



The Gazette of Meghalaya
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 122

Shillong, Tuesday, May 14, 2024

24th Vaisakha, 1946 (S. E.)

PART-IIA

GOVERNMENT OF MEGHALAYA
DISTRICT COUNCIL AFFAIRS DEPARTMENT

NOTIFICATION

OFFICE OF THE JAINTIA HILLS AUTONOMOUS DISTRICT COUNCIL, JOWAI

The 20th June, 2023.

No.JHADC/LEG/5/2023/14. - In pursuance of paragraph 11 of the Sixth Schedule to the Constitution of India, the following Act of the District Council, Jaintia Hills Autonomous District is hereby published for general information:-

Passed by the Jaintia Hills Autonomous District Council in the Special Session held on the 20th June, 2023

Received the assent of the Governor on _____.

Published in the Gazette of Meghalaya Extraordinary issued dated 14th May, 2024.

**THE JAINTIA HILLS AUTONOMOUS DISTRICT (VILLAGE AND TOWN DEVELOPMENT COUNCIL)
BILL, 2023.**

An

Act

To provide and make provision for constitution of the Village Development Council or Town Development Council for planning and implementation of developmental activities in the Villages and Towns within the Autonomous District of Jaintia Hills.

Preamble

WHEREAS, the Dorbar Shnongs as traditional institutions of village and town administration of the indigenous tribes of Jaintia Hills plays an important role in carrying out the developmental works in the villages and towns under the supervision of the Autonomous District Council.

AND

WHEREAS, it is expedient to make provisions for regulating the Implementation of the Developmental works in the villages and towns in which priority will be given to issues of community participation in decision making, transparency and accountability.

NOW, THEREFORE, the District Council of the Jaintia Hills Autonomous District in exercise of the powers conferred upon it under Paragraph 3 (1) (f) of the Sixth Schedule to the Constitution of India and of all other powers enabling it in that behalf hereby make the following Act for the assent of the Governor in its application to the Jaintia Hills Autonomous District in the manner hereinafter appearing.

It is hereby enacted in the Seventy Fourth Year of the Republic of India as follows:-

1. Short title, extent and Commencement.

- (1) This Act may be called the Jaintia Hills Autonomous District (Village and Town Development Council) Act, 2023.
- (2) It shall extend to the whole of Jaintia Hills Autonomous District.
- (3) It shall come into force from the date of its notification in the Official Gazette.

2. In this Act, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them as follows:-

- (1) "Adult" means a person male or female who has attained the age of 18 (eighteen) years residing in the village or town within a particular Elaka.
- (2) "Constituency" means a constituency for the purpose of election to the District Council;
- (3) "Development Council" means the Village Development Council or the Town Development Council.
- (4) "District" means the Jaintia Hills Autonomous District;
- (5) "District Council" means the Jaintia Hills Autonomous District Council constituted under the Sixth Schedule to the Constitution of India;
- (6) "District Fund" means the District Fund of the Jaintia Hills Autonomous District constituted under paragraph 7 of the Sixth Schedule to the Constitution of India;
- (7) "Dolloi" or "Sirdar" means a Dolloi/Sirdar of the Elaka as defined under the Jaintia Hills Autonomous District (Establishment of Elaka and Village and Election, Appointment, Powers, Functions and Jurisdiction of Dolloi/Sirdar and Waheh Shnong) Act, 2015.
- (8) "Dorbar Shnong" means a Dorbar Shnong comprising of all the adult persons of the village or town and recognised as such by the Executive Committee;
- (9) "Elaka" means the traditional provinces and include Sirdarship;
- (10) "Executive Committee" means the Executive Committee of the Jaintia Hills Autonomous District Council;
- (11) "Executive Body of Dorbar Shnong" means an Executive Body consisting of all the office bearers of the Dorbar Shnong, the strength of which shall be not less than 6 (six) but not more than 12 (twelve) members of which one third shall be women, to run the day to day administration and affairs of the village;
- (12) "Gazette" means the Meghalaya Gazette;
- (13) "Indigenous Tribes" means the tribes inhabiting Jaintia Hills from time Immemorial, namely; Pnar, Khasi, War, Bhoi, Biata, and Hmar (native of Khaddum and Sialkan Village);

