In exercise of the powers conferred by sub-section (1) of section 4 of the Civil Defence Act 1968 (27 of 1968), the State Government hereby constitutes, for the area within the State of Sikkim described in the Schedule below, a body of persons to be published the Civil Defence Corps.

SCHEDULE

Gangtok Civil Defence Area

The Town of Gangtok as specified by the State Government, from time to time Notification under sub-section (1) of section 3 of the Gangtok Municipal Corporatio Act. 1975 (Act No.IV of 1975) and areas within 40 miles (64 Km) belt of the Internal border as Civil Defence Areas.

By Order,

J. T. Densapa,
Home Secretary,
Government of Sikkim.
In exercise of of the powers conferred by rule 37 of the Sikkim Cinemas (Regulation) Rules 79, made by the State Government under section 9 of the Sikkim Cinemas (Regulation) Act, 1978 (Act No. 20 of 1978), I, hereby authorise Assistant Director (Films) for the of Sikkim and District I information Officers within their jurisdictions to make surprise checks of the cinemas and the Licencee concerned shall ensure that these officers are allowed to do so without any hindrance, in order to see that the conditions mentioned in rules 34, 35 and 36 are duly observed.

SONAM WANGDI,
Secretary,
Information and Public Relations Department.
In exercise of the powers conferred by section 9 of the Prevention-of Black-marketing and Maintenance of Supplies of Essential Commodities Act, 1980 (Act No.9 of 1980) and in accordance with the recommendation of Hon'ble Chief Justice of Sikkim High Court the State Government is pleased to constitute an Advisory Board consisting of the following for the purposes of the said Act, namely:—

1. Hon'ble Mr. Justice Anandamoy Bhattacharjee of Sikkim High Court - CHAIRMAN,
2. Hon'ble Mr- Justice N. N. Goswami of Delhi High Court - MEMBER, and
3. Hon'ble Mrs. Liela Seth of Delhi High Court - MEMBER.

By Order

P.K PRADHAN, IAS,
Secretary to the Government of Sikkim
Food & Civil Supplies Department.
GOVERNMENT OF SIKKIM
INCOME AND SALES TAX DEPARTMENT

Notification No. 1961-200/ST. Dated Gangtok, the 5th January, 1981,

In supersession of this Office Notification No. 1354-200/IT&ST dated the 4th July, 1975 and No. 430-200/ST dated the 15th June, 1976 and in pursuance of Notification No. 6214-F/T dated the 9th December, 1980 issued by the Government of West Bengal and also notifications issued by the other State Governments, Shri K. Sherab, Secretary, Finance Department and Shri T. P. Ghimiray, Joint Secretary, Income Tax and Sales Tax Department are hereby authorised to sign/countersign the invoices in respect of purchases of goods from other States, for use in Sikkim. This authorisation comes into force with effect from 9.12.1980.

Gangtok,
The 5th January, 1981.

Sd/- M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
No. 18/SLAS/80-81/2025 Dated Gangtok, the 13th February, 1981.

The following order made by the Governor of Sikkim is hereby published for General information:—

"No.SKMA/GOV/152/81 Dated 12th February, 1981

ORDER

In exercise of the powers conferred on me by article 174 (1) in Part VI of the Constitution of India, I, Homi J.H. Taleyarkhan, Governor of Sikkim, hereby summon the Legislative Assembly of Sikkim to meet on Monday, 9th March, 1981 at 11.00 AM., in the Assembly House in Gangtok.

I further direct that the Secretary, Legislative Assembly, shall notify the Members accordingly.

HOMI J.H. TALEYARKHAN
GOVERNOR OF SIKKIM"

R.K. GUPTA,
Secretary,
The Sikkim Panchayat (Amendment) Ordinance, 1981.

Promulgated by the Governor in the Thirty-second Year of the Republic of India.

An Ordinance further to amend the Sikkim Panchayat Act, 1965.

WHEREAS the Legislative Assembly of Sikkim is not in session, and the Governor 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 particle 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance,

(1) This Ordinance may be called the Sikkim Panchayat (Amendment) Ordinance, 1981.

(2) It extends to the whole of Sikkim.

(3) It shall come into force at once.

In the Sikkim Panchayat Act, 1965, for proviso to sub-section (4) of section 6, following shall be substituted, namely:—

"Provided that the said period may be extended by the Government by notification in the Official Gazette for a period of two years not exceeding one year at a time or until the reconstitution of the Block Panchayats, which—

Gangtok,

DATED THE 21ST FEBRUARY, 1981.

HOMI J. H. TALEYARKHAN,
Governor.

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law and Legislative Department,
F. No. 16 (85) LL/79.
SIKKIM RAJYA SAINIK BOARD
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. RSB-PUB(336)-81/33 Dated Gangtok, the 13th February, 1981.

It is hereby notified for general information that the State Government of Sikkim is pleased to extend the following concessions to ex-servicemen of the Defence Forces of India to the State of Sikkim:

1. A reservation of 15% of all jobs in the class III and IV categories in the office of the State Government.

2. A grant of cash awards and in cases with annuity in recognition of acts of gallantry performed in the course of their active service in war or war-like operations which have been duly recognised by such awards as under:

<table>
<thead>
<tr>
<th>CASH GRANT</th>
<th>ANNUITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Param Vir Chakra Medal - Rs. 15,000/- (Rupees fifteen thousand) only.</td>
<td>Rs. 750/- (Rupees seven hundred fifty) only for thirty years.</td>
</tr>
<tr>
<td>(ii) Mahabir Chakra Medal - Rs. 7,500/- (Rupees seven thousand five hundred) only.</td>
<td>Rs. 500/- (Rupees five hundred) only for thirty years.</td>
</tr>
<tr>
<td>(iii) Vir Chakra Medal - Rs. 5,000/- (Rupees five thousand) only.</td>
<td>Rs. 300/- (Rupees three hundred) only for thirty years.</td>
</tr>
</tbody>
</table>

LUMP-SUM GRANT ONLY:
(iv) Sena Medal - Rs. 3,000/- (Rupees three thousand) only.
(v) Ashoka Medal - Rs. 5,000/- (Rupees five thousand) only.
(vi) Kirti Chakra - Rs. 3,000/- (Rupees three thousand) only.
(vii) Saurya Chakra - Rs. 1,000/- (Rupees one thousand) only.
(viii) Mention in Despatch - Rs. 1,000/- (Rupees one thousand) only.

3. A grant of ex-gratia payments to battle casualties or their dependants when the individual is assessed as suffering from a 50% disability by a constituted service medical board as a result of his wounds. This includes casualties suffered in operations against declared hostiles in aid of civil authority as in Nagaland and Mizoram.
KILLED OR WOUNDED:

(i) Officers - Rs. 5000/- (Rupees five thousand) only.
(ii) JCOs - Rs. 3000/- (Rupees three thousand) only.
(iii) Other Ranks - Rs. 2000/- (Rupees two thousand) only.

P. CHOUDHURI,
Lt. Col (Retd)
Secretary,
Sikkim Rajya Sainik Board,
Government of Sikkim.
THE FOREST CONSERVATION ACT, 1980

(No. 69 of 1980)

AN ACT
to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest (Conservation) short title, Ex-
Act, 1980. tent and com-
mencement.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall be deemed to have come into force on the 25th day of October, 1980.

2. Notwithstanding anything contained in any other law for Restriction on the de-
forest or use, of forest land purpose.

(i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;

(ii) that any forest land or any portion thereof may be used for any non-forest purpose.
**Explanation**—For the purposes of this section "non-forest purpose" means breaking up or clearing of any forest land or portion thereof for any purpose other than reafforestation.

Constitution of 3. The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to—

(i) the grant of approval under section 2; and

(ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

Power to make 4. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Repeal and saving. 5. (1) The Forest (Conservation) Ordinance, 1980 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

N. SANJIVA REDDY,
President.

R.V.S. PERI SASTRI,
Secretary to the Govt. of India

By order,

B. R. PRADHAN,
Secretary to the Government of Sikkim Law and Legislative Department
F. No. 11 (224)LL/80.
LAW AND LEGISLATIVE DEPARTMENT
Notification No. 3/LL/RC/81.
Dated Gangtok, the 24th February, 1981.

No. 9

Gangtok, Friday, February 27, 1981

The following Act assented to by the President and published in the Gazette of India Extraordinary, Part II, Section I, dated the 18th December, 1980, is hereby republished for general information.

THE TERRITORIAL ARMY (AMENDMENT) ACT, 1980
(No. 53 of 1980)
AN ACT
further to amend the Territorial Army Act, 1948.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

1. This Act may be called the Territorial Army (Amendment) Act, 1980.

5th of 1948.

2. In section 14 of the Territorial Army Act, 1948, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

N. SANJIVA REDDY,
President.

R.V. S. PERI SASTRI,
Secretary to the Govt. of India.

B.R. PRADHAN,
Secretary to the Government of Sikkim.
Law and Legislative Department,
F. No. 11 (235)/LL/80.
The following Act assented to by the President and published in the Gazette of India Extraordinary, Part II, Section I, dated the 21st January, 1981, is hereby republished for General information.

THE NATIONAL SECURITY ACT, 1980.

(No 65 of 1980)

AN ACT.

to provide for preventive detention in certain cases and for matters connected therewith.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

1. (i) This Act may be called the National Security Act, 1980. Short title and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. In this Act, unless the context otherwise requires,- Definitions.

(a) "appropriate Government " means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government;

(b) "detention order" means an order made under section 3;

(c) "foreigner" has the same meaning as in the Foreigners Act, 1946;

(J) "person" includes a foreigner;

(e) " State Government", in relation to a Union territory, means the administrator thereof.

3. (1) The Central Government or the State Government may,— Power to Make orders detaining certain persons.

(a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India; or
(b) if satisfied with respect to any foreigner that with a view
to regulating his continued presence in India or with a view to making
arrangements for his expulsion from India,
it necessary so to do, make an order directing that such person be detained.

(2) The Central Government or the State Government may, if satis­
fied with respect to any person that with a view to preventing him from acting
in any manner prejudicial to the security of the State or from acting in any
manner prejudicial to the of maintenance of public order or from acting in any
manner prejudicial to the maintenance of supplies and services essential to the
community it is necessary so to do, make an order directing that such person
be detained.

Explanation.—For the purposes of this sub-section, "acting in any manner
prejudicial to the maintenance of supplies and services essential to the epnv
munity" does not include "acting in any manner prejudicial to the maintenance
of supplied of commodities essential to the community" as defined in the
Explanation to sub-section (1) section 3 of the Prevention of Blackmarketing
and Maitenance of Applies of Essential Commodities Act, 1980, and
accordingly, no order of detention shall be made under this Act on any
ground on which an order of detention may be made under that Act.

(3) If, having regard to the circumstances prevailing or likely to pre­
vail in any area within the local limits of the jurisdiction of a District Magis­
trate or a Commissioner of Police, the State Government is satisfied that it is
necessary so to do, it may, by order in writing, direct, that during such period
as may be specified in the order, such District Magistrate or Commissioner of
Police may also, if satisfied as provided in sub-section (2), exercise the powers
conferred by the said sub-section:

Provided that the period specified in an order made by the State Government
under this sub-section shall not, in the first instance, exceed three
months, but the State Government may, if satisfied as aforesaid that it is
necessary so to do, amend such order to extend such period from time to time
by any period not exceeding three months at any one time.

(4) When any order is made under this section by an officer mentioned
in sub-section (3), he shall forthwith report the fact to the State Government
to which he is subordinate together with the grounds on which the order
has been made and such other particulars as, in his opinion, have a bearing on
the matter, and no such order shall remain in force for more than twelve
days after the making thereof unless, in the meantime, it has been approved
by the State Government:

Provided that where under section 8 the grounds of detention are com­
municated by the officer making the order after five days but not later than ten
days from the date of detention, this sub-section shall apply subject to the
modification that, for the words "twelve days", the words "fifteen days"
shall be substituted.

(c) When any order is made or approved by the State Government
under this section, the State Government shall, within seven days, report
the fact to the Central Government together with the grounds on which the
order has been made and such other particulars as, in the opinion of the
State Government, have a bearing on the necessity for the order.

Execution 4. A detention order may be executed at any place in India in the 2 of 1974.
of deten- manner provided for the execution of warrants of arrest under the Code of
5. "Every person in respect of whom a detention order has been shall be liable—

(a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify; and

(b) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government: Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

6. No detention order shall be invalid or inoperative merely by reason—

(a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or

(b) that the place of detention of such person is outside the said limits.

7. (1) If the Central Government or the State Government or an officer mentioned in sub-section (3) of section 3, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government or officer may—

(a) make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides;

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order.

(2) Upon the making of a report against any person under clause (a) of sub-section (1), the provision of sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973, shall apply in respect of such person and his property as if the detention order made against him were a warrant issued by the Magistrate.

(3) If any person fails to comply with an order issued under clause (b) of sub-section (1), he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(4) Notwithstanding anything contained in the Code of Criminal Procedure of 1974, every offence under sub-section (3) shall be cognizable.

8. (1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.
(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

Constitu-
9. (1) The Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards for the Advisory purposes of this Act.

Boards
(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the appropriate Government.

(3) The appropriate Government shall appoint one of the members of the Advisory Board who is, or has been, a Judge of a High Court; to be its Chairman, and in the case of Union territory, the appointment to the Advisory Board of any person who is a Judge of the High Court of a State shall be with the previous approval of the State Government concerned.

Reference
10. Save as otherwise expressly provided on this Act, in every case where a detention order has been made under this Act, the appropriate Government shall, within three weeks from the date of detention of a person under the order, place before the Advisory Board constituted by it under section 9, the grounds on which the order has been made and the, representation, if any, made by the person affected by the order, and in case where the order has been made by an officer mentioned in sub-section (3) of section 3, also the report by such officer under sub-section (4) of that section.

Procedure
11. (1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the appropriate Government or from any person called; for the purpose through; the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or it the person concerned desires to be heard, after hearing him in person, submit its report to the appropriate Government within seven weeks from the date of detention of the person concerned.

(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

(4) Nothing, in this section shall entitle any person against whom a detention order has been made to appear by any legal practioner in any matter connected with the reference to the Advisory Board; and the proceedings of the Advisory Board and its report, excepting that part of the report in which the opinion of the Advisory Board is specified, shall be confidential.

Action
12. (1) In any case where the Advisory Board has reported that there is, in its opinion, sufficient cause for the detention of a person, the appropriate Government may confirm the detention order and continue the detention of the person concerned for such period as it thinks fit.

(2) In any case where the Advisory Board has reported that there is, in its opinion, no sufficient cause for the detention of a person, the appropriate Government shall revoke the detention order and cause the person concerned to be released forthwith.

Maximum
13. The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 12 shall be twelve months from the date of detention:
Provided that nothing contained in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time,

14. (1) Without prejudice to the provisions of section 21 of the Revocation General Clauses Act, 1897, a detention order may, at any time, be revoked 10 of 1897 or modified,—

(a) notwithstanding that the order has been made by an officer mentioned in sub-section (3) of section 3, by the State Government to which that officer is subordinate or by the Central Government;

(b) notwithstanding that the order has been made by State Government, by the Central Government,

(a) The revocation or expiry of a detention order shall not bar the making of a fresh detention order under section 3 against the same person in any case where fresh facts have arisen after the date of revocation or expiry on which the Central Government or a State Government or an officer mentioned in sub-section (3) of section 3, as the case may be, is satisfied that such an order should be made.

15. (1) The appropriate Government may, at any time, direct that any person detained in pursuance of a detention order may be released for any specified period either without conditions or upon such conditions specified in the direction as that person accepts, and may, at any time, cancel his release.

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.

(3) Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.

(5) If any person released under sub-section (1) fails to fulfil any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

16. No suit or other legal proceeding shall lie against the Central Government or a State Government, and no suit, prosecution or other legal proceeding shall lie against any person, for anything in good faith done or intended to be done in pursuance of this Act.

17. (1) Nothing in this Act shall apply or have any effect with respect to orders of detention, made under any State law, which are in force immediately before the commencement of the National Security Protection of action taken in good faith. Act not to have effect with respect to detentions under State laws. 11 of 1986. Ordinance, 1980, and accordingly every person in respect of whom an order of detention made under any State law is in force immediately before such commencement, shall be governed with respect to such detention by the provisions of such State law or where the State law under which such order of detention is made is an Ordinance (hereinafter referred to as the State Ordinance) promulgated by the Governor of that State and the State Ordinance has been replaced—
(i) before such commencement, by an enactment passed by
the Legislature of that State, by such enactment; or

(ii) after such commencement, by an enactment which is
passed by the Legislature of that State and the application of which is
confined to orders of detention made before such commencement. Under
the State Ordinance, by such enactment,

as if this Act had not been enacted.

(2) Nothing in this section shall be deemed to bar the making under
section 3, of a detention order against any person referred to in sub-sec-
tion (i) after the detention order in force in respect of him as aforesaid imme-
diately before the commencement of the National Security Ordinance, 1980, 11 of 1980
ceases to have effect for any reason whatsoever

Explanation- For the purposes of this section, “State law” means any
law providing for preventive detention on all of any of the grounds on which
an order of detention may be made under sub-section (2) of section 3 and in
force in any State immediately before the commencement of the said Ord-
nance.

Repeal and 18. (1) The National Security Ordinance, 1980, is hereby repealed. 11 of 1980
saving. (2) Notwithstanding such repeal, anything done or any action taken
under the said Ordinance shall be deemed to have been done or taken under
the corresponding provisions of this Act, as if this Act had come into force
on the 23rd day of September, 1980, and, in particular, any reference made
under section 10 of the said Ordinance and pending before any Advisory
Board immediately before the date on which this Act receives the assent of
the President may continue to be dealt with by that Board after that date as
if such Board had been constituted under section 9 of this Act.

N. SANJIVA REDDY,
President.

R.V.S. PERI SASTRI,
Secretary to the Govt. of India.

By order,

B. R. PRADHAN,
Secretary to the Government of Sikkim
Law and Legislative Department
F. No. 11 (215)LL/80.
FISH AND WILD LIFE DEPARTMENT
GOVERNMENT OF SIKKIM.

NOTIFICATION
No. 2317/F & WL. Dated Gangtok, the 21st January 1981.

In pursuance of sub-section (4) of section 40 of the wild Life (Protection) Act, 72 (53 of 1972), the State Government hereby requires every person to declare to the Chief Wild Life Warden any animal article or trophy (other than a musk of a musk deer or horn of a rhinoceros) or salted or dried skins derived from an animal specified in schedule I or part II of schedule II of the said Act in his control, custody or possession within one months from the date of publication of this Notification in Form XIII appended to the Sikkim Wild Life (Protection) Rules, 1976.

P.O. PAZO,
Secretary,
to the Government of Sikkim,
Fish and Wild Life Department.
Form of declaration under Sub-section (4) of Section 40 of the Wild Life (Protection)

The Chief Wild Life Warden, S kkim, (or the authorised Officer)

1. Full name and address of the person possessing animal article, etc specified under Rule

2. Actual stock held on the date of declaration in animal articles:—
   (I) Description including name of animal from which derived.
   (II) Number.
   (III) Dimension or weight.
   (IV) How obtained.
   (V) Premises where kept.

3. Actual stock held on the date of declaration in trophies (Other than a musk or horn of a rhinoceros):—
   (I) Description including species of animal from which derived.
   (II) Number.
   (III) Dimension or weight.
   (IV) How obtained.
   (V) Premises where kept.

4. Actual stock held on the date of declaration in salted or dried skins:—
   (I) Description including name of animal from which derived.
   (II) Number.
   (III) Dimension or weight.
   (IV) How obtained.
   (V) Premises where kept.

5. Remarks if any:--

I do hereby declare that the information given above is true to the best of knowledge and belief.

Signature of the person making declaration
THE SPECIAL BEARER BONDS (IMMUNITIES AND EXEMPTIONS) ORDINANCE, 1981.

No. 1 of 1981

Promulgated by the President in the Thirty-first Year of the Republic of India.

An Ordinance to provide for certain immunities to holders of Special Bearer Bonds, 1991 and for certain exemptions from direct taxes in relation to such bonds and for matters connected therewith.

Whereas for effective economic and social planning it is necessary to canalise for productive purposes black money which has become a serious threat to the national economy;

And whereas with a view to such canalisation the Central Government has decided to issue at par certain bearer bonds to be known as the Special Bearer Bonds, 1991, of the face value of ten thousand rupees and redemption value, after ten years, of twelve thousand rupees;

And whereas it is expedient to provide for certain immunities and exemptions to render it possible for persons in possession of black money to invest the same in the said Bonds;

And whereas Parliament is not in session and the President 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 (i) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:

**Short title extension**

1. (I) This Ordinance may be called the Special Bearer Bonds (Immunities and Exemptions) Ordinance, 1981.

2. It extends to the whole of India.

3. It shall come into force at once.

**Definition**


**Immunities**

3. (1) Notwithstanding anything contained in any other law for the time being in force,—

   (a) no person who has subscribed to or has otherwise acquired Special Bearer Bonds shall be required to disclose for any purpose whatsoever, the nature and source of acquisition of such Bonds;

   (b) no inquiry or investigation shall be commenced against any person under any such law on the ground that such person has subscribed to or has otherwise acquired Special Bearer Bonds; and

   (c) the fact that a person has subscribed to or has otherwise acquired Special Bearer Bonds shall not be taken into account and shall be inadmissible as evidence in any proceedings relating to any offence or the imposition of any penalty under any such law.

   (2) Nothing in sub-section (1) shall apply in relation to prosecution for any offence punishable under Chapter IX or Chapter XVII of the Indian Penal Code, the Prevention of Corruption Act, 1947 or any offence which is punishable under any other law and which is similar to an offence punishable under either of those Chapters or under that Act or for the purpose of enforcement of any civil liability.

   **Explanation,**—For the purposes of this sub-section, “civil liability” does not include liability by way of tax under any law for the time being in force.

**Acquisition**, 4. Without prejudice to the generality of the provisions of section 3, the subscription to, or acquisition of, Special Bearer Bonds by any person not to be shall not be taken into account for the purpose of any proceedings under the Income-tax Act, 1961. (hereinafter referred to as the Income-tax Act), 43 of 1961.

3. In particular, no person who has subscribed to, or has otherwise acquired, the said Bonds shall be entitled—

   (a) to claim any set-off or relief in any assessment, re-assessment, appeal, reference or other proceeding under the Income-tax Act or to reopen any assessment or re-assessment made under that Act on the ground that he has subscribed to or has otherwise acquired the said Bonds;

   (b) to claim at any time before the date of maturity of the said Bonds that any asset which is includible in his net wealth for any assessment year under the Wealth-tax Act has been converted into the said Bonds; or

   (c) to claim at any time before the date of maturity of the said Bonds that any sum credited in his books of account or otherwise held by him represents the consideration received by him for the transfer of the said Bonds.
5. In the Income tax Act,—

(a) in section 2, in clause (14), after sub-clause (IV), the following sub-clause shall be inserted, namely:—

"(v) Special Bearer Bonds, 1991, issued by the Central Government;";

(b) in section 10, in clause (15), after sub-clause (ia), the following sub-clause shall be inserted, namely:—

"(ib) premium on the redemption of Special Bearer Bonds, 1991;".

6. In section 5 of the Wealth-tax Act, in sub-section (1), after clause (xiv), the following clause shall be inserted, namely:—

"(xvib) Special Bearer Bonds, 1991;".

7. In section 5 of the Gift-tax Act, in sub-section (1), after clause (iiia), the following clause shall be inserted, namely:—

"(iiib) of property in the form of Special Bearer Bonds, 1991;".

8. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order, not inconsistent with the provision of this Ordinance, remove the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

N. SANJIVA REDDY,
President.

R.V.S. PERI SASTRI,
Secretary to the Govt. of India.

By order,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law and Legislative Department,
F. No. 11 (229)LL/80.
NOTIFICATION

In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly the Speaker has been pleased to pre-publication of the following bill:-

THE SIKKIM ADVOCATE BILL,
BILL NO. 1 OF 1981.

A BILL
to provide for appearance of Advocates in different courts in Sikkim.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Sikkim Advocates Act, 1981.

(2) It extends to the whole of Sikkim.

(3) It shall be deemed to have come into force on the 24th day of November, 1980.

2. In this Act, unless the context otherwise requires,-

(a) "Advocate" means an Advocate entered in any roll under the provisions of the Advocates Act, 1961 (No. 25 of 1961);

(b) "Court" means the High Court of Sikkim, and a Court of Civil or Criminal jurisdiction in Sikkim and includes any tribunal, authority or person in Sikkim legally authorised to take evidence;

(c) "proceeding" includes suit, appeal, revision, review, petition, application before any Court.
3. (1) Notwithstanding anything contained in any other law, but Persons who
subject to the provisions of this Act, only the following may be allowed
classes of persons, shall be entitled to act and plead before to act and plead
any Court- in courts.

(a) parties to to the proceeding ; or
(b) Advocates.

(2) An advocate who is a full time employee of any Government or person or is actively associated with any trade or business shall not be entitled to act and plead before any Court unless he is a party to the proceedings.

(3) Any Court may permit any person not enrolled as an advocate under the provision of the Advocate Act, 1961, to appear before it in any particular case.

(4) Any person who acts and pleads before any Court in contravention of any provision of this Act shall be punishable with fine which may extend to one thousand rupees.

4. (1) The Sikkim Advocates Ordinance, 1980 (Ordinance Repeal and
No. 2 of 1980) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

It was felt that in view of introduction of many laws in Sikkim it had become necessary to make a law permitting advocates to appear before the courts of law as there were two orders issued by the erstwhile regime of the Chogyal prohibiting representation of parties in cases by legal representatives or advocates except with special permission. With this object in view the Sikkim Advocates Ordinance, 1980 was promulgated by the Governor on the 24th day of November, 1980.

This Bill seeks to replace the aforesaid Ordinance.

N. B. BHANDARI.
Chief Minister

FINANCIAL MEMORANDUM
NIL

MEMORANDUM ON DELEGATED LEGISLATION
NIL

By Order

R. K. GUPTA,
Secretary.
SIKKIM

GOVERNMENT

GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.14

Gangtok, Friday, March 6, 1981

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

GANGTOK

No.204/SLAS/80-81/2160

Dated Gangtok, the 4th March, 1981.

NOTIFICATION

In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following bill:-

THE SIKKIM PANCHAYAT (AMENDMENT) BILL,

BILL NO. 2 OF 1981.

A BILL

further to amend the Sikkim Panchayat Act, 1955.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:—

1.(1) This Act may be called the Sikkim Panchayat (Amendment) Bill, 1981. Short title, extent and commencement.

(2) It extends to the whole of Sikkim.

(3) It shall be deemed to have come into force on the 21st day of February, 1981.

2. In the Sikkim Panchayat Act, 1965, for proviso to sub-section (4) of section 6, the following shall be substituted, namely:—

"Provided that the said period may be extended by the Government by notification in the Official Gazette for a period of two years not exceeding one year at a time or until the reconstitution of the Block Panchayats, whichever is earlier."

3. (1) The Sikkim Panchayat (Amendment) Ordinance (Ordinance No. 1 of 1981) is hereby repealed. Repeal and Saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.
STATEMENT OF OBJECT AND REASONS

Government felt the necessity of amending section 6 of the Sikkim Panchayat Act, 1965 in order to provide for increasing the term of the existing Block Panchayat for one more year or until the reconstitution of new Block Panchayats. With this object in view, the Sikkim Panchayat (Amendment) Ordinance, 1981 (Ordinance No. 1 of 1981) was promulgated by the Governor on the 21st day of February, 1981.

This Bill seeks to replace the aforesaid Ordinance.

NAR BAHADUR BHANDARI
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

FINANCIAL MEMORANDUM.

The extension of the term of the existing Block Panchayats under provision sub-clause (4) of clause 6 of this Bill will not involve any additional expenditure.

By order,

R. K. GUPTA,
Secretary,
NOTIFICATION

In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following bill:-

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) BILL, 1981.

BILL NO. 3 OF 1981

A BILL

further to amend the Gangtok Municipal Corporation Act, 1975 (IV of 1975).

Be it enacted by the Legislature of Sikkim in the Thirty-Second Year of the Republic of follows :-

1. (1) This Act may be called the Gangtok Municipal Corporation (Amendment) Act, 1981.

(2) It shall be deemed to have come into force on the 16th day of December, 1980.

2. In the Gangtok Municipal Corporation Act, 1975 (IV of 1975), in sub-section (5) of section 3, for the words "one year", the words "two years" shall be substituted.

3. (1) The Gangtok Municipal Corporation (Amendment) Ordinance, 1980 (Ordinance No. 3 of 1980) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.
STATEMENT OF OBJECTS AND REASONS

The Government felt the necessity of amending section 3 of the Gangtok Municipal Corporation Act, 1975 (IV of 1975) in order to provide for increasing the term of appointment of the Administrator for the Gangtok Municipal Corporation pending the reconstitution of the Corporation. With this object in view the Gangtok Municipal Corporation Amendment Ordinance, 1980 (Ordinance No. 3 of 1980) was promulgated by the Governor on the 16th day of December, 1980.

This Bill seeks to replace said Ordinance.

ATHUP LEPCHA
Minister-in-Charge

MERANDUM REGARDING DELEGATED LEGISLATION
NIL

FINANCIAL MEMORANDUM

The extension of the term of appointment of the Administrator under proviso to sub-clause (5) of clause 3 of this Bill involves a financial expenditure to the tune of Rs. 2 approximately.

By Order

R. K. GUPTA,
Secretary.
NOTIFICATION

In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following bill:-

THE SIKKIM ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) BILL,
BILL NO. 4 OF 1981.

A BILL
to amend the Sikkim Essential Services Maintenance Act, 1978 (7 of 1978).

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the public of India as follows:-

1. This Act may be called the Sikkim Essential Services Maintenance (Amendment) Act, 1981. Short title-

2. In the Sikkim Essential Services Maintenance Act, 1978 Amendment of (7 of 1978), in sub-section (2) of section 1, for the words "three years" the words "seven years" shall be substituted.
STATEMENT OF OBJECTS AND REASONS

The Sikkim Essential Services Maintenance Act, 1978 (7 of 1978) was to remain in force for a period of three years only from the date of its commencement i.e. the 31st day of March 1978. In other words, this Act shall cease to have effect on the expiry of this period of three years from 31.3.1978.

The Government felt the necessity of extending the duration of this Act by another four years.

The Bill has been framed accordingly.

NAR BAHADUR BHANDARI
Chief Minister.

MEMORANDUM ON DELEGATED LEGISLATION
NIL

FINANCIAL MEMORANDUM
NIL

By Order

R.K. GUPTA,
Secretary.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
SIKKIM
GOVERNMENT
GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 17  Gangtok, Friday, March 6, 1981

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK
No. 204/SAS/80-81/2180  Dated Gangtok, the 5th March, 1981.

NOTIFICATION

In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following bill:-

THE SIKKIM OFFICIAL LANGUAGES (AMENDMENT) BILL,
BILL No. 5 OF 1981.

A BILL
to amend the Sikkim Official Languages Act, 1977 (5 of 1977)
Be it enacted by the Legislature of Sikkim in the Thirty-second year of the Republic of India as follows:—

1. This Act may be called the Sikkim Official Languages (Amendment) Short title.
1981.
the preamble and section 2, for the words "the Nepali, the Bhutia and the long title,
Lepcha", the words "the Nepali, the Bhutia, the Lepcha and the Limbu" preamble and
section 2. shall be substituted.

STATEMENT OF OBJECTS AND REASONS

It has been deemed expedient to include the Limbu language also as one of the official Languages of the State along with the Nepali, the Bhutia and the Lepcha languages as Provided in the Sikkim Official Languages Act, 1977 (5 of 1977) and to amend the said Act accordingly.
The Bill has been framed with the above object in view.

NAR BAHADUR BHANDARI
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION.
NIL
FINANCIAL MEMORANDUM
NIL
By order,
R. K. GUPTA,
Secretary,

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

No. 2203/SLAS/204/80-81 Dated Gangtok, the 7th March, 1981

NOTIFICATION

In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following bill:

THE SIKKIM APPROPRIATION BILL No. 6 OF 1981

A

BE it enacted by the Legislature of the State of Sikkim in the Thirty-second year of the Republic of India as follows:

1. This Act may be called the Sikkim Appropriation Act, 1981.

2. From and out of the Consolidated Fund of the State of Sikkim there may be paid and applied sum not exceeding that specified in column 3 of the Schedule of the Consolidated Fund amounting to eight crores sixty six lakhs fourteen thousands of Rupees towards defraying the charges which will come in course for payment during the financial year 1980-81 in respect of the services specified in column 2 of the Schedule.

3. The sum authorised to be paid and applied from and out of the Consolidated Fund for the services specified in column 2 of the Schedule for the financial year 1980-81 shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.
## SCHEDULE

(See Section 2 & 3)

<table>
<thead>
<tr>
<th>No. of Vote</th>
<th>SERVICES AND PURPOSES</th>
<th>SUMS NOT EXCEEDING</th>
<th>Charge on the Consolidated Fund</th>
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<tbody>
<tr>
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<td>Voted by the Legislative Assembly</td>
<td>Total</td>
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<tr>
<td></td>
<td></td>
<td>Revenue 275 275</td>
<td>275 275</td>
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</table>

1. State Legislature
   - Appropriation-Governor Revenue 25 25
   - 1. State Legislature Revenue 275 275

2. Cabinet
   - Revenue 455 455

3. Agriculture
   - Revenue 100 100

4. Co-operation
   - Capital 600 600

5. Education
   - Revenue 455 455

6. Power & Irrigation
   - Revenue 3886 3886

7. Irrigation
   - Revenue 14530 14530

8. Establishment Department
   - Revenue 121 121

9. Excise (Abkari) Revenue 167 167

10. Finance Department
    - Revenue 230 230

11. Income & Sales Tax Revenue 93 93

12. Other Expenditure of the Finance Department
    - Revenue 1234 1234

13. Forest, Fisheries & Soil Conservation
    - Revenue 1528 1528

14. Motor Vehicles Revenue 69 69

15. Sikkim Nationalised Transport Revenue 3232 3232

16. Home Department Revenue 3125 3125

17. Administration of Justice Revenue 153 35 188

18. Police Revenue 1250 1250

19. Land Revenue Revenue 124 124

20. Medical, Public Health and Social Welfare Revenue 200 200

21. Industries & Labour Revenue 123 123

22. Press, Publicity & Cultural Affairs Revenue 896 — 896

23. Public Works, Roads, Bridges and Water Supply Revenue 22482 22482

24. Tourism Capital 3300 3300

25. Panchayat & Rural Works Revenue 4260 4260

26. Tourism Revenue 55 55

27. Tourism Capital 460 460
STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of Article 204(1) of the Constitution of India, read with Articles 205 thereof to provide for the appropriation out of the Consolidated Fund of the State of Sikkim of the moneys required to meet the expenditure charged on the Consolidated Fund of the State of Sikkim and the Supplementary Grants made by the Legislative Assembly for expenditure of the Government of Sikkim for the financial year 1980-81.

SHERAB PALDEN
Minister-In-Charge,
Department of Finance.

By Order

R. K. GUPTA,
Secretary.
NOTIFICATION

In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following bill:-

THE SIKKIM APPROPRIATION BILL NO. 7 OF 1981

A BILL

to authorise payment and appropriation of certain sum from and out of the Consolidated Fund of the State of Sikkim for the services of the Financial year, 1981-82.

BE it enacted by the Legislature of the State of Sikkim in the Thirty-second year of the Republic of India as follows:—

Short title 1. This Act may be called the Sikkim Appropriation Act 1981.

Issue of 2. From and out of the Consolidated Fund of the State of Sikkim there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting to the sum of forty nine crores sixty nine lakhs and fifty six thousands rupees towards defraying the several charges which will come in course for payment during the financial year 1981-82, in respect of the services specified in column 2 of the Schedule.

