Section 3 of the Meghalaya Local Administration (Empowerment of Traditional Institutions, Traditional Bodies and Headmen in Governance and Public Delivery System) Ordinance, 2015, the Government of Meghalaya hereby fixes the rate of ₹ 20/- (Rupees twenty) only for issue each certificate by the Headmen or as the case may be by the traditional Institutions and traditional bodies.



(L.M. Sangma)

Secretary to the Government of Meghalaya
Law Department

Memo No.LL(B) 39/2015/26-A

Dated Shillong the 29th May, 2015.

Copy to

1. P.S to Chief Minister of Meghalaya for information of CM.
2. P.S to Deputy Chief Ministers, Law/PHE etc..
3. P.S to all Ministers.
4. P.S to Chief Secretary.
5. P.S to all Additional CS's.
6. P.S to all Principal Secretaries/Commissioner & Secretaries/ Secretaries, Government of Meghalaya.
7. Director, AIR/ Doordarshan, Shillong for wide publication.
8. All DCs and SDOs (Civil) they are requested to circulate this rule to all headmen within their respective jurisdiction.
9. All Head of Departments.
10. All Administrative Departments.
11. All District Councils in the State of Meghalaya.
12. DIPR for publishing in the newspaper.
13. DEO, Law (A) Department for uploading in the website.
14. NIC for uploading in the website.
15. All Headmen in the State of Meghalaya.
16. Guard file.

By order etc.,



Secretary to the Government of Meghalaya
Law Department