- (14) "Permanent Resident" for the purposes of this Act, shall be a person deemed to be permanently resident within the village or town if he has taken up his fixed or permanent habitation with his family or made his permanent home in that village or town and resided continually therein for a period of not less than 12 (twelve) years on the qualifying date. A person shall not be deemed to have taken up fixed habitation in the village or town merely by reason of having resided there, in connection with his civil or military service or in exercise of any profession or calling. Such person should be a domicile of the State of Meghalaya and who is recognized as a permanent resident of the village or town by the respective Dorbar Shnong;
- (15) "Prescribed" means prescribed under this Act or by Rules made thereunder;
- (16) "Rules" means the Rules made under the provision of this Act;
- (17) "Town" means an urban area of human habitation having a definite contiguous boundary where a number of houses has been grouped together under one administration *i.e.*, a Dorbar Shnong, for administrative purposes and recognized as such by the Elaka under which the area falls, approved by the Executive Committee;
- (18) "Town Development Council" means a developmental body dealing with the welfare and socio-economic development of the Town under the administrative control of the Dorbar Shnong;
- (19) "Village" means an inhabited area (including Urban Locality or Dong within the Town) having clear demarcation and boundaries of its jurisdiction, as recognized by the Dolloi/Sirdar of the Elaka and approved by the Executive Committee;
- (20) "Village Development Council" means a developmental body dealing with the welfare and socio-economic development of the village under the administrative control of the Dorbar Shnong;
- (21) "Waheh Shnong" means a person duly elected as the Waheh Shnong by the Dorbar Shnong and recognized as such by the Executive Committee;

3. Constitution of the Village Development Council and Town Development Council.

- (1) With effect from the date of coming into force of this Act, every recognised village and town shall have a Development Council.
- (2) The Development Council shall be constituted by the Dorbar Shnong and shall be approved and recognised by the Executive Committee of the District Council.
- (3) The Development Council shall consist of;
- (i) The following office bearers to be appointed by the Dorbar Shnong
- (a) Chairman
- (b) Vice Chairman
- (c) Secretary
- (d) Assistant Secretary
- (e) Treasurer
- (ii) Not less than 10 (ten) members to be appointed by the Dorbar Shnong which should include not less than 3 (three) women members.
- Provided that the Chairman of the Development Council shall be the Waheh Shnong.
- (4) The Development Council shall be collectively responsible and accountable to the Dorbar Shnong for all its action and inaction.

4. Qualification of Members

A person shall be eligible to be appointed as member of the Development Council if:-

- (1) He is a Permanent resident of the Village belonging to the indigenous tribe.
- (2) He has attained the age of 25 (twenty five) years and above.
- (3) He is not convicted of any offence and not sentenced for not less than 6 (six) months imprisonment.
- (4) He is not a Member of the District Council.

5. Tenure of office bearers and members of the Development Council.

The tenure of the office bearers and members of the Development Council shall be determined by the Dorbar Shnong and such term shall not be less than 1 (one) year or more than a period of 3 (three) years at a time.

6. Confirmation and Appointment of Members of the Development Council.

The appointment of the members of the Development Council shall be forthwith sent to the Executive Committee for its recognition and notification.

7. Dispute regarding appointment of the office bearers and members of the Development Council.

- (1) If any dispute arises regarding any matter relating to or connected with the appointment of the office bearers and members of the Development Council, the aggrieved party or parties concerned shall within 30 (thirty) days after such appointment, prefer an appeal to the Executive Committee whose decision shall be final.
- (2) The Executive Committee shall dispose of the appeal as early as possible and not later than 90 (ninety) days from the date of receipt of the appeal.