Appropriation. 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.
<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICES &amp; PURPOSES</th>
<th>Voted by the Legislative Assembly</th>
<th>SUMS NOT EXCEEDING Charged on the Total Consolidated Fund</th>
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<tbody>
<tr>
<td>1.</td>
<td>State Legislature</td>
<td>Revenue: 1030 (60-1090)</td>
<td>Revenue: 23756 (6-23756)</td>
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<td>Appropriation-Governor</td>
<td>Revenue: 761 (7-761)</td>
<td>Capital: 3090 (6-3090)</td>
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<td>Capital: 7</td>
<td>Revenue: 1630 (6-1630)</td>
<td>Capital: 10 (6-10)</td>
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<td>2.</td>
<td>Cabinet</td>
<td>Revenue: 1630 (6-1630)</td>
<td>Revenue: 23756 (6-23756)</td>
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<td>Agriculture</td>
<td>Revenue: 30794 (6-30794)</td>
<td>Revenue: 356 (6-356)</td>
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<td></td>
<td>Finance Department</td>
<td>Revenue: 3537 (5066-8603)</td>
<td>Revenue: 356 (6-356)</td>
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</table>

*Note: All figures are in thousands of Rupees.*
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<th></th>
<th>Revenue</th>
<th>Capital</th>
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<td>25. Local Self Government</td>
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<td>8500</td>
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<td>26. Medical and Public Health</td>
<td>18841</td>
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<td>27. Motor Vehicle</td>
<td>294</td>
<td>294</td>
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<td>28. Planning &amp; Development</td>
<td>1305</td>
<td>1305</td>
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<td>29. Power Revenue</td>
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<td>30. Press, Information &amp; Public Relations</td>
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<td>31. Cultural Affairs</td>
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<td>33. Rural Development</td>
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<td>34. Scheduled Castes &amp; Scheduled Tribes Welfare</td>
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<td>35. Sikkim Nationalised Transport</td>
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<td>36. Tourism Revenue</td>
<td>715</td>
<td>715</td>
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Total: 485443 11513 496956

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of Article 204(1) of the Constitution to provide for the appropriation out of the Consolidated Fund of the State of Sikkim of the moneys required to meet the expenditure Charged on the Consolidated Fund of the State of Sikkim and the grants made by the Legislative Assembly for expenditure of the Government of Sikkim for the financial year 1981-82.

SHERAB PALDEN
MINISTER-IN-CHARGE
DEPARTMENT OF FINANCE.

By Order

R. K. GUPTA,
Secretary.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
GOVERNMENT OF SIKKIM
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

NOTIFICATION


SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (RESIDENTIAL ACCOMMODATION)
RULES, 1981.

In exercise of the powers conferred by section 8 read with sub-section (4) of section 4 the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977 (No. 4 of 1977), the State Government hereby makes the following rules,

1. **Short title and commencement:** (1) These Rules may be called the Sikkim Legislative Assembly Members (Residential Accommodation) Rules, 1981..

2. They shall come into force from the date of their publication in the Official Gazette.

2. **Definitions:** In these rules, unless the context otherwise requires:—

(a) 'Act' means the Sikkim Ministers, Speaker, Deputy Speaker and Member of the Legislative Assembly (Salaries and Allowances) Act, 1977;
(b) 'day' means 24 hours from the time of occupation of accommodation;
(c) 'guest' means a guest of the —
   (a) member of the Sikkim Legislative Assembly; or
   (b) member of parliament; or
   (c) member of any State Legislature who may accompany any member; or
   (d) State Government;
(d) 'Government' means the State Government of Sikkim;
(e) 'Hostel' means the State Legislators' Hostel, Gangtok;
(f) 'member' means a member of the Sikkim Legislative Assembly;
(g) 'Member of the Parliament' means a Member of Lok Sabha and Rajya Sabha;
(h) 'rent' means charges for accommodation;
(i) 'Secretary' means the Secretary of Sikkim Legislative Assembly and includes a Deputy Secretary and Under Secretary;
(j) 'Superintendent' means the Superintendent of the Hostel;
(k) 'week' means a seven Calendar days;
3. **Control of the Hostel:** The Hostel shall be under the administrative control of the Secretary.

4. **Occupation:**

   (1) The Hostel is primarily meant for the occupation of the members, but subject to accommodation being available during non-session period and permission being granted by the Secretary, the following categories of non-member coming to Gangtok on Government Business may be accommodated for period not exceeding one week on payment of usual rent:—

   (a) members of Parliament;
   (b) members of Legislative Assemblies of other States;
   (c) State Guests;
   (d) 1st Grade Officers of the Government of Sikkim;
   (e) Class I Officers of the Central and other State Government.

   (2) A member shall be allowed to occupy a single seat or a room depending upon availability of accommodation on signing an agreement in Form appended to these rules and shall invariably note the time and date of arrival in the occupation register kept at the counter by affixing his signature against the entries. In default, the entries made by the officer assigned with this task shall be conclusive and no dispute thereof shall be entertained.

   (3) During non-session period, a member may stay for the period of seven days and stay beyond that period with intimation to the Secretary.

   (4) The Hostel shall, on no account, be made available for occupation by any member with or without his family as all time residence.

   (5) No member shall be permitted to occupy more than one room at a time.

   (6) No one shall be allowed to occupy the dining room or the reception hall.

   (7) The Speaker may in his discretion allow any other category of persons not specified in sub-rule (1) of rule 4 to occupy seat room in the Hostel on payment of rent subject to availability of accommodation.

   **Explanation:** The expression "no-session period" means the time when the assembly is not in session but does not include the period when any Committee of the Sikkim Legislative Assembly holds its sittings.

5. **Reservation of Hostel seats:**

   (1) The Hostel seats shall be reserved for the members during the Assembly session

   (2) Accommodation for a person other than a member or his guest may be reserved on an application made to the Secretary at least seven days before the accommodation is required indicating the probable number of days which shall not exceed one week. The Secretary reserves the right to refuse accommodation to any person other than a member for his guest without assigning any reason there of.

   (3) A member may be allowed an extra seat in a separate room or a room for his guests not exceeding two in number at one time on payment of the tariff rates mentioned in item (b) of the Schedule appended to these rules subject to the availability of accommodation.

   (4) The rooms of the Hostel are furnished and no extra bed, linen and furniture shall be provided.

   (5) All requests for allotment of seats in the Hostel for any State shall come from the Home Department of the Government.

6. **Cancellation of Reservation:** Failure to occupy the seat on the due date shall amount to cancellation of the reservation.
7. Rent for Hostel: (i) The tariff rates for accommodation of the members, of Parliament, the members of other State Legislatures their guests and other occupants shall be charged as per rates given in the Schedule appended to these rules. The State Government reserves the right to add or alter the rates at its pleasure which shall be in force from the date such addition or alteration is made.

(2) The occupants shall have to make entries in the occupation register at the time of vacating the occupation and leave the key with the Superintendent of the Hostel and in case of default he or she shall be treated to be in continuous occupation and the charges thereof shall be double the usual rates.

8. The occupants shall keep all their personal belongings under lock and key at owner’s risk and shall take them back while leaving. The Secretary shall not be responsible for the loss and/or damage of any articles which shall be kept exclusively at owner’s risk.

9. The visitors may be allowed on request and with the concurrence of the occupants from 6. A.M. to 10. P.M. and prescribed rent shall be charged if any visitor stays beyond 10 P.M.

10. Registers:

(i) There shall be separate occupation Registers for members and non-members.

(2) The Registers shall be maintained by the Superintendent and kept in his custody or in his absence in the custody of the caretaker or chowkidar.

11. Entry into Register:
Every occupant shall enter the date and time of his arrival immediately when the accommodation is allotted to him and shall also enter the date and time of his departure in the Register.

12. Payment of Rent:

(i) All dues for the occupation of the Hostel shall be paid to the Superintendent at the time of departure and necessary entries made in the Register kept with the Superintendent or in his absence kept with the Caretaker or Chowkidar of the Hostel by the occupant.

(2) Rent for occupation of seats by any State Guest shall be paid by the Home Department of the Government after receipts of the bill from the Assembly Secretariat.

(3) The Superintendent shall deposit the rent received by him weekly with the Secretary in the Assembly Secretariat.

(4) The Secretary shall maintain a rent register and credit the rent in the State Bank of Sikkim every week under proper Head.

(c) The Secretary after crediting the rent shall enter the Bank receipt number and date in the occupation Register, Receipt Book and the Rent Register.

(6) The payment of rent for occupation of seats by members during Session of the Assembly by members during Session of the Assembly or business connected with his duties as a member shall be made in cash to the Superintendent before their departure. For occupation of seats at other times by the members themselves, their families and guests shall similarly be paid before or while vacating the Hostel to the Superintendent and receipt for such payment shall be issued to the members.

Explanation: -

The expression "business connected with his duties as member" means any business arising out of Legislative Assembly duties and includes participation in the business at various committee Commissions, boards or study earns constituted, formed or appointed by the House or its presiding Officer or by the Government.
(7) When rent is not paid in cash it shall be recovered from the pay or travelling allowances of the members.

(8) Rent for occupation of seat in the hostel by any non-member except the State Guest shall be paid in cash to the Superintendent before vacating the seat or room. The occupant shall also be given a receipt for such payment.

(9) In case of failure to pay seat rent by any non-member, the Department or the person on whose request seat has been allotted to the non-member shall be responsible for payment of the rent. The Superintendent or in his absence the Caretaker or Chowkidar shall report immediately to the Secretary, as soon as a non-member leaves the Hostel without payment or has made only part payment of rent.

13. **Stock Register:**

A stock Register shall be maintained in the Hostel for furniture, utensils, crockeries and other properties. The Stock Register shall be checked and verified half-yearly by the

14. **Recovery on account of damage, breakage etc.:** Any damage, breakage, or loss of utensils and furniture of the Hostel shall be made good by the person responsible for the breakage or loss by paying the price of the kind at the current market rate.

15. **Gambling, drinking etc.** (i) Gambling, drinking of liquors and entertainment of persons of loose character in the premises are strictly prohibited.

(2) No occupant shall keep in his room any outsider except a Member of his family.

16. **Telephone:** (i) The telephone provided in the Hostel are for the use of the members. The members are entitled to use the telephone free of charge for the local calls. Trunk calls may be made with the prior permission of the Superintendent or in his absence information to the Caretaker or Chowkidar and entries for such trunk calls shall have to be made in the register kept for the purpose which shall be signed by the caller and the charges thereof as prescribed shall be recoverable from the caller.

(2) The non-member may also use the telephone on payment of the charges as notified from time to time by the State Government.

17. **Catering of Food:** (1) A canteen is attached to the Hostel and a member, his guests and/or the occupant may arrange for their own food directly with the caterer on payment of the tariff prescribed from time to time.

(2) A washerman is attached to the Hostel whose service may be available on payment.

(3) The services of room-attendants may be available for the occupants except for the works outside the premises of the hostel.

(4) Cooking shall not be permitted in the rooms, balconies and/or verandah of the hostel.

(5) No pet or animal shall be allowed in the premises of the hostel.

J. T. DENSAPA,
Home Secretary,
Government of Sikkim
FORM

(See sub-rule (2) of rule 4)

I, ................................................................., hereby agree to the allotment of seat No. ......................................................... in Room No. ................................. of the Hostel subject to the following conditions:

(a) that I shall pay to the Government dues pertaining to such occupation by deduction of allowance every month and/or after presentation of the bill if not paid in cash earlier.

(b) that I shall not sublet any seat to any person:

(c) that I shall abide by the existing rules and rules formulated from time to time.

Signature of the M.L.A.

SCHEDULE

The tariff rates are noted below:

(a) (i) For Members - Rs.2/- per day for a single seat and Rs.3/ per day for a double bed room.

(b) (ii) For guest of the members Rs.2/- per day for each guest.

(c) Note

Members of the Parliament and their guests, Members of the other State Legislature and their guests - Rs. 5/- per seat per day and part thereof.

For others - Rs.8/- per day per seat for the first seven days and Rs. 12/- per day seat there after.

Part of day will be reckoned as a full day for the purpose of realising occupation charges.
Land Revenue Department, Government of Sikkim

Notification No. 11(700)/L.R.(S)  
Dated Gangtok, the 5th March, 1981.

(Notice under Section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894) in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. F 12018/76-LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause of Article 258 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for setting up Studios, Office and a few sq. of AIR at Namnam within Municipal Corporation Area, Gangtok (Sikkim), it is hereby declared that a piece of land comprising cadastral plots 1162, 1166, 1167, 1168 and a part of 1169A measuring more or less 2.92 acres, bounded on the:-

NORTH Holding of Yuthok compound Northern part of plot No. 1169/A which is in dispute

SOUTH -do-

WEST Namnam road and holding of Shri B. B. Rai.

needed for the aforesaid public purpose at the public expense within the aforesaid block of Namnam, GMC Area, Gangtok.

This declaration is made under the provision of section 6 of the Land Acquisition Act, Namnam (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., and Revenue Department, Government of Sikkim, Gangtok.

By Order of the Governor,

Sd/-
Additional Secretary,
Land Revenue Department,
Government of Sikkim,
Gangtok.
Notification No. 12(90)T/L-R.(S)  Dated Gangtok, the 13th March, 1981.

(NOTICE UNDER SECTION 6 OF LAND ACQUISITION ACT, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(1 of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. 20/1/55 Judl. dated the 14th May, 1955 issued by the Government of India in Ministry of Home Affairs under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for the public purpose, being a purpose of the Union, namely for construction of an approach road in the Block of Aritar Elaka Rhenock District, East it is hereby declared that a piece of land comprising cadastral plots 80, 78, 79, 76, 77, 85, 77A, 46, 75, 73, 68, 70, 1322, 62, 71 in parts of portion measuring more or less 6.68 acres, bounded on:—

EAST Private Land
WEST -do-
NORTH -do-
SOUTH -do-

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Aritar.

This declaration is made under the provision of Section 6 of the Land Acquisition Act, 1894 (1 of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector cum Special Land Acquisition Officer, Land Revenue Department, Gangtok.

By Order of the Governor.

Sd/- C. M. RASAILY,
Additional Secretary,
Land Revenue Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
INCOME AND SALES TAX DEPARTMENT
NOTIFICATION NO.165 4-300/ST.
Dated Gangtok, the 24th December, 1980.

It is hereby notified for the information of public in general and Petrol, Oil and Lubricant dealers in particular, in Sikkim that the Govt. of West Bengal have withdrawn the facility hitherto been extended for the State of Sikkim in respect of levy of ST/CST on goods sold from West Bengal for use in Sikkim. As per the Notification No. 6214-FT dated the 9th December, 1980, the Government of West Bengal have decided to charge 4% on account of CST on the sale of goods other than Clocks, Time Pieces, Watches, Motor Parts etc. on the condition that the purchasing dealers furnish the selling dealers a certificate duly filled in and signed by the purchaser and countersigned by such Officer as may be authorised by the Chief Secretary, Government of Sikkim.

The Notification No. 6214-FT dated the 9th December, 1980 issued by the Government of Bengal is reproduce as under:—

GOVERNMENT OF WEST BENGAL
FINANCE DEPARTMENT
TAXATION.

NOTIFICATION
No.6214-FT.
Calcutta,
The 9th December, 1980.

WHEREAS the Governor is satisfied that it is necessary so to do in the public interest;

NOW, THEREFORE, in exercise of the power conferred by sub-section (5) of section 8 of the Central Sales Tax Act 1956 (74 of 1956), the Governor is pleased hereby to direct that with effect from the 9th December, 1980 the tax payable under the said Act by a dealer having his place of business in West Bengal on the sales of goods other than clocks, time-pieces, watches and parts and accessories thereof and spare parts, accessories, and components (including storage batteries, tyres and tubes and flaps of tyres and tubes) of motor vehicles, motor cycles, and cycle combinations, motor scooters, including mopeds and motorised cycle rickshaws, motorbikes, and tractors, made by him from such place of business in the course of inter-State trade or commerce, to any person in Sikkim including the Government of Sikkim shall be calculated at the rate of four per cent of his turnover in respect of such sales, subject to the condition that the dealer shall, on demand, produce before the assessing authority in respect of every such sale, a certificate duly filled in and signed by the purchaser and counter-signed by such officer as may be authorised by the Chief Secretary, Government of Sikkim, in case the purchaser is a person other than the Government of Sikkim, in the following form, provided that where the purchaser is an Army authority (Formation Headquarters) of the Government of India, the certificate may cover more than one sale by a dealer during financial year to such authority:—
FORM OF CERTIFICATE

To

(Name and address of the selling dealer)

Certified that the following purchase/purchases was/were made by me in the course of inter-State or commerce from you.

<table>
<thead>
<tr>
<th>Your bill/cash memo/Challan No. /my Date purchase order No.</th>
<th>Date</th>
<th>Amount</th>
<th>Description of goods</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Countersigned........................................................................

Signature .................................................................

[Name and address (in Sikkim) of the purchaser in full]

Authorised Officer Government of Sikkim. Date ..............................

*Strike out the expression whichever is not applicable.

Where the purchaser is an Army authority (Formation Headquarters) of the Government of India, particulars of more than one purchase during a financial year may be mentioned in the Certificate.

By order of the Governor,

Sd/- Manjula Gupta
Jt. Secy. to the Govt. of West Bengal

Sd/- K. Sherab,
Secretary Finance,
Income and Sales Tax Department,
Government of Sikkim,
GANGTOK.

Gangtok,
The 24th December, 1980

PRINTED AT THE SIKKIM GOVERNMENT PRESS
HOME DEPARTMENT (ELECTION)

NOTIFICATION No. 1/H.

Dated Gangtok, the 31st January, 1981.

The following orders No. 76/SKM-LA/10/80, dated the 18th December, 1980 and 76/SKM/-LA/12/79, dated the 7th January, 1981 of the Election Commission of India, New Delhi are published for general information:—

ORDER

Whereas the Election Commission is satisfied that Shri Kaluram Agarwal, Naya Bazar, West Sikkim, a contesting candidate for general election to the Sikkim Legislative Assembly held in October, 1979, from 10-Jorethang Naya Bazar Constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or Justification for the failure:

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Kaluram Agarwal to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

ORDER

WHEREAS the Election Commission is satisfied that Shri Passang Sherpa, Bakhim Block, P.O. Kewzing, South Sikkim a contesting candidate for general election to the Sikkim Legislative Assembly from 12-Wak constituency, held in October, 1979, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after the notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure:

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Passang Sherpa to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

(TASHI WANGCHUK)
Under Secretary (Election)

(S.C.JAIN)
Under Secretary to the Election Commission of India.
NO. 25
Gangtok, Friday, March 27, 1981

HOME DEPARTMENT (ELECTION)

NOTIFICATION NO. 2 /H.

Dated Gangtok, the 11th February, 1981.


ORDER

WHEREAS the Election Commission is satisfied that Shri Hanuman Das Agarwal, P.O. Damthang, South Sikkim (Gangtok) a contesting candidate for general election to the Sikkim Legislative Assembly from 13 - Damthang constituency, held in October, 1979 has failed to lodge an account his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Agarwal, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

ORDER

WHEREAS the Election Commission is satisfied that Shri Kumar. Subba, P.O. Namchi, Sikkim (Gangtok) a contesting candidate for general election to the Sikkim Legislative Assembly from 13 - Damthang constituency, held in October, 1979 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Subba, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.
ORDER

WHEREAS the Election Commission is satisfied that Shri Passang Tshering Bhutia, P.O. Rabong Bazar a contesting candidate for general election to the Sikkim Legislative Assembly from II-Ralong Assembly constituency, held in October, 1979, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Passang Tshering Bhutia, to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

ORDER

WHEREAS the Election Commission is satisfied that Shri Suk Tshering Sherpa, P.O. Kewzing, Sikkim a contesting candidate for general election to the Sikkim Legislative Assembly from 11-Ralong Assembly constituency, held in October, 1979, failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sherpa, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

ORDER

WHEREAS the Election Commission is satisfied that Shri Kalu Rai, Namchi, South District, Sikkim (Gangtok) a contesting candidate for general election to the Sikkim Legislative Assembly from 13-Damthang constituency held in October, 1979, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rai to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

ORDER

WHEREAS the Election Commission is satisfied that Shri Purna Bahadur Khati, Purano Bazar East Sikkim, (Gangtok) a contesting candidate for general election to the Sikkim Legislative Assembly from 15-Rateypani-West Pendam assembly constituency, held in October, 1979, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for such failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Khali Khati, to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By order,

(C.L. ROSE)

UNDER SECRETARY TO THE ELECTION
OF INDIA.

(TASHI WANGCHUK)

UNDER SECRETARY (ELECTION).

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
The following notification No. 56/79-XX dated the 11th February, 1981 Magha 22, 1902 (Saka) of the Election Commission of India, New Delhi, is published for general information.

NOTIFICATION

S.O.- Whereas the Election Commission of India, by its order dated 11th February 1981, has held, decided and directed that—

(i) the group led by Ch. Charan Singh known as "Janata Party (Secular)-Ch. Charan Singh" is the 'Janata Party (Secular)';

(ii) the symbol 'Farmer Ploughing the Field (Khet Jotata Hua Kisan)' reserved for the Janata Party (Secular) and which was frozen by the Commission be revived and allotted to 'Janata Party (Secular)'; and

(iii) the name of 'Janata Party (Secular)' be changed as "Lok Dal" in the records of the Commission;

And whereas for the reasons stated in the said order, the name of the Janata Party (Secular)-Raj Narain which enjoyed only ad hoc recognition as a National Party, requires to be deleted from the list of National Parties.

Now, therefore, in pursuance of clause (a) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby directs that the following amendments shall be made to its notification No. 56/79, dated 28th September 1979 published as S.O. 557(E) in the Gazette of India, Extraordinary, Part II, Section 3 (ii), dated 28th September 1979, and as amended from time to time, namely—

For TABLE 1 appended to the said Notification the following Table shall be substituted, namely:—

1. Bharatiya Janata Party
   Lotus
2. Communist Party of India
   Ears of Corn and Sickle
3. Communist Party of India (Marxist)
   Hammer, Sickle and Star
4. Indian National Congress (I)
   Hand
5. Indian National Congress (U)
   Charkha
6. Janata Party
   Haldhar within wheel (Chakra Haldhar)
7. Lok Dal
   Farmer Ploughing the Field (Khet Jotata Hua Kisan)"

TASHI WANGCHUK
Under Secretary (Election).

By Order,

K. GANESAN,
SECRETARY.
NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the constitution of India, Governor of Sikkim hereby makes the following rules to amend the Sikkim Service Rules, 1974, namely:

1. (i) These rules may be called the Sikkim Service (Amendment) Rules, 1980.

2. They shall come into force on the date of their publication in the official Gazette.

In the Sikkim Service Rules, 1974:

(a) in clause (i) of Rule 1, after the word "Sikkim" and before the word "Service" the word "Government" shall be and shall be deemed always to have been inserted.

(b) for rule 99 the following rule shall be substituted, namely:

"99(I) Notwithstanding the provision of Rule 98 the Government, except where Rule 101 may apply, shall have the exclusive right to retire any Government Servant who has attained the age of 50 years or has rendered not less than 25 years of service, if it is of the opinion that it is in the public interest so to do, by giving him not less than three months' notice in writing or three months' salary in lieu of such notice.

(2) Any government servant may, by giving not less than three months' notice in writing to the Head of Department/Head of Office concerned, seek permission to retire from Government service after attaining to years of age or rendering not less than 25 years of service:

Provided that if the Government servant is not subjected to Rule 101."

T. CHHOPHEL,
SECRETARY TO THE GOVT. OF SIKKIM,
ESTABLISHMENT DEPARTMENT.
NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules to amend the Sikkim Government Retirement Benefits, 1974, namely:

1. 1) These rules may be called the Sikkim Government Retirement Benefits (Amendment) Rules, 1980.

2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Sikkim Government Retirement Benefits Rules, 1974, for rule 6, the following rule shall be substituted, namely:

"6. Retiring Pension:

(1) A retiring pension shall be granted to a Government servant who is permitted to retire or is compelled to retire other than as a penalty under the Sikkim Government Discipline and Appeal Rules 1974, after attaining the age of 50 years or after rendering not less than 25 years of service in accordance with rule 99 of the Sikkim Government Service Rules, 1974.

(2) A Government servant who is compulsorily retired as a penalty under the provisions of the Sikkim Government Discipline and Appeal Rules, 1974, the Government may within its discretion with reference to the circumstances of the case leading to the compulsory retirement, grant a retiring pension:

Provided that he has rendered a minimum qualifying service of 10 years:

Provided further that the competent authority imposing penalty may direct that pension be paid at a reduced rate which however may not be less than half of the normal prescribed rate".

T. CHHOPHEL,
SECRETARY TO THE GOVT. OF SIKKIM, ESTABLISHMENT DEPARTMENT.
No.29

Dated Gangtok, the 4th February, 1911

NOTIFICATION

In order to lay down standard terms and conditions governing the appointment on contract service, Governor of Sikkim is pleased to order in supersession of all existing notification on the subject that the following revised terms and conditions shall be applicable to all persons appointed on contract service with immediate effect:

1. The appointment shall be for a specified period which shall not exceed three years at a time. Service beyond three years can be extended at the discretion of the State Government of Sikkim.

2. The appointment shall be terminated at any time within the contract period with one month's notice from either side. For failure to give one month's notice either side shall be liable to pay one month's salary in lieu of one month's notice. Amount of leave at credit shall not be adjusted against notice period.

The appointment carries with it the liability to serve in any part of Sikkim.

Before issue of appointment order a candidate shall:

(i) produce a certificate issued by a competent medical authority and countersigned by the Superintendent, STNM Hospital in Form No.
(ii) take Oath or Affirmation of allegiance to the Constitution of India in Form No.2;
(iii) produce original certificates (where these have not been produced already at the time of selection);
(iv) produce Degree or Diploma certificate of educational and other technical qualifications applicable to the post;
(v) produce age certificate;
(vi) produce character certificates from two Gazetted Officers of the Central Government or the State Government of Sikkim;
(vii) produce discharge certificate of previous employment, if any; and
(viii) produce any other documents as he may be asked to produce.

Pay and allowance shall be such as may be admissible from time to time for the post in which appointment is made under the State Government of Sikkim. Persons who have retired from service of this State Government, Central Government or any other State Government...
and reemployed on a fixed consolidated pay shall not be entitled to allowances. Medical facilities, House Rent Allowance, Travelling allowance and Daily Allowance shall be such as may be admissible under rules of the State Government of Sikkim.

6. Gravity shall be payable at the rate of half of the basic pay last drawn for each completed year of service subject to the condition that the minimum period of service rendered on contract shall not be less than three years. No gratuity shall be admissible if the service is terminated on account of indiscipline or unsatisfactory discharge of duties.

7. Leave shall be admissible as per normal rules of the State Government of Sikkim.

8. The appointment on contract shall not confer any right to claim absorption into regular service. The selection of a particular person for absorption into regular service shall be made at the discretion of the State Government of Sikkim under the relevant rules and no reason need be given for non-selection of an individual.

9. For regulation of the conduct of officers during the period of contract, the Sikkim Government Servants Conduct Rules, 1974 as amended from time to time and the Sikkim Government Servants (Discipline and Appeal) Rules, 1974 shall be applicable.

10. If any declaration given or information furnished by a candidate is subsequently proved to be false or if the candidate is found to have wilfully suppressed any material information, he or she shall be liable for removal from service including such other action as the State Government may deem it necessary.

11. Secretaries or Heads of Departments under whom an individual has been appointed shall, except in the case of re-employed person, obtain Police verification pertaining to his or her character, antecedents, integrity etc. from the concerned authorities of the District in which he or she ordinarily resides. It shall be incumbent on the concerned candidate to furnish the details in Form No. 3.

12. No formal appointment order shall be issued unless and until terms and conditions as indicated in the offer letter are accepted by the candidate in writing. On receipt of the acceptance letter, the appointment order shall be issued. The acceptance letter shall be in Form No. 4.

13. Any other terms and conditions not specified in this Notification, shall be included only after obtaining prior approval of the Establishment Department.

14. On completion of the period of contract services as indicated in the appointment the termination of contract service is automatic and in the absence of a specific order to the contrary the individual concerned must discontinue his or her service.

Those persons who have already been appointed contract service, shall have the option to submit application accepting the above revised terms and conditions within three months from the date of issue of this Notification failing which it shall be presumed that they have not accepted the revised terms and conditions and no review of cases shall be entertained after the expiry of the period of three months.

T. CHHOPHEL,
SECRETARY TO THE GOVT. OF SIKKIM
ESTABLISHMENT DEPARTMENT
FORM NO. 1.
(Under Clause 4 (i) of the Notification No.250/Gen/Est. Dated Gangtok, the 4th February, 1981)

MEDICAL FITNESS CERTIFICATE

I hereby certify that I have examined .................................................................a candidate for the employment in the.................................................................Department and cannot for that he has any disease, (communicable or otherwise) constitutional weakness or bodily infirmity, except.........................................................................................................I do not consider this a disqualification for employment in the office of.................................................................His age is, according to his own statement, ...........................................years and by appearance about......................................................................................years.

DATE........................................................

CHIEF MEDICAL OFFICER, CIVIL SURGEON, MEDICAL BOARD.

FORM NO. 2.


OATH/AFFIRMATION OF ALLEGIANCE TO THE CONSTITUTION OF INDIA.

"I......................................................................................................................................................................................S/O .............................................................................................................do swear/solemnly affirm that I will be faithfull and bear true allegiance to India and to the Constitution of India as by law established, that I will uphold the sovereignty and inte-grity of India and that I will carry out the duties of my office loyally, honestly, and with impartiality."

( Sio help me God)

Dated...........................................

Signature...........................................
GOVERNMENT OF SIKKIM

ATTESTATION FORM

1. Name in full (In block capitals) with address if any…. Surname | Name

(Please indicate if you have added or dropped at any stage may part of your name or surnames.

2. Present address in full i.e., Village, Thana and District or House No. Lane/Street/Road & Town and name of Dist. Headquarters.

3. Home address in full i.e., Village, Thana and Dist. or House No. Lane/Street/Road & Town and name of Dist. Headquarters.

(b) If originally a resident of Pakistan, the address in that Country and the date of migration to Indian Union.

4. Particulars of place (With periods, or residences) where you have resided for more than one year a time during the proceeding five years before joining the Sikkim Govt. Service. In case of stay abroad (including Pakistan) particulars of all places where you have resided for more than one year after attending the age of 21 years should be given.

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
<th>Residential address in full i.e., village, Thana &amp; Dist. or House No. Lane/Street/Road &amp; Town.</th>
<th>name of the Dist. Headquarters of the places mentioned in the proceeding column.</th>
</tr>
</thead>
</table>

5. Father s. (a) name in full with address, if any. (a) | (b) Present postal address (if dead, give last address). (b) | (c) Permanent address. (c) | (d) Profession. (d) | (e) If in service, give designation and official address. (e)

6. (i) Nationality or (a) | (b) | (c) | (d) | (e) Place of birth of Husband/Wife

(a) Father (b) | (c) Husband/Wife (d) | (e)

(b) Mother (c) | (d) Candidate (e)

(i) | (ii)

7. (a) Date of birth (a) | (b) Present age (b) | (c) Age of Matriculation

(a) | (b) |

8. (a) Place of birth, Dist. and State in which situated. (a) | (b) District & State in which you belong. (b)

(a) | (b)

9. (a) Your religion (a) | (b) Are you a member of Scheduled Cast/Scheduled Tribe? Answer ‘Yes’ or ‘No’ (b) and if the answer is ‘Yes’ state the name thereof.
10 Educational qualifications showing places of education with years in Schools and Colleges since 15 years of age.

<table>
<thead>
<tr>
<th>Name of School/College</th>
<th>Date of entering</th>
<th>Date of Leaving</th>
<th>Examination</th>
</tr>
</thead>
</table>

11. If you have, at any time, been employed, give details.

<table>
<thead>
<tr>
<th>Designation of post held</th>
<th>Period</th>
<th>Full address of the office firm or institution.</th>
<th>Full reasons for levying</th>
<th>or description of work. From</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

12. Have you ever been prosecuted, kept under detention, or bound down/fined convicted by a court of law for any offences or debarred or disqualified by any public service commission from appearing at its examination/selection? of any case pending against you in the court of law at the time of filling up this attestation form?

If the answer is 'Yes' full particulars of the case, detention, fine, conviction sentence etc. should be given.

23. Were any disciplinary proceedings pending against you in the Establishment where you were previously employed? Was any penalty imposed on you as a result of the finding of departmental enquiry?

If the answer is 'Yes' please give details.

24. Name of two responsible persons of your locality or two references to whom you are known.

I certify that the foregoing information is correct and complete to the best of my knowledge and belief. I am not aware of any circumstances which might impair my fitness for employment under the Govt. of Sikkim.

Place.......................................................... Date..................................

Signature of Candidate)

IDENTITY CERTIFICATE

(This certificate should be signed by any one of the following:—

1. A Gazetted Officer of Govt. of Sikkim or Govt. of State or Govt. of India.
2. A Member of Parliament or Sikkim Legislative Assembly.
3. Principal or Head Master of recognised educational Institution.
4. A Block Development Officer.
5. A Post Master.

Certified that I have known Shri/Srimati/Kumari son/daughter of Shri......................................................for the last years,..................months and that to be best of my knowledge and belief there is nothing to militate against his/her appointment under the Government and that the particulars furnished by him/her in the above Attestation Form are correct.

PLACE,Signature.......................................................... DATE,Designation or Status and,........address,..........................
( Under clause 12 of the Notification No. 250/Gen/Est, Dated Gangtok, the 4th February, 1981. )

UNDERTAKING

I, .................................................. Son/Daughter of ........................................
who have applied for the post of ........................................ in the .................................................. Department, Scale of Rs.................................................. agree to abide by the terms and conditions as laid down in the Establishment Department, Notification No........................................ of ..................................................

GANGTOK

The following Act assented to by the President and published in the Gazette of India, Extraordinary, Part II, Section I, dated the 18th December, 1980, is hereby republished for general information.

THE SMUGGLERS AND FOREIGN EXCHANGE MANIPULATORS (FORFEITURE OF PROPERTY) AMENDMENT ACT 1980

(Act No. 55 of 1980)

AN ACT
to amend the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976.

BE it enacted by Parliament in the Thirty-first Year of the Republic of India as follows:-

1.(1) This Act may be called the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Amendment Act, 1980.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 12 of the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (hereinafter referred to as the 12 of Act 13 of 1976.

principal Act:-
(a) after sub-section (6), the following sub-section shall be inserted, namely:—

(6A) Notwithstanding anything contained in sub-section (6), where the Chairman considers it necessary so to do for the expeditious disposal appeals under this section, he may constitute a Bench of two members a Bench so constituted may exercise and discharge the powers functions of the Appellate Tribunal:
Provided that if the members of a Bench so constituted differ on any point or points, they shall state the point or points on which they differ and refer the same to a third member (to be specified by the Chairman) for hearing on such point or points and such point or points shall be decided according to the opinion of that member;”;

(b) after sub-section (7), the following sub-section shall be inserted namely:—

"(8) On application to the Appellate Tribunal and on payment of the prescribed fee, the Tribunal may allow a party to any appeal or any person authorised in this behalf by such party to inspect at any time during office hours, any relevant records and registers of the Tribunal and obtain a certified copy of any part thereof."

3. In section 26 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

"(aa) the fees which shall be paid for the inspection of the records and registers of the Appellate Tribunal or for obtaining a certified copy of any part thereof under sub-section (8) of section 12;".

N. SANJIVA REDDY,
President.

R.V.S. PERI SASTRI
Secretary to the Govt. of India.

By order,

Secretary to the Government of Sikkim,
Law and Legislative Department
F. No. 11 (229) LL/81
SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 31  Gangtok, Thursday, April 2, 1981

LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 13(700)/I.LR.(S) Dated Gangtok, the 19th March, 1981

NOTICE UNDER SECTION 4 OF LAND ACQUISITION ACT, 1894).

Whereas the functions of the Central Government under Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the public purpose of the Union have been entrusted to the State Government by notification No. 120’8/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Article 258 of the Constitution of India.

And whereas it appears to the Governor that land is needed for a public purpose being purpose of the Union, namely for construction of transmitter of All India Radio at Penlong (Gangtok) it is hereby notified that comprising an area 24.20 acres under cs. plots Nos.14 and 10(Part) 12, 15, 16A, 18, 19, 20, 22 bounded on:-

NORTH Taktse Palace compound (plot No. 13 and part of Plot No. 14 & 10)
SOUTH Reserve Forest line
EAST Approach road and sanitary post near Taktse Palace
WEST Reserve Forest line and Bust/Walla's land.

is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block.

This notification is made under the provision of Section 4 of the Land Acquisition Act, 1894 read with the said notification, to all whom it may concern.

A plan of land may be inspected in the office of the Collector-cum-Special Land Acquisition Officer, Land Revenue Department, Gangtok.

In exercise of the powers conferred by the said section read with the said notification, the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector-cum-Special Land Officer, Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
THE SIKKIM ADVOCATES ACT, 1981
ACT NO. 1 OF 1981.

AN ACT to provide for appearance of Advocates in different courts in Sikkim.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the 1 Republic of India as follows:-

1.(1) This is Act may be called the Sikkim Advocates Act, 1981.

(2) It extends to the whole of Sikkim.

