

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 5 of 2025

Date of order: 27.06.2025

Syngkhong Rympei Thymmai vs The State of Meghalaya & ors.

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr N. Syngkon, Adv
Ms L. Phanjom, Adv

For the Respondents : Mr N.D. Chullai, AAG with
Ms R. Colney, GA

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes
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Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

This public interest litigation (PIL) is of some importance. It is initiated by Syngkhong Rympei Thymmai, a registered Society under the Meghalaya Societies Registration Act XII of 1983 through its General Secretary, Mr Armour Lyngdoh. The Society has its registered office at Madan Laban, East Khasi Hills District, Shillong.

The structure of the society comprising of members of the Khasi tribe is by custom and tradition matriarchal. Under Articles 244(2) and

275(1) of the Constitution of India, the Sixth Schedule has been grafted thereto giving special status and rights to the scheduled tribes in specified areas of the country which includes Meghalaya. Khasis are one of the major tribes in this region. This Schedule, inter alia, provides for District and Regional Councils with power to legislate on subject-matters involving these tribes.

The core issue which is highlighted today by learned counsel for the petitioner concerns issuance of Scheduled Tribe certificates by the Social Welfare Department. On 21st July, 2020, it notified the Deputy Commissioner, East Khasi Hills District by endorsing the advice received from the District Council Affairs Department that the Lineage Act, 1997 did not prohibit the issuance of Scheduled Tribe certificates to those applicants who were adopting “surnames of either from the father or mother and the practice of adopting husband surnames by non-khasi wife.”

By a subsequent communication dated 21st May, 2024, the same Social Welfare Department withdrew the 21st July, 2020 letter, including the decision contained therein.

Learned counsel for the petitioner submits that as a result of this communication, issuance of Scheduled Tribe certificates to Khasis has been stopped by the government.

We have seen the Khasi Hills Autonomous District (Khasi Social Custom of Lineage) Act, 1997. It applies to all Khasis in Khasi Hills District. In Section 2(h) “Khasi” is defined and in Section 3 where both the parents are Khasi or either of the parents is a Khasi, the offspring is also a Khasi but each type of progeny is differently categorised and described under the Section. Section 5 provides for registration and grant of Khasi Tribe certificate.

We would like to understand how the option of a person to adopt the surname of one’s mother or father could change the obligation of the authority under the said Act to register a Khasi and grant him or her the “Tribe Certificate.”

This public interest litigation (PIL) is formally admitted.

We direct the petitioner to serve copies of the petition on all the respondents except the State which is represented by learned counsel today.

On the returnable date, the District Council Affairs Department shall file a report in this Court pertaining to issuance of or its views on

issuance of Scheduled Tribe certificates to Khasis opting for surnames of their father or mother and to women who choose to adopt the surname of their husbands.

A copy of the report should be circulated to the other parties before the returnable date of this petition.

List this PIL once again on 23rd July, 2025.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
27.06.2025
"Sylvana PS"