8. Power to Remove office bearers and members:-

- (1) The Dorbar Shnong may remove any office bearer or member of the Development Council if:
 - (a) he is convicted of any offence and sentenced for not less than six month imprisonment.
 - (b) he is found to be mentally unfit to carry out his functions.
 - (c) he is declared to be insolvent.
 - (d) he is found to absent himself from the majority of the meeting of the Development Council in a year.
 - (e) he has been guilty of misconduct in the discharge of his duty or any disgraceful conduct, and two thirds of the total strength of the Development Council at a meeting, recommend his removal.
 - (f) if, having been nominated as a candidate for Member of Parliament, Member of the Legislative Assembly and Member of the District Council.
 - (g) if, having held any office under the Government of India or the Government of any State or the District Council of any Autonomous District of any autonomous region, he has, whether before or after the commencement of this Act, been dismissed for corruption or disloyalty to the State, unless a period of five years has elapsed since his dismissal;
- (2) No person who has been removed from his office under sub-section (1) above shall be eligible for re-appointment as member of the Development Council except with the previous approval of the Executive Committee.

9. Casual Vacancy.

- (1) If at any time, the office of Waheh Shnong who is the Chairman of the Development Council is vacant due to death or resignation or removal or pendency of appeal, the Acting Waheh Shnong appointed by the Executive Committee shall function as Chairman of the Development Council.
- (2) If at any time, the post of a member of the Development Council becomes vacant for any reason, the Dorbar Shnong shall choose or nominate a person to fill the vacancy and shall inform the same to the Executive Committee.

Provided that, a member chosen to fill in a Casual vacancy shall hold office for the remainder of the term of office of the member who he replaced.

10. Conduct of Business.

- (1) The procedure for the conduct of business of the Development Council shall be regulated from time to time by the Chairman.
- (2) The Development Council shall meet at least once in every three months, provided that the Chairman may summon the meeting of the Development Council at any time, if requisition is made by one third of the total strength of the Development Council.
- (3) The quorum to constitute a meeting of the Development Council shall be one third of the total strength of the Development Council.
- (4) If at any time during a meeting of the Development Council there is no quorum, it shall be the duty of the Chairman, or person acting as such, either to adjourn or suspend the meeting until there is a quorum.
- (5) The business which could not be considered at the meeting so adjourned for want of quorum shall be brought before and disposed of at the meeting so fixed for the purpose.

11. Power and function of the Development Council.

The Development Council shall have the following powers and functions:-

- (1) To formulate plans for construction, repair and maintenance of roads, drains, dams, irrigation canals, drinking wells, tanks and other allied social welfare activities.
- (2) To supervise all schemes relating to village or town development and other social welfare activities.
- (3) To help any authority or the District Council or the State Government or the Central Government in carrying out developmental work in the village or town.
- (4) To apply for and receive grant in aid, donations, subsidies, from the Government and Non Government agencies and to implement the same for the benefits and welfare of the Village and Town.
- (5) To undertake programmes for waste disposals, to maintain cleanliness of the village/town public roads and foot paths, water sources and others of like-nature.
- (6) To undertake programs for improvement of literacy and maintenance of places of intellectual, cultural, religious, and archaeological importance.
- (7) To undertake environmental and sanitation programs and to promote health education.
- (8) To undertake programmes for Improvement of cultivation, animal husbandry, horticulture, fish farming, bee-keeping, and other income-generating occupations.

- (9) To undertake afforestation programs for the protection of the environment.
- (10) To open and maintain the Account of the Development Council in any recognised Bank.
- (11) To maintain the records of the Fund of the Development Council including the Cash Book/ Receipt Book, Receipt and Expenditure Register, etc.
- (12) The annual account of the Development Council shall be audited by the Auditors who shall not be members of Development Council appointed by the Executive Body of the Dorbar Shnong, with prior approval of the Dorbar Shnong. The Executive Body shall report and place such audit annually before the Dorbar Shnong. The Dorbar Shnong shall forward the annual Audit Report to the Executive Committee.
- (13) Any other powers and functions as may be delegated by the Executive Committee from time to time.