(3) It shall be deemed to have come into force on the 24th day

2. In this Act, unless the context otherwise requires—

(a) "Advocate" means an Advocate entered in any roll under the provisions of the Advocates Act, 1961 (No- 25 of 1961);

(b) "Court" means the High Court of Sikkim, and a Court of Civil or Criminal jurisdiction in Sikkim and includes any tribunal, authority or person in Sikkim legally authorised to take evidence;

(c) "proceeding" includes suit, appeal, revision, review, petition, application before any Court.

3. (1) Notwithstanding anything contained in any other law, but subject to the provisions of this Act, only the following classes of persons, shall be entitled to act and plead before any Court—

(a) parties to the proceeding; or

(b) Advocates.
(2) An advocate who is a full time employee of any Government or person or is actively associated with any trade or business shall not be entitled to act and plead before any Court unless he is a party to the proceedings.

(3) Any Court may permit any person not enrolled as an Advocate under the provisions of the Advocates Act, 1961, to appear before it in any particular case:

Provided that no court shall permit any person to appear before it under this sub-section, if there are reasonable grounds to believe that he is practising the profession of law.

Explanation:— A person may be deemed to be practising the profession of law even if he appears without remuneration.

(4) Any person who acts and pleads before any Court in contravention of any provision of this Act shall be punishable with fine which may extend to one thousand rupees.

4. (1) The Sikkim Advocates Ordinance, 1980 (Ordinance Repeal and No. 2. of 1980) is hereby repealed. Saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order of the Governor

B.R.PRADHAN
Secretary to the Government of Sikkim
Law Department,
F.No.16(115)/LD/80
The following Act of the Sikkima Legislative Assembly having received the assent of the Governor on 30th day of March, 1981, is hereby published for general information.

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 1981.
ACT NO. 2 OF 1981.

AN ACT
further to amend the Sikkim Panchayat Act, 1965.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:

1.(1) This Act may be called the Sikkim Panchayat (Amendment) Act, 1981. Short title, extent and commencement
(2) It extends to the whole of Sikkim.
(3) It shall be deemed to have come into force on the 21st day of February, 1981.

2. In the Sikkim Panchayat Act, 1965, for proviso to sub-section (4) of Amendment of section 6, the following shall be substituted, namely:

"Provided that the said period may be extended by the Government by notification in the Official Gazette for a period of two years not exceeding one year at a time or until the reconstitution of the Block Panchayats, whichever is earlier."

The Sikkim Panchayat (Amendment) Ordinance (Ordinance No. 1 of 1981) is hereby repealed.

Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order of the Governor,
B.R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,
F.No. 16(85)LD/79
THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) ACT, 1981.

ACT NO. 3 OF 1981.

AN ACT

further to amend the Gangtok Municipal Corporation Act, 1975 (IV of 1975).

Be it enacted by the Legislature of Sikkim in the Thirty-Second Year of the Republic of India as follows:—

1.(1) This Act may be called the Gangtok Municipal Corporation (Amendment) Act, 1981.

(2) It shall be deemed to have come into force on the 16th day of December, 1980.

2. In the Gangtok Municipal Corporation Act, 1975 (IV of 1975), in Amendment of sub-section (5) of section 3, for the words "one year", the words "two years" shall be substituted.

3.(1) In the Gangtok Municipal Corporation (Amendment) Ordinance, 1980 (Ordinance No. 3 of 1980) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed, shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,
F. No. 16/(6)LD/77.
THE SIKKIM ESSENTIAL SERVICES MAINTENANCE (AMENDMENT) ACT, 1981.

ACT NO. 4 OF 1981.

AN ACT
to amend the Sikkim Essential Services Maintenance Act, 1978 (7 of 1978).

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:-

1 This Act may be called the Sikkim Essential Services Main-Short title.
tenance (Amendment) Act, 1981.

2 In the Sikkim Essential Services Maintenance Act, 1978 Amendment (7 of 1978), in sub-section (2) of section 1, for the words "three of section 1.
years" the words "seven years" shall be substituted.

By Order of the Governor.

B.R. PRADHAN,
Secretary to the Government of Sikkim.
Law Department,
F. No. 16 (40)/LD/80.
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 30th day of March, 1981, is hereby published for general information.

SIKKIM OFFICIAL LANGUAGES (AMENDMENT) ACT, 1981.

ACT No. 5 OF 1981.

AN ACT to amend the Sikkim Official Languages Act, 1977 (5 of 1977).

Be it enacted by the Legislature of Sikkim in the Thirty-second year of the Republic of India as follows:—

1. This Act may be called the Sikkim Official Languages (Amendment) Short title. Act, 1981.

2. In the Sikkim Official Languages Act, 1977 (5 of 1977), in the long title, Amendment of the preamble and section 2, for the words "the Nepali, the Bhutia and the Lepcha", the words "the Nepali, the Bhutia, the Lepcha nd the Limbu" preamble and shall be substituted. section 2.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,
F. No. 16(35)LD/79.
LAW DEPARTMENT
GOVERNMENT OF SIKKIM.

Notification No. 7/LD//81.
Dated Gangtok, the 31st March, 1981.

The following Act of the Sikkim Legislative Assembly having received the
goVERNOR on 30th day of March, 1981, is hereby published for general information.

THE SIKKIM APPROPRIATION ACT, 1981.

ACT No. 6 OF 1981.

AN
ACT

to authorise payment and appropriation of certain further sum from and out of the Consolidated Fund
of the State of Sikkim for the services of the Financial year, 1980-81.

BE it enacted by the Legislature of the State of Sikkim in the Thirty-second
year of the Republic of India as follows:—

1. This Act may be called the Sikkim Appropriation Act, 1981.

2. From and out of the Consolidated Fund of the State of Sikkim there may be
paid and applied sum not exceeding those specified in column 3 of the Schedule
amounting to eight crores sixty six lakhs fourteen thousands of Rupees
towards defraying the charges which will come in course for payment
during the financial year 1980-81 in respect of the services specified in
column 2 of the Schedule.

3. The sum authorised to be paid and applied from and out of the Consolidated
Fund of the State of Sikkim by this Act shall be appropriated for the service
and purposes expressed in the Schedule in relation to the said year.
<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICES AND PURPOSES of Vote</th>
<th>Voted by the Legislative Assembly</th>
<th>SUMS NOT EXCEEDING Charged on Total the Consolidated Fund (In thousands of Rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>State Legislature Appropriation-Governor</td>
<td>Revenue 275 —</td>
<td>275</td>
</tr>
<tr>
<td>2.</td>
<td>Cabinet</td>
<td>Revenue —</td>
<td>25</td>
</tr>
<tr>
<td>3.</td>
<td>Agriculture</td>
<td>Revenue 455 —</td>
<td>455</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>600 —</td>
<td>600</td>
</tr>
<tr>
<td>4.</td>
<td>Co-operation</td>
<td>Revenue 455 —</td>
<td>455</td>
</tr>
<tr>
<td>5.</td>
<td>Education</td>
<td>Revenue 3886 — 3886</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Power &amp; Irrigation</td>
<td>Revenue 14530 — 14530</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Establishment Department</td>
<td>Revenue 21740 — 21740</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Excise (Abkari)</td>
<td>Revenue 121 — 121</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Finance Department</td>
<td>Revenue 167 — 167</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Agriculture</td>
<td>Revenue 230 — 230</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Agriculture</td>
<td>Revenue 93 — 93</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Other Expenditure of Finance Department</td>
<td>Revenue 1234 — 1234</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Agriculture</td>
<td>Capital 930 — 930</td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Forest, Fisheries &amp; Soil Conservation</td>
<td>Revenue 1528 — 1528</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Motor Vehicles</td>
<td>Revenue 69 — 69</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Sikkim Nationalised Transport</td>
<td>Revenue 3232 — 3232</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Home Department</td>
<td>Capital 481 — 481</td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Agriculture</td>
<td>Revenue 3125 — 3125</td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Administration of Justice</td>
<td>Revenue 1250 — 1250</td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Police</td>
<td>Revenue 124 — 124</td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Land Revenue</td>
<td>Revenue 67 — 67</td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>Medical, Public Health</td>
<td>Revenue 200 — 200</td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Social Welfare</td>
<td>Revenue 4360 — 4360</td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Panchayat &amp; Rural Works</td>
<td>Revenue 896 — 896</td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>press, Publicity &amp; Cultural Affairs</td>
<td>Revenue 22482 — 22432</td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>Public Works, Roads, Bridges and Water Supply</td>
<td>Capital 3300 — 3300</td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>Tourism</td>
<td>Revenue 55 — 55</td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>Industries &amp; Labour</td>
<td>Revenue 123 — 123</td>
<td></td>
</tr>
<tr>
<td>29.</td>
<td>Capital</td>
<td>460 — 460</td>
<td></td>
</tr>
</tbody>
</table>

By Order of the Governor,

B. R. PRADHAN  
Secretary to the Government of Sikkim  
Law Department,  
F. Ho. 16/(82)LD/79

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
THE SIKKIM APPROPRIATION ACT, 1981.

ACT NO. 7 OF 1981.

AN

ACT

to authorise payment and appropriation of certain sum from and out of the Consolidated Fund of the State of Sikkim the services of the Financial year, 1981-82,

BE it enacted by the Legislature of the State of Sikkim in the Thirty-second year of the Republic of India as follows.

1. This Act may be called the Sikkim Appropriation Act, 1981.

2. From and out of the Consolidated Fund of the State of Sikkim there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting to the sum of forty nine crores sixty nine lakhs and fifty six thousands rupees towards defraying the several charges which will come in course for payment during the financial year 1981-82, in respect of the services specified in column 2 of the Schedule.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.
## SCHEDULE

<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICES &amp; PURPOSES of Vote</th>
<th>SUMS NOT EXCEEDING Charged on the Total Consolidated Fund (In thousands of Rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>State Legislature</td>
<td>Revenue 1030 60 1090 Capital 6 --- 6</td>
</tr>
<tr>
<td>2.</td>
<td>Appropriation-Governor</td>
<td>Revenue ---- 760 761 Capital 7 --- 7</td>
</tr>
<tr>
<td>3.</td>
<td>Cabinet</td>
<td>Revenue 1630 --- 1630 Capital 10 --- 10</td>
</tr>
<tr>
<td>4.</td>
<td>Agriculture</td>
<td>Revenue 23756 --- 23756 Capital 3090 --- 3090</td>
</tr>
<tr>
<td>5.</td>
<td>Animal Husbandry</td>
<td>Revenue 8745 --- 8745 Capital 2590 --- 2590</td>
</tr>
<tr>
<td>6.</td>
<td>Co-operation</td>
<td>Revenue 2625 --- 2625 Capital 970 --- 970</td>
</tr>
<tr>
<td>7.</td>
<td>Ecclesiastical Deptt.</td>
<td>Revenue 917 --- 917 Capital 6 --- 6</td>
</tr>
<tr>
<td>8.</td>
<td>Education</td>
<td>Revenue 30794 --- 30794 Capital 2100 --- 2100</td>
</tr>
<tr>
<td>10.</td>
<td>Excise (Abkari)</td>
<td>Revenue 689 --- 689 Capital 18 --- 18</td>
</tr>
<tr>
<td>11.</td>
<td>Income Tax &amp; Sales Tax</td>
<td>Revenue 876 --- 876 Capital 284 --- 284</td>
</tr>
<tr>
<td>12.</td>
<td>Other Expenditure of the Finance Department</td>
<td>Revenue 3537 5066 8603 Capital 2085 4842 6927</td>
</tr>
<tr>
<td>13.</td>
<td>Food &amp; Civil Supplies</td>
<td>Revenue 1085 --- 1085 Capital 620 --- 620</td>
</tr>
<tr>
<td>14.</td>
<td>Forest and Soil Conservation</td>
<td>Revenue 24876 --- 24876 Capital 25 --- 25</td>
</tr>
<tr>
<td>15.</td>
<td>Fisheries &amp; Wild Life</td>
<td>Revenue 2780 --- 2780 Capital 1350 --- 1350</td>
</tr>
<tr>
<td>16.</td>
<td>Home Department</td>
<td>Revenue 4015 200 4215 Capital 514 --- 514</td>
</tr>
<tr>
<td>17.</td>
<td>Administration of Justice</td>
<td>Revenue 490 --- 490 Capital 20 --- 20</td>
</tr>
<tr>
<td>18.</td>
<td>Police</td>
<td>Revenue 18207 --- 18207 Capital 1200 --- 1200</td>
</tr>
<tr>
<td>19.</td>
<td>Industries</td>
<td>Revenue 4868 --- 4868 Capital 6055 --- 6055</td>
</tr>
<tr>
<td>20.</td>
<td>Govt. Institute of Cottage Industries</td>
<td>Revenue 2819 --- 2819 Capital 17 --- 17</td>
</tr>
<tr>
<td>21.</td>
<td>Mines &amp; Geology</td>
<td>Revenue 1600 --- 1600 Capital 805 --- 805</td>
</tr>
<tr>
<td>22.</td>
<td>Labour Welfare</td>
<td>Revenue 135 --- 135 Capital 100 --- 100</td>
</tr>
<tr>
<td>23.</td>
<td>Land Revenue</td>
<td>Revenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital</td>
</tr>
</tbody>
</table>
By Order of the Governor,

B.R. PRADHAN,
Secretary to the Government of Sikkim, Law Department,
F. No. 16(82)LD/79.
GOVERNMENT OF SIKKIM
CO-OPERATIVE DEPARTMENT
NOTIFICATION NO. 1
Dated Gangtok, the 9th April, 1981.

In supersession of earlier Notification No. 1/Coop. dated the 9th May, 1980 published Extraordinary Gazette No. 45 dated the 12th May, 1980, the following draft of certain Rules which the State Government proposes to make in exercise of the powers conferred section 117 of the Sikkim Co-operative Societies Act, 1978 (12 of 1978), is published required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration on or after the expiry of 45 days from the date of publication of this Notification in the Official Gazette.

Any objections or suggestions which may be received from any person with respect said draft Rules before the expiry of the period so specified will be taken into consideration by the State Government.
THE DRAFT SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

CHAPTER 1
PRELIMINARY

1. Short title and application :

(1) The Rules may be called the Sikkim Co-operative Societies Rules, 1981.
(2) They shall extend to whole of the State of Sikkim.

2. Definitions

(1) In these Rules, unless the context otherwise requires :-

(a) 'the Act' means the Sikkim Co-operative Societies Act, No. 1978 (Act No 12, 1978)
(b) 'Borrowed Capital' means the loans, deposits and other borrowings of a society including bonds issued by it.
(c) 'Decree' means any decree of a civil court and includes any order, decision or award referred to in the Act.
(d) 'Defaulter' means any society, member or other person committing default.
(e) 'Defunct society' means a society classified as such during the course of an audit or enquiry or inspection or after reasons to be recorded in writing declared as such by the Registrar.
(f) 'Financing Bank' means the State Co-operative Bank, registered under the Act.
(g) 'Form' means a form appended to these Rules.
(j) 'General Body' in relation to any society means all the members of the society and in relation to a co-operative society which has provided for the constitution of a representative general body' all the delegates or representatives constituting the representative general body elected in accordance with the provisions of the Bye-laws of such a co-operative society or the rules approved by the Registrar and the word 'member' in relation to general body or general meeting wherever occurring in these rules or bye-laws of such a co-operative society shall always be construed as such delegate or representative;

(k) 'Government dues' include (i) audit fee leviable for audit under section 64, (ii) cost of enquiry leviable under section 68 (iii) loans, share capital, subsidy and grant-in-aid refundable under the terms of any agreement executed between a society and the Government, (iv) arbitration fee etc, (v) any other amount spent or to be spent by the Government on conducting elections of a committee, process fees, diet charges for civil arrests and civil confinement of defaulters, etc.

(l) 'Judgement debtor' means any person against whom a decree has been passed.

(m) 'Net profit' of a Society means the profit remaining after allowing for the following charges namely:

(a) Establishment charges, contingent charges, interest payable on loans and deposits at approved rates and audit fee approved by the Registrar.

Explanation—Where the Registrar has powers under the rules to prescribe the qualification number and the pay and allowances of the employees of a society, the 'Establishment Charges' shall mean the 'Establishment Charges' determined on the number of employees fulfilling the prescribed qualifications on the rates as may be determined by the Registrar from time to time,

(b) All usual working charges such as repairs, rent, taxes and the like, bounties or subsidies received, depreciation and irrecoverable book debts written off with the prior approval of the Registrar;

(c) Capital expenditure written off either wholly or in part;

(d) Capital loss actually incurred and not adjusted against funds created out of profits;

(e) Provisions for estimated bad debts, if any;

(f) Any other charges allowed by the Registrar in writing,
(g) 'Owned capital' means the total of the paid-up share capital accumulated reserves, and other funds created out of profits of a society.

(h) 'Record of right' means the record of rights maintained under the law relating to land revenue in force in the State.

(i) 'Recovery Officer' means any person empowered to exercise the powers of the Registrar under section 80.

(j) 'Section' means a section of the Act.

(k) 'Schedule' means the schedule appended to these rules.

(1) 'Working Capital' means the total of the borrowed capital and owned capital.

(2) Words and expressions used in these Rules but not defined shall bear the meaning respectively assigned to them in the Act.

Explanation:- With reference to a person who is unable to sign his name, the word 'signature' shall include his "Thumb-impression" or other mark duly attested to signify his signature.

CHAPTER II
REGISTRATION OF SOCIETIES

3. Application for Registration

(1) Every application for registration of a society under sub-section (1) of section 6 shall be made in triplicate in Form A, in Hindi, English or local language and shall subject to the provisions of sub-rules (2) and (3), be duly signed by the applicants in accordance with the provisions of clauses (a) and (b) of sub-section (2) of section 6 and be accompanied by:

(a) four copies of the proposed bye-laws of the society,
(b) a certificate from the financing bank stating the credit balance in favour of the proposed society therein,
(c) a list of persons who have contributed to the share capital, together with the amount contributed by each of them and the entrance fee paid by each of them,
(d) a scheme showing the details explaining as to the economic soundness of the proposed society.
(e) such other documents as may be specified by the Registrar by a special or general order.

(2) Where any member of society to be registered is a
registered society, a member of the committee of such registered society shall be authorised by the committee by a resolution to sign on its behalf the application for registration and the bye-laws for registration and a copy of such resolution duly certified by the Secretary of the society shall also be appended to the application.

(3) Where any member of a society to be registered is a firm company, corporate body, society registered under the Societies Registration Act, 1860 or a public trust registered under any law for the time being in force or a local authority, then such firm company, corporate body, society, public trust or local authority shall duly authorise any person to sign on its behalf the application for registration and the bye-laws and a duly certified copy of the resolution giving such authority shall be appended to the application.

(4) The application for registration shall mention the name and address of one of the applicants to whom correspondence may be addressed by the Registrar.

(5) The application shall be sent to the Registrar registered post or be delivered in his office by hand.

4. Registration

(1) On receipt of an application under rule 3 the Registrar shall enter particulars of the application in the register of applications to be maintained in Form B, give a serial number to the application and issue a receipt in acknowledgement thereof.

(2) The Registrar may give, wherever necessary, opportunity to the promoters to modify the proposed bye-laws before finally registering the society or rejecting the application for registration of the society.

(3) On registering a society and its bye-laws under subsection (1) of section 8 the Registrar shall within six months from the date of registration, notify the registration of a society in the official Gazette and grant to the society a certificate of registration signed by him and bearing his official seal and containing the registration number of the society and the date of its registration. The Registrar shall also furnish the society with a certified copy of the bye-laws approved and registered by him.

5. Refusal to register

If the Registrar refuses to register a society, he shall
communicate the order of refusal together with the reasons therefor, by registered post to the applicant referred to in sub-rule (4) of rule 3.

6. Matters in respect of which Registrar may direct a society to make bye-laws or a Society may make bye-laws.

(1) The Registrar may require a society to make bye-laws in respect of all or any of the following matters, namely:

(a) the name, address and branches of the society;

(b) area of operation of the society;

(c) objects of the society;

(d) the manner in which and the limit upto which funds of the society may be raised, the maximum share capital which any one member may hold and purpose to which funds may be made applied;

(e) terms and qualifications for admission to membership including entrance fees, if any;

(f) privileges, rights, duties and liabilities of members including nominal members;

(g) consequences of default in payment of any sum due by a member to the society;

(h) conditions regarding sale or disposal of produce of members wherever applicable;

(i) in case of credit societies;

(ii) maximum loan admissible to a member;

(iii) maximum rate of interest on loans to members;

(iv) conditions on which loans may be granted to members and penalties for misapplication of loans so advanced;

(v) procedure for granting extension of time for repayment of loans and advances;

(vi) consequences of default in payment of any sum due;

(vii) circumstances under which a loan may be recalled;

(j) in case of non-credit societies, the mode of conducting business such as manufacture, purchase, sale, stock taking and other like matters;
(k) in case of a composite society, that is to say, a society having both credit and non-credit functions, matters referred to in clauses (i) and (j);

(l) mode of holding general body and committee meetings;

(m) Procedure for expulsion of members;

(n) manner of making, altering and amending bye-laws;

(o) mode of appointment, either by election or otherwise, removal of members of committee and other officers, their duties and powers;

(p) chairman's powers, duties and functions and his removal;

(q) method of recruitment, conditions of service and the authority competent to fix, revise or regulate scales of pay and allowances of employees (including officers) and servants of the society and procedure to be followed in disposal of disciplinary cases against them;

(r) mode of custody and investment of funds and mode of keeping accounts and records;

(s) disposal of net profits;

(t) manner in which penalty should be levied on a member who is found to be guilty of breach of the bye-laws;

(u) appointment of a provisional committee, where necessary;

(v) mode of convening annual and special general meetings, issue of notices and the business which may be transacted thereat;

(w) in the event of winding up of the society, the manner in which surplus assets, if any, shall be utilised;

(x) conduct of elections to committee and other bodies of a society, number of members to be elected by different constituencies and appointment of Returning Officer;

(y) any other matter incidental to the management of business of a society;

(2) A society may also make bye-laws in respect of all or any of the following matters:

(a) the circumstances under which withdrawal from membership may be permitted;

(b) procedure to be followed in cases of withdrawal, ineligibility and death of members;
(c) conditions under which transfer of share or interest of a member may be permitted;

(d) method of appropriating payments made by members from whom moneys are due;

(e) authorisation of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of society;

(f) constitution and maintenance of various funds required to be maintained under the provisions of the Act and these Rules,

(g) constitution of representative body consisting of delegates of members of a society and mode of election of such delegates to exercise powers of the general body of members and to specify the powers which may be exercised by such smaller body.

7. **First bye-laws of a society**

When a society has been registered, the bye-law of a society as approved and registered by the Registrar shall be the bye-laws of a society.

8. **Model bye-laws**

The Registrar may prepare model bye-laws of each class or sub-class of societies which may be adopted by societies with or without changes.

9. **Classification of societies**;

(1) After registration of a society the Registrar shall classify a society into one or other of the following classes and sub-classes of societies according to the principal object provided in its bye-laws:

(a) "Resource-Society" means a society formed with the object of obtaining for its members the credit, goods or services required by them such as

(i) Thrift and Urban Credit Society.

(ii) Agricultural Credit Society.

(iii) Agricultural Non-Credit Society.

(iv) Multi-Purpose society which includes amongst its primary object the object of societies referred in (ii) and (iii) above.

(v) Urban Thrift & Credit Co-operative Bank.

(vi) Co-operative Bank.
(b) "Producers Society" means a society (such as, (i) Industrial Producers Society, (ii) Weavers’ Society, (iii) Labour and Construction Society, (iv) Motor Transport Society, (v) Industrial Service Society,) formed with the object of producing and disposing of goods as the collective property of its members and includes a society formed with the object of the collective disposal of the labour of the members of such society.

(c) "Consumers' Society" means a society formed with the object of obtaining and distributing goods to or of performing services for its members, as well as to other consumers the area of operation specified in the bye-laws, and of dividing among its members and customers in a proportion prescribed by the rules or by the bye-laws of such society, the profits accruing from such supply and distribution.

(d) "Processing Society" means a society the object of which is the processing of goods by mechanipal or manual process.

(e) "Marketing Society" means a society formed for the purpose of marketing agricultural or other produce and includes amongst its objects, the supply of the requisites of such production.

(f) "Joint Farming Society" means a society in which the object of increasing agricultural production, employment, income and better utilization of resources, land held by members is pooled together and is jointly cultivate by the members on behalf of the society.

(g) "Collective Farming Society" means a society in which with the object of increasing agricultural production land is acquired from outside in the name of the society and is collectively and jointly cultivated by the members themselves on behalf of the society.

(i) "Co-operative Union" means a society which has as its principal object the undertaking of co-operative education, propaganda and training.

(h) Others

Note: If any society classified as above is a federal society it may be classified as apex society.

(2) If the Registrar alters the classification of a society from one class of society to another, or from one sub-class thereof to another, he shall issue the society a copy of his order provided that no such order shall be made without sufficient opportunity being given to the society to express its views in the matter and the views so expressed are taken into consideration by the Registrar.
(3) A society may, in its general body meeting resolve by a two thirds majority to convert itself into a society of a class different from the one to which it belongs. Such resolution shall also include amendments to the bye-laws proposed for adoption by the society on such conversion and a copy of the resolution shall be sent to all members and creditors of a society.

(4) Any member or creditor may, within a period of one month from the date of receipt by him of the resolution mentioned in sub-rule (3), intimate in writing his intention to withdraw his share or interest in a society.

(5) After the expiry of two months from the date of despatch of the resolution referred in sub-rule (3) to its members and creditors, the society shall convene a general meeting by giving fifteen days notice for considering such resolution. If, at such meeting the said resolution is confirmed by two-thirds of the members present and voting, either with or without changes, the Registrar, on receipt of a copy of such resolution duly certified, and after satisfying himself that the claims of members who desire to withdraw their shares or interest under sub-rule (4) have been met in full register the amendment to the bye-laws and on such registration the conversion shall be deemed to have taken effect.

10. Maintenance of Registers:

(10) The Registrar shall maintain a register of all societies registered or deemed to be registered under the Act in Form C.

(2) The Registrar shall assign for each class or sub-class of societies a code symbol for giving registration number to societies and the societies shall be registered from the dates specified by him.

11. Registration File

(1) Every society shall keep at its registered office a registration file containing:

(a) Registered bye-laws of societies.
(b) An index of amendment of bye-laws.
(c) All registered amendments to the bye-laws duly entered in the index along with certificates of registration of amendments.
(d) Certificate of the Registration.
(e) A copy of the Act.
(f) A copy of these Rules.
12. Amendment of Bye-laws:

(1) Subject to the provisions of this rule and section 11 (1) of the Act, the bye-laws of a society may be amended by passing a resolution at the general meeting of the society held for that purpose.

(2) The society shall give notice of not less than 14 days of the proposed amendments to all the members for their consideration.

(3) An amendment shall be deemed to have been duly Passed if a resolution in that behalf is passed at a general meeting by not less than two-thirds of the members present and voting.

(4) After the resolution is passed a copy thereof shall, within a period of two months from the date of the meeting at which the resolution was passed, be furnished to the Registrar along with—

(a) a copy of the relevant bye-laws in force with amendments proposed to be made in pursuance of the resolution together with reasons for such amendments;

(b) four copies of the text of the amendments, certified by officers duly authorised in this behalf by the committee of a society;

(c) a copy of notice given to members of the society of the proposal to amend the bye-laws; and

(d) such other information as may be required by the Registrar.

(5) On receipt of a copy of the resolution and other particulars referred to in sub-rule (4) the Registrar shall examine the amendments proposed by the society and if he is satisfied that amendments are not contrary to the provisions of the Act and these Rules, he may register the amendments and issue to the society a copy of the registered amendments together with a certificate signed by him under sub-section (3) of section 11. Where the Registrar is of the opinion that the proposed amendments may be accepted subject to any modification, he may indicate to a society such modification after explaining in writing the reasons therefor and require the general body to pass a fresh resolution adopting the modified amendment.

(6) Where the Registrar refuses to register the proposed amendments to the bye-laws, he shall issue an order stating the reasons for the refusal and such order shall be sent by registered post to the society.
An appeal against the Registrar’s order refusing to register any amendments to the bye-laws of a society shall be made only after a meeting of the general body of the society has reconsidered the matter and has decided to prefer an appeal which shall be signed by an officer of a society authorised in this behalf by the general meeting. A copy of the resolution of the general body shall be attached with the memorandum of appeal.

13. Procedure for direction by Registrar for amendment of bye-laws;

(1) Where it appears to the Registrar that an amendment of the bye-laws of a society is necessary, he shall indicate the reasons therefor, and land issue a notice calling upon the committee of such society to convene a general meeting to consider such amendment.

(2) The notice referred to in sub-rule (1) shall specify,—

(a) the text of the existing bye-law and the amendment proposed to it, or the text of the existing bye-law which is proposed to be deleted; and

(b) the period within which such amendment should be sent to the Registrar for registration after getting it passed by the general meeting.

(3) Where a society files an objection to the proposed amendment, such an objection shall be duly considered by the Registrar and if the committee desires to be heard, it shall be given an opportunity of being heard. The Registrar may, after considering the representation of the society, register the amendment with or without any modification as he shall deem fit.

14. Change in name of Society:

(1) The name of a society may be changed under Section 14 so however that it does not refer to any caste or religious denomination and is not inconsistent with the objects of a society.

(2) Every change in the name of a society shall be made by an amendment of its bye-laws and shall be notified in the official Gazette.

(3) After the change in the name is approved by the Registrar, the society shall send to the Registrar original certificate of registration for amendment. The Registrar shall return the certificate to the society after duly amending the same.

(4) The Registrar shall enter the new name in the register of societies maintained by him.
15. Change of Liability:

(1) An amendment to the bye-laws of a society to change the form and extent of its liability shall be made by passing a resolution in that behalf at a general meeting of the society. Thirty days notice in writing of such meeting shall be given to all its members together with copies of the resolution proposed to be moved at the meeting. After the resolution is duly passed, a copy thereof shall be sent to the Registrar within thirty days of its passing.

(2) The notice to be given by a society under sub-section (3) of Section 15 shall be sent by post under certificate of posting to the address of each of its members and creditors as recorded in the books of the society. A copy of such notice shall be exhibited on the notice board of the society and a copy shall also be sent to the Registrar for exhibition on the notice board in his office, and thereupon, the notice under sub section (3) of Section 15 shall be deemed to have been duly given to all its members and creditors, notwithstanding that any of them has not received the notice for any reason whatsoever.

(3) For the purpose of determining the claims of a member under clause (b) of sub-section (4 of Section 15 the value of the shares of a member in the society shall be ascertained as follows:

(a) In the case of a society with unlimited liability, the value of the share shall be the actual amount received by a society in respect of such share.

(b) In the case of a society with limited liability, the value of the share shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet, provided that it shall not exceed the actual amount received by a society in respect of such share.

(4) Any member or creditor desiring to exercise his option under sub-section (2) of section 15 shall inform a society accordingly in writing and when he does not propose to withdraw his entire shares, deposits or loans, the member or creditor shall clearly indicate in writing the extent of his withdrawal. A society shall examine and draw up scheme for orderly payment of all claims in an equitable manner including shares. The scheme may also provide for settlement of claims by mutual agreement. Where the Registrar does not approve the scheme on the ground of impracticability or undesirability, the resolution passed by a society under sub-rule (1) shall be ineffective and the form and extent of liability of a society shall not be deemed to be changed in accordance with resolution passed aforesaid.
(5) After the Registrar approves the scheme, a society shall make payments to members and creditors as provided in clause (b) of sub-section (4) of section 15 make a report to that effect to the Registrar and furnish the Registrar with a proposal to amend the bye-laws of a society duly passed in that behalf. On receipt of the proposal, the Registrar shall register the amendment in accordance with the provisions of section 15.

16. Amalgamation, transfer of assets and liabilities or division of societies:

(1) Every society desiring to effect amalgamation, transfer of assets and liabilities or division shall make an application to the Registrar in that behalf giving full details about such amalgamation, transfer or division as the case may be.

(2) On receipt of such application the Registrar may, after examining the details furnished in the application and other particulars which he may call upon the society to furnish, give his approval to the proposal, if he is satisfied that the proposal is in the interest of the society.

(3) After the receipt of Registrar's approval under sub-rule (2), the society shall convene a special general meeting by giving 15 days notice to all its members and pass a resolution for such amalgamation, transfer of assets and liabilities or division, as the case may be, by two-thirds majority and the resolution so passed shall contain all the details as provided in sub-section (3) of section 16.

(4) The society shall on complying with all the requirements of sub-sections (4), (5) and (6) of section 16 of the Act, submit a report to the Registrar of such compliance and request him to give effect to its decision for amalgamation, transfer or division, as the case may be, by registering the resulting new society, if any, and cancelling the registration of the societies which have been amalgamated or whose whole of the assets and liabilities have been transferred.

(5) On receipt of the report from the society under sub-rule (4) the Registrar shall, after satisfying himself that the society has complied with all the requirements of section 16, register the amalgamated or divide society / societies and cancel the registration of the societies which have been amalgamated or divided or whose whole of the assets and liabilities have been transferred.
17. **Direction by Registrar for amalgamation and reorganisation of societies**:

(1) Before issuing any order under sub-section (1) of section 17 providing for amalgamation or reorganisation of any society, the Registrar shall prepare a draft scheme in respect of such amalgamation or reorganisation, stating in particular the manner in which the new committee or committees of the society or societies resulting from such amalgamation or reorganisation shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall simultaneously send a copy of such order and notice, by registered post to such society or societies.

   Every society receiving a copy of an order and notice shall exhibit it on its notice board calling for objections or suggestions, if any, to the scheme from the members, depositors, employees, creditors or other persons concerned within 15 days from the date the notice is put on the notice board.

   The society or societies concerned shall submit to the Registrar such objections, or suggestions together with its own suggestions or objections, if any, within a period of two months from the date of which a copy of the draft aforesaid was received by it.

(2) The Registrar shall also expeditiously send a copy of such order to the financing bank of which such society or societies may be member or members.

(3) The Registrar shall consider all such suggestions and objections and make the modifications in the draft order as it may seem to be desirable in the light of those suggestions and objections and then issue a final order under sub-section (1) of section 17.
CHAPTER III

MEMBERS OF SOCIETIES AND THEIR RIGHTS
AND LIABILITIES

8. Conditions to be complied with for admission for membership, etc.

No person shall be admitted as a member of a society unless—

(i) he has applied in writing in the form, if any, prescribed by a society or in the form, if any, specified by the Registrar for membership;

(ii) in the case of societies other than primary agricultural credit societies, his application is approved by the committee of a society and the case of nominal member by an officer of a society authorised in that behalf by the committee;

(iii) he has fulfilled all other conditions laid down in the Act and these Rules and the bye-laws of the society;

(iv) in the case of a firm, company or body corporate a society registered under the Societies Registration Act, 1860, the application for membership is accompanied by a resolution authorising it to apply for such membership.

19. Disqualification for membership:

(1) If any question as to whether a member has incurred any of the disqualifications referred to in sub-section (1) of section 21 arises, it shall be referred to the Registrar and his decision thereon shall be final and binding on all concerned.

(2) A member who ceases to be a member of a society under sub-section (2) of section 21 shall not be entitled to exercise rights of membership or incur liability as member with effect from the date mentioned in the said sub-section; but shall be entitled to the payment within six months from the date mentioned in the said sub-section of the paid-up value of the shares registered in his name and deposits, if any, made by him with the society.
20. Procedure for admission of joint members and minors and persons of unsound mind inheriting share or interest of deceased member:

(1) A society may admit joint members provided they make a declaration in writing that the person whose name stands first in the share certificate shall have the right to vote and all the liabilities will be borne jointly and severally by them as provided in the bye-laws.

(2) Where a minor or a person of unsound mind inherits the shares or interest of deceased member of a society such minor or person of unsound mind may be admitted as member of the society duly represented by his guardian. The members so admitted will enjoy such rights and bear such liabilities through such legal representatives or guardians as are laid down in the bye-laws of the society.

21. Withdrawal of membership:

(1) Subject to the provisions of the Act, these Rules and bye-laws of a society, a member may withdraw from a society after giving three months notice to the society of his intention to resign from the society.

(2) No resignation of a member shall be accepted by a society unless the member has paid in full his dues, if any to the society and has also cleared his liability to the society, if any, as surety to any other member or otherwise.

(3) Any member, whose resignation has been accepted by a society or any heir or legal representative of a deceased member; may demand refund of share capital held by such member or deceased member and the society shall, subject to the provisions of the bye-laws of the society, refund the amount within six months from the date of acceptance by the society of the resignation or the date of demand made by the heir or legal representative of a deceased member, as the case may be.

(4) In all such cases where share capital is to be refunded, valuation of shares to be refunded shall be made in accordance with the provisions contained in rule 22.

22. Valuation of shares:

(1) Where a member of a society resigns or ceases to be a member thereof, the sum representing the value of his share or interest in a society to be paid to him or his nominee heir of legal representative, or a person claiming on his behalf, shall be ascertained in the following manner, namely:—
(i) In the case of a society with unlimited liability, it shall be the actual amount received by a society in respect of such share or interest;

(ii) In the case of a society with limited liability, it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet.

Provided that the amount so ascertained shall not exceed the actual amount received by a society in respect of such share or interest.

(2) Where a person is allotted a share by a society, the payment required to be made therefor shall not exceed the face value of a share notwithstanding anything contained in the bye-laws of a society.

(3) When a share is transferred by a member to another person duly admitted as a member of a society, the transferee shall not be required to pay anything in excess of the value of the share determined in accordance with the provision in sub-rule (1).

23. Procedure for transfer of shares:

(1) No transfer of shares in a society shall be effective unless,—

(a) it is made in accordance with the provisions of the bye-laws;

(b) a clear fifteen days notice in writing is given to the society indicating therein the name of the proposed transferee, his consent, his application for membership, where necessary, and the value proposed to be paid by the transferee;

(c) all liabilities of the transfer or due to the society are discharged; and

(d) the transfer is registered in the books of the society.

(2) Any charge in favour of a society on the shares so transferred will continue unless discharged otherwise.

24. Nomination of persons:

(1) For the purpose of transfer of his share or interest under sub-section (1) of section 28 a member of a society may, by a document signed by him nominate a person or persons to whom in the event of his death, his share or interest in the society shall be transferred. Such document shall be deposited with the society during the member’s lifetime.

(2) The nomination made under sub-rule (1) may be revoked or varied by the member.
(3) A nomination made by a member shall not be valid and shall not in the event of the death of the member, have effect unless —

(a) it is made in writing and is signed by the member in the presence of two witnesses attesting the same; and

(b) it is recorded in the books of the society kept for the purpose.

(4) Where a member of a society has not made any nomination, the society shall, on the member's death, by a notice exhibited at the office of the society, invite claims or objections for the proposed transfer of the share or interest within the time specified in the notice.

(5) After taking into consideration the claim or objections received in reply to the notice or otherwise and after making such inquiries as the committee considers proper in the circumstances prevailing, the committee shall decide as to the person who in its opinion is the heir or the legal representative of a deceased member and proceed to take action under section 28.

25. Registration of nominations:

The name and address of every person nominated for the purposes of sub-section (1) of section 28 and any revocation or variation of such nomination shall be entered in the register of members prescribed under rule 38.

26. Supply of copies of documents by societies and fees therefor:

A member of a society requiring a copy of any of the following documents namely, the bye-laws, last audited annual balance sheet, profit and loss account, a list of members of the committee of the society, register of members, minutes of general meetings or committee meetings and those portions of the books and records in which his transactions with the society have been recorded, may apply to the society for the same. Every such application shall be accompanied by a deposit of such amount as may be decided by the committee, towards the cost of preparing the copies. On receipt of the deposit the society shall issue a receipt for the copies duly certified in the manner prescribed in rule 40.

27. Expulsion of members:

Any member who has been persistently defaulting in payment of his dues or has been failing to comply with the provision of the bye-laws in any manner or who, in the opinion of the committee, has brought disrepute to the society or has done other acts detrimental to the interest or proper working
of a society may, by a resolution passed by a majority of not less than three-fourths of the members entitled to vote who are present at the general meeting held for the purpose, be expelled from the society.

8. Procedure for expulsion of members:

(1) Where any member of a society purposes to bring a resolution for expulsion of any other member, he shall give a written notice thereof, to the chairman of a society. On receipt of such notice or when the committee itself decides to bring in such resolution, the consideration of such resolution shall be included in the agenda for the next general meeting and a notice thereof shall be given to the member against whom such resolution is proposed to be brought, calling upon him to be present at the general meeting to be held, on a date to be specified in the notice (which shall not be less than one month from the date of such notice) and to show cause against expulsion to the general body members. After hearing the member, if present, or after taking into consideration any written representation which he might have sent, the general body of members shall proceed to consider the resolution.

(2) When a resolution is passed in accordance with sub-rule (1), it shall be sent to the Registrar for his consideration and approval. The Registrar, after making such inquiries as he may deem fit, give his approval and communicate the same to the society and the member concerned. The resolution of the society shall become effective from the date of such approval.

29. Inspection of the documents in the office of the Registrar and the scale of fees for supply of copies of documents:

A member of a society or any member of the public may inspect the following documents in the office of the Registrar free of charge and may obtain certified copies thereof on payment of the following fees:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
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<tbody>
<tr>
<td>(i) Application for registration of a society</td>
<td>20 Paise each</td>
</tr>
<tr>
<td>(ii) Certificate of registration</td>
<td>20 each</td>
</tr>
<tr>
<td>(iii) Bye-laws of societies</td>
<td>20 per 200 words part thereof</td>
</tr>
<tr>
<td>(iv) Amendment of bye-laws of a society</td>
<td>20 —do—</td>
</tr>
<tr>
<td>(v) Order of cancellation of the registration of a society</td>
<td>20 —do—</td>
</tr>
<tr>
<td>(vi) Audit memorandum of a society</td>
<td>20 —do—</td>
</tr>
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CHAPTER IV

MANAGEMENT OF SOCIETIES

30. Prohibition against being interested in contracts, etc:

No officer of a society shall have any interest, directly or indirectly otherwise than as such officer—

(a) in any contract made with or by a society or

(b) in any property sold or purchased by a society; or

(c) in any other transaction of a society except as loan taken from a society, or the provision of residential accommodation by a society to any paid employee of a society.

(2) No officer of a society shall purchase, directly or indirectly, any property of a member of the society sold for the recovery of his dues to the society.

31. Manner of election of Committees:

Notwithstanding anything contained in these Rules or bye-laws and without prejudice to the generality of the powers of the Government under sub-section (1) of section 34, election of members of the committees of different types of societies shall be conducted in the manner as may be specified by the Registrar by a general or special order.

32. First General Meeting:

(1) Within three months from the date of registration of a society, the chief promoter thereof shall convene, under intimation to the Registrar, the first general meeting of all persons who had joined in the application for
registration of that society. Where the chief promoter fails to convene a
meeting as aforesaid, it shall be convened by any person authorised in that
behalf by the Registrar. The Registrar or any other person duly authorised
by him in this behalf may attend such meeting.

(2) At the first general meeting the following business shall be
isacted:

(a) Election of a president of the meeting;
(b) Admission of new members;
(c) Receiving a statement of accounts and reporting
all transactions entered into by the promoter
up to 14 days before the meeting;
(d) Constitution of a provisional committee until
regular elections are held under the bye—laws.
The provisional committee shall have the same
powers and functions as the committee elected
in accordance with the bye-laws;
(e) Fixing the limit up to which funds may be borrowed;
(f) Any other matter which has been specifically
mentioned in the bye-laws;

33. General Meetings:

(1) The secretary or in his absence any other person authorised in this
behalf by the bye-laws by giving not less than 14 days notice in writing, shall
convene the General Meeting of the members of the society every year in
accordance with the bye-laws and the General Meeting shall transact such
business in such manner as may be laid down in the bye-laws.

34. Constitution of the representative general body:

(1) A society with limited liability (including the State Co-operative
Bank) may, if its area of operation extends to the whole of the State of
Sikkim provide in its bye-laws for the constitution of a representative
general body.
(2) Where a society so provides in its bye-laws to constitute a
representative general body, it shall, with the permission of the Registrar,
divide its members into different groups, on a territorial or other basis.
(3) The bye-laws of such society may specify the number or proportion
of the members of the representative general body, their election and
their voting rights. The members of the representative general body shall
represent each group referred to above and shall be elected.
(a) by all the members of the society;

(b) by only that particular group of members of a society such representatives belong.

(4) The members who are elected to represent each such group shall be called 'delegates' A delegate shall hold office and attend general meeting of the representative general body till fresh delegates are elected in their places.

Provided that a delegate shall continue for a term of not more than 3 years after which fresh delegates will be elected.

(5) Each delegate shall have one vote.

(6) A member shall cease to be a delegate if he—

(a) ceases to be a member of the society,

(b) resigns his office as delegate.

(7) A casual vacancy in the office of the delegate in any area or group shall be filled by election by members in the area or group concerned and the new delegate so elected shall continue in office for the remaining period of the representative general body.

Provided that failure to fill any casual vacancy shall not invalidated proceedings in the general meeting.

(8) Notwithstanding anything contained in this rule (a) the state Co-operative Bank shall hold its general meetings by convoking delegates of sections or categories, as case may be, instead of summoning of all members in person, on the following basis, viz. :-

(a) 4 nominees of the Government;

(b) 1 delegate representing each society;

(c) 1 delegate of bank defined in the Act;

(d) for all other members 1 delegate for every 25 members ( fractions being neglected ).

(9) A federal society may summon its general meetings by convoking representatives as per its bye-laws as approved by the Registrar.

Provided that in respect of any federal society the delegates of individual members on the committee or Board of Directors, as the case may be, shall not at any time exceed 1/4 of the number of representatives of societies ( fractions to be neglected ) admitted to membership on the 30th June of the preceding year, whichever is less.
35. Closing of accounts:

Every society shall maintain accounts and books for the purpose of recording business transacted by it and close them every year on the 30th June by the 15th July. Each closing entry in the cash book in each ledger account shall be signed by the president/chairman, the secretary and the treasurer or any other approved member of a society authorised by its managing committee. The closing balances which are thus authenticated shall be carried forward to the following year commencing on the 1st July.

36. Annual statements of accounts:

(1) Within forth-five days of the close of every co-operative year or within such extended period as may be allowed by the Registrar, in the case of any society or class of societies, the committee of every society shall prepare annual statements of accounts showing:

   (i) receipts and payments during the previous co-operative year in Form D.

   (ii) the profit and loss account for the year, in Form E, and

   (iii) the balance sheet as at the close of the year in Form F;

Provided that it shall be open to the Registrar to permit a society or class of societies to adopt such other form as he may deem fit.

(2) Copies of the balance sheet and profit and loss account to be presented at the annual general meeting and a copy of the report of the committee shall be circulated amongst the members of the general body and also fixed on the notice board of a society at least fourteen days before the date of the annual general meeting and shall be submitted to the Registrar within 15 days of their adoption by the general body.

37. Supersession of the committee:

(1) Before making any order for supersession of the committee of a society under sub-section (1) of Section 39 the Registrar shall consult the federal society or the State Cooperative Bank to which the society is affiliated and give an opportunity to the Committee concerned to show cause, within fifteen days from the date of issue of notice, why such an order shall not be made.

(2) Immediately after the new committee is elected or an administrator or administrators appointed, the committee in whose place such appointment is made and officers of the society shall hand over the new committee or the administrator or administrators, as the case may be, the charge of property, documents and accounts of a society.
38. Accounts and other books to be maintained by societies:

Every society shall maintain the following accounts and books:

(i) A register of members in Form G.
(ii) Register of shares.
(iii) A register of bonds, where necessary.
(iv) Minute book recording proceedings of general meetings.
(v) Minute book recording proceedings of committee meetings.
(vi) Cash book,
(vii) General ledger and personal ledgers.
(viii) Stock register, where necessary.
(ix) Property register, where necessary.
(x) Register of audit objections and their rectifications
(xi) Liability register, where necessary.
(xii) Such other accounts and books as may be necessary and at
from time to time be specified by the Registrar.

39. Power of Registrar to direct accounts and books to be written up:

The Registrar may, by order in writing, direct any society to get any or all of the accounts and books required to be maintained by it under rule 38 written up to such date, in such form and within such time as he may direct. In case the society fails to do so, the Registrar may depute an officer subordinate to him to write up the accounts and books. In such case it shall be competent for the Registrar to determine, with reference to the time involved in the work and the emoluments of the officer deputed to do so, the charges which the society shall pay to the Government and direct its recovery from the society.

40. Certifying copies of entries in books:

For the purpose specified in sub-section (1) of section 51 and rule 261 copies of any document or entry in a book of a society shall be certified—

(i) by the president or secretary or any other officer authorised by the committee in this behalf;
(ii) Where an order has been passed under section 39 dissolving a committee and appointing an administrator, by the administrator;

(iii) Where an order has been passed under sub-section (1) of section 76 appointing a liquidator of a society, by the liquidator.

41. Preservation and destruction of books and records, etc.:

The books and records of a society shall be preserved as per Schedule I. A list of records destroyed from time to time shall be prepared and kept by the secretary.

42. Qualifications of paid staff:

(1) In the following kinds of societies, appointment of paid staff shall be subject to such directions as the Registrar may from time to time issue in regard to their technical and educational qualifications, in regard to their minimum number and their pay and allowances and security deposit; namely:

   (i) State Co-operative bank
   (ii) Credit resource societies
   (iii) Consumers societies
   (iv) Agricultural society
   (v) Producers’ societies

(2) No society of the class referred to in sub-rule (1) shall appoint any person as its paid officer or servant in any category of service unless he possesses the qualifications prescribed by the Registrar from time to time. No society shall retain in its service any paid officer or servant if he does not acquire the qualifications within such time as the Registrar may direct. The Registrar may, for special reason to be recorded in writing, relax in respect of any paid officer or servant the provisions of this sub-rule in regard to qualifications, etc.

(3) Except with the previous approval of the Registrar no relative of any member of the committee of a society or a member of the committee of financing bank to which a society is indebted shall be appointed as its paid staff.

Provided that nothing contained in this sub-rule shall apply to the paid staff of any society who are appointed prior to the coming into force of these Rules.
CHAPTER V
RIGHTS AND PRIVILEGES OF SOCIETIES

43. Form of Declaration to be made by Member
  Borrowing Loans:

(1) A declaration required to be made under sub-section (1) of section 43, shall be in Form H.

(2) A register of such declarations shall be kept by the society in Form I.

(3) A charge on any immovable property created by a member in favour of a society for amounts borrowed or to be borrowed by him, from time to time shall, subject to the provisions of sub-section (2) of section 43 continue in force till all the sums secured by such declaration are fully paid to the society.

(4) If a member commits default in repayment of the principal or payment of interest and other charges to a society, which payment and repayment are secured by a charge under section 43, the society may, for the purpose of recovering the said sums,—

(a) dispose off in the manner prescribed, either in whole or in part, the property charged and recover the sums due to it;

(b) take possession of such property in the manner prescribed and let out the same to such person or person or any rental as the society may deem fit or use the property itself for its business purposes on rental basis and appropriate the rents towards the repayment of the principal and payment of interest and other charges due to itself.

Provided that where the society lets out the property or otherwise uses the property itself, the member to whom the said property belongs or any person claiming through him shall not be entitled to recovery possession of the property until all sums due to the society are fully adjusted from the rents of the said property or otherwise. Upon such adjustment the lease granted by the society in respect of the said property shall be deemed to have been determined and the Lessee shall, notwithstanding anything contained in the lease deed, hand over vacant possession of the property to the member or any person claiming through him on a written requisition from the society in that behalf.
44. Restrictions on Borrowing by Society with Limited Liability:

No society shall receive deposits of borrow with or without security by way of loans or advances or overdrafts from members or non-members in excess of the maximum amount fixed in its bye-laws subject to the approval of the Registrar.

Provided always that the Registrar may at any time reduce such maximum so fixed and impose such conditions as he may deem fit, subject to which the society may receive deposits or borrow money.

45. Issue of Bonds:

(1) Any society, which is authorised under its bye-laws to raise funds by the issue of bonds may, with the prior approval of the Registrar, frame regulations governing the issue and management of such bonds.

(2) The total amount of bonds issued at any time together with the other liabilities incurred by the society, shall not exceed the maximum amount which the society can borrow under the provision of rule 44.

46. Bonds Redemption Fund:

Every society which raises resources by issue of bonds shall constitute and maintain a Bonds redemption Fund in such manner as may be specified by the Registrar from time to time.

47. Maintenance of Liquid Resources and Distribution of Assets:

Every society which obtains any portion of its working capital by deposits, shall:

(i) maintain such liquid resources in such form as may be specified from time to time by the Registrar, and

(ii) utilise only such portion of its working capital in lending business and distribute its assets in accordance with such standards as may be specified from time to time by the Registrar.

48. Restrictions on Loans to be granted by societies:

(i) No society shall make a loan to:

(a) any person who is not a member;
(b) any member on the security of its own shares;
(c) any member on the suretyship of a non-member.
Provided that the Registrar may for special reasons permit a society to make loans to a member on the suretyship of non-members

(2) Every society shall, while granting loans against security of movable or immovable property, maintain such margin as the Registrar may, by general or special order, direct from time to time with reference to different commodities, securities or classes of societies.

(3) It shall be lawful for a society to grant loans without taking security of movable or immovable property if the purpose for which the loans are given is considered production worthy or credit-worthy and reasonably expected that the loans will be repaid by the loanee. The Registrar may issue directions to the societies to ensure that credit-worthy purposes indicated above receive finance from the societies without any difficulties on the one hand, and without being detrimental to the financial interest of the societies on the other.

(4) Except with the general or special permission of the Registrar, the loan advanced to a member by a society, or to a society by the financing bank shall be subject to such conditions as may be laid down by the Registrar, with the approval of the financing bank, including the maximum amount to be advanced and period of repayment, both in regard to total advances to members and societies as also against, different types of securities.

(5) No society shall carry on transactions on credit or sanction trade credit to its members or to non-members except in accordance with the general directions that may be issued by the Registrar in that behalf.

(6) In the matter of grant of loans to societies by the State Co-operative Bank or to members by primary co-operative Societies the Registrar may lay down, in consultation with the financing bank, the procedure regarding receiving applications, assessing credit needs, making inquiries in respect of the production programme for which such loan is required and the procedure for finally sanctioning the loan as also the rates of finance to be followed from year to year and the nature of inquiries to be made for the purpose of financing of different crops and imposition of certain conditions regarding proper utilisation of loan and sale of agricultural produce through specified co-operative organisation, before such finance is granted.

(7) The Registrar may be general or special order prohibit or regulate grant of loans by the financing bank or a society where such grant is considered neither in the interest of the society nor in the interest of the development of co-operative movement on sound lines.
49. **Conditions to be complied with by members applying for Loans:**

(1) Every member of a society applying for a loan from the society shall be required to hold shares in such manner and in such proportion to the amount of loan applied for by him as may be specified in the bye-laws of the society.

(2) Subject to such maximum limit as may be specified in the bye-laws, the loan to a member by a resource society, and the period of its, repayment shall be in accordance with the instructions as may, from time to time, be issued by the Registrar. Provided that a loan in excess of the maximum prescribed in the bye-laws may be granted to a member with the previous sanction of the Registrar.

50. **Credit Limits by non-credit societies:**

(1) No society whose objects do not include grant of loan or financial accommodation to its members shall grant loans or sanction credit to any member without the sanction of the Registrar.

Provided that if any of the objects of a society relate to supply of goods or services required by its members for manufacture or trade or production purposes, its bye-laws may provide for supply goods or provision of services on credit against sufficient security and on condition that the cost of the goods supplied or services provided shall be recoverable from the amount of the sale proceeds of the agricultural produce or other goods produced of manufactured by the members.

(2) A consumer society may, notwithstanding what is contained in sub-rule (1), sell goods on credit to its members and other customers up to the extent of deposits received from them.

51. **Manner of recalling of Loans:**

(1) Notwithstanding anything contained in an agreement or document with its member, the committee of a society shall be entitled, after giving a week's notice to such member, to recall the entire loan amount immediately, when it is satisfied that the loan given has not been applied for the purpose for which it was given or there has been breach of any of the conditions for grant of such loan.

(2) Notwithstanding anything contained in any agreement or document, the Registrar may, after making such inquiries as he may deem necessary and after satisfying himself that a loan granted by a society has not been utilised for the purpose for which it has been granted, and in consultation with the financing bank, direct a society to recover the loan. The directions issued by the Registrar in this respect shall be complied with by the society.
52. Directives by Registrar for the successful conduct of business:

The Registrar may, from time to time issue such directives as he considers necessary for the successful conduct of the business of a society or class of societies.

53. Loans and subsidies by Government:

(1) Loans and subsidies to a society or class of societies may be granted by Government subject to such terms and conditions as may be stipulated by it.

(2) An application by a society for a loan or subsidy or both from a Government Department or a Government sponsored agency shall be made through the Registrar. While forwarding the application, the Registrar shall record his opinion regarding the eligibility of the society for the said loan or subsidy or both, its financial position and the desirability of sanctioning to the society the said loan or subsidy or both.

(3) A society receiving Government loan or subsidy or a society in which a share or shares have been subscribed or liability by way of guarantee has been undertaken by the Government, shall furnish such information and submit such returns as the sanctioning authority or the Registrar may from time to time require.

CHAPTER VI
PROPERTIES AND FUNDS OF SOCIETIES

54. Distribution of profits:

(1) No society shall declare any dividend or bonus to its members-

(a) unless the audit of its accounts is completed and an audit certificate is issued specifying the net profits available for distribution among the members;

(b) without the prior approval of the general body; and

(c) in excess of nine per cent per annum on the paid up share capital.

(2) The dividend or bonus shall be paid to the members within three months from the date of declaration by the general body.

Provided that no dividend as declared by the general body shall paid to a member who is in default in payment of any sums due the society and the society shall be entitled to appropriate the dividend of such member towards such sums in default.

(3) Notwithstanding any thing contained in those Rules and the bye-laws, the Registrar may by a general or special order direct
that any society or class of societies shall not pay any dividend or shall pay dividend at a reduced rate for such period or periods as he may specify in the order.

(4) In the case of the State Co-operative Bank, not less than 10 per cent of net profits after contribution to the reserve fund under the provision to section 57, shall be credited to the Agricultural Stabilization Fund to be utilized for enabling the borrowers to make postponement of repayment of loans on account of famine, drought or such other unforeseen causes. Any subsidy for the purpose given by the Government shall also be credited to this Stabilization Fund.

(5) Any distribution of the remaining balance of profits under section 57 and after the distribution of dividend under sub-rule (1) shall be in accordance with the bye-laws of the society regarding such distribution. It shall be in proportion to the wages earned by each member in the case of a producer's society and to the amount of goods purchased by each member or where it is so provided in the bye-laws, by each member or customer in the case of a consumers' society.

It shall also be in proportion to the amount of rent paid by each member in the case of a Housing Society, may be in proportion to the goods obtained or sold through the society by each member, or to the loans borrowed from and the deposits made with the society by each member.
(ii) upto one-half of its reserve fund, if the owned capital is equal to or exceeds the borrowed capital;

(iii) the entire reserve fund, if there is no borrowed capital.

(4) No society shall draw upon, pledge or otherwise employ the reserve fund, except with the previous sanction in writing of the Registrar.

57. Writing off of Debts and other sums due:

No society shall write off in whole or in part any debt or other sums due to it without the previous sanction of the Registrar.

58. Restrictions on transactions with non-members:

On the application of a society, or of a member of any society or of own motion, when it appears to the Registrar that it is necessary in the interest of the working of any particular society, to regulate or restrict transactions of such society with any non-member, the Registrar may, after giving an opportunity to the society of being heard, issue such directions as he may consider necessary, regulating or restricting such transactions.

CHAPTER VII
AUDIT, INQUIRY, INSPECTION, AND SURCHARGE

59. Procedure for appointment of Auditors and for conducting Audit:

(1) The audit of a society shall be conducted by any of the Departmental Auditor appointed by the Registrar or by a certified auditor approved by the Registrar from time to time on such terms and conditions as he deems fit.

Explanation:

(i) For purposes of this Chapter, audit shall include annual or periodical audit, continuous or concurrent audit and test or super audit and re-audit.

(ii) For purposes of this rule, "a certified auditor" includes:

(a) a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949,

(b) a person who holds a Government diploma in co-operative accounts or a Government diploma in co-operation and accountancy, or

(c) a person who has served as an auditor in the Co-operative Department of any State Government or under the Registrar and whose name has been included by the Registrar in the panel of certified auditors maintained and published by him in the official Gazette at least once in every year.
(2) The audit under sub-section (1) of section 64 shall in all cases extend back to the last date of the previous audit and shall be carried out up to the last date of the co-operative year immediately preceding the audit or where the Registrar so directs in the case of any particular society or class of societies such other date as may be specified by the Registrar.

(3) Unless the Registrar directs otherwise, the audit of a society shall be conducted in the registered office of the society.

(4) Previous intimation shall be given to the society before the audit commenced.

(5) The officers and employees of the society shall give the audit officers all assistance necessary for the completion of the audit and for this purpose, prepare such statements and take such action with regard to the verification or examination of its accounts as he may require.

(6) (i) The audit report shall state:

(a) whether or not the audit officer has obtained all the information and explanations which he required;

(b) whether or not in his opinion the balance sheet and the profit and loss accounts referred to in the report are drawn up in conformity with the law;

(c) whether or not such balance sheet exhibits a true and correct account of the state of affairs of the society according to the best of his information and the explanations given to him and as shown by the books of the society;

(d) whether, in his opinion, books and accounts have been kept by the society as required under the Act, the Rules and the bye-laws;

(e) whether there has been any material impropriety or irregularity in the expenditure or in the realisation of money due to the society; and

(f) whether any net profits are available for distribution amongst the members.

(ii) Where any of the matters referred to in sub-clauses (a), (b), (c) or (d) of sub-clause (i) of clause (6) is answered in the negative or in the affirmative with any remarks, the report shall state the reason for such answer with facts and figures, in support of such reasons.

(7) The audit report shall also contain schedules with full particulars of:

(ii) all transactions which appear to be contrary to the provisions of the Act, the Rules or the bye-laws of the society;

(ii) all sums which brought to have been but have not been brought into account by the society;
(iii) any material impropriety or irregularity in the expenditure or in the realisation of money due to the society;

(iv) an estimate of the overdues of the society and its proportion to demand;

(v) any money or property belonging to the society which appears to the auditor to be bad or doubtful debt; and

(vi) any other matters specified by the Registrar in this behalf.

(8) The summary of audit report as prepared by the auditor shall be read out in the annual general meeting next following audit. The audit report together with its accompaniments shall be open to inspection by any member of the society. The Registrar may, however, direct that any portion of the audit report which appears to him to be of objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit report.

(9) If the result of the audit held under the last preceding rules discloses any defects in the working of a society, the society shall, within three months from the date of audit report, explain to the Registrar the defects or the irregularities pointed out by the auditor, and take steps to rectify the defects and remedy irregularities, and report to the Registrar in Form J the action taken by it thereon. This compliance report shall continue to be submitted at such intervals as the Registrar may direct, till all the defects are rectified or irregularities remedied to the satisfaction of the Registrar. The Registrar may also make an order directing the society or the officers of the society to take such action as may be specified in the order to remedy the defects, within the time specified therein.

60. Audit Fee:

(1) A society shall pay on or before the 31 March of each year, an fee audit at such rates as may be fixed by the Registrar with the prior approval of the Government.

(2) The Registrar shall have power to increase the prescribed audit fee in special cases, for reasons to be recorded in writing.

(3) The Registrar may, at his discretion, remit either wholly or in part the audit fee payable by any society.

61. Procedure for the conduct of inquiry and inspection:

(1) An order authorising inquiry under section 66 or inspection under section 67 shall, among other things, contain the following:

«a) the name of the person authorised to conduct the inquiry inspection;»
(b) the name of the society whose affairs are to be inquired into or whose books are to be inspected;
(c) the specific point or points on which the inquiry or inspection is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Registrar;
(d) cost of inquiry;
(e) any other matter relating to the inquiry or inspection.

(2) A copy of every order authorising inquiry under section 66 or inspection under section 67 shall be supplied to the financing bank.

(3) If the inquiry or inspection cannot be completed within the time specified in the order referred to in sub-rule (1) the person conducting the inquiry or inspection shall submit an interim report stating the reasons for failure to complete the inquiry or inspection and the Registrar, if he is satisfied, grant such extension of time for the completion of the inquiry or inspection as he may deem necessary or he may withdraw the inquiry or inspection from the officer to whom it is entrusted and hold the inquiry or inspection himself or entrust it to such other person as he may deem fit.

(4) On receipt of the order referred to in sub rule (1) the person authorised to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the society or any of its officers, members, agents or servants and obtain such information or explanation from any such officers, members, agents or servants of the society in regard to the transaction and working of the society as he may deem necessary for conduct of such inquiry or inspection.

(5) The person authorised to conduct the inquiry or inspection shall submit his report to the Registrar, on all the points mentioned in the order referred to in sub-rule (1). The report shall contain his findings and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his inquiry or inspection. He shall also specify in his report the cost of the inquiry or inspection together with reasons and recommend the Registrar the manner in which the entire cost or a part thereof may be apportioned, amongst the parties specified in section 68. The Registrar shall pass such orders thereon as may be considered just after giving a reasonable opportunity of being heard to the parties concerned.

(6) If the result of any inquiry held under section 66 or an inspection made under section 67 discloses any defects in the working of the society, the Registrar may bring such defects to the notice of the society and if the society is a member of the financing bank, to the notice of that bank. The society shall submit a rectification report in Form J and shall continue to submit such rectification reports to the Registrar till all the defects are
rectified or the irregularities and are remedied to the satisfaction of Registrar.

(7) The Registrar may also make an order, directing the society or its officers or the financing bank to take such action, as may be specified, in the order to remedy the defects within the time specified therein.

62. Procedure for assessing damages against delinquent promoters, etc. under section 70:

(1) On receipt of the report made by the auditor, or person authorised to make inquiry under section 66 or inspection under section 67, or by the liquidator or otherwise, the Registrar or any person authorised by him may make such further inquiries as he may deem necessary regarding the extent to which the person who has taken any part in the organisation or management of a society or any deceased, past or present officer of the society has misapplied or retained, or become liable or accountable, for any money or property of the society, or has committed misfeasance or breach of trust in relation to the society.

(2) On the completion of the further enquiries, if any, under sub-rule (1), the Registrar or the person authorised by him shall issue a notice to the person or persons concerned furnishing him or them with particulars of the acts of misapplication, retention, misfeasance or breach of trust and the extent of his or their liability involved therein and calling upon him or them to show cause within fifteen days of the date of issue of the notice as to why he or they should not reimburse the society or action should not be taken against him or them under law.

(3) On receipt of the explanations referred to in sub-rule (2) the Registrar or the person authorised by him, if he is satisfied that there are reasonable grounds for holding the person or persons liable, shall frame charges.

(4) The person or persons so charged shall be afforded sufficient opportunity to submit in writing his or their statements in defence and produce such documentary or oral evidence as he or they may like to produce in his or their defence. The Registrar or the person authorised by him may, in his sole discretion permit production of any other documentary or oral evidence, if considered necessary, subsequently.

(5) The Registrar or the person authorised by him, shall thereafter record the evidence led by the society or the liquidator or the person or persons concerned and take on record the documents proved by them and shall thereafter fix a date for hearing arguments of the parties.
(6) On the day fixed for hearing under sub-rule (5), Registrar or the person authorised by him, shall hear the arguments and may pass his final orders on the same day or on any day fixed by him within twenty days from the date on which the hearing was completed. On the day so fixed, the Registrar or the person authorised by him, as the case may be, shall make his final order either ordering repayment of the money or return of the property to the society together with interest at such rate as may be specified by him or to contribute such amount to the assets of the society by way of compensation in regard to misapplication, retention, misfeasance or breach of trust as may be determined or may reject the claim submitted on behalf of the society.

(7) The Registrar or the person authorised by him, may also provide in his order for payment of the costs of the proceedings under this rule or any part of such cost as he thinks just.

(8) The Registrar or the person authorised by him shall furnish a copy of his order, under sub rule (6) to the parties concerned within ten days of the date on which he makes his final order.

CHAPTER VIII
SETTLEMENT OF DISPUTES

Procedure for referring the disputes:

(1) Where a party to a dispute referred in sub section (1) of section 72 desires to have the dispute determined in accordance with the said section, the party shall apply to the Registrar in writing in Form K stating interalia (i) all the facts constituting the cause of action, (ii) names and addresses of the parties concerned, (iii) facts showing that the subject matter of dispute is not barred by limitation, (iv) relief claimed in terms of money or otherwise. The application shall be duly verified by the applicant.

(2) A party referring the dispute under sub-section (1) of section 72 shall pay a fee of Rs. 2 which shall be deposited in advance in the financing bank to the credit of "the Registrar-Settlement and Execution Expenses Fund", and attach to the application the original pay in-slip for the deposit before it is delivered in the office of the Registrar personally, or before sending it by registered post along with as many copies of the application as there are parties on the opposite side. The receipt of the application shall be duly acknowledged by the Registrar.
(3) On receipt of the application, the Registrar shall enter it in a register in Form Land allot case No. on the application. Thereafter the Registrar shall issue summons or notice of at least fifteen days to all parties for a preliminary hearing of the application. Each of the parties shall be supplied with a copy of the application along with this notice.

(4) On the date fixed for the preliminary hearing the Registrar shall, after hearing the parties, if any present, determine the maintainability of the application and his findings on the following:

(i) whether there is a dispute,
(ii) whether the dispute comes within the purview of sub-section (1) of section 72,
(iii) whether the dispute is between the parties mentioned in clauses (a), (b), (c), and (d), (e) and (f) of sub-section (1) of section 72,
(iv) whether the dispute is within time according to sub-section (4) of section 72.

If the Registrar is satisfied that the application is maintainable, he shall by order admit the application for decision of the dispute in accordance with the provisions of the Act and Rules.

(5) The Registrar shall thereafter, require claimant to deposit the arbitration fee in the manner and according to the scales of fees prescribed in Rule 67 and shall upon such payment by the claimant, refer the application along with his orders thereon for arbitration.

(6) The Registrar or the arbitrator, as the case may be, shall have power to appoint or remove a guardian for the party to the dispute who is a minor or who by reason of unsound mind or mental infirmity, is incapable of protecting his interest.

(7) The arbitrator shall fix the date, hour and the place of hearing of the dispute.

(8) The arbitrator may issue summons or notices at least fifteen days before the date fixed for the hearing of the dispute requiring—

(i) the attendance of the parties concerned and of witnesses; and
(ii) the production of all books and documents relating to the matter in dispute.

(9) Summons or notices may be served—

(a) by giving or tendering them to the person concerned; or
(b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or
(c) by sending it by registered post; or

(d) if none of the means aforesaid are available by affixing it in some conspicuous part of his last known place of abode or business.

(10) Service of summons or notice on the secretary or principal executive officer by whatever designation known, of a society shall be regarded as service on that society.

(11) Where the serving officer delivers a copy of the summons personally to the person summoned or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered in token of acknowledgement of service endorsed on the original summons.

(12) The serving officer shall in all cases, in which the summons have been served under sub-rule (11) make an endorsement on, or annex to, the originally summons, a return stating the time when and the manner in which the summons was served and the name and address of the person, if any, identifying the person concerned and witnessing the delivery or tender of the summons.

(13) The sufficiency of proof of service of the summons or notice shall be decided by the authority which issued the same.

(14) In case any party to the dispute, who is duly summoned absents himself at the hearing the dispute may be decided ex-parte.

64. Award or decision:

(1) The Registrar, the arbitrator or other person deciding the dispute shall record a brief note of the evidence of the parties and witnesses who attend, and upon the evidence so recorded and after consideration of any documentary evidence produced by either party shall make an award in accordance with justice, equity, and good conscience; he shall record his award in writing, sign and date it and shall communicate it to the parties.

(2) The award shall contain the number of reference, the names and description of the parties and particulars of the disputes and shall specify clearly the relief granted, the amount decreed, the future interest allowed, if any, and the costs awarded.

(3) If no award is made immediately upon the conclusion of the hearing of the parties, the arbitrator shall fix the date and place of delivery of the award and shall, except for reasons to be recorded in writing deliver the award on the date so fixed.
(4) The award shall be communicated to the parties by—
(a) pronouncement of the award in the presence of the parties to the dispute; or
(b) registered post to any party which may be absent on such date.

(5) The arbitrator shall have power to order the expenses of determining a dispute or the cost of either party, to be paid by such parties or parties to the dispute as he may think fit.

Provided that the expenses or the costs so awarded shall not exceed 21/2 per cent of the awarded amount over the arbitration fee deposited by the claimant with the Registrar.

(6) The original records of the dispute and the proceedings before the arbitrator shall be delivered to the Registrar by the arbitrator, after the decision or award has been delivered.

(7) Any document or record tendered by a party may on application be returned to the party after the disposal of the appeal, if any, or after the period of appeal.

(8) A copy of the decision or award shall, on application be given to a party by the Registrar duly certified on payment of the prescribed fee.

65. Withdrawal of a reference by the Registrar:

On an application by any party to the arbitration proceedings pending before an arbitrator, the Registrar may for reasons to be recorded in writing withdraw the reference from the arbitrator appointed and may decide the dispute himself and give an award in the manner provided in rule 64 or entrust the reference for decision to another arbitrator.