12. Roles and duties of the Development Council.

- (1) The Chairman shall preside over the meetings of the Development Council without any power to decide independently or unilaterally; and in the absence of the Chairman, the Vice-Chairman shall preside over the meeting and in the absence of both the Chairman and Vice-Chairman, the Development Council can select any of its office bearers to chair the meeting.
- (2) The Secretary shall maintain records of the proceedings and shall prepare the Annual Reports and statement of accounts and shall submit the same to the Executive Body of the Dorbar Shnong for placing the same before the Dorbar Shnong for deliberation, consideration and approval. In the absence of the Secretary, the Assistant Secretary shall perform the role of the Secretary.
- (3) The Treasurer shall prepare and submit quarterly account of all receipt and expenditure to the Development Council for its verification. The Development Council shall prepare annual statement of accounts and present the same to the Executive Body of the Dorbar Shnong for placing the same before the Dorbar Shnong.
- (4) The Members shall perform the roles and duties as may be empowered and entrusted by the Development Council.
- (5) The Chairman and the Secretary shall jointly sign all the documents and instruments on behalf of the Development Council.
- (6) The Chairman and the Treasurer shall have the power to open an account and withdraw the money from the account on behalf of the Development Council.

13. Fund of the Development Council.

Every Development Council shall constitute a Development Council Fund bearing the name of the Development Council and there shall be placed to the credit thereof:

- (1) Contribution and grants, if any made by the Central or the State Government or District Council;
- (2) Loans, if any, granted by the Central or the State Government or District Council;
- (3) All sums received as gifts or contribution and all income from any trust or endowment made in favour of the Development Council.

14. Local Area Development Planning Council.

- (1) The Executive Committee shall constitute a Local Area Development Planning Council in every constituency, to be headed by the Member of the District Council representing the constituency,

to consolidate the plans prepared by the Development Council and to prepare a draft development plan for the Constituency as a whole.

- (2) The Local Area Development Planning Council shall consist of the Member of the District Council representing the constituency as the Chairman, Dolloi(s)/Sirdar(s) of the Elaka(s) which fall under such constituency and all the Chairman of the Development Councils under such constituency. The Executive Committee may appoint any Officer of the District Council as Secretary of the Local Area Development Planning Council.

15. District Development Planning Council.

- (1) The Executive Committee shall constitute a District Development Planning Council to consolidate the plans prepared by the Local Area Planning Council and to prepare a draft development plan for the district as a whole.
- (2) The District Development Planning Council shall consist of :-
 - (a) The Chief Executive Member as the Chairman, Deputy Chief Executive Member, Executive Member i/c Finance, Executive Member i/c Civil Works Department, Executive Member i/c Planning Department and another member to be nominated by the Executive Committee.
 - (b) In cases where the plan for the constituency is consolidated, the member representing the constituency shall be compulsorily be included as a co-opted member.
 - (c) The District Development Planning Council may consult the respective Chairman of the Development Council while consolidating the development plan of the respective village or town.
- (3) The Secretary to the Executive Committee shall be the Secretary of the District Development Planning Committee.

16. Fund Allocation.

- (1) On-and from the commencement of this Act, the Executive Committee, within the limit of its economic capability and subject to the availability of funds, shall earmark a portion of its annual budget for the purpose of supporting the implementation of schemes and projects approved under this Act. All grants, funds, and other financial assistance received from the Central Government, State Government and/or any other agency for the purpose of socio-economic development and poverty alleviation shall be spent only in accordance with and to achieve the purpose of this Act.
- (2) All funds, grants and other forms of monetary or financial assistance received from any source for the purpose of achieving the objects of this Act, shall be treated to be part of the District Fund and be subjected to audit as per the provisions of paragraph 7 of the Sixth Schedule to the Constitution of India.

17. Nodal Department.

The Nodal Department shall be the Civil Works Department of the District Council.

18. Audit of Accounts.

Audit of **the** accounts of Schemes implemented by the Development Council shall be compulsory. Regular audit of accounts shall be done by Auditors. The audit by the Accountant General shall be carried out as per the rules in force.

19. Vigilance and Quality Assurance.

Independent Vigilance and Quality Assurance teams shall be constituted by the Executive Committee to monitor the implementation of the Developmental works or schemes undertaken by the Development Council.