66. Appointment of persons as arbitrator:

(1) For the purpose of clause (c) of sub-section (1) of section 73, the Registrar may appoint any person who fulfils such qualification as may be specified by the Registrar to perform the duties of the arbitrator for dispute for a period to be specified in the order, which shall not ordinarily exceed one year but may be extended by the Registrar by further special order for further periods not exceeding one year at a time.

(2) For purposes of sub-rule (1) of rule 66, the Registrar may be an arbitrator from:
(a) Officers of any department of Government; or
(b) Officers, paid-staff or members of any society;
(c) Members of Metropolitan Council and local bodies;
(d) Certified Accountants.
67. Arbitration Fee:

(1) The Registrar shall have power to require the person referring a dispute under sub-section (1) of section 72 to deposit in advance with the financing bank to the credit of "Settlement and Execution Expenses Fund" a fee at the rate specified in the Table below, which may be revised by the Registrar from time to time.

TABLE A
(Schedule of fee for an arbitration)

(1) In respect of disputes relating to claims of money referred to under section 72.

(i) (a) in case of claim below Rs. 100 Rs. 10
     (b) in case of claims 21/2 per cent of the
         for Rs. 100 or above claim subject to minimum Rs. 10 and maximum Rs. 500

(ii) In case of dispute of non-monetary nature a fee of not less than Rs. 100 and not more than Rs. 500 in each case, as may be considered reasonable by the Registrar.

(2) The arbitrator may be paid out of the fee recovered under sub-rule (1), such fee as the Registrar may think proper.

(3) No fee shall be payable to an arbitrator till the dispute referred to him is finally decided.

(4) The Registrar may, in his discretion remit the whole or any part of the fees collected under sub-rule (1).

(5) All fees deposited in the financing bank to the credit of "Settlement and Execution Expenses Fund" shall be administered by the Registrar in accordance with the Regulations contained in Schedule II

68. Appearance of professional practitioners etc.:

In the proceedings under Rule 64, any party to the dispute may take the assistance of any other person to represent the case on his behalf, but may not engage a legal practitioner for the purpose. If a legal practitioner is a member of a society and represents the society in these proceedings, the other party to the dispute shall have a right to be represented by a legal practitioner.
CHAPTER IX
WINDING UP OF SOCIETIES

69. **Procedure for Issue of Winding up order:**

(1) Before passing an order under section 75 the Registrar shall give an opportunity to the society to show cause against the proposed order. The show cause notice shall be send to the president of the society at its registered address by registered post acknowledgement due. The notice shall state the grounds on which the order under section 75 is proposed to be made.

(2) After considering the reply from the society, if any, which shall be supported by the resolution of its committee, or if no reply is received by the Registrar within fifteen days of the service of the notice under sub-rule (1), he shall proceed to pass the order for winding up the society.

(3) The order passed under section 75 and sub-section (1) of section 76 shall be communicated to the President of the society in the manner specified under sub-section (4) of section 75 at the registered address of the society. The communication will be complete as soon as the letter containing the order is posted.

(4) The order referred to in sub-rule (3) shall also be published in the official Gazette.

(5) The order referred to in sub-rule (3) shall take effect from the date of order notwithstanding whether or not it is published in the official Gazette and shall operate in favour of all creditors, contributors, debtors and any person having custody, possession and control over any asset or record of the society.

70. **Appointment of a Liquidator:**

(2) Where a liquidator is appointed under sub-section (1) of section 76, the Registrar may limit or restrict his power by order appointing him or by subsequent order but, otherwise, he shall have the same powers as a liquidator as given in the Act.

(2) The Registrar may remove the liquidator at any time without assigning any reasons and may appointed another liquidator. The liquidator on his removal shall hand over all the property, documents, record etc. relating to the society under liquidation to his successor. A charge report to be signed by the relieving and relieving liquidators shall be draw and a copy of the same duly signed shall be forwarded to the Registrar.
(3) The liquidator shall be described as the liquidator of particular society in respect of which he acts and not by his individual name.

71. Procedure to be followed by the Liquidator

(1) The liquidator shall, as soon as the order of winding up of a society takes effect, publish by such means as he may think proper, a notice requiring all claims against the society to be submitted to him within one month of the publication of the notice.

All liabilities recorded in the account books of a society shall be deemed ipso facto to have been duly submitted to him under this sub-rule.

(2) The liquidator may fix time within which the creditors are to prove their debts or claims. If no claim is made within two months of the order of winding up, the liquidator may refuse to entertain such claims.

(3) The liquidators soon after his appointment shall take charge of the books of accounts and other documents of the society and all its assets. There shall be prepared immediately on the relevant date a statement as to the affairs of the society containing the following particulars:

(a) the assets of the society stating separately the cash balance in hand and at bank, if any, and the negotiable securities, if any, held by the society;

(b) its debts and liabilities;

(c) the names and addresses and occupation of its creditors stating separately the amount of secured and unsecured debts and in the case of secured debts, particulars of the securities given;

(d) the debts due to the society and the names, residences and occupations of the persons from whom they are due and amount due; and

(e) Such other information as may be required by the Registrar.

(4) The statement required to be prepared under sub-rule (3) shall be made on the basis of the records of the society, audit reports, and on the basis of the statements made by the members of the committee at the relevant date or by the person who is at that date, the Manager, Secretary or Treasurer of other officer of the society. The liquidator shall examine them on oath. This statement shall be submitted by the liquidator to the Registrar within twenty one days of the date of his appointment or within extended time not exceeding three months from the date of the said order.
(5) The liquidator shall, after settling the assets and liabilities of the society as they stood on the date on which the order for winding up is made, proceed next to determine the contribution to be made by each of its members or by the estates of deceased members or nominees, heirs or legal representatives of the deceased members or by any officers or former officers to the assets of the society under clauses (b) and (c) of sub-section (2) of section 77. Should necessity arise, he may make a subsidiary order regarding such contributions and the order shall be enforceable in the same manner as the original order.

(6) As soon as practicable after orders under sub-rule (5) have been passed, the liquidator shall settle a list of contributors with power to rectify the member-ship register in pursuance of any order which may be passed by the arbitrator or the Registrar in accordance with the provisions of the Act and Rules and shall cause the assets to be collected.

(7) In settling the list referred to in sub-rule (6), the liquidator shall distinguish between those who are contributors in their own right and those who are contributors as representatives of or liable for the debts of others.

(8) The liquidator may at any time after his appointment require any contributor for the time being on the list of contributors, any trustee, banker, agent or officer of the society to pay, deliver surrender or transfer forthwith to the liquidator any money, property or books or paper in his hall to which the society is prima-facie entitled.

(9) No contributor for the time being on the list shall be allowed by way of set off any money claimed to be due to him or to the society he represents, from the society in respect of any independent dealing or contract with the society.

(10) All funds in charge of the liquidator shall be deposited in the financing bank in a current account to be opened in the name of the society under liquidation which shall be operated upon by the liquidator. All funds received by him and relating to the society under liquidation shall be deposited by him in this account within 24 hours of their receipt. All payment on account of the society shall be made by cheques drawn by the liquidator in favour of the payee. The liquidator may keep with him a cash balance of Rs. 20 to meet petty expenses on liquidation proceedings.

(11) Any order passed by the liquidator under clauses (b) and (e) of sub-section (2) of section 77 shall be submitted by him to the Registrar for his approval. The Registrar may confirm or modify such order or refer it back to the liquidator for further enquiry or action.
(12) Any person falsely claiming himself as the creditor or the contributory of the society shall be guilty of the offence under section 182 of the Indian Penal Code (Act XIV of 1860) and shall on the application of the liquidator be punished accordingly.

72. Application of Assets of the Society

Subject to the provisions of rule 73 the assets of the society shall be applied in order of priority indicated below:

(i) Pro-rata payment of all outside liabilities
(ii) Pro-rata payment of loans and deposits of members
(iii) Pro-rata refund of share capital
(iv) Pro-rata payment of dividend on the shares at the rate not exceeding nine per cent per annum for the period of liquidation.

73. Preferential Payments:

(1) In the winding up proceedings, there shall be paid in priority to all other debts and liabilities of the society under liquidation:

(a) All Government dues, all revenues, taxes, cesses and rates due from the society to the Central/State Government or to the local authority at the relevant date and having become due and payable within two years next before that date.

(b) All wages or salaries of any employee in respect of services rendered to the society and due for a period not exceeding two months within the twelve months next before the relevant date subject to maximum of Rs. 500.

(c) The debts mentioned in the clauses (a) and (b) shall rank equally amongst themselves and be paid in full unless the assets are insufficient to them in which case they shall abate in equal proportion.

(2) Subject to retention of such sums as may be necessary for the costs and expenses of the winding up, the foregoing debts mentioned in sub-rule (1) shall be discharged forthwith to the extent the assets are sufficient to meet them.

74. Interest on amount due from a Society under liquidation:

The creditor of a society under liquidation may apply to the liquidator for payment of interest on any debts due to him from the society up to the
date of order of the Registrar for winding up. The rate at which interest may be paid shall be, in the case of the financing bank, the contract rate and in any other case, the rate which may be fixed by the Registrar which shall not exceed the contract rate. Provided that if any surplus assets remain after all the liabilities including the liabilities on share have been paid off, further interest at rate not exceeding contract rate may be allowed by the Registrar to the creditors from the date mentioned above till the date of repayment of the principal.

75. **Liability due to claimant whose whereabouts not known:**

The amount representing the undischarged liabilities of the society due to creditors whose whereabouts are not known or who could not be paid for any reason whatsoever shall be deposited in the name of the Registrar with the financing bank for being paid to the creditor as and when claimed by him but within a period of three years from the date of winding up order; thereafter, the amount shall be treated as surplus amount and shall be utilized in the manner mentioned in rule 81. The Registrar may, under special circumstances, pay the liabilities claimed even after the stipulated period of three years.

76. **Maintenance of accounts and submission of reports by the Liquidator:**

1. The liquidator shall keep such books and accounts as may be laid down by the Registrar or audit officer.
2. The liquidator shall prepare as at the close of each half year an account of his receipts and payments as a liquidator. A senior auditor shall be appointed by the Registrar as the audit officer who shall accounts on behalf of the Registrar. When accounts are audit these audit officer, one copy shall kept by the audit officer and the other returned to the liquidator with his report. The liquidator shall produce for purposes of audit all vouchers and accounts and shall furnish such information as may be required by the audit officer. The liquidator shall rectify all irregularities and defects pointed out by audit officer to satisfaction and shall submit to him a rectification report.
3. No audit fee shall be charged for audit of the account under this rule.

77. **Services of Legal Practitioner:**

Whenever it is considered necessary by the liquidator to defend or to institute any legal proceedings for and on behalf of the society under.
liquidation, he shall approach the Registrar who shall after considering all the facts and circumstances of the case, provide the services of the legal practitioner at the cost of the society under liquidation. If the Registrar or the Government has been impleaded in such proceedings the cost of defending them by the Registrar or the Government shall also be paid out of the Funds of the society. If no funds are available with the liquidator arrangements its shall be made at Government expense but the cost of such arrangement shall be ultimately recovered from the contrictories and paid to the Government as preferential debt under clause (a) of sub-rule (1) of rule 73.

78. Action against the delinquent promoters or members of the committee:

The liquidator shall make a report to the Registrar for purpose of taking action under section 70, where, in his opinion, any fraud has been committed in relation to the society by any person in the promotion, organisation, registration or management of the society under liquidation since its registration or any deficiency in the assets of the society has been caused by the breach of trust, or wilful negligence or by retaining any money or other property belonging to the society. This report shall be submitted to the Registrar as soon as practicable after preparation of the statement referred to in sub-rule (3) of rule 71 On receipt of this report, the Registrar shall proceed to take action under Section 70.

79. Effect of winding up order on Antecedent Transactions:

(1) Any transfer of shares in a society under liquidation made within six months next before the relevant date except transfer of share to the deceased members' heirs or nominee, shall be void and not binding upon the liquidator notwithstanding anything contained in the Act, Rules or the bye-laws of society.

(2) Where a society has been ordered to be wound up, no member shall alienate his property, movable or immovable, from the date of the order of winding up and until after the expiry of 15 days from the date of such order takes effect. Any alienation of the property made by a member in contravention of this section is voidable at the option of the liquidator.

Provided that the provisions of this section shall not apply to any member who furnishes adequate security to the satisfaction of the liquidator.
80. Termination of Liquidation Proceedings:

(1) The winding up proceedings of a society shall be completed within one year from the date of the order of the winding up, unless the period is extended by the Registrar.

Provided that the Registrar shall not grant extension for a period exceeding six months at a time and three years in the aggregate, and shall immediately after the expiry of one year or such extended period, as the case may be, deem that the liquidation proceedings have been terminated if there are no amounts due to the Government or the financing bank by the society and pass an order terminating the liquidation proceedings.

Explanation

In the case of society which is under liquidation at the time of commencement of the Act, the order for winding up of the society shall be deemed for the purpose of this rule to have been passed on the date of such commencement.

(2) Notwithstanding anything contained in the foregoing sub-rule the Registrar shall terminate the liquidation proceedings on receipt of the final report from the liquidation. The final report of the liquidator shall state that the liquidation proceedings of the society have been closed and how the winding up has been conducted and the property and the claims of the society have been disposed and shall include a statement showing a summary of the account of the winding up including the cost of liquidation, the amount (if any) standing to the credit of the society in liquidation, after paying off its liabilities including the share or interest of members, and suggest how the surplus should be utilised.

(3) The liquidator before submitting the final report to the Registrar under Sub-Rule (2) may call a meeting of general body of the society and place the report before it.

81. Disposal of Surplus Assets:

The surplus assets, as shown in the final report of the liquidator of a society which has been wound up, may either be divided by the Registrar, with the previous sanction of the Government amongst its members in such manner as may be specified or be devoted to any object or objects provided in the bye-laws of the society. Where the surplus is not so divided amongst the members and the society has no such bye-laws, the surplus shall vest in the Registrar, who shall hold it in trust and shall transfer it to the reserve fund of a new society registered with a similar object, and serving more or less an area which the society to which the surplus belonged was serving if considered feasible and advisable by the Registrar:
Provided that, where no such society exists or is registered within three years of the cancellation of registration of the society whose surplus is vested in the Registrar, or where the Registrar does not think it desirable and feasible to do so he may distribute the surplus in the manner he thinks, best, among any or all of the following:

(a) an object of public utility and of local interest as may be recommended by the members in general meeting;

(b) the financing bank or a federal society with similar objects to which the society of which registration has been cancelled, was eligible for affiliation; and

(c) any charitable purpose as defined in Section 2 of the Charitable Endowments Act, 1890.

82. Relevant Date:

The expression "relevant date" as appearing in this Chapter shall mean the date of order of winding up made under sub-section (1) of section 75.

83. Disposal of Record:

All the books and records of a society whose registration has been cancelled may be destroyed under the orders of the Registrar after the expiry of a period of three years from the date of cancellation.

84. Final order of Cancellation:

The order made by the Registrar under sub-section (1) of Section 19 also be published in the official Gazette.
CHAPTER X
EXECUTION OF AWARDS, DECREES, ORDERS
AND DECISIONS

PART—1
ENFORCEMENT OF CHARGE

85. Application under Section 80:

(1) Every application under Section 80 shall be made in Form M and shall be signed by a person authorised by the committee of a society. It shall be accompanied by an inventory of the property to be sold containing reasonably accurate description of the same.

(2) No application under sub-rule (1) shall be entertained unless the society making the application deposits the necessary fee for expenses of sale of the property which shall be 5 per cent of the outstanding debt or demand of the society against the defaulter in respect of which the application is made irrespective of the fact whether that much amount is recovered or not by sale of the property subject to charge.

(3) On receipt of the application referred to in sub-rule (1) the Registrar or any other officer authorised by him in this behalf in writing (hereinafter referred to as the Sales Officer) shall, if he is satisfied that the particulars set forth in the application are correct, prepare a demand notice in duplicate in Form N, and serve or cause to be served on the member, past member, or the nominee, heir or legal representative of the deceased member, if he is present, or upon some audit male member of his or upon his authorised agent, or when such service cannot be effected, shall affix or cause to be affixed a copy of the demand notice on some conspicuous part of his residence or place where the property subject to charge is kept. If the member or past member or nominee, heir or legal representative of the deceased member, fails to pay the debt or outstanding demand within the period specified in the notice the Sales Officer shall proceed to sell the property.

(4) The provisions of Part III of this Chapter shall, in so far they are not repugnant to the subject or context, apply to the sale of the property or interest in the property as if the society which made the application is a decree holder and the member, past member or the nominee heir or legal representative of the deceased member, is a defaulter judgement debtor.
86. Procedure for Execution by the Collector:

(1) Where any decision, award or order providing for the recovery of money is executable by the Collector under clause (a) of section 81, it shall be executed by a Revenue Officer empowered by the Collector by general or special order to do so (hereinafter referred to as the "Recovery Officer"), in accordance with the provisions of the Act for the time being in force in the State of Sikkim relating to recovery of land revenue, the rules, orders or regulations issued thereunder from time to time (hereinafter referred to as the "Land Revenue Code").

(2) When any decree holder desires to have the decree executed through the Collector under clause (a) of section 81, he shall apply to the Registrar in Form O for the issue of a certificate for the recovery of the decretal amount as arrears of land revenue. The application shall be delivered in the office of the Registrar personally and a receipt obtained or sent by registered post.

(3) Soon after the receipt of the above application, the Registrar shall call for the original record of arbitration and shall check up the contents of the application with reference to original record. If he is satisfied about the correctness and genuineness of the application, he or any officer authorised by him shall issue the certificate in Form P to the decree-holder.

(4) Soon after the issue of the certificate referred to in sub-rule (3) the decree holder shall apply in Form Q to the Recovery Officer delivered in person and a receipt obtained or send by registered post. The application shall be accompanied by:

(a) a Certified copy of the award;
(b) original certificate is issued by the Registrar under sub-rule(3);
(c) receipted pay-in-slip for deposit of execution fee in the financing bank.

(5) If the application mentioned in sub-rule (4) is complete in all respects and is accompanied by all the documents, the same shall be entered in the Demand Register and given a distinctive case number and shall be dealt with by the Recovery Officer as if it is a suit filed by the decree-holder.
against the judgement-debtor. This case number shall be quoted in all processes issued in the case from time to time. He shall thereafter issue various processes for the recovery of the decretal amount according to the Land Revenue Code.

(6) The decree holder shall deposit in the "Settlement and Execution Expenses Fund" an initial lump sum fee of Rs. 25/ for issue of process in the execution case. Thereafter, a fee of 5 per cent shall be charged on all sums recovered by the Recovery Officer from the judgement debtor which shall be credited to the aforesaid Fund.

87. Accounting Procedure

(1) All amounts recovered from the judgement debtors by the Recovery Officer shall first be deposited in the current account to be kept in his official designation in the financing bank which shall be operated by him. The payment to decree-holder of all amounts recovered on his behalf during the course of execution proceedings shall be made by the Recovery Officer by crossed cheque drawn on the above current account against the deposits relating to the decree holder after deducting the recovery fee of 5 per cent on the gross amount recovered.

(2) The Recovery Officer shall keep separate personal ledger account of each decree holder in which all the relevant details of recoveries made with names of defaulters from whom made, payments made to decree-holder from time to time and expenses recovered shall be entered. Individual entries in these ledgers shall be attested by the Recovery Officer in token of its

(3) A cash book shall be kept in which all recoveries and deposits made in the bank through the bailiffs and all payments made through the bank shall be entered in chronological order on rendition of account by each bailiff at least once in a week. The entries in the cash book and those in the personal ledger accounts shall be interlinked by giving corresponding ledger folio numbers.

(4) A separate account of receipt and issue of receipt books shall be kept by the Recovery Officer. The receipt books shall remain in the personal safe custody of the Recovery Officer.

(5) Each bailiff shall deposit the amount recovered by him in the financing bank in the current account of Recovery Officer. Each bailiff shall render to the Accountant appointed by the Recovery officer a true and faithfull account of all receipts and deposits made by him which shall be entered in the cash book with full clarity and all the entries made in the cash book shall there be attested by the Recovery Officer Any unusual delay
in deposit of the amount in the financing bank by any bailiff shall be brought to the personal notice of the Recovery Officer by the Accountant.

(6) The Recovery Officer shall be responsible for the maintenance of true and correct accounts of the recoveries and deposits. He shall also act as the controlling office in respect of the staff maintained and paid out of the "Settlement and Execution Expenses Fund" in accordance with the regulations of the Fund.

88. Mode of payment of Decretal Amount

(1) All money payable under the certified award shall be paid as follows:

(a) with the Recovery Officer or with any person authorised by him against official receipt;

(b) out of the court to the degree-holder where any payment is made under clause (a), notice of payment shall be made by the Recovery Officer to the decree-holder.

(2) Where any money payable under an award under execution is paid by the judgement debtor to the decree-holder or the award is, otherwise adjusted in whole or in part to the satisfaction of the decree-holder, the decree-holder shall certify payment or adjustment to Recovery Officer and he shall record such payment or adjustment in the personal ledger account maintained by him.

(3) The judgement debtor may also inform the Recovery Officer of payments or adjustments and apply to him to issue a notice in Form R to the decree holder to show cause on a day to be fixed by the Recovery Officer, why such payment or adjustment should not be recorded in the personal ledger account of the decree holder as having been paid or adjusted in the execution proceedings, and if after service of such notice, the decree holder fails to show cause the Recovery Officer may record the payment or adjustment in the above manner. A payment or adjustment which has not so been recorded as aforesaid, shall not be recognised by the Recovery Officer executing the award.

89. Cost of Execution:
The Recovery Officer executing the award may recover from the judgement-debtor in addition to the decretal amount, the cost of execution as arrears of land revenue and pay the same in the decree-holder.
90. Transfer of Decrees:

Where any property to be sold in realization of any decree is situated outside the State of Sikkim, the decree shall be forwarded for execution in accordance with the provisions of the Revenue Recovery Act, 1880 to the Collector of that District where the property of judgement-debtor/defaulter is situated.

PART III
EXECUTION OF DECISION; AWARD OF ORDER
BY THE REGISTRAR

91. Procedure in Execution:

(1) Where any decree-holder desires to have the decree executed under provisions of clause (b) of section 81, he shall apply to the Registrar or the officer authorised by the Registrar in this behalf by a special or general order (hereinafter referred to the "recovery Officer"), in Form S which shall be signed by the decree holder. The decree-holder shall indicate whether he desires to proceed against the person of the defaulter or against his movable or immovable property or both and shall state in what way he wants the assistance of the Registrar according to the Act and Rules.

(2) On receipt of the application referred to in sub-rule (1), the Recovery Officer shall call for original record and shall verify the correctness and genuineness of the particulars set forth in the application with the records.

(3) The Recovery Officer shall, on being satisfied about the correctness and genuineness of the application received by him, order execution of the decree:

(a) by delivery of any property specifically decreed;
(b) by attachment and sale or sale without attachment of any property;
(c) by arrest and detention of person;

(4) Where in the proceedings under clause (b) of section 81, any person requires the issue of any process or objects to any process or objects to any process issued or proposed to be issued or requires the adjournment of any proceedings, he shall pay the fee as fixed in Schedule II which may be revised by the Registrar from time to time. Thereafter the Recovery Officer shall issue processes.
(5) The provisions of Sections 36 to 74, 135, 135A and Order XXI in the First Schedule of the Code of Civil Procedure, 1908 shall mutatis mutandis apply to the executions ordered under clause (b) of Sections 81 and the Registrar or the Recovery Officer as the case may shall be deemed to be the executions court for the purposes of those sections.

(6) Without prejudice to the generality of the foregoing sub-rule, a demand notice stating therein the relief claimed by the decree-holder shall be prepared in duplicate in Form T by the Recovery Officer who shall send it to the defaulter together with a copy of the application filed by the decree holder and obtain the signature of the defaulter on the duplicate in token of his having received the demand notice with the copy of the application.

92. Order in which proceedings shall be taken:

Unless the decree-holder has indicated under sub-rule (4) of rule 91 the order in which the property of the defaulter shall be proceeded against, the execution shall ordinarily be taken in the following manner, namely:

(i) Movable property of the defaulter shall be first proceeded against; but nothing in the clause shall preclude the immovable property being proceeded against simultaneously in case of necessity.

(ii) If there is no movable property, or if the sale proceeds of the movable property, or properties attached and sold are insufficient to meet in full the demand of the decree-holder, the immovable property mortgaged to the decree-holder or other immovable property belonging to the defaulter, may be proceeded against.

93. Rules for seizure and sale of movable property:

In the seizure and sale of movable property the following rules shall be observed:

(i) The Recovery Officer shall, after giving previous notice to the decree-holder, proceed to the village where the defaulter resides or the property to be distrained is situated and serve the demand upon the defaulter in Form U. If the demand together with the interest and all expenses is not at once paid, the Recovery Officer shall make the distress and shall immediately deliver to the defaulter a list of inventory of the property distrained.
and an intimation of the place, day and hour at which the distrained property will be brought to sale if the amounts due are not previously discharged. If the defaulter is absent, the Recovery Officer shall serve the demand notice on some adult member of his family, or on his authorised agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall fix the list of the property attached on the usual place of residence of the defaulter endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale if the amounts due are not previously discharged.

(ii) After the distress in made, the Recovery Officer may arrange for the custody of the property attaceed with the decree-holder or otherwise.

(iii) If the Recovery Officer requires the decree-holder to undertake the custody of the property, he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the decree-holder. If the attached propetry is livestock, the decree-holder shall be responsible for providing the necessary food therefor.

(iv) The Recovery Officer may, at the instance of the defaulter or of any person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such defaulter or person if he enters into a bond in From V with one or more sureties of the production of the property at the place of sale when called for.

(v) The distress shall be made after sunrise and before sunset and not an other time.

(vi) The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.

(vii) If crops attached are standing crops belonging to a defaulter the Recovery Officer may cause them to be sold when fit for reaping or gathering or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. In the latter case, the expenses of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

(viii) The Recovery Officer shall not work the bullocks or cattle, or make use of the goods or effects distrained, and he shall provide the necessary food for the cattle or the livestock distrained until the same are sold and the expenses incidental thereto shall be defrayed by
the owner upon his redeeming the property, or from proceeds of the
sale, in the event of its being sold.

(ix) The Recovery Officer may force upon any stable, cow, house,
granary, godown, out house or other building and he may also enter
any dwelling house, the outer door of which may be open and may
break open the door of any room in such dwelling house for the purpose
of attaching property belonging to a defaulter and lodged therein, pro-
vided always that it shall not be lawful for the Recovery Officer to
break open or enter any apartment in such dwelling house appropriated
for the occupation of women except as hereinafter provided.

(x) Where the Recovery Officer may have reason to suppose that
the property of a defaulter is lodged within a dwelling house the outer
doors of which may be shut, or within a any apartment appropriate to
women which, by the usage of the country, are considered private, the
Recovery Officer shall represent the fact to the officer-in-charge of the
nearest police station. On such representation, the officer in-charge of
the said station shall send a Police Officer to the spot in the presence
of whom the Recovery Officer may force open the outer door of such
dwelling house in like manner as he may break open the door of any
other room within the house. The Recovery Officer may also in the
presence of the Police officer, after due notice given for the removal
of women and, after furnishing means for their removal in suitable
manner (if they be women of rank according to the customs of
the country cannot appear in public) enter the rooms for the customs of
dostraomongg the property of the defaulter, if any, deposited therein
but such property, if found, shall be immediately removed from such
rooms, after which they shall be left free to the former occupants.
lost as the Recovery Officer may consider advisable and shall be disposed of to the highest bidder.

Provided it shall be open to the Recovery Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other sufficient reason:

Provided further, that the Registrar or the Recovery Officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reasons for such adjournment.

(xiv) Where the property is sold for more than the amount due, the excess amount, after reducing the interest and the expenses of process and the other charges shall be paid to the defaulter.

(xv) The property shall be paid for in cash at the time of sale or as soon thereafter as the officer holding the sale shall appoint and permit on such terms and conditions, as he may deem fit to impose and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full.

(xvi) Where the purchaser fails in the payment of the purchaser money, any counter deposit made by the purchaser shall be forfeited and credited towards the sale proceeds and the property shall be resold.

(xvii) Where it is proved to the satisfaction of any civil court of competent jurisdiction that any property which has been distrained under these Rules has been forcibly or clandestinely removed by any person, the court may order forthwith such property to be restored to the recovery Officer.

(xviii) Where prior to the day fixed for sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property attached, pays the full amount due, including interest and other costs incurred in attaching the property, the Recovery Officer shall cancel the order of attachment and release the property forewith.

(xix) No member of the committee of a society for Recovery of whose dues the sale is being made, shall without the express permission of the Registrar bid either directly or indirectly for the purchase of the property which is subject to charge under section 42.

(xx) No officer or other person having a duty to perform in connection with any sale shall, whether directly or indirectly bid for, acquire or attempt to bid or acquire any interest in the property sold.

(xxi) Where the property is sold, of which actual seizure has been
made, it shall be delivered to the purchaser. Where the property sold in the possession of any person, delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him delivering possession of the property possession to any other person except the purchaser.

94. Attachment of salary or allowances of public officer or of servant of a Railway Administration or Local Authority or Firm:

Where the movable property to be attached is the salary or allowance or wages of a public officer or of a servant of railway administration or authority or a firm, or a company, the Recovery Officer may issue an order in Form X directing the officer or other person responsible to disburse the salary, that the amount shown in the order shall, subject to the provisions of section 60 of the Code of Civil Procedure, 1908, be withheld from the salary or allowance or wages either in one lumpsum or by monthly instalments as the Recovery Officer may direct and upon service of the order, the officer or other person responsible to disburse such salary or allowance or wages shall withhold and remit to the Recovery Officer, the requisite amount.

95. Attachment of Decree:

(1) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of mortgage or charge, the attachment shall be made—

(a) if the, decree sought to be attached was passed by the Registrar or by any person to whom a dispute was referred by the Registrar under Section 73 by an order of the Registrar on the application made by the Recovery Officer in this behalf;

(b) if the decree sought to be attached was passed by a Court and has not been sent for execution to any other Court by the issue to such Court of a notice by the Recovery Officer, requesting such Court, to stay the execution of its decree unless and until—

(i) the Recovery Officer cancels the notice, or

(ii) the holder of the decree sought to be executed by the or the judgement-debtor there of applies to the Court receiving such notice to executive its own decree ; and
(c) if the decree sought to be attached is pending execution in a Court which did not pass the same, by the Recovery Officer seeking to attach such decree in execution by sending notice referred to in clause (b) to such Court, whereupon the provisions of that clause shall apply in the same manner as if such Court had passed the decree and the said notice had been sent to it in pursuance of the said clause.

(2) Where the Registrar makes an order under clause (a) of sub-rule (1) or when a Court receives a notice under clause (b) or (c) of the said sub-rule, the Registrar of the Court shall, on the application of decree-holder who has got the decree attached or his defalter proceed to execute the decree and apply the net proceeds in satisfaction of the decree being executed by the Recovery Officer.

(3) The holder of decree sought to be executed by the attachment of another decree of the nature specified in sub-rule (1) shall be deemed to be the representative of the holder of the attached decree to be entitled to execute such attached decree in any manner lawful for the holder thereof.

(4) The holder of decree attached under this rule shall give the Court the Recovery Officer executing the decree such information and aid as may responsibly be required.

(5) On the application of the holder of a decree sought to be executed by the attachment of another decree, The Recovery Officer Shall give notice of the order of attachment to the judgement-debtor bound by the decree attached, and no payment or adjustment of the attached decree made by the judgement-debtor after receipt of notice thereof, shall be recognised so long as the attachment remains in force.

96. Attachment of debt, share and other property not in possession of defaulter:

(1) Where the movable property to be attached is—

(a) a debt due to the defaulter in question,
(b) a share in the capital of a corporation or a deposit invested
(c) other movable property not in the possession of the defaulter except property deposited in or in the custody of any Civil Court, the attachment shall be made by a written order signed by the Recovery Officer prohibiting:

(i) in the case of the debt, the creditor from recovering the
debt and the debtors from making payment thereof until further order of the Recovery Officer;

(ii) in the case of the share or deposit, the person in whose name the share or the deposit may be standing from transferring the share or deposit or receiving any dividend on the shares, the deposit or interest on the deposit;

(iii) in the case of the other movable property except as aforesaid, the person in possession of it from giving it over to the defaulter.

(2) A copy of such order shall be sent in the case of the debt, to the debtor, in the case of the share or deposit, to the proper officer of the corporation and in the case of the other movable property, (except as aforesaid), to the person in possession of such property. As soon as the debt referred to in clause (a) of sub-rule (1) or the deposit referred to the clause (b) of that sub-rule matures, the Recovery Officer may direct the person concerned the amount to him. Where the share is not withdrawable, the Recovery Officer shall arrange for its sale through a broker. Where the share is withdrawable its value shall be paid to the Recovery Officer as soon as it becomes payable. In the case of the other movable property referred to in clause (c) of sub-rule (1) the person concerned shall place it in the of the Recovery Officer, as soon as it becomes deliverable to the same.

(3) A debtor prohibited under clause (a) of sub-rule (1) may pay the amount of his debt to the Recovery Officer and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

Procedure in attachment and sale of Immovable Property:

In the attachment and sale or sale without attachment of immovable property the following procedure shall be observed:

(1) The application presented under rule 91 shall contain a description of the immovable property to be proceeded against, sufficient for its identification and in case such property can be identified by boundaries or numbers in record of settlement or survey, the specification of such boundaries or numbers and the specification of the defaulter's share or interest in such property to the best of knowledge and belief of the decree holder and so far as he has been able to ascertain it.
(ii) The demand notice issued by the Registrar under sub-rule (6) of rule 91 shall contain the name of the defaulter, the amount due including the expenses, if any, and the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment as the case may be. After receiving the demand notice, the Recovery Officer shall serve or cause to be served a copy of the demand notice upon the defaulter or upon some adult male member of his family at his usual place or the dence or upon his authorised agent, or if such personal service is not possible shall fix a copy thereof on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be.

Provided that where the Recovery Officer is satisfied that a defaulter with intent to defeat or delay the execution proceedings against him is about to dispose of the whole or any part of his property, the demand notice issued by the Registrar under sub-rule (5) of rule 91 shall not allow any time to the defaulter for the payment of the amount due by him and the property of the defaulter shall be attached forthwith.

(iii) If the defaulter fails to pay the amount specified in the demand notice within the time allowed, the Recovery Officer shall proceed to attach and shall or sell without attachment, as the case maybe, the immovable property of in the application for execution in the manner hereafter specified.

(iv) Where the attachment of immovable property is required before sale, the Recovery Officer shall, if possible, cause a notice of attachment to be served on the defaulter personally. Where the personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulter's last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum of other customary mode at some piece on or adjacent to such property and at such other place or places as the Registrar or the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that unless the amount due with interest and expenses be paid within the date therein mentioned the property will
be brought to sale. A copy of the notice shall be sent to the decree-holder. Where the Recovery Officer so directs, the attachment shall also be notified by advertisement in a local newspaper.

(v) Proclamation of sale shall be published by affixing a notice in the office of the Registrar at least thirty days before the date fixed for the sale. Such proclamation shall state the decree-holder and the defaulter the time and place of sale and also shall specify as fairly and accurately as possible:

(a) the property to be sold;
(b) any encumbrance to which the property is liable;
(c) the amount for the recovery of which the sale is ordered; and
(d) every other matter which the Recovery Officer considers material for a purchaser to know in order to judge the nature and value of the property.

(vi) When any immovable property is sold under these Rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree-holder shall, when the amount for the realisation of which the sale is held, exceeds Rs 100, furnish to the Recovery Officer within such time as may be fixed by him or by the Registrar an encumbrance certified from the Registration department for a period of not less than twelve years prior to the date of attachment of the property sought to be sold. The time for production of the encumbrance certificate may be extended at the discretion of the Recovery Officer or the Registrar. The sale shall be by public auction to the highest bidder, provided that it shall be open to the Recovery Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons and provided also that the Recovery Officer may in his discretion, adjourn the sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than seven days, a fresh notice shall be issued unless the defaulter consents to waive it. The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Registrar and the place of sale shall be the village where the property to be sold is situated or such
adjoining prominent place of public resort as may be fixed by the Recovery Officer.

(vii) A sum of money equal to 25 per cent of the bid shall be deposited by the auction purchaser with the Recovery Officer as soon as his bid is accepted and in default of such deposit, the property shall forthwith be resold.

(viii) The remainder of the purchase money and the amount required for the general stamp for the certificate of sale shall be paid within fifteen days from the date of sale.

Provided that the time for payment of the cost of the stamp, may, for good and sufficient reasons, be extended at the discretion of the Recovery Officer upto thirty days from the date of sale.

Provided further that in calculating the amount to be paid under this clause the purchaser shall have the advantage of any set-off to which he may be entitled.

(ix) In default of payment within the period mentioned in clause (viii) the deposit may, if the Registrar thinks fit, after defraying the expenses of the sale be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

(x) Every resale of immovable property in default of payment of the amounts mentioned in clause (viii), within the period allowed for such payment shall be made after the issue of fresh proclamation in the manner and for the period here in before specified for the sale.

(xi) Where a decree-holder purchases the property, the purchase money and the amount due on the decree shall be set off against one another and the Recovery Officer shall enter satisfaction of the decree in whole or in part accordingly. Any surplus of the proceeds of the sale after meeting decretal amount, expenses of sale and other incidental costs or charges shall be paid to the defaulter.

(xii) Where prior to the date fixed for sale the defaulter or any person acting on his behalf or any person claiming an interest in the property sought to be sold tenders payment the full amount due together with interest and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Recovery Officer shall forthwith release the property after cancelling the order of attachment, if any.
98. Application to set aside sale on deposit:

(1) Where immovable property has been sold by the Recovery Officer, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with the Recovery Officer—

(a) for payment to the purchaser, a sum equal to 2 per cent of the purchase money, and

(b) for payment to the decree-holder, the amount of arrears specified in the proclamation of sale together with interest thereon and the expenses to attachment, if any, and sale and other costs due in respect of such amount less any amount which may since the date of such proclamation have been received by such decree holder.

(2) If such deposit and application are made within thirty days from the date of sale, the Registrar shall pass an order setting aside the sale and shall repay to the purchaser the purchase money so far as it has been deposited, together with the 2 per cent deposited by the applicant. Provided that if more persons than one have made deposit and application under this rule, the application of the first depositor to the Recovery Officer shall be accepted.

99. Application to set aside sale on ground of irregularity of fraud:

(1) At any time within thirty days from the date of the sale of immovable property, the decree-holder or any person entitled to share in a rateable distribution of the asset or where interests are affected by the sale, may apply to the Registrar to set aside the sale, on the ground of a material irregularity of mistake or fraud in publishing or conducting the sale.

Provided that no sale shall be set aside on the ground aforesaid unless the Registrar is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake of fraud.

(2) If the application is allowed, the Registrar shall set aside the sale and may direct a fresh one.

100. Sale when to become absolute:

(1) On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made under rule 98 or 99 or if such application has been made and rejected, the Registrar shall make an order confirming the sale.
Provided that if he shall have reason to believe that the sale ought to be set aside notwithstanding that no such application has been made on grounds other than those alleged in any application which has been made and rejected, he may after recording his reasons in writing set aside the sale.

(2) Whenever the sale of any immovable property is not so confirmed or is set aside the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

(3) After the confirmation of any such sale, the Recovery Officer shall grant a certificate of sale to the purchaser, specifying therein the property sold and the name of the purchaser at the auction and bearing Recovery Officer's seal and signature.

(4) Such certificate shall be conclusive evidence of the fact of the purchase and no proof of the sale or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

101. Delivery of possession:

Where the purchaser of immovable property under the foregoing rules is resisted or prevented by any person other than the defaulter claiming to be in lawful possession of the property, from the obtaining possession of the immovable property purchased, any court of competent jurisdiction on an application and production of the certificate of sale shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the immovable property purchased has been decreed to the purchaser by a decision of the court.

102. Sale of immovable property to be proportionate to the amount due:

The Recovery Officer may sell the whole or any portion of the immovable property of a defaulter in discharge of money due provided always that so far as may be practicable, no larger portion of the immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of attachment, if any, and sale.
103. Private alienation of property after attachment to be void:

Where an attachment has been made under these Rules, any transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any debt, dividend or other moneys contrary to such attachment shall be void as against all claims enforceable under attachment.

Explanation:

For the purposes of this rule, claims enforceable under an attachment include claims for the rateable distribution of assets.

104. Receipts for Payment of amount due:

Every person making a payment towards any money due for the recovery of which application has been made under these Rules shall be entitled to a receipt for the amount signed by the Recovery Officer or other Officer empowered by the Registrar. Such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

105. Investigation of claims and objections to attachment of property:

(1) Where any claim is preferred, or any objection is made to the attachment of any property under these Rules on the ground that the property is not liable to such attachment, the Recovery Officer shall investigate the claim or objection and dispose it if on merits.

(2) Where the property to which the claim or objection relates, has been advertised for sale, the Recovery Officer may postpone the sale pending the investigations of the claim or objection.

106. Determination of attachment:

Where any property had been attached in execution of a decree, but by reason of the decree-holder's default, the Recovery Officer is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.
107. **Attachment in execution of decree of civil courts and rateable distribution of assets:**

Where assets are held by the Recovery Officer and before realisation of such assets, demand notices in pursuance of applications for execution of decree against the same defaulter have been received from more than one decree-holder and the decree-holders have not obtained satisfaction, the assets after deducting the cost of realisation, shall be rateably distributed by the Recovery Officer among all such decree-holders in the manner provided in section 73 of the Code of Civil Procedure, 1908.

108. **Attachment before judgement:**

(i) Attachment of property prior to award or decree shall be made in the manner provided in the foregoing rules of this Chapter.

(2) Attachment made under sub-rule (1) shall not affect the rights existing prior to such attachment, of those who are not parties to the proceedings in which the attachment was made, nor bar any person holding a decree against the person whose property is attached from applying for the sale of property under attachment in execution of his decree.

(3) Where property is under attachment by virtue of the provisions of this rule and a decree is subsequently passed against the person whose property is attached, it shall not be necessary to file an application for reattachment of the property.

109. **Arrest and detention:**

(1) A judgement debtor may be arrest in execution of a decree at any hour and on any day, shall as soon as practicable, be brought before the Recovery Officer and his detention may be in the civil prision or in the Central Jail.

(a) Provided that for the purpose of making an arrest under this rule no dwelling house shall be entered after sunset and before sunrise;

(b) no outer door of a dwelling house shall be broken open unless such dwelling house is in the occupancy of the judgement-debtor and he refuses or in any way prevents access there to, but when the officer authorised to make the arrest has duly gained access to any dwelling house he may break open the door of any room in which he has reason to believe that the judgement-debtor would be found;

(c) if the room is in the actual occupancy of a woman who is not the judgement debtor and who according to the country does not appear in
the officer authorised to make the arrest shall give notice to her that
she is at liberty to withdraw, and after allowing a reasonable time for her to
withdraw, and giving her reasonable facility for withdrawing, may enter the
Room for the purpose of making the arrest; and

(d) Where the decree in execution whereof the judgement debtor is
arrested, is a decree for the payment of money and the judgement debtor
pays the amount of the decree and the costs of the arrest to the officer
arresting him, such officer shall at once release him.

(2) The Government may, by notification in the Official Gazette,
declare that any person or class of persons whose arrest might be attended
with danger or inconvenience to the public shall not be liable to arrest in
execution of a decree otherwise than in accordance with such procedure as
may be prescribed by it in this behalf.

(3) A judgement-debtor, who is arrested under this rule, makes an
application before the Recovery Officer expressing his intention to apply
within one month before a court of competent jurisdiction to be declared
an insolvent and furnishes two sureties to the satisfaction of the Recovery
Officer to ensure his appearance before the Recovery Officer whenever
required, may be released.

(4) In case a judgement debtor who is released under Sub-rule
(3) fails to apply for insolvency within one month or fails to
appear before the Recovery Officer, the Recovery Officer may proceed
to arrest and detain the sureties in the civil prison as though the
sureties themselves are the judgement-debtors.

110. Prohibition of arrest or detention of women
in execution of decree for money:

Notwithstanding anything in this Part, the Recovery Officer shall
not order the arrest or detention in the civil prison of a woman in
execution of a decree for the payment of money.

111. Detention and release:

(1) Every person detained in the civil prison in execution of a
decree shall be so detained:

(a) where the decree is for the payment of a sum of
money exceeding fifty rupees, for a period of six
months, and
(b) in any other case, of a period of six weeks. Provided that he shall be released from such detention before the expiration of the said period of six months or six weeks as the case may be.

(i) on the amount mentioned in the warrant for his detention being paid to the Recovery Officer,

(ii) on the decree against him being otherwise fully satisfied, or

(iii) on the request of the person, on whose application he has been so detained and if the Recovery Officer is fully satisfied that the decree was satisfied.

(iv) on the omission of the person, on whose application he has been so detained, to pay subsistence allowance.

Provided also that he shall not be released from such detention without the order of the Recovery Officer.

(2) A judgement debtor released from detention under this rule shall not merely by reason of his release be discharged from his debt, but he shall not be liable to be rearrested under the decree in execution of which he was detained in the civil prison.

PART IV
GENERAL

112. Procedure for recovery of sums due to Government:

The provisions of Part III shall apply in regard to the recovery of any sum due to the Government from a society or from an officer, former officer, member or past or deceased member of a society in pursuance of a demand issued by the Registrar or by any authority competent to issue such demand including any costs awarded to the Government in proceedings under the Act as if the Government were a decree holder and the society or officer, former officer, member or past or deceased member of a society, as the case may be, was a defaulter, subject to the following modifications namely:

(1) The Registrar may, of his own motion, take any steps which he may deem suitable in the matter of
such recovery in accordance with the provisions of these Rules and without any application having been made to him in that behalf under these Rules.

(2) It shall not be necessary to deposit any sum by way of costs as required by these Rules.

(3) It shall not be necessary for the Recovery Officer to give the decree-holder previous notice.

(4) It shall not be necessary to send a copy of the attachment notice to the decree-holder.

(5) It shall not be necessary to give notice of the proclamation of sale to the decree-holder.

113. Recovery Officer not to go behind the decree and the certificate:

The Recovery Officer shall not go behind the decree or the certificate issued by the Registrar. He shall not alter it nor shall entertain any objection as to validity or legality or correctness of the decree or the certificate under execution.

Provided that a decree passed against a person who was dead at the time of passing the decree without bringing his legal representative on the record shall not be executed.

Provided further that where terms of a decree are ambiguous it will be competent for the Recovery Officer to ascertain its precise terms first before issuing any process for execution.

114. Questions relating to execution, discharge or satisfaction:

(1) All questions arising between the parties to the arbitration proceedings in which award was made or amount certified to be recovered as arrears of land revenue and relating to execution, discharge or satisfaction of the decision, award or order under execution shall be determined by the Recovery Officer, executing the decree, award, decision or order.

(2) Where a question arises as to whether a person is, or is not the legal representative of a party, such question shall be decided by the Recovery Officer, for the purposes of execution, discharge or satisfaction of the decree, award, decision or order under execution.
11.5. Limitation for execution:

A decree-holder may make an application or applications, succession for execution of his decree. The Recovery Officer shall not refuse execution unless the application is barred by article 136 of the Indian Limitation Act, 1963.

11.6. Execution by society under liquidation:

(1) The liquidator shall take necessary action to get executed the decree in favour of a society in respect of which he has been appointed the liquidator, in accordance with the provisions of this Chapter

(2) Any order issued by the liquidator against any contributory shall be executed in the manner prescribed in rules 86 to 90 provided that he shall not be required to deposit the execution charges alongwith the application for execution.

11.7. Assistance and information:

A decree-holder applying to execute a decree shall give the Registrar and the Recovery Officer such information and aid as may reasonably be required.

CHAPTER XI
APEALS AND REVISIONS

11.8. Procedure regarding appeals and application for revision:

(1) An appeal under sub-section (2) of section 98 or an application for revision under section 99 shall be either presented in person or sent by registered post to the appellate or revising authority.

(2) The appeal or the application for revision shall be in the form of a memorandum and shall be accompanied by the original or certified copy of the order appealed from or sought to be revised.

(3) Every appeal or application for revision shall—

(a) Specify the name and address of the appellant or applicant and also the name and address of the respondents, as the case may be;
(b) state by whom the order appealed from or sought to be
revised was made;

(c) set forth concisely and under distinct heads, the grounds of
objection to the order appealed from or sought to be revised
together with a memorandum of evidence;

(d) state precisely the relief which the appellant or the applicant
claims; and

(e) give the date of the order appealed from or sought to be
revised.

(4) Where an appeal under sub-section (2) of section 98 is preferred
after the said expiry of sixty days specified in sub-section (2) of the said
section, it shall be accompanied by a petition supported by an affidavit
setting forth the facts on which the appellant relies to satisfy the appellate
authority that he had sufficient cause for not preferring the appeal within
said period of sixty days.

(5) On receipt of the appeal or the application for revision, the
appellate or revising authority shall as soon as possible examine it and ensure
that-

(a) the person presenting the appeal or the application has the
locus stands to do so;
(b) it is made within the prescribed time limit; and
(c) it conforms to all the provisions of the Act and these Rules.

(6) The appellate or revising authority may call upon the appellant or
the applicant for revision to remedy the defects, if any, or furnish such
additional information as may be necessary, within a period of fifteen days
of the receipt of the notice to do so.

It the appellant or the applicant for revision, fails to remedy the defects
or furnish the additional information called for within the said period, the
appeal or the revision petition may be dismissed.

(7) The appellate or the revising authority may before passing orders
on the application may call for and obtain from the parties connected with
the appeal or revision such further information as is necessary with reference
to the examination of the records of enquiry or proceeding.

(8) In the proceedings before the appellate or revising authority, legal
practitioners shall be entitled to appear to represent the parties.
(9) The appellate or revising authority shall on the basis of the enquiry conducted and with reference to the records examined pass such order on the appeal or on the application for revision as may seem just and reasonable.

(10) Every order of the appellate or revising authority shall be in writing and it shall be communicated to the appellant or applicant, to such other parties as in the opinion of that authority are likely to be affected by the decision or order and to the officer concerned against whose order the appeal or the application for revision was made.

CHAPTER XII
MISCELLANEOUS

11.9. Forms of processes:

The forms of various processes to be issued by any authority in exercise of its powers under sub-section (1) of section 118 shall be those given in Schedule III and may be modified or altered by such authority according to exigency.

(1) The following documents shall be treated as public documents-

(a) The Registration Register.
(b) The registration certificate of a society.
(c) The registration bye-laws of a society including registered amendments.
(d) Any order cancelling the registration of a society.
(e) Annual accounts of a society as audited by the Registrar,
(f) Any decision of the Registrar or award of the Arbitrator

(2) Without prejudice to the provisions of sections 123, 124, 128 and 131 of the Indian Evidence Act, 1872, all the public documents shall be open to inspection by any member of the public on payment of a fee of Re 1/- for each occasion for any lawful purpose.

121. Special rule:

(1) Notwithstanding anything contained in these Rules, the procedure laid down in sub-rule (2) shall apply to a society in which either shares have been subscribed by the Government or liability by way of guarantee
for borrowing exceeding fifty per cent of the working capital of the society has been undertaken by the Government.

Provided that it shall not be incumbent upon such a society to follow the procedure laid down in clauses (i) and (ii) of sub-rule 2 if its working capital does not exceed Rs. 1,00,000 or it does not have another society as its member.

(2) (i) Notice of all general body meetings shall be given to the Registrar. The Registrar may, of his own motion or on a reference made to him, declare the proceedings of the general meetings as invalid, if he is satisfied that the meeting was held without proper notice or without all the members receiving the notice for the meeting if the meeting was not conducted at the appropriate place and time.

(ii) No matter shall, except with the permission or direction of the Registrar, be considered either in a meeting of a general body or committee or in a meeting of any smaller body set up under the bye-laws and without the agenda of the meeting being circulated to all members at least fifteen clear days in the case of smaller body thereof and seven days in advance in other cases.

(iii) Should a difference of opinion in respect of any matter arise between a nominated member of the committee and other members thereof, the opinion of the nominated member shall be recorded in the minutes of the proceedings of the meeting and the proceedings shall also be got signed by the nominated member. The chairman, shall as soon as possible, make a reference to the Government on the difference of opinion and seek its decision in the matter. If no such reference is made within seven days of the date of the meeting, the Registrar may, on receipt of a report from a nominated member make a reference to the Government for obtaining its decision which shall be final on the issue on which difference of opinion was so recorded.

(3) In a society in which shares have been subscribed by the Government, the Registrar may, after such inquiry as he may deem fit and after giving the person concerned a reasonable opportunity of showing cause, remove any member of the committee who has been guilty of any act or omission resulting in financial loss of the society.

122. Power to exempt from Rules:

The Government may, by general or special order, exempt any society or any class of societies from any of the provisions of these Rules or may direct that such provisions shall apply to such society or class of societies with such modifications and/or conditions as may be specified in the order.
123. Financing bank to render banking services:

(1) The financing bank shall render free of charge such banking services to the Registrar as he may require to carry out the purposes of the Act and the Rules.

(2) Without prejudice to the generality of the foregoing sub-rule (1), the financing bank shall render following banking services to the Registrar, namely:

(a) maintenance of "Audit Fee Recovery Fund" in which all receipts and payments on account of audit fee leviable under the Rules shall be recorded.

(b) maintenance of "Settlement and Execution Expenses Fund" in which receipts relating to the fees leviable under Rules for settlement of disputes and execution of decrees, and the payments from the Fund shall be recorded;

(c) current account to be opened in the name of societies under liquidation to be operated upon by the liquidator;

(d) current account of the Recovery Officer for temporary credit of dues on account of and payment to decree-holder;

(e) current account of the Registrar relating to surplus funds of society whose registration has been cancelled. This account shall be called "Registrar Co-operative Societies Liquidation Account";

(f) "Registrar Co-operative Societies Suspense Account" keeping account of unclaimed amounts from the assets of society under liquidation; and

(g) Suspense Accounts of Societies under Registration.

(3) All the above Funds shall be administered by the Registrar in accordance with the Regulations contained in Schedule II.

(4) The financing bank shall have no claim to the amount standing to the credit of the above accounts and funds from time to time. The Registrar may, however, allow in his discretion some service charges.

(5) The financing bank shall issue pass books separately for each fund and account shall supply the information of the transactions as may be required by the Registrar.

(6) The provisions of these Rule shall apply to all funds held by the financing bank at the commencement of these Rules relating to deposits held by it under the above heads.
124. Removal of Doubts:

If any doubt arises as to the interpretation of any of the provisions of these Rules, the matter may be referred to the Government whose decision shall be final.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

FORM 'A'

[ Rule 3 (1) ]

Application for registration of a Co-operative Society under the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978)

To
The Registrar of Co-operative Societies
Government of Sikkim
Gangtok

Sir,

I/We, the undersigned being eligible to become members, apply for the registration of a co-operative society with liability under the title of having its registered office at taluk, District and its bye-laws.

We are enclosing four copies of the said bye-laws duly signed by us together with the following documents:

(a) a certificate from financing bank as required in sub-rule (i) of rule 3;
(b) a list of persons who have contributed to the share capital together with the amount contributed by each of them and the entrance fee paid by them;
(c) a scheme showing the details explaining as to the economic soundness of the society;
(d) a copy of resolution authorising a member of the society to sign the application on behalf of the society (in case the applicant is itself a registered society);
(e) A resolution (of the firm, company society registered under the Societies Registration Act, 1860, public trust or local authority as the case may be) duly authorising a person to sign the application on its behalf.
(f) the name and address of the Chief Promoter to whom correspondence regarding registration or other matter may be addressed.

We also declare that the information given above, including that in the enclosures, is correct to the best of our knowledge and belief.
Signature:

1. Chief Promoter
2.
3.
4.
5.
6.
7.
8.
9.
10.

Note:—

(a) where all the applicants are individuals, not less than ten who have attained the age of majority and are of sound mind and each being a member of a different family should attest the application and the bye-laws,

(b) where the applicant is a society, the application and the bye-laws should be signed by a member duly authorised in this behalf by every such society, and

(c) where the applicants comprise of societies and individuals, by a member duly authorised in this behalf by every such society and ten other members, or where there are less than ten other members, by all of them.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

FORM 'B'

(RULE 4)

Register of applications for registration received in the office of the Registrar/Additional/Joint/Deputy/Assistant Registrar.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the proposed society and</th>
<th>Place, village, District</th>
<th>Date of receipt</th>
<th>Date or Acknowledgement</th>
<th>How received (by post/hand delivery)</th>
<th>No. and date on which additional information is called</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Prescribed day by which information is called

<table>
<thead>
<tr>
<th>Date on which information received</th>
<th>No. and date of the report, if any, sent to the Government if the Society is not registered</th>
<th>No. and date of registration</th>
<th>Order under which registration is refused</th>
<th>Initial</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
</tr>
</thead>
</table>


SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form 'C'

(See sub-rule [1] of rule 10)

Register of Co-operative Societies registered or deemed to be registered under the Act.

<table>
<thead>
<tr>
<th>Part</th>
<th>District</th>
<th>District .................................................................</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Registered Sr. No.</th>
<th>Full name and address of the society</th>
<th>Area of operation</th>
<th>Date of Registration</th>
<th>Application No.</th>
<th>Class of societies as per rules</th>
<th>Sub-classes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page No. and date of Government notifying registration</th>
<th>Initials of Registrar</th>
<th>Date of winding up by the Registrar</th>
<th>Page No. and date of Govt. Gazette notifying winding up</th>
<th>No. and date of cancellation</th>
<th>Initials of the officer authorised by the Registrar to keep the register</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
</tr>
</tbody>
</table>
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form 'D'  
(See Rule No. 36)

Name of the Co-operative Society
Address:
Registration No._________________Receipt and Expenditure Account for the year ending 30 June 19
(from 1.7.19 to 30.6.19)

<table>
<thead>
<tr>
<th>Receipts</th>
<th>Rs.</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Share receipts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Loans and deposits by members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Loans and deposits from non-members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Loans and deposits from Primary Societies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Loans and deposits from Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Loans and deposits from Central Societies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Loans and deposits repaid by members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Loans and deposits repaid by banks and Societies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Banks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Other Societies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Interest received</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Sale of goods to :</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Non-members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Other Income</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Opening balance cash in hand</td>
<td></td>
<td></td>
</tr>
<tr>
<td>cash in Bank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>Rs.</th>
<th>P</th>
</tr>
</thead>
<tbody>
<tr>
<td>Share capital withdrawn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Members' deposits withdrawn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loans repaid to Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loans repaid to Central societies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loans repaid to other societies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loans repaid to non-members</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loans granted to members (individuals)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loans granted to bank and societies :</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Central Societies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Other Societies</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interest paid on loans and deposits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dividend and bonus paid</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stock bought</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Members' Products</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Non-members' Products</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Establishment and contingent charges</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other items</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Carried to Reserve Fund</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closing balance cash in hand</td>
<td></td>
<td></td>
</tr>
<tr>
<td>cash in Bank</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981**  
**FORM 'E'**  
(See Rule 36)

Name of the Society:

Address:

Registration No.

**PROFIT AND LOSS ACCOUNT**  
for the year ending the 30th June 19

<table>
<thead>
<tr>
<th>Last year's figures</th>
<th>Expenditure</th>
<th>This year's figures</th>
<th>Last year's figures</th>
<th>Income</th>
<th>This year's figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Rs. Ps.</td>
<td>Rs. Ps.</td>
<td>Rs. Ps.</td>
<td>Rs. Ps.</td>
<td></td>
<td>Rs. Ps.</td>
</tr>
<tr>
<td>1. Interest</td>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>(a) Paid</td>
<td>Rs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Payable</td>
<td>Rs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Bank charges</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Salaries &amp; allowance of staff</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Contribution to staff Provident Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Salary &amp; allowance of Managing Director</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Attendance fees and travelling expenses of Directors and Committee members</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Travelling expenses of staff</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Rent, rates and taxes</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Postage, telegram and telephone</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 1. Interest received |             | 1                   | 2                   | 3      | 4                   |
| (a) On loans and advances |   |                     |                     |        |                     |
| (b) On investment |   |                     |                     |        |                     |
| 2. Dividend received on shares |     |                     |                     |        |                     |
| 3. Commission |   |                     |                     |        |                     |
| 4. Miscellaneous income : |             |                     |                     |        |                     |
| (a) Share transfer fees |   |                     |                     |        |                     |
| (b) Rent |       |                     |                     |        |                     |
| (c) Rent on interest |   |                     |                     |        |                     |
| (d) Sale of forms |   |                     |                     |        |                     |
| (e) Other items |   |                     |                     |        |                     |

Land income and expenditure accounts
11. Audits fees  
12. (Contingencies) General expenses  
13. Bad debts written of or provisions made for bad debts  
14. Depreciation on fixed assets  
15. Land income and expenditure account  
16. Other items  
17. Net profit carried to Balance Sheet.

Note: In the case of marketing societies, consumers' societies and similar other societies have undertaken trading activities, the Profit and Loss Account, shall be divided into two parts showing separately the Trading Account and the Profit and Loss Account. In case of producer societies, processing societies, forest labourers societies and other societies which have undertaken production activities, the manufacturing account shall also be prepared in addition.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
FORM 'F'
(RULE 36)

Balance sheet of..............................Co-operative Society
Ltd., as on 30th June, 19........

<table>
<thead>
<tr>
<th>Instructions in accordance with which liabilities should be made out</th>
<th>Liabilities</th>
<th>Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figures for the previous year</td>
<td>Figures for the Current Year</td>
<td>Figures for the previous year</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------</td>
<td>------</td>
</tr>
<tr>
<td>I. Contributed by Government and by co-operative societies and different classes of individual members shall be shown separately. Terms of redemption or conversion of any redeemable preference share should be mentioned.</td>
<td>Rs.</td>
<td>Rs.</td>
</tr>
<tr>
<td>II. (a) Statutory Reserve Fund and other reserves and funds shall be shown separately.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Additions and deductions since last Balance-sheet to be shown under each of the specified heads.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Funds in the nature of reserves and funds created out of any profits for specific purposes should be shown separately</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

II. Investments:
(a) Government Securities
(b) Other Trustee Securities
(c) Non-Trustee Securities
(d) Shares of other co-operative societies.
(e) Shares or Bonds of Companies registered under the Companies Act.

II. The nature of each investment and the mode of valuation (cost of market value) should be mentioned. If the book value of any security is less than the market value, a remark to that effect should be made against each item.
III. Staff Provident Fund and any other insurance or Bonus Funds maintained for the benefit of the employees should be shown separately.

IV. The nature of the security should be specified in each case where loans have been granted by Government or State Co-operative Bank. A mention thereof should also be made together with the maximum amount of such guarantee loans from (1) Government (2) State co-operative Bank should be shown separately.

V. Deposits from societies and individuals should be shown separately.

VI. Depots

III. Staff Provident Fund

IV. Secured Loans

(a) Bonds
(b) Loans, overdrafts and cash credit from Bank
(c) Loans from Government
(d) Other secured loans

IV. Loans and Advances

(a) Loans
(b) Overdrafts.
(c) Cash credits:
   (i) Against pledge of goods
   (ii) Clean (of which overdue Rs ........... )
(d) Loans due by managing committee members Rs .............
   loans due by secretary and other employees Rs

V. Unsecured Loans

(a) Loans, cash credits and overdrafts from Bank
(b) From Government
(c) From others
(d) Bills payable

V. Sundry debtors:

(1) Credit Sales
(2) Advances
Others

VI. Current assets

(1) Stores spare parts
(2) Loose tools
(3) Stock in trade
(4) Work in progress

VI. Mode of valuation and stock shall be stated and the amount in respect of raw materials, partly finished and finished goods and store required for consumptions should be stated separately. Mode of valuation of works in progress shall be stated.

IV. In cash of banks and other federal societies, Loans due by societies and individual members should be shown separately.
VII. Current liabilities and provisions:
   (a) Sundry creditors
   (b) Outstanding creditors
      (i) for purchases
      (ii) for expenses including salaries of staff, rent, taxes etc.
   (c) Advances, recoveries for the portion for which value has still to be given viz. unexpired subscriptions, premiums, commission, etc.

VIII. Unpaid dividends

IX. Interest accrued due but not paid

X. Other liabilities (to be specified)

XI. Profit and Loss Account:
   Profit for last year
   Less: Appropriation:
   Add: Current Profits:

VII. Fixed Assets
   (a) Lands and Buildings
   (b) Lease-holds
   (c) Railway siding
   (d) Plants and machinery
   (e) Loose tools tackles and other equipments.
   (f) Deadstock
   (g) Furniture & Fittings
   (h) Livestock
   (i) Vehicle, etc.

VIII. Miscellaneous expenses and losses:
   (1) Goodwill
   (2) Preliminary expenses
   (3) Expenses connected with the issue of shares and bonds
   (4) Deferred revenue expenditure.

IX. Other items:
   (a) Prepaid expenses
   (b) Interest accrued but not due
   (c) Other items (to be specified)

X. Profit and loss Account
   Accumulated Losses not written off from the reserve or any other fund. Current losses.

XI. Accumulated Losses not written off from the reserve or any other fund. Current losses.

Under each head the original cost and the additions there to and deductions therefrom made during the year and the total depreciation on...... written off or provided up to the end of the year should be stated.

VII. Under each head the original cost and the additions there to and deductions therefrom made during the year and the total depreciation on written off or provided up to the end of the year should be stated.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form 'G'
(See rule 38)
Register of members

1. Serial Number.
2. Date of admission.
3. Date of payment of entrance fee.
4. Full name.
5. Address.
6. Occupation.
7. Age on the date of admission.
8. Full name and address of the person nominated by the member under section.
9. Date of nomination.
10. Date of cessation of membership.
11. Reasons for cessation.
12. Remarks

<table>
<thead>
<tr>
<th>Date</th>
<th>Cash book folio</th>
<th>Particulars of Shares held</th>
<th>Date Cash book folio or shares transfer register No.</th>
<th>Particulars of shares transferred or surrendered</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Date Cash book folio or shares transferred No.</td>
<td>No. of shares transferred</td>
<td>No. of shares transferred or refunded</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Serial No. of share certificates</td>
<td>No. of shares held</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Amount</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>16</td>
</tr>
</tbody>
</table>
FORM 'H'

Declaration Under Section 43-(1)

I, son of or wife of (aged years) residing at (being desirous of availing myself of financial assistance from the society) make this declaration as required by Section 43 (1) of the Sikkim Co-operative Societies Act, 1978 that I own/have interest as a tenant in the land or other immovable property specified below, and I hereby create a charge on the said land or other immovable property/interest the rein in favour of the society for securing the financial assistance which the society has granted or may grant and for all future assistance, if any, which the society may make to me together with interest and costs and expenses thereon.

<table>
<thead>
<tr>
<th>Name of Village</th>
<th>Name of Taluka</th>
<th>Name of District</th>
<th>Survey No. Plot No. Hissa</th>
<th>Boundaries/Aral South North Acres East West Guntha</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Assessment Approximate Encumbrances, if any Remarks
Rupees Paisa Value Nature Amount

In witness whereof, I, Shri (hereunder set my hand this (day of (in the year one thousand hundred and (______________

Witnesses

Signature of declarant

Signed and delivered by the above named in the presence of:

1. 

2. Attested by
Forwarded with compliments to the Village Officer (*) with a request to include the particulars of the charge created under the declaration in the Record of Rights and to return the same to the society for its record.

Manager/Agent,

Place__________________

Returned with compliments to the Manager/Agent*____
The charge created under the declaration is duly included in the Record of Rights on the________day of 19______.

Village Officer

Forwarded with compliments to the Sub-Registrar with a request to register the particulars of the charge created under the declaration in his records.

Manager/Agent,

Place__________________

Returned with compliments to the Manager/Agent____
The charge created under the declaration is duly registered.

Sub-Registrar

* put the name of the financing society/bank.  
(*) Put the appropriate authority.

N.B. Strike out whichever is not applicable. Also put appropriate description of land / property.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form I

(see sub-rule (2) of Rule 43)

Register of Declaration under Section 43(1) of the Sikkim Co-operative Societies Act, 1978.
(Act No. 12 of 1978)

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Date of entry in the register</th>
<th>Name of the member</th>
<th>Date of declaration</th>
<th>Name of village in which land situated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Description of land as per declaration

<table>
<thead>
<tr>
<th>Particulars as per declaration</th>
<th>Share in land</th>
<th>Extent</th>
<th>Remarks</th>
<th>Amount of loan if any of supplied/borrowed</th>
<th>Remarks</th>
<th>Signatures</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Chairman/Officers

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form J

(See sub-rule (9) or rule 59)

Rectification report on the audit/enquiry Report

Name and address of society__________________________________________________________

Period of audit covered__________________________________________________________

Date of audit______________________________________________________________

No. and date of communication of audit report/remarks_______________________________________

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>No. of object Ion in Audit/ by the Auditor</th>
<th>Observation made by the Auditor</th>
<th>Explanation of No. and date of the society of the enquiry report</th>
<th>Enquiry Officer resolution of Committee approving the reply</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form K

(See sub-rule (1) Rule 63)

Before Shri Joint/Deputy/Assistant Registrar Co-operative Societies, Sikkim, Gangtok

Arbitration Case No. 19

In the matter of reference of dispute under Section 72 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978).

Claimant

Versus

Defendants.

(Name, father's name, occupation and complete postal address of the claimant and defendants).

Claim

1. Facts showing that the matter in dispute falls within the scope of section 72 (1) and is between the parties mentioned therein.
2. Facts showing that the reference is within time as provided under Section 72 (4)
3. Facts constituting the cause of action.
4. Relief either simple or in the alternative which the claimant claims.

List of documents to be filed along with the claim:
(i) Copy of the resolution of the managing committee if the society is the claimant.
(ii) Pay-in-slip for deposit of application fee with the financing bank.

(Claim will be divided in paragraphs consecutively numbered).

________________________________________ Signature

________________________________________ Claimant through to
Verification form Societies
Verified at Gangtok this ______________ day of ________ 19
that the contents of this claim are true to the best of information and knowledge (derived from the record of the society which are believed to be true and kept in the regular course of its business).

For Society____________

Claimant____________

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

From L

(See sub-rule (3) of Rule 63)

Arbitration Cases Register

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Date of institution of the case</th>
<th>Name(s) of claimant</th>
<th>Name(s) of defendants</th>
<th>Nature of claim in Registrar's brief</th>
<th>Order number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Brief decision of Registrar</th>
<th>Sign of Asstt. Registrar</th>
<th>If admitted, date of reference to Arbitrator</th>
<th>Name of Arbitrator</th>
<th>Date of decision by Arbitrator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of application for issue of certificate for execution</th>
<th>Date on which certificate under section 45 issued</th>
<th>Asstt. Registrar's Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[16]
I, having been authorised by the Managing Committee of ________ Cooperative Society Ltd., by its resolution No. ________ dated the _______ 19 a copy of which duly certified signed as true copy of the original is enclosed, submit as under.

1. That the defaulter who is a member/past member/deceased member of the claimant society has to owe to it a sum of Rs. _______ principal and Rs. _______ interest till the date of application on account of ________ and that this amount is still outstanding against him in the books of the claimant society.

2. That the claimant society has acquired a first charge on the property described in the Schedule annexed ________ herewith for repayment of the above mentioned debt/outstanding demand against the defaulter, which belonged to him/former part of the estate of deceased member in the head of his legal representative.

3. That the property described in the annexed Schedule in Saleable under Section 80 of the Act.

Verification

Verified that the contents of this application are true to the best of my knowledge and belief and nothing thereon has been concealed or misrepresented. Verified at Gangtok this _______ day of _______ 19

Signature

Dated: ____________________
for Claimant Society.
## ANNEXURE

Schedule of properties, subject to charge under Section 42 of the Act

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Brief description</th>
<th>Name and address of the person in whose custody, possession or control the property is lying/deposited/standing</th>
<th>Place at which the property is sited/standing</th>
<th>Any other information</th>
</tr>
</thead>
</table>

I declare that what is stated in the above description is true to the best of my knowledge and belief and so far as I have been able to ascertain the interest of the judgement debtor in the property herein specified.

Signature__________________________

### SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

**Form 'N'**

*(See sub-rule (3) of Rule 85)*

**NOTICE**

In the matter of sale of property of the judgement debtor under Section 80 of the Sikkim Co-operative Societies Act, 1978.

Case No. _______ 198

Demand for the recovery of a sum of Rs.___________

Whereas the claimant society has applied to the Registrar for the sale of the property described in the annexed Schedule in payment of a sum of Rs.___________ as principal, Rs._________ as interest upto the date of application, plus further interest at___________% p.a. till realisation and the cost of these proceedings, claimed to be due by the defaulter to the Claimant Society.
And whereas it is claimed that the claimant has first charge on the property of the defaulter aforesaid.