20. Social Audit and Right to Information.

- (1) Social audit shall be taken up to make the planning, implementation and evaluation of schemes more participatory, transparent and accountable. The Social Audit shall be carried out at least once a year.
- (2) Information relating to the total estimate of the scheme, components of the scheme, the detailed project report, copies of Muster Rolls of the scheme, should be notified in the notice board of the village/town and District Council.
- (3) The Development Council shall appoint one of its members as the Public Information Officer (PIO) for the Scheme, under the Right to Information Act, 2005. The Executive Committee shall appoint an Officer of the District Council as the appellate authority under the Scheme. The PIO shall make available the copies of documents as per the provisions of the RTI Act.

21. Monitoring and Evaluation.

- (1) All the works carried out by the Development Council shall be inspected by the Officers appointed by the Executive Committee. The officer shall compile the report and submit the same to the Secretary, Executive Committee, quarterly. The Secretary shall place the same before the Executive Committee.
- (2) The Executive Committee may empanel reputed agencies to carry out impact assessment. The Impact Assessment Reports shall be placed before the Executive Committee. The Executive Committee shall take appropriate remedial measures based on the reports of the agency.

22. Grievances Redressal Mechanism.

Any grievance shall be inquired into and action initiated within 15 (fifteen) days by the officer appointed for the purpose. Details of all the grievances received and disposed of should be maintained in the Grievance Register. Acknowledgement shall be given for any grievance received.

23. Appeals.

- (1) Appeals against any order made by any authority under the provisions of this Act shall lie to the Executive Committee whose decision shall be final.

Provided that the Executive Committee may authorize any three of its Executive Members to dispose of the appeal. Anything heard, any act done or order passed by such members of the Executive Committee shall be deemed to have been heard, done or passed by the Executive Committee.

- (2) Every appeal made under this section shall be preferred by a party within 1 (one) month from the date of the order appealed against. However, delay if any, in filing the appeal beyond the period of 1 (one) month may be condoned by the appellate authority on good and sufficient reasons shown by the appellant for such delay.

24. Review of Orders.

- (1) The Executive Committee may, either on its own motion or on the application of any party interested, review any order passed by itself, review and/or revise any order passed by any authority of the District Council acting under this Act and pass such order in reference thereto as it may deem necessary after giving due opportunity of hearing to the parties.

- (2) No order shall be reviewed at the instance of any party except on the following grounds, viz. -
- (a) Discovery of new and important matter of evidence having bearing to the subject which could not be produced earlier inspite of due diligence; or
 - (b) Some mistake or error apparent on the face of the record, or
 - (c) Any other sufficient reason for the ends of justice.

25. Removal of difficulties.

If any difficulty arises in interpreting or giving effect to any provision of this Act, the Executive Committee may, as occasion requires, take any action by notification in the Official Gazette, not inconsistent with the provisions of this Act which may appear to it necessary for the purpose of removing such difficulty;

Provided that no such action shall be taken after two (2) years from the date of coming into force of this Act.

26. Power to make Rules.

Subject to the approval of the District Council, the Executive Committee of the Jaintia Hills Autonomous District Council shall make Rules for carrying out the purpose of this Act.

STATEMENT OF OBJECT AND REASONS

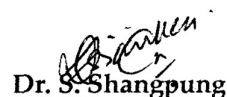
Whereas the practice of planning and implementing the village and town developmental works in Jaintia Hills have been carried out by the Dorbar Shnong through its local development committee from time to time without any legislation to regulate the same. Now therefore, so as to ensure community participation in decision making process, transparency and accountability with regard to implementation of developmental work in the villages and towns within Jaintia Hill Autonomous District, it has become expedient for this District Council to pass a comprehensive Bill for regulating and monitoring the same.

Hence this Act.



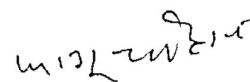
THOMBOR SHIWAT,
Chief Executive Member
Jaintia Hills Autonomous District Council,
Jowai.

This Act was passed by the District Council in its Special Session held on the 20th June, 2023. In authentication whereof I give my signature herein.



Dr. S. Shangpung
Chairman, District Council
Jaintia Hills Autonomous District Council,
Jowai

I assent to the Act.



PHAGU CHAUHAN
GOVERNOR OF MEGHALAYA.

Dated Shillong,
The 7th May, 2024.

FINANCIAL MEMORANDUM

This Act when enacted will not involve extra expenditure on the Council.