Now, in pursuance of the provision to section 80 of the Sikkim Co-operative Societies Act, 1978 and the rules thereunder, notice is hereby given to you to appear before the Sales Officer on the____ day of _______ 19 to show cause why the order under Section 80 of the Act should not be made. Take notice that if you admit the claim or fail to "show cause" against this demand notice on the aforementioned date and time, the amount now claimed by the claimant society should be paid within seven days of receipt of this notice by you with the Sales Officer failing which the property described in the Schedule annexed should be sold and the claim satisfied out of the sale-proceeds of the property according to rules.

Signature

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form O
(See sub-rule (2) of Rule 86)
Application for the issue of Certificate under provision to clause (a) of section 81 of the Sikkim Co-operative Societies Act, 1978.

In the matter of Arbitration case No.

Claimant
Versus
Defendants

The Registrar,
Co-operative Societies
Sikkim
Gangtok

Sir,
The claimants have obtained an award against the defendants jointly/severally in the sum of Rs______________ as principal

Rs__________ as interest upto______ and Rs______________ as cost totalling Rs______________ with future interest at________________% p. a. on the principal amount till realisation.
2. The amount covered by the award is desired to be recovered as arrears of Land Revenue under clause (a) of section 81 of the Act. A certificate under provision to this clause may be issued to the decree-holder to enable him to apply for the execution of the award through the Collector.

Place____________________(Full name and address)

Signature_________________Date________________

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form P
(See sub-rule (3) Rule 86)

In the matter of Arbitration Case No.

_________________ Decree-holder (s)

_________________ Versus

_________________ Judgement debtor (s)

Certificate

I hereby certify pursuant to provision to clause (a) of Section 81 of the Sikkim Co-operative Societies Act, 1978 that a sum of Rs_______ principal plus Rs_______ as interest upto____and Rs_______ as cost totalling Rs____________is recoverable from the judgement-debtor above named jointly and severally as arrears of Land Revenue according to the law for the time being in force in the State of Sikkim relating to recovery of land revenue.

Given this_______day of_______19 at Gangtok.

Signature_________________

Seal____________________
In the Court of Recovery Officer, Co-operative Societies, Gangtok:
Recovery Case No. 19

Decree-holder

Versus

Judgement-debtor

In the matter of recovery of decretal amount as arrears of land revenue under clause (a) of section 81 of the Sikkim Co-operative Societies Act, 1978. We/I hereby apply for the execution of the award details of which are given hereinafter in accordance with the law for the time being in force relating to the recovery of land revenue. We/I undertake to bear all expenses for the execution of this award as may be assessed by the Recovery Officer:

Details of award

1. Arbitration Case No.
2. Date of award
3. Whether any appeal preferred against the award
4. Payment or adjustment already made if any against the decretal amount
5. Amount of award with other monetary reliefs granted in the award

Principal Rs ..............
Interest upto Rs ..............
Cost on Principal amount Rs ..............
Total Rs ..............
Future interest at % P.A. from ....... till realisation.

6. Amount certified by the Registrar to be recoverable as arrears of Land Revenue.

Principal Rs ..............
Interest upto Rs ..............
Cost Rs ..............
Total Rs ..............
Future interest at % P.A. from ....... till realization of principal amount.
(7) Previous application, if any, with execution case No. ............, and date. ............ and results thereof.

(8) Against whom to be executed.

(9) Mode of execution

   (1) Where attachment and sale of movable property (Details given in the
       (annexed Schedule
   (2) - Where attachment and sale of immovable (Details given in the
       (annexed Schedule

(10) Name of the person who would assist the executing officer on behalf of

       the decree-holder.

   We/I declare that whatever is stated above is true to our/my
   knowledge and belief. We/I also undertake to bear all legal expenses
   if in pursuance of the execution proceedings any legal proceedings are
   filed by any person against the Recovery Officer which have our/my
   authority to defend them on our/my account. We/I also undertake
   that if execution is made by arrest or Civil imprisonment, we/I shall
   pay all the charges for subsistence and maintenance allowance for the
   confinement/imprisonment of the judgement-debtor.

Gangtok
Date

Signature

Decree-holder.

SCHEDULE

When attachment and Sale of movable/immovable property is sought.

MOVABLE PROPERTY

Name of articles. Name and address of the person in whose
       custody, person or Control.

IMMOVABLE PROPERTY (Give details below)

   We/I declare that what is stated above is true to the best pf
   our/my knowledge and belief.

   Signature

Decree-holder.

*AYS*
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form R

(See sub-rule (3) of Rule 88)

(Notice to show-cause why a payment or adjustment should not be recorded).

Recovery Case No. ............

.. ................... Decree-holder

..................................... Versus

..................................... Judgement-debtor

Whereas the execution of the award in the above named case, the judgment-debtor has applied to the Recovery Officer that a sum of Rs. ............... recoverable under the award has been paid/adjusted to the decree-holder or of Court and that the same should be recorded by the Recovery Officer as having been paid by the judgement debtor against the award being executed.

Now this notice is given to the decree-holder to appear before the Recovery Officer on .......... day of ....... , 198 to show cause why the payment/adjustment aforesaid should not to be recorded as claimed by the judgement-debtor.

If the decree-holders fail in this respect, an ex-parte order is liable to be passed.

Given under the hand and the seal this .......... day of ........... , 198.

Recovery Officer

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form 'S'

(See sub-rule (1) of Rule 91)

Application of execution under clause (b) of Section 81 of the Sikkim Co-operative Societies Act, 1978 (Act of 12 1978).

To

The Registrar,

Co-operative Societies,

Sikkim, Gangtok

In the matter of case No. ..........,

1. .................. Decree-holder

2. ............... Versus

1. ............... Judgement-debtor

2. ...............
We/Her by apply under clause (b) of Section 81 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978) for the execution of the decision/award order details of which are given hereinafter and a certified copy of which is enclosed:

(1) Arbitration case No.
(2) Date of decision/award/order.
(3) Whether appeal preferred.
(4) Relief claimed.
(5) Against whom to be executed
   (Full names and addresses to be given)
(6) Mode of execution:
   (i) If execution is to be made by attachment or sale of movable or immovable property of the judgement-debtor give, full details and the names of persons in whose possession and custody.
   (ii) If by arrest and detention (specify the place where the judgement-debtor shall be found).
   (iii) Name of the person who would assist the executing officer.

Verified at Gangtok this .............. day of .............. 198 that the above statements are true to the best of my knowledge and belief. I undertake to bear all expenses in execution of the decision/award/order.

9
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
From T
(See sub-rule (6) of Rule 91)
In the matter of execution proceedings under clause (b) of Section 81 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978).

(1) Decree-holder

Versus
(1) Judgement-debtor.

Demand Notice

Whereas the decree-holder applied to the Registrar, under clause (b) of Section 81 of the Sikkim Co-operative Societies Act 1978 (Act No. 12 of 1978) for the execution of the award/order given in case No...(Certified copy of which is enclosed).

And whereas the judgement debtor named above is required to comply with the decision/award/order mentioned above and has not so far complied with the same.

Now, in exercise of my powers, I call upon the judgement-debtor to appear before me on........ at ............. in my officer to show cause why the decision/award order aforesaid should not be executed according to the provisions of the Code of Civil Procedure, 1908 (Act No. V of 1908) by attachment of his property/by arrest or detention of the judgement-debtor.

Given under my seal and signature this..............day of........... 198.

Signature
Seal
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form U
(See sub-rule (1) of Rule 93)

Before Shri___________Recovery Officer, Officer of the Registrar,
Co-operative Societies, Sikkim, Gangtok.

Execution Case No....................

Decree-holder.

Versus

Judgement-debtor.

warrant of attachment of movable property in execution of the decree.

The Bailiff,______________________________________________

Whereas the judgement-debtor above named was ordered by decree dated the
passed by___________in Arbitration Case No._______________to pay
the amount in the margin and whereas the said sum of Rs.__ has not been paid.

Decretal Amount Rs. P. These are to command you to attach the movable property of
(i)Principal the said judgement-debtor as set forth in Schedule here into
(ii)Interest annexed or which shall be pointed out to you by the decree-
(iii)Costs holder or his representative or agent, and unless the said jud-
(iv)Costs of execution gement-debtor shall pay to you the said sum of Rs.
(v)Further interest together with Rs.__ the cost of this attachment to
hold the same untill further orders from the Recovery Officer.

are further commanded to return this warrant on or before the___________
198 with an endorsement certifying the day on which and the
manner in which it has been excuted or why it has not been executed.

Given under my hand and the seal this___________day of_______________________ 19

Seal

Recovery Officer.

Schedule

Description of property
Seal

In whosescustody.
Recovery Officer.
SIKKIM CO-OPERATIVE FOR SOCIETIES RULES, 1981

From V

(See clause (IV) of Rule 93)

Form of Bond with sureties for the production or the property at the place of sale in execution of decree.

Decree holder

Versus

Judgement-debtor

Execution Case No.________________________

Know all men by these presents, that we (1)____________________s/o_______ resident of______________________________ (Judgement-debtor) (2)_________________________________ S/o__________ resident of______________________________ (Surety No. 1) and (3)_________________________;(Resident of______________________________ (Surety No. 2) are rejointly and severally bound to the Recovery Officer in the above mentioned execution case in the sum of Rs.__________________________ to be paid to the said Recovery Officer or his successor in office for the time being. For which payment to be made we bind ourselves, and each of us, in the whole, we and each of our heirs, executors and administrators jointly and severally these presents.

Dated this_________________________ day of______1988 signed and delivered to the said Recovery Officer at Sikkim, Gangtok.

Witness :

(1) Signature
   (Name and address)

(2) Signature
   (Name and address)

(1) (Name and address)
   Judgement-debtor
   (Name and address)
   Sign.        Surety(1)

(3) (Name and address)
   Sign.        Surety(2)
Whereas in the above execution case the property given in the attached schedule has been attached by the order of the Recovery Officer in the above execution case and whereas the said property been attached and left in the charge of the judgement-debtor above named and whereas the said judgement-debtor is required and undertaken to produce the said property at the place, date and time of the sale when called for by the order of Recovery Officer.

Now the condition of the obligation is such that if the above bounded judgement-debtor produces the said property in saleable and good condition on the date and place as may be specified by the order of the Recovery Officer, then this obligation shall be void, otherwise it shall remain in full price and virtue.

Signed and delivered by the above bounded in the presence of less this_______________________ day of_______________________ 198

(1) Sign. (1)
(2) Sign. (2)
(3) Sign. (3)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form W
(See clause (XI) of Rule 93)

Execution Case No.___________
Decree-holder

Versus
Judgement - debtor

Proclamation for sale
Notice is hereby given under clause (XI) of Rule 93 of the Sikkim Co-operative Societies Rules, 1981 that an order has been passed by the Recovery Officer for the sale of the attached property mentioned in the annexed Schedule in satisfaction of the claim of the decree-holder in Arbitration Case No._____________ mentioned in the margin. The sale will be by public auction_____________ and the property will be put to sale in lots. The sale will be of Relief claimed the property of the judgement-debtor.

In the absence of an order for postponement, the sale will be held by(Bailiff) at (time) on (date) at (place) for the amount of the relief claimed and specified in the margin and the cost of attachment or sale being tendered or paid before the knocking down of a lot, the sale will be stopped.
At the sale the public generally are invited to bid either personally or by duty authorised agents.

Given under my hand and seal this _________ day of _______ 19

Recovery Officer Officer

Schedule

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form X

(See rule 94)

Order to attach Salary of Public Officer or Servant of Railway or Local Authority.

Execution Case No. __________

Decree-holder

Versus

Judgement-debtor

To

______________________________________________

______________________________________________

Where __________________________ (Judgement-debtor) is a (Office of the Judgement-debtor) receiving his salary and allowances at your hand or on your account and whereas decree-holder in the said case has applied to the Recovery Officer of the attachment of the salary and allowances of said Shri __________________________ to the extent of Rs. ____________ (decretal amount) due to him under the decree, you are hereby required to withhold the said sum of Rs. ______ from the salary and allowances of the said Shri __________________________ in monthly instalments of Rs. __________________________ and to remit the said sum or monthly instalments to me.

Given under my hand and seal of the Court this __________ day of ________________ 19

Recovery Officer
Sikkim Co-Operative Societies Rules, 1981

Schedule I

(Rule 41)

Preservation and Destruction of Account Books and Registers

TO BE RETAINED PERMANENTLY

1. Cash Book
2. General Ledger.
3. Loan Ledger.
   (a) Short term loan
   (b) Long-term loan
4. Ledger of shares or share Registers.
5. Ledger for fixed deposits.
7. Ledger for Provident deposits.
8. Ledger for investments.
9. Ledger for Provident fund.
10. Ledger for Societies Reserve Fund.
11. Ledger for Societies Charity Fund.
12. Ledger for Audit Fee.
13. Ledger for dividend.
14. Share Transfer Register.
15. Call Register of Shares
17. Acquittance Roll.
18. Register for issuing cheque books.
19. Register for issuing pass books.
20. Register of specimen signatures of depositors their nominees.
21. Register of members.
   (a) Register of nominal Share-holders.
   (b) Register of ordinary Share-holders.
22. Register of directors.
23. Minute Book
24. Register of officers and their services.
25. Register of organisations.
26. Register of liquidated societies.
27. Register of office bearers of affiliated societies and their specimen signatures.
28. Audit Notes and audit statements.
29. Register of Pronotes
30. Catalogue (library)
31. Register of letters received.
32. Register of letters issued.
33. Lists of record destroyed from time to time.
[30]

TO BE RETAINED FOR 6 YEARS

1. Register of disputed cases.
2. Register of Court Fees.
3. Ledger for suspense deposits.
4. Ledger for temporary deposite.
5. Register of Bills of Contingent Register.
6. Collection Register.
7. Register of assessment of normal credit of members,
10. Office Order books
11. Receipt Books ( containing counterfoils )
12. Vouchers.

TO BE RETAINED FOR 3 YEARS

1. Budget estimates.
2. Returns and Statements.
3. Service Books of Officers
4. Register of inspection of affiliated societies.
5. Register of Rectification Reports.
6. Register of Property and debt statements.

TO BE RETAINED FOR 2 YEARS

1. Casual Leave Register.
2. Attendance Register.
3. Register of payment of travelling allowance.
4. Register of noting dates of withdrawal of deposits.

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Schedule II

[Rule 67 (5)]

Regulations regarding the Recovers and Deposits of fees for the Services to be rendered by the Registrar to the Co-operative Societies and their members.

1. Short-title and application

   (1) These regulaitons may be called the Fee Recovery and deposit Regulations, 1979.

   (2) These regulations shall apply to all the Co-operative Societies registered or deemed to be registered under the Sikkim Co-operative Societies Act, 1978 and the members, past members, heirs, legal representatives, nominees of the deceased members, agents and servants of the Co-operative Society, and staff paid out of this fund defined under Regulation No.3.
2. Definition

Words and expressions defined in the Act and the Rules and used in these Regulations shall have the meanings assigned to them in the Act.

3. Creation of "Settlement and Execution Expenses Fund"

(1) The Registrar shall create a fund entitled "Settlements and Execution Expenses Fund" (hereinafter called the fund) which shall be administered and operated by him. All fees realisable under the rules on reference of disputes to the Registrar under section 72 and proceedings under Section 80 and 81 shall be paid into this fund and all expenditure on the pay and allowances of bailiffs, process servers and other staff required to man the execution, agency and payment of fees to arbitrators and other contingent expenditure relating to reference of disputes under Section 72 proceedings under section 80 and 81 shall be defrayed out of this Fund.

4. Staff paid out of the Fund

The Registrar may appoint any number of bailiffs and other categories of staff required to maintain an efficient agency of recovery of dues of co-operative societies and its members, past members, their agents and servants. Registrar will be competent to prescribe their qualifications, conditions of service, the target of recovery to be achieved by them and the scale of their salary allowances. Registrar shall be the appointing and disciplinary authority for such staff. The powers of disciplinary authority may, however, be delegated by him to any officer subordinate to him. When the disciplinary authority is not the Registrar himself, all appeals against the orders of the disciplinary authority shall lie to him and his decision in appeals shall be final. When the disciplinary authority is the Registrar himself, the appeal shall lie to another officer to be appointed by the Government.

(2) The service of staff paid out of the fund and under the Registrar shall not be Government service. However any person appointed and paid out of this Fund shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(3) Any person appointed and paid out of this fund shall have to enter into an agreement on non-judicial stamp payable by him which shall be his contract of service.

5. Operation of Fund

(1) The Fund shall be kept in the Sikkim State Co-operative Bank Ltd. All payments from this Fund shall be made by cheques which may be signed by any officer who may be authorised by the Registrar.

(2) Payment into the Fund can be, made by any body who desires to make the payment. The said Bank shall accept the deposits from any person and credit the same to this Fund.

(3) The State Co-operative Bank shall supply to the Registrar or any officer authorised by him the monthly details of all deposits into and payments from this fund and the balance standing at the end of each month.

6. Maintenance of other Account by the Bank

The Sikkim State Co-operative Bank shall maintain any other accounts as may be directed by the Registrar in connection with securing the purposes of the Act and the Rules. These accounts shall be operated by the Registrar or any other office authorised by him.
7. Creation of Audit Fee Fund

(1) The Registrar shall create fund called the "Audit Fee Fund" which shall be administered by the Assistant Registrar (Audit) and maintained with the Sikkim State Co-operative Bank Ltd.

(2) All the Co-operative Societies shall deposit audit fee in this fund as may be assessed against them from time to time.

(3) The bank shall submit a statement every month to the Assistant Registrar (Audit) in the following form so as to reach him by 5th of every month following the month to which the statement relates:

   Date of deposit. Name of the Society. Amount deposited

(4) On receipt of the above statement, Assistant Registrar (Audit) shall record the payments in relevant accounts of the Society and draw a cheque for the amount representing the total of all the amounts shown in the above monthly statement in favour of the Registrar, Co-operative Societies and send it to the Cashier of his office for deposit into Government Account.
Sikkim Co-operative Societies Rules, 1981

Schedule III

(See Rule—119)

Form 1 Summon in arbitration proceedings to the defendant to answer claim.

Form 2 Summon to legal representative to be added when defendant dies during pendency of arbitration proceedings.

Form 3 Summon for attendance/production of record in any enquiry/inspection/arbitration/liquidation.

Form 4 Proclamation requiring attendance/production of record.

Form 5 Warrant of attachment of property.

Form 6 Warrant of Arrest.

Form 7 Warrant of Committal to Civil Imprisonment.

Form 8 Order of release from Civil Imprisonment.

Sikkim Co-operative Societies Rules, 1981

Form I

Simmons for disposal of claim under Section 72 of the Sikkim Co-operative Societies Act, 1978.

Arbitration Case No.

Versus

To

Defendant

Whereas a dispute under Section 72 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978) has been referred against you for_______ a copy of which is enclosed, you are hereby summoned to appear before me (Designation of the Officer) in room No____ on___________(Date) at___________(Time) to answer all material questions relating to the dispute. You may be accompanied by a person able to answer all such questions. As the date fixed for
your appearance is appointed for the final disposal of the suit you
must be prepared to produce on that day all the witnesses upon whose
evidence and all the documents upon which you intend to rely in
support of your defence.

Take notice that, in default of your appearance on the day before
mentioned the matter will be heard and determined in your absence.

Given under my hand and seal this_____________________

day of_________________________198

Signature
(Seal of Office)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form 2

Summon to legal representative of a deceased defendant.

Arbitration Case No. Chairmant

Versus Defendent

To,

Whereas the claimant referred a dispute for decision under Section
72 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978)
against the defendant and whereas the claimant has referred to me
that while the dispute is pending, the defendant has since deceased
and made an application alleging that you are the legal representative
of the said____________________deceased, and desiring that you
be made the defendant in his stead.

You are hereby summoned to attend the proceedings pending
before me on_________________________(date) at____________________
time) at________________________(place) to defend the said proceeding s and
in default of your appearance, the said dispute will be heard and
determined in your absence.

Given under my hand and seal this_________________________day

of_________________________198

Signature
(Seal of Office)
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form 3

Summons to Witness

In the matter of Enquiry under Section 66/Inspection under Section 67/Arbitration proceedings under Section 72/Liquidation proceedings under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act No.12 of 1978) (in names of the societies/names of parties).

To

Whereas your attendance is required in the Enquiry/Inspection/Liquidation/Arbitration proceedings pending before me.

Now in exercise of my powers under Section 108 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978) you are hereby required personally to appear before me on the (date) at ______________ (time) at ______________ (Place) and to bring with you the record and documents mentioned in the annexed list. If you fail to comply with this order without lawful excuse, you will be subject to consequences of non-attendance laid down in Section 32 and rule 12 of Order XVI of the Code of Civil Procedure 1908.

Given under my hand and seal this ____________ day of ____________ 19__

Signature

(S Seal of Office)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

FORM 4

Proclamation Requiring Attendance

Whereas an Enquiry under Section 66/Inspection under Section 6 Arbitration under Section 72/Liquidation under Section 75 of the Sikkim Co-operative Societies Act, 1978 Act No. 12 of 1978) is pending.

And whereas it has been made to appear before me that the summons issued to Shri _________________ to appear before me and to produce documents could not be served upon him in the manner prescribed by law, and whereas it appears that the evidence and record/documents required of him are material and he absconds and keeps out of way for purposes of evading the service of the summons, this proclamation is issued requiring the attendance and production of record before me on ____________ (date) ____________ at ____________ (time) at ____________ (Place) ____________ and from
day to day until he shall have to depart and if the aforesaid person fails to attend or attends but fails to produce the required record on the date and hour aforesaid, he will be dealt with according to law.

Given under my hand and seal this day of ________19.

Signature (Seal of Office)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

FORM 5

Warrant of attachment of witness (order 16 rule 10 Code of Civil Procedure, 1908).

In the matter of

The Bailiff _________ Whereas Shri ___________ has not, after the expiration of the period limited in the proclamation issued for his attendance/production of record, appeared/produced record before me, you are hereby directed to hold under attachment the property belonging to the said Shri ___________ to the value of ___________ and to submit a return accompanied with an inventory thereof within _______ days.

Given under my hand and seal this ________________ day of ________________19 ,

Signature (Seal of Office)
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form 6

Warrant of Committal

(Under Order 16 rule 10 of Code of Civil Procedure, 1908)

In the matter of Enquiry under Section 66 / Inspection under Section 67 / Arbitration under section 72 / Liquidation under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978),

Whereas Shri _ ___ has been duly served with a summons but failed to attend or attended but failed to produce the record/ absconds and keeps out of the way for purpose of avoiding service of the Summons;

You are hereby ordered to arrest and bring the said Shri _ ___ before me.

You are further ordered to return this warrant on or before the _______day of _________ 197 with an endorsement certifying the day on and the manner in which it has been executed or the reasons why it has not been executed,

Given under my hand and seal this day of __________________________

_________________ 198.

Signature

( Seal of Office )
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form 7

Warrant of Committal

(Under Order 16 of code of Civil Procedure, 1908)

In the matter of Enquiry under Section 66 / Inspection under Section 67 / Arbitration under Section 72 / Liquidation under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act, No. 12 of 1978)

To

The Officer-in-Charge of Jail at ____________________ Whereas Shri ____________________ whose attendance for evidence/production of record which is material in the proceedings pending before me, has been arrested and brought before me in custody and where as said Shri ________ failed to produce documents and his evidence cannot be taken, and whereas said Shri ____________________ has been called upon to give security to my satisfaction for his appearance/production of record/documents on ____________________ day of ____________________ 198 which he has failed to do;

This is to require you to receive the said Shri ________ into your custody in Civil Prison until further orders from me.

. Given under my hand and seal this ____________________ day of __________

__________________198

. Signature

(Seal of Office)
Release order under Section_________of the______________________Act
In the Court of ____________________________________________
District________________________
Case No.______Year____________________19_____________________.
The Superintendent of Jail______________________________________
_____________________________________________________________
Name of Judgement—Debtor________________________son of Shri_______________Caste ___________Village/Tehsil_______________.
Whereas the above named who was sent to the civil imprisonment for on-payment of dues by this Court on________ has made the payment or has given surety and has asked for exemption from payment for__________days as such he may not be kept under your custody now.

Therefore, you are hereby ordered to release the said person on receipt of this order.

Given under my hand and seal of this Court___day of ______________________19

Signature
Collector Grade I/II
(Seal of Office)

* put the relevant Act and Section

P. K. Pradhan
Secretary to the
Government of Sikkim
Co-operative Department
File No 7 (139) 79-80 Coop
WHEREAS the State Government is satisfied that in the public interest, it is necessary and expedient so to do.

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Sikkim Essential Service Maintenance Act, 1978 (7 of 1978) as amended by the Sikkim Essential Services Maintenance (Amendment) Act, 1981 (4 of 1981), the State Government hereby prohibits strikes in the following Essential Service:-

Any service connected with the Department of Power relating to the supply of electricity and other similar establishments connected with it.

M.P. PRADHAN,

Chief Secretary,
Government of Sikkim
NOTIFICATION


It is hereby notified for general information that the days enumerated in the Schedule below shall be observed as public holidays by the High Court of Sikkim during the year 1981

"SCHEDULE"

<table>
<thead>
<tr>
<th>Name of Holidays</th>
<th>Date on which these fall</th>
<th>Days of the week</th>
<th>No. of holidays</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Sundays</td>
<td>-----------</td>
<td>52</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>New Years Day</td>
<td>1st January Thursday</td>
<td>1 Vacation</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Magh Sankranti</td>
<td>13th &amp; 14th January</td>
<td>Tuesday &amp; Wednesday</td>
<td>2</td>
<td>Vacation</td>
</tr>
<tr>
<td>Republic Day</td>
<td>26th January Monday</td>
<td>1</td>
<td>Vacation</td>
<td></td>
</tr>
<tr>
<td>Tibetan Year Day</td>
<td>5th February Thursday</td>
<td>1</td>
<td>Vacation</td>
<td></td>
</tr>
<tr>
<td>Dol Jatra (Holi)</td>
<td>21st March Saturday</td>
<td>1</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Good Friday</td>
<td>17th April Friday</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>State Day 16th</td>
<td>May Friday</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Saga Dawa</td>
<td>17th June Wednesday</td>
<td>1</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Bhanu Jayanti</td>
<td>15th July Wednesday</td>
<td>1</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Drupka Tseshi</td>
<td>4th August Tuesday</td>
<td>1</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Independence Day</td>
<td>15th August Saturday</td>
<td>1</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Janam Ashtami</td>
<td>22nd August Saturday</td>
<td>1</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Pang Lhabsol</td>
<td>14th September Monday</td>
<td>1</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Gandhi Jayanti</td>
<td>2nd October Friday</td>
<td>1</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Durga &amp; Laxmi Puja</td>
<td>5th October to 30th October</td>
<td>26</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Lhabab Thuchen</td>
<td>18th November Wednesday</td>
<td>1</td>
<td>---</td>
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<tr>
<td>Kagyat Dance</td>
<td>24th December Thursday</td>
<td>1</td>
<td>Vacation</td>
<td></td>
</tr>
<tr>
<td>Christmas Day</td>
<td>25th December Friday</td>
<td>1 Vacation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lossong 27th to 31st December Sunday to Thursday</td>
<td>5 Vacation</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VACATION

(b) Lossong & Christmas vacation from 14th December 1981 to 31st December 1981.

NOTE: 1. This list does not include Id-ul-Fiter (2nd August, 1981) which falls on Sunday.
2. During the above vacations, the office will remain entirely closed on Sundays and other State holidays. On other days, the members of the staff will attend the office under roster arrangement.

G.S. KALRA,
Registrar.
NOTICE UNDER SECTION 4 OF LAND ACQUISITION ACT, 1894.

Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely for V.L.W. Quarters in the block of Gagyon Yangang, South District, it is hereby notified that a piece of land comprising cadastral plots 149 and measuring more or less 1.38 acres bounded on:

- EAST by paddy/dry of Hemchandra & Chukyang
- WEST " paddy of Lobzang
- NORTH" paddy/Dry and Banjo of Peda & Chukyang Bhutia
- SOUTH" Road

is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block Gagyon, South Sikkim.

This notification is made, under the provision of Section 4 of Act I of 1894 to all to whom it may concern,

A plan of the land may be inspected in the office of the District Collector, South at Namchi and Secretary, Land Revenue Department at Gangtok.

In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen to enter upon and survey the land and do all other acts required or permitted by the section.

Any person interested in the above land who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality may file an objection in writing before the Collector, South District, Namchi.

By Order of the Governor.

Sd/- C.M. RASAILY,
Secretary,
Land Revenue Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
NOTIFICATION

F.No. 18(1)Home/81. Dated Gangtok, the 2nd April, 1981.

The Government is pleased to set up the State Level and District Level Coordination Committees for conduction of Agricultural Census 1980-81-82 consisting of the following:

STATE LEVEL COORDINATION COMMITTEE.

1. Development Commissioner. — Chairman.
2. Secretary Land Revenue. — Member Secretary.
3. Director of Survey & Settlement — Member.
4. Director of Animal Husbandry. — Member.
5. Director of Agriculture. — Member.
6. Director of Industry. — Member.

DISTRICT LEVEL COORDINATION COMMITTEE.

1. District Collector. — Chairman.
2. Deputy Director Agriculture — Member Secretary.
3. Attestation Officer, Survey & Settlement. — Member.
5. Assistant Director, Animal Husbandry. — Member.

By Order,

J. T. DENSAPA,
Secretary,
Home Department,
Government of Sikkim.
ORDER

Whereas the Election Commission is satisfied that Shri Isory Majhee, Naya Bazar, West Sikkim (Gangtok) a contesting candidate for general election to the Sikkim Legislative Assembly October, 1979, from 15-Rateypani West Pendam constituency, has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Isory Majhee to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

TASHI WANGCHUK
Under Secretary (Election)

S. C. JAIN
Under Secretary to the Election Commission of India.
The following order of the Governor of Sikkim dated 18th April, 1981 is published.

"No. SKM/GOV/472/81 -- In exercise of the powers conferred by Article 174(2) (a) of the Constitution, I, Homi J. H-Taleyarkhan, Governor of Sikkim, hereby prorogue the Sikkim Legislative Assembly which was summoned to meet on Monday, 9th March, 1981.

HOMI J. H. TALEYARKHAN
GOVERNOR OF SIKKIM"

By Order

R. K. GUPTA,
Secretary.
Sikkim Legislative Assembly.
HOME DEPARTMENT (ELECTION)
NOTIFICATION NO. 5/H.
Dated Gangtok, the 2nd April, 1981.

The following Notification No. 56/79-XXI, dated 10th March, 1981, 19 Phalgun
1902(Saka) of the Election Commission of India, New Delhi is published for genera
information:

NOTIFICATION

SO— Whereas the Election Commission of India has considered the application of
Tamil Nadu Congress (K) for registration of that organisation as a political party and the docu-
ments produced in support of the prayer contained in the said application, and has decided to
register that organisation under the name and style of Tamil Nadu Congress (K) as an
unrecognised political party in the State of Tamil Nadu under the provisions of paragraph 3 of
the Election Symbols (Reservation and Allotment) Order, 1968;

Now therefore, in pursuance of the provisions contained in clause (c) of sub-para (1)
and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order,
1968, the Election Commission of India hereby makes the following amendment to its notifica-
tion No. 56/79, dated the 28th September, 1979, published as S.O. 557(E) in the Gazette of
India, Extraordinary, Part II, Section (i), dated the 28th September, 1979, and as amended
from time to time, namely:

IN TABLE 3 appended to the said notification, under columns 1 and 2, after the entry
17. The Backward and Depressed People’s Protection Front.......Tamil Nadu", the
entry "18. Tamil Nadu Congress (K).......Tamil Nadu" shall be inserted.

By Order,

K. GANESAN,
SECRETARY.

TASHI WANGCHUK,
Under Secretary (Election).
HOME DEPARTMENT (ELECTION)
NOTIFICATION No. 6/H.
Dated Gangtok, the 9th April, 1981.

The following Order No. 76/SKM-LA/29/79, dated 1st April, 1981, Chaitra 11, 1903 (Saka) of Election Commission of India, New Delhi is published for general information:—

ORDER

Whereas the Election Commission is satisfied that Shri Phuchung Tshering, Rangpo (Lingjey), East Sikkim, a contesting candidate for general election to the Sikkim Legislative Assembly held in October, 1979, from 29-Assam Lingjey Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS the said candidate, even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no reason or justification for the failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Phuchung Tshering to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

HI WANGCHUK
Secretary (Election)

S. C. JAIN
Under Secretary to the Election Commission of India.
In exercise of the powers conferred by section 21A of the Gangtok Municipal Corporation Act, 1975, as amended by the Gangtok Municipal Corporation (Amendment) Act, 1978 No.2 of 1978) the State Government hereby entrusts the duty of collecting the tolls from the owners of goods and fees from Vendors having stalls in the Bazars of Gangtok, Deorali and Tadong the year 1981-82 according to the rates and subject to the exemptions given below:—

1. SCALES OF FEES TO BE LEVIED ON THE DAY TO DAY BAZAR VENDORS HAVING STALLS IN THE BAZARS

The daily rent shall be paid at the rate of Rs. 00.02 paise per sq. ft. on any sizes of stall irrespective of any kind of stalls put up and articles (merchandise) exposed for sale.

MISCELLANEOUS

(i) Goods to the value of Rs. 0.25 to Rs. 1.00
for instance, grass, fuels, vegetable etc. . . . . . . . . . Rs. 0.06 p. each
(ii) Packed Orange Boxes . . . . . . . . . . . . . . . . . . . Rs. 0.10 p. each
(iii) Orange packing Baskets . . . . . . . . . . . . . . . . . . Rs. 0.03 p. each
(iv) Hide per coolie load- . . . . . . . . . . . . . . . . . . . Rs. 0.15 p. each
(v) Any good excluding butter, Ghee, Eggs and Cardamom brought and un-loaded in the bazarcoolies, donkeys, mules, ponies, bullock-carts, and all vehicles.

Rs. 0.15 p. 40 Kgs.
Rs. 0.08 p. 20 Kgs.
Rs. 0.04 p. 10 Kgs.

N.B. THE TOLLS IS PAYABLE BY THE OWNERS OF THE GOODS AT THE TIME OF UNLOADING THE GOODS-

SPECIAL RATES FOR BUTTERS, GHEE, EGGS AND CARDAMOM

(I) butter and ghee Rs. 0.22 per kg.
(II) cardamom Rs. 0.50 per 40 kg.
(iii) eggs Rs. 0.06 per doz.
ON DEALERS IN LIVESTOCK

(i) Horses, Ponies and Tatus Rs. 5.00 each
(ii) Buffalo Rs. 4.00 each
(iii) Buffalo Calf Rs. 2.00 each
(iv) Buffalo and Bulls Rs. 4.00 each
(v) Cows Rs. 4.00 each
(vi) Cow Calf Rs. 2.00 each
(vii) Goat & Sheep Rs. 1.50 each
(viii) Pig Rs. 3.00 each
(ix) Pigs under 3 months Rs. 0.75 each
(x) Geese and Turkey Rs. 0.25 each
(xi) Fowl, Ducks, Mynas, Parrots Rs. 0.12 each
(xii) Chicken, Pigeons and other birds Rs. 0.06 each

EXEMPTION

(1) Building or goods belonging to the Government of India or the State Government
(2) Sheds built by workmen for making orange boxes on sites allotted by the Government or Orange Depot.
(3) Milk brought for sale in the Bazar.
(4) Barbers, animal sheers and tailors who simply keep their sewing machine for sewing cloth in the Bazar.
(5) Articles not exposed for sale in the Bazar.
(6) Goods upto the value of 25 paise, which are the sole property of one person.
(7) Building materials such as stone, stone chip, sand, timber and buttoms, cement, iron rods and GCI sheets which are brought and unloaded in the Bazar by private parties for construction of their own shops, godowns and kitchens at sites allotted by Government, such materials shall be liable to be taxed when they are bought and unloaded in the Bazar for the purpose of sale.
(8) Animals brought into Sikkim from outside for sale in meat stalls located within bazars provided the importers show necessary proof of making the purchases outside Sikkim.
(9) Goods or animals brought to the mouth of the bridge without being exposed in the bazars for sale.
(10) Goods which are in transit provided they are supported by a challan given by a seller to the purchaser showing clearly the place of despatch and their destination.
(11) Seeds, planting materials, fertilisers and pesticides supplied by the Agricultural Department to farmers through V.L.W. stores shall in Lall Market, Gangtok.
(12) All goods including firegood, dairy produce & poultry supplied by the Denzong Agricultural Co-operative Ltd. to the Defence forces in Sikkim.

NOTE. (2): In case the goods in transit are required to be unloaded in a bazars on account of non-availability of transport they shall be removed within 24 hours failing which the Corporation shall be entitled to charge toll tax on them. When such goods are unloaded or reloaded in the bazar they should be shown to the Corporation Officer on duty along with the challan before being taken to their destination. In case a part of the goods is sold out at the place of unloading, the toll tax due on them should be paid to the Corporation.

NOTE. (2): The Corporation shall realise toll tax on all the controlled food commodities directly from the retailers dealing in such commodities. Food Corporation of India and the Food and Civil Supplies Department shall not be responsible for payment of this tax.

S. C. KHANNA,
Jt. Secretary,
Local Self Govt. & Housing Department
Gangtok.
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 15(514)/L.R.(S) Dated Gangtok, the 20th April 1981.

(Declaration under Section 6, Act I of 1894)

Whereas the Governor is satisfied that the land is needed for a public purpose, not being a purpose of the Union, namely for extension of Damthang Bazar block of Damthang Elaka Namchi District Namchi it is hereby declared that a piece of land comprising plot No. 30 measuring an more or less 3.00 acres bounded by the following boundaries as:

EAST Old Bazar Compound
WEST Village road and land owner self
NORTH Present Damthang Bazar
SOUTH Phinzo Sherpa, D.F.

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Damthang.

The declaration is made, under the provisions of Section 6 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the District Collector, South District, Namchi and Secretary, Land Revenue Department, Gangtok.

P.T. WANGDI,
Secretary,
Land Revenue Department,
Government of Sikkim.
HOME DEPARTMENT (ELECTION)
NOTIFICATION No. 7/H.
Dated Gangtok, the 25th April, 1981.

The following Orders No. 76/SKM-LA/26/79, dated 3rd April, 1981, 13 Chaitra, 1903 (Saka), No. 76/SKM-LA/27/79, dated 2nd April, 1981, 12 Chaitra, 1903 (Saka) of Election Commission of India, New Delhi, are published for general information:

ORDER
Whereas the Election Commission is satisfied that Shri Ugen Tshering Lepcha, Tumin, East Sikkim, a contesting candidate for general election to the Sikkim Legislative Assembly held in October, 1979, from 26-Rakdong Tintek Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951 and the Rules made thereunder;
And whereas the said candidate, even after the due notice, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;
Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ugen Tshering Lepcha to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

ORDER
Whereas the Election Commission is satisfied that Shri Tseten Gyasto Bhutia, Martam, East Sikkim, a contesting candidate for general election to the Sikkim Legislative Assembly held in October, 1979, from 27-Martam Constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;
And whereas the said candidate, even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;
Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Tseten Gyasto Bhutia to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

TASHI WANGCHUK
Under Secretary (Election)

S. C. JAIN
Under Secretary to the Election Commission of India.
SIKKIM HOUSING & DEVELOPMENT BOARD

NOTIFICATION

No.347/17(HDB)/SHDB. Dated Gangtok, the 11th May, 1981.

As required under section 18 of the Sikkim Housing & Development Board Act, 1979, the Jorethang Housing Scheme for lower and middle income groups is published hereunder for general information—

- Total area of the housing plot — 1.6 acres
- House types — L.I.G. & M.I.G.
- Total number of Blocks — 20
  - Number of L.I.G. Blocks — 12
  - Number of M.I.G. Blocks — 8
  - Number of storeys of each Block — 3
  - Total No. of L.I.G. dwelling units — 132
  - Total No. of M.I.G. dwelling units — 94

- Total No. of shops — 12

- Estimated cost — Rs. 67,48,136/-
- Plinth area of each LIG Block — 1020.00 sq. ft.
- Plinth area of each LIG dwelling unit including staircase — 255 sq. ft.
- Approximate cost of each L.I.G. dwelling unit (excluding interest) — Rs. 25,100/-
- Plinth area of each MIG Block — 1317.00 sq. ft.
- Plinth area of each MIG dwelling unit including staircase — 329.25 sft

- Tentative cost of each MIG dwelling unit (excluding interest) — Rs. 30,450/-

Each L.I.G. dwelling unit will consist of one room, one kitchen and a toilet whereas each M.I.G. dwelling unit will consist of two rooms, one kitchen and a toilet.
The buildings shall be provided with the following—

(1) 1:2:4 R.C.C. beams, column and slab including frame structure;
(2) 4" thick cement concrete internal partition walls;
(3) 6" thick hollow block cement concrete walls;
(4) Electrification, internal and external;
(5) Water supply, drainage and sewage disposal;
(6) Footpath in cement concrete.

The housing scheme is intended for the lower income and middle income groups of the community.

S. C. KHANNA,
Secretary,
Sikkim Housing & Development Board
Gangtok.
Notification No. 16(700)/L.R.(S)
Dated
Gangtok, the 13th May 1981

(NOTICE UNDER SECTION 4 OF LAND ACQUISITION ACT, 1894).

Whereas the function of the Central Government under the Land Acquisition Act, 1894(I of 1894) in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. F 12018/12/76 LRD dated 10.1.78 issued by the Government of India in the Ministry of Agriculture and Irrigation under clauses (i) of Article 258 of the Constitution of India.

And whereas it appears to the Governor that land is likely to be needed for a public purpose being a purpose of the Union, namely for the A.I.R. studio and staff quarter at Arithang Gangtok Station, District East it is hereby notified that a piece of land comprising cadastral survey plots noted under the schedule of properties below and measuring more or less 2.89 acres bounded in the:

NORTH Holding of Shri Namgyal Tsering
SOUTH Holding of Shri Namgyal Dhondup Kazi
EAST Holding of Shri Pema Tseten & Shri Katuk Lama
WEST Holding of S/Shri Namgyal Dhondup Kazi & Shri Kinzang Namgyal.

is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid location.

This notification is made, under the provision of Section 4 of Land Acquisition Act, 1894 read with the said notification, to all whom it may concern.

A plan of land may be inspected in the office of the Collector-cum-Sp. L.A.O. or Land Record Officer, Land Revenue Department, Government of Sikkim, Gangtok.

In exercise of the powers conferred by the said notification the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and all other acts required or permitted by that.

And whereas there is urgency to acquire the land the Governor is further pleased to direct under section 17(4) that the provision of Section 5-A of the Act shall not apply.

Any person interested in the above land, who has any objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification is given in the locality, an objection in writing before the Collector-cum-sp. L.A.O., Land Revenue Department, Gangtok.

SCHEDULE OF PROPERTIES
Cadastral survey plot in full : 694, 695, 696, 697, 698, 702, 703 & 704
" " in full : 699 & 701

By Order of the Governor.

P.T. WANGDI,
Secretary,
Land Revenue Department,
Government of Sikkim.

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LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 17(654)/L.R.(S)

Dated Gangtok, the 14th May, 1981.

(NOTICE UNDER SECTION 4 OF LAND ACQUISITION ACT, 1894).

Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely for the construction of Sewage treatment plant in the Block of Tadong of East District, it is hereby notified that a piece of land comprising cadastre plots 522, 523, 524 and measuring more or less 8.45 acres bounded on the,

NORTH Sarkar (River Bed & Khasland)
EAST PF & DF of Shri Aiman Singh Chettri
WEST Ranikhola riverbed
SOUTH Jhora (boundary of Tadong & SaMdur block)

is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block of Tadong, East District,

This notification is made, under the provision of Section 4 of Act I of 1894 to whom it may concern,

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Department, Gangtok.

In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

And whereas there is an urgency to acquire the land the Governor is further pleased to direct under section 17(4) that the provision of Section 5-A of the Act shall not apply. Any person interested in the above land who has any objection to the acquisition thereof, may, within fifteen days after the date on which public notice of the substance of this notification is given in the locality, files an objection in writing before the Collector-cum-Sp. L.A.O., Revenue Department, Government of Sikkim, Gangtok.

By Order of the Governor.

P. T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
HOME DEPARTMENT (ELECTION)
NOTIFICATION NO. 8/H.
Dated Gangtok, the 29th May, 1981.

The following Notification No. 154/SKM/81, dated the 20th May, 1981 of the Election Commission of India, New Delhi is published for general information:—

NOTIFICATION

No. 154/SKM/81.— In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission of India, in consultation with the Government of Sikkim hereby nominates Shri M. P. Pradhan, Chief Secretary to the Government of Sikkim, as the Chief Electoral Officer for the State of Sikkim with effect from 30th April, 1981, and until further orders vice Shri D. K. Manavalan.

By Order,

K. GANESAN,
SECRETARY.

TASHI WANGCHUK,
Under Secretary (Election)
GOVERNMENT OF SIKKIM  
FOOD & CIVIL SUPPLIES DEPARTMENT  
GANGTOK (SIKKIM)  

NOTIFICATION  
No. 1(46)/81/1/W&M/FCS.  
Dated Gangtok, the 18th May, 1981,  

In exercise of the power conferred by sub-section (3) of Section 1 of the Sikkim Weights and Measures Act, 1980 (Sikkim Act No. 4 of 1980), the State Government hereby appoints the 1st day of June, 1981 as the date on which the provisions of the said Act shall come into force in the whole of State of Sikkim.

P. K. PRADHAN, I.A.S.  
Secretary to the Government of Sikkim  
Food & Civil Supplies Department.
Sikkim

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Gangtok, Wednesday, June 3, 1981

Land Revenue Department
Government of Sikkim
Gangtok

Notification No. 18(123)/L.R.(S) Dated Gangtok, the 3rd June, 1981.

(Notification Under Section 4 of Land Acquisition Act, 1894).

Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union namely for the establishment of the District Administrative Centre and Govt. Housing Colony at Pentok in the block of Zimchung, Mangan District, it is hereby notified that land comprising cadastral plots. 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73., 74, 75, 76, 77, 78, 79, 80, 81, 83, 84, 85, 139, 145, 146, 147, 148, 149, 154, 155, 156, 157, 158, 159, and 160 measured more or less 52.31 acres bounded in the

East Holding of the bustiwallas separated by rock and stone fencing

West Agriculture Regional Centre and khas land

North Agriculture Regional Centre and bustiwallas holding separated by stone fencing wall

South Khas land in Ringhem and Zimchung blocks

is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block of Zimchung block, North Sikkim.

This notification is made under the provision of Section 4 of Act I of 1894 to all to whom it may concern.

A plan of the land may be inspected in the office of the District Collector, North District at Mangan.

In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorise the officers for time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that section.

Any person interested in the above land who has objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the District Collector, North District at Mangan.

By Order of the Governor.

P.T. Wangdi, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
The State Geological Programming Board for Sikkim is hereby constituted with the following members:

1. Secretary Mines & Geology  
   Government of Sikkim — Chairman
2. Deputy Director General Eastern Region,  
   Geological Survey of India. — Member
3. Director, Sikkim Circle, Geological  
   Survey of India — Member
4. Director, Engineering Geology  
   Div., Eastern Region G.S.I. — Member
5. Joint Advisor (Minerals) Planning Commission — Member
6. Chief Engineer (Roads & Building)  
   Sikkim Public Works Department — Member
7. Managing Director, Sikkim Mining Corporation — Member
8. Planning Officer, Planning Department  
   Government of Sikkim — Member
9. Chief Engineer, B.R.D.B. — Member
10. Superintending Engineer C.W.C.,  
    Ranipul Gangtok — Member
11. State Geologist, Mines & Geology,  
    Government of Sikkim — Member, Secretary.

The functions of the Board will be to advise the State Government on the following matters.

1. Preparation of annual programme of geological investigation (with priorities) of different State level and Central Agencies.
2. Formulate joint programme of investigation with the Geological Survey of India, if considered necessary.
3. Exchange of information on geological exploration done by different agencies in the State.
4. Any other relevant matter.

J.T. DENSAPA,  
Home Secretary  
Government of Sikkim
DECLARATION UNDER SECTION 6, OF LAND ACQUISITION ACT, 1894.

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Ministry of Agriculture & Irrigation under clause (I) of Article 310 of Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Army’s Key Location Plan in the block of Namong Elakha Pahm-Bhusuk District East, it is hereby declared that a piece of land comprising cadastral plots Nos. 446, 448, 527 & 530 of Namong block and plot No. 124 of Pahm block measuring more or less 67.48 acres bounded on the:

NORTH Namong Khola
SOUTH Key Location Plan area
EAST -do-
WEST -do

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Namong.

This declaration is made, under the provisions of Section 6 of Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
(DECLARATION UNDER SECTION 6, ACT I OF 1894).

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely for the construction of Sewerage Treatment plant in the block of Tadong, East District it is hereby declared that a piece of land comprising c.s. plot No.522, 523 & 524 and measuring more or less 8.45 acres bounded on the:

NORTH Sarkar (River bed and khasland)
EAST PF & DF of Shri Aiman Singh Chettri
WEST Ranikhola river bed
SOUTH Jhora (boundary of Tadong and Samdur block)

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Tadong.

The declaration is made, under the provisions of Section 6 of Act I of 1894 to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O. Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
To improve Postal/Telegraphs and Telephone services in the State, the State Government has decided to constitute a Site Selection Committee for each district consisting of the

1. The District Collector in the District of his jurisdiction.
2. Representative of L.S.G., Dy. Secy.,
3. The Forest Department, D.F.O, of respective district.
5. Supdt, of Post Offices, Gangtok.

The Selection Committee shall, considering the requirements of the P & T Department (Postal and Telephone Wings) inspect various places and select sites for construction of P & T Buildings. Considering the shortage of land in State the Committee while selecting the sites should ensure that requirements for lands of P & T and Telephone Departments are so consolidated that single multistoried building at each place could be constructed to meet the requirement of the three wings. The Committee shall submit its recommendations at an early date.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim,
Home Department.
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 21(92)III/L.R.(S) Dated Gangtok, the 15th June 1981.

DECLARATION UNDER SECTION 6 OF L.A. ACT, 1894.

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely, for construction of V.L.W. quarters in the block of Gagyong Yangang, District South, it is hereby declared that a piece of land comprising cadestral plot No. 149 measuring more or less 1.38 acres bounded on the:

EAST: By paddy/dry fields of Hem Chandra & Chukyang Bhutia
WEST: " paddy field of Shri Lobzang
NORTH: Paddy/dry and banjo fields of Peda and Chukyang Bhutia
SOUTH: Road

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Gagyong, Yangang, South District.

The declaration is made, under the provisions of Section 6 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the District Collector, South, District, Namchi.

By Order of the Governor.

P. T. WANGDI, IAS
Secretary, Land Revenue Department, Government of Sikkim.
DECLARATION UNDER SECTION 6 OF L.A. ACT, (I OF 1894)

Whereas the functions of the Central Government under the Land Acquisition Act 1894(I of 1894) in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by notification No. 12018/12/76 LRD dated 10th January, 1978 issued by the Ministry of Agriculture and Irrigation under clause (I) of Article 258 of the Constitution of India.

And whereas the Governor is Satisfied that the land is needed for a public purpose, being a purpose of the Union namely for A.I.R. studio and staff quarter at Arithang, Gangtok Station, District East it is hereby notified that a piece of land comprising cadastral survey plots under the schedule of properties below and measuring more or less 2.31 acres, bounded on the:

NORTH Holding of Shri Namgyal Tsering
SOUTH Holding of Shri Namgyal Dhondup Kazi
EAST Holding of Shri Pema Tseten & Shri Katuk Lama
WEST Holding of S/Shri Namgyal Dhondup Kazi & Kinzang Namgyal.

(Excluding the area covered by newly constructed Arithang Road) is needed for the aforesaid public purpose at the public expense within the aforesaid location.

This declaration is made under the provision of Section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Government of Sikkim, Gangtok.

SCHEDULE OF PROPERTIES.
C.S.plot in full: 694, 695, 696, 697, 698, 702, 703 & 704
C.S.plot in parts : 699 & 701

By Order of the Governor.

P.T. WANGDI,
Secretary,
Land Revenue Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
ESTABLISHMENT DEPARTMENT

No. 45(Gen)/Est. Dated Gangtok, the 25th May, 1981.

NOTIFICATION


L. T. TONYOT,
Joint Secretary, Govt. of Sikkim,
Establishment Department.
GOVERNMENT OF SIKKIM
ESTABLISHMENT DEPARTMENT

No.5(239)42/Gen/Est

Dated the 21st May, 1981.

NOTIFICATION

The Governor is pleased to order that the provisions of the Work-Charged Establishment Manual shall come into force with effect from first day of June, Nineteen hundred eightyone.

The provisions of the aforesaid Manual are appended as Annexure to this Notification.

T. CHHOPHEL
Secretary, to the Govt. of Sikkim,
Establishment Department.
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INTRODUCTION AND DEFINITION

1. This Manual shall be a collection of executive orders and shall come into force from the date of its Notification.

2. DEFINITIONS: (i) Workcharged establishment means such establishment the staff of which is employed for the actual execution, as distinct from general Supervision, of a specific work or of sub-works of a specific project or, upon the subordinate supervision of departmental labour, stores and machinery in connection with such work sub-works. The cost of entertainment of workcharged establishment shall invariably be shown as a separate sub-head of the estimate for a work.

(ii) Workcharged establishment does not include other Employees such as clerks, draftmen or subordinate or extra establishment of any kind for the Divisional or Sub-Divisional Officers, whose cost of entertainment is being properly chargeable to the regular establishment. It also does not include casual or muster rollworkers.

Note:— A list of posts which should normally be included in the workcharged establishment is given in Annexure A.

3. CATEGORIES OF WORKCHARGED ESTABLISHMENT: The work-charged establishment is to be divided into the following two categories, namely:—

   (i) Permanent
   (ii) Temporary

4. PERMANENT Workcharged establishment will be that establishment the post of which are declared by the Establishment Department as permanent on account of the permanent nature of duties to be performed by the incumbents of such posts.

5. TEMPORARY Workcharged establishment will be that establishment the post of which are declared by the Head of Department concerned as temporary on account of the temporary nature of duties to be performed by the incumbents of such posts.

Note: Persons engaged against the temporary establishment will be on the footing of monthly servants. If they are engaged for special work, their engagement lasts only for the period during which the work lasts.

If discharged otherwise than for serious misconduct before the completion of the work, they will be entitled to one month’s notice or one month’s pay in the lieu of notice; but otherwise with or without notice, their engagement terminates when the work ends. If they desire to resign their appointments they will be required to give one month’s notice of their intention to do so. The terms of engagement should be clearly explained in circumstances mentioned above.

6. CLASSIFICATION OF WORKCHARGED ESTABLISHMENT: Depending on the skill involved in the duties attached to them, the workcharged posts may be classified as unskilled, semi-skilled, skilled and highly skilled.

CREATION OF POSTS

7. TEMPORARY POST: Subject to provision for them existing in the sanctioned work estimate and also subject to the yard-sticks that may be prescribed by the department for each category of post, the head of the department shall be competent to sanction creation of temporary posts in the Workcharged establishment.

8. PERMANENT POSTS: The head of the department, with the prior approval of the Establishment Department, shall be competent to sanction creation of permanent posts in the work charged establishment.

RECRUITMENT PROCEDURE: All recruitment against the direct recruitment quota be made after obtaining the names of persons who have registered themselves with the Employment Cell of the Establishment Department. If suitable candidates are not available with the Employment Cell then the post may be advertised in the Sikkim Herald or other newspapers or magazines. The age limits and requirements of educational, technical qualifications or experience prescribed in the relevant recruitment rules.
10. RECRUITMENT COMMITTEE: Selection of persons to be recruited as Work-Charged staff shall be made by a Committee consisting of the following:-

(i) Head of the Department concerned,
(ii) One Senior Officer of the Department concerned,
(iii) One Officer of the Establishment Department to be nominated by the Secretary, Establishment Deptt.

11. RECRUITMENT RULES: Each department entertaining workcharged establishment shall make clear-cut recruitment rules in regard to each category of the post and get them approved by Government through Establishment Department. These rules shall inter alia, provide for the scale of pay of the post, duties to be performed, method of recruitment i.e. whether by direct recruitment or promotion, indicating specific quota for each, age limit and qualification for direct recruitment, departmental test etc. The rules shall also provide whether age, qualification, departmental test etc. prescribed for direct recruitment will also apply in case of appointment by promotion, grade and sources from which promotion is to be made and probationary period, if any.

12. RECRUITMENT: All posts in the workcharged establishment shall be filled strictly in accordance with the provision of the recruitment rules for respective categories.

13. APPOINTMENT: The head of the department shall be competent to make appointment to the posts in the workcharged establishment.

MEDICAL EXAMINATION ETC

14. MEDICAL EXAMINATION CHARACTER AND ANTECEDENTS VERIFICATION

(i) Persons engaged on workcharged establishment shall be medically examined at the time of initial appointment by a Medical Officer of the Government. Similarly, the character and antecedents of such persons shall be got verified at the time of appointment.

(ii) No person whose character and antecedents have not been verified shall be allowed to continue on the workcharged establishment for more than six months without obtaining the approval of the head of the department concerned.

(iii) Any person who has not been medically examined and found fit shall not be given initial appointment.

SERVICE RECORDS

15. OPENING OF SERVICE BOOK: When any fresh appointment to the workcharged establishment is made, a Service Book shall be opened immediately. The forms of Service Book shall be the same as prescribed for regular Government servants. Utmost care should be exercised by the employee and his father's name, his place, his height and marks of personal identification etc. The person's name should be spelled as he writes or, if he is illiterate as he pronounces it. The entries on the first page of the Service Book shall be attested under the signature and stamp of a Gazetted Officer.

16. RECORDING OF DATE OF BIRTH IN THE SERVICE BOOK:

(i) In the case of literate worker, the date of birth in his school leaving certificate shall be accepted as his date of birth and recorded in the Service Book.

(ii) In the case of an illiterate person he shall be required to produce a certificate from the District Register of Birth and Deaths. Where no such proof is available, the person on entering service, shall declare his date of birth which shall not differ from any declaration, expressed or implied made for any public purpose before entering service as workcharged. The declaration shall be signed by the person and attested by a witness, or if the person is illiterate, his thumb impression shall be taken in the presence of a literate witness, whose signature shall also be taken.

(iii) When the year and the month of birth are known, but not the exact date, the 16th of the month shall be treated as the date of birth. Similarly, when the exact date is not known but the year is only known, the date of birth shall be taken as 1st that year.

(iv) When a person entering service is unable to give his date of birth, his age shall be assumed to have completed the stated age on the date of birth. For example, if a person enters service on 1st April 1980 and if on that date he stated to be 20 years, his date of birth shall be taken as 1st April, 1960.
(vi) Where the person concerned is unable to state his age or the age stated by him is obviously incorrect, it shall be got assessed by the Medical Officer and the age so assessed shall be entered in the Service Book in the manner described above.

(v) The date of birth shall also be written in works and attested under the signature and stamp of a Gazetted Officer.

17. PERFORMANCE REPORT :- A performance Report on the work and conduct of each workcharged staff shall be written for each financial year in the form prescribed in Annexure B. The report shall be written by the Junior Engineer under whom the person is employed and such report shall be reviewed by the next higher officer.

PAY AND ALLOWANCES

18. PAY On initial appointment, a workcharged employee shall be given the minimum of the prescribed scale of pay of the post.

19. FIXATION OF PAY ON PROMOTION, ABSORPTION ETC :- The pay of the employee on promotion, absorption etc shall be regulated in accordance with the relevant provisions of the Sikkim Government Service Rules as amended from time to time.

20. ABSORPTION OF WORKCHARGED STAFF TO REGULAR ESTABLISHMENT No member of the workcharged staff shall be absorbed in the regular establishment except with the prior approval of the Government in the Establishment Department.

2.1 QUALIFYING SERVICE FOR PENSION AND GRATUITY: One half of the continuous service rendered in the workcharged establishment shall be treated as continuous and qualifying service in the regular establishment for purposes of pension and gratuity.

22. ALLOWANCE :- The workcharged staff shall be entitled to Dearness Allowance, House Rent Allowance, Hill Compensatory Allowance, Difficult Area Allowance and Travelling Allowance. The grant of these allowances shall be regulated in the same manner as their grant to the employees on the regular establishment.

LEAVE

23. EARNED LEAVE :- (i) A permanent workcharged employee is entitled to earned leave upto 30 days in a year.
          (ii) A temporary workcharged employee is entitled to earned leave in a year.

          Provided that leave upto 60 days in case of a permanent employee and 30 days in case of a temporary employee shall be allowed to be accumulated.

          (iii) The head of the department shall be competent to sanction earned leave upto 15 days.

24. CASUAL LEAVE : A workcharged employee permanent or temporary is entitled to casual leave for 10 days in a calendar year; Casual leave can be sanctioned by the Gazetted Officer under whom the workcharged employee is posted.

25. LEAVE ACCOUNT : A leave account shall be maintained in respect of each workcharged staff to watch leave earned, leave taken and the balance of leave at credit at any point of time.

PROMOTION

26. PROMOTION PROCEDURE : The channel of promotion, percentage of posts to filled by promotion, qualification and/or trade tests prescribed and the method of promotion etc. prescribed in the relevant recruitment rules shall be followed strictly.

27. DEPARTMENTAL PROMOTION COMMITTEE, (i) Promotion in the workcharged establishment shall be made by a Departmental Promotion Committee which shall be of two senior officers of the department as may be nominated by the head department and one officer from the Establishment Department to be nominated by Secretary, Establishment Department.

          (ii) Cases of all persons eligible for promotion to higher posts in order of seniority shall be placed by the appointing authority before the Departmental Promotion Committee. Base shall be withheld by an authority from consideration by the Departmental Promotion Committee.
CONFIRMATIONS

28. CONFIRMATION PROCEDURE: (i) Confirmations of eligible candidates shall be made strictly in the order of seniority assigned to the workcharged staff in the particular grade in which confirmations are due. Any deviation from this rule require prior approval of the Government in the Establishment Department.

(ii) Confirmations can be made only against the permanent posts available for each category of workcharged staff.

(iii) Confirmations shall be made only with prospective effect. In exceptional cases, retrospective effect to confirmation orders may be given with the concurrence of the Establishment Department provided a permanent vacancy existed on the crucial date and the workcharged employee concerned was deemed eligible and fit for such confirmation.

OTHER FACILITIES

29. FESTIVAL ADVANCE: The rules regarding Festival Advance as applicable to the staff on the regular establishment shall also be applicable to the workcharged establishment.

30. MEDICAL FACILITIES: All workcharged staff shall be entitled to medical facilities as are admissible to the employees of the regular establishment.

31. COMPENSATION FOR ACCIDENT: Pending formal extension of the Workmen's Compensation Act 1923 to Sikkim, an eligible workman as defined in section 2 (n) of the said Act shall be entitled to all the facilities enumerated in the Act.

DISCIPLINE

32. SUSPENSION AND DISCIPLINARY PROCEEDINGS:

(i) The appointing authority may place a workcharged employee under suspension—

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(b) where a case against him in respect of any criminal offence is under investigation or trial.

(ii) Subsistence allowance during a period of suspension, as also, pay, allowances and treatment of service on reinstatement, shall be regulated in the same manner as also, pay, allowances and employees on regular establishment.

(iii) Where an employee on the workcharged establishment is convicted by a court of law, the appointing authority may, after the verdict of the court is known, take action in consultation with the Establishment Department.

33. AGE OF RETIREMENT: (i) The date of retirement of a workcharged employee shall be the date on which he attains the age of 60 years:

Provided that Government may at any time retire a workcharged employee after he has completed 25 years of continuous qualifying service or has attained the age of 50 years for reasons which Government may consider sufficient in the public interest. In such a case, one month’s notice or one month’s pay and allowances in lieu thereof may be given by Government.

(ii) A workcharged employee placed under suspension shall not be permitted to retire until the enquiry into the charge against him is concluded and a final order is passed by Government.

34. GRATUITY: A workcharged employee shall not be entitled to any gratuity before completion of 5 years' continuous service. After completion of 5 years' continuous service, a workcharged employee shall be entitled to a gratuity equal to one half of his last pay for each completed year of service subject to a maximum of 15 time of the said pay.
35. **REMOVAL OF DOUBTS**: Where a doubt arises as to the interpretation of any of the provisions of this Manual or when a particular case is not covered by the provisions of Manual, the matter shall be referred to the Establishment Department for decisions.

36. **REPEAL AND SAVING**: (i) All rules, orders or notifications which were in force immediately before the commencement of this manual applicable to workcharged staff are hereby repealed.

(ii) Notwithstanding such repeal all actions taken under the provisions of the repeated rules, orders or notifications shall be deemed to have been taken under the corresponding provision of this Manual.

37. **RIGHT TO RELAX, ALTER OR AUGMENT**: The Government in the Establishment Department may relax, alter or augment any of the provisions of this Manual rules according to the exigencies of Government service or in the public interest.
ANNEXURE-A

(See Note below paragraph 2 (ii)

1. Assistant Line Man  21. Mechanic
2. Bull Dozer Driver  22. Meter Reader
3. Carpenter  23. Mixer Operator
5. Compressor Operator  25. Operator
7. Driver
8. Electrician  28. Painter
9. Fitter First Grade
10. Fitter Second Fitter
11. Fitter Third Grade  31. Power House Gleaner
12. Gauge Reader
13. Head Pipe Fitter
14. Helper
15. Khalasi
16. Line Assistant
17. Line Man
18. Mali
19. Mason I

32. Roller Driver
33. Shift-in-Charge
34. Sub-Overseer
35. Switch Board Operator
36. Telephone Attendant
37. Turbine Assistant
38. Welder
PART I

BY THE REPORTING OFFICER

1. Name.............................. 2. Age, ......................
3. Post held ..................... 4. Pay, ......................
5. Educational Qualification ..............................................................
6. Can he read and write? If so, in what language (s)? ......................
7. Period of absence during the year ..........................................................
8. Observations on:—
   (a) State of health ..............................................................
   (b) Intelligence ..............................................................
   (c) Interest in his work ..............................................................
   (d) Skill and proficiency in trade in which engaged ......................
   (e) Amenability to discipline ..............................................................
   (f) Punctuality and regularity ..............................................................
   (g) Honesty and integrity ..............................................................
   (h) Devotion of duty ..............................................................
   (i) Sense of responsibility ..............................................................
9. Is he fit for promotion, if so, to which trade? ......................
10. Are you prepared to retain him under you? ..............................
11. Mention any skill or proficiency acquired ..............................................................
12. General remarks on his work and conduct ..............................................................

Signature of Reporting Officer
Name, ......................
Date, ......................
Designation,  ..........}

PART II

REMARKS OF THE REVIEWING OFFICER

Date, ......................
Signature, ......................
Name, ......................
Designation,  ..........
ERRATUM

Erratum to the Notification No. 6/SK/21/Acq/l/L.R.(S) dated 19.9.80 issued under section 6 of the Land Acquisition Act, 1894 (1 of 1894) published in the Sikkim Government Gazette "Extraordinary" No. 83 dated 25.9.80 in respect of 10.55 acres of hired land at Dalapchan Elakha Rongli under East District for a public purpose namely for establishment of Army.

In para 2 of 4th line.

C.S plot Nos. in full/parts.

Insert Nos. 148, 148A and 153.
Delete plot Nos. 142 and 157.

By Order of the Governor,

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.

ERRATUM

Erratum to the Notification No. 6/SK/21/Acq/l/L.R.(S) dated 19.9.80 issued under section 6 of the Land Acquisition Act, 1894 (1 of 1894) published in the Sikkim Government Gazette "Extraordinary" No. 82 dated 25.9.80 in respect of 7.75 acres of hired land at Dalap-Elakha Rhenock under East District for a public purpose namely for establishment of Army.

In para 2 of 4th line.

C.S plot Nos in full.

Insert correct plot Nos. 287/285/1271 and 1272 instead of plot Nos. 257, 1271 and 1272.

By Order of the Governor.

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 24(678)/L.R.(S)  
Dated Gangtok, the 20th June, 1981.

ERRATUM

Erratum to the Notification No. 6/SK/22/Acq/l/L.R.(S) dated 19.9.80 issued under 6 of the Land Acquisition Act, 1894 (1 of 1894) published in the Sikkim Government Gazette "Extraordinary" No. 88 dated 25.9.80. in respect of 8.25 acres of hired land at Dalap-chan Elakha Rongli under East District for a public purpose namely for establishment of Army.

In para 2 of 4th line,
C.S. plot Nos. in full.
Read correct plot Nos. 1273 and 16 instead of plot Nos. 1279 and 416.
Insert plot No. 41.
Delete plot Nos. 20 and 314.

By Order of the Governor.

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department
Government of Sikkim

Notification No. 25(678)/L.R.(S)  
Dated Gangtok, the 20th June, 1981.

ERRATUM

Erratum to the Notification No. 6/SK/9/Acq/l/L.R.(S) dated 19.9.80 issued under 6 of the Land Acquisition Act, 1894 (1 of 1894) published in the Sikkim Government Gazette "Extraordinary" No. 84 dated 25.9.80 in respect of 5.53 acres of hired land at Dalap-Elakha Rhenock under East District for a public purpose namely for establishment of Army.

In para (2) of 4th line.
C.S. plot Nos. in full.
Read correct plot Nos. 4, 4/261 and 4/262 instead of plot Nos. 261, 4 and 262.

By Order of the Governor.

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department
Government of Sikkim
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
No.38(11)Home/81 Dated Gangtok, the 22nd June, 1981.

CORRIGENDUM

At serial No. 6 of Home Department Notification No. 8(l)DMG/80-81 dated the 4th June, 81, regarding setting up of the State Geological Programming Board for Sikkim, please read "(CHIEF ENGINEER (ROADS AND BRIDGES)" IN PLACE OF "CHIEF ENGINEER (ROADS AND BUILDINGS)".

J.T. DENSAPA,
Home Secretary,
Government of Sikkim
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

File No. 51(7) Home/81. Dated Gangtok, the 26th June, 1981

NOTIFICATION

The State Government hereby constitutes an Implementation Committee for the Land Use Planning in Sikkim, consisting of the following members under the Chairmanship of Secretary Government of Sikkim.

1. Development Commissioner __ Member
2. Secretary, Land Revenue __ "
3. Secretary, Forests __ "
4. Secretary, Rural Development __ "
5. Director, Animal Husbandry __ "
6. Director, Agriculture __ Member Secretary.

M.P. PRADHAN,
Chief Secretary,
Government of Sikkim
THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981

(Act No. 14 of 1981)

AN ACT
to provide for the prevention, control and abatement of air pollution for the establishment, with a view to carrying out the aforesaid purposes, of Boards for conferring on and assigning to such Boards powers and functions relating thereto and for matters connected therewith.

WHEREAS decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June, 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution;

AND WHEREAS it is considered necessary to implement the decisions aforesaid in so far as they relate to the preservation of the quality of air and control of air pollution;

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

1 (1) This Act may be called the Air (Prevention and Control of Pollution) Act, 1981. Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition. 2. In this Act, unless the context otherwise requires-
2

(a) "air pollutant" means any solid, liquid or gaseous substance present in the atmosphere in such concentration as may be or tend to be injurious to human beings or other living creatures or plants or property or environment;

(b) "air pollution" means the presence in the atmosphere of any air pollutant;

(c) "approved appliance" means any equipment or gadget used for the burning of any combustible material or for generating or consuming any fume, gas or particulate matter and approved by the State Board for the purposes of this Act;

(d) "approved fuel" means any fuel approved by the State Board for the purposes of this Act;

(e) "automobile" means any vehicle powered either by internal combustion engine or by any method or generating power to drive such vehicle by burning fuel;

(f) Board means the Central Board or a State Board;

(g) "Central Board" means the Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974;

(h) "chimney" includes any structure with an opening or outlet from or through which any air pollutant may be emitted;

(i) "control equipment" means any apparatus, device, equipment or system to control the quality and manner of emission of any air pollutant and includes any device used for securing the efficient operation of any industrial plant;

(j) "emission" means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet;

(k) "industrial plant" means any plant used for any industrial or trade purposes and emitting any air pollutant into the atmosphere;

(l) "member" means a member of the Central Board or a State Board, as the case may be, and includes the Chairman thereof;

(m) "occupier", in relation to any factory or premises, means the person who has control over the affairs of the factory or the premises and where the said affairs are entrusted to a managing agent, such agent shall be deemed to be the occupier of the factory or the premises;

(n) "prescribed" means prescribed by rules made under this Act by the Central Government or, as the case may be, the State Government;

(o) "State Board" means,—

(i) in relation to a State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for that State a State Board for the Prevention and Control of Water Pollution under section 4 of that Act, the said State Board; and

(ii) in relation to any other State, the State Board for the Prevention and Control of Air Pollution constituted by the State Government under section 5 of this Act.

CHAPTER II

CENTRAL AND STATE BOARDS FOR THE PREVENTION AND CONTROL OF AIR POLLUTION

3. The Central Board for the Prevention and Control of Water Pollution constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974, shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform Control of Air Pollution under this Act.
4. In any State in which the Water (Prevention and Control of Pollution) Act, 1974, is in force and the State Government has constituted for the Prevention and Control of Water Pollution under section 4 of that Act, such State Board shall be deemed to be the State Board for the Prevention and Control of Air Pollution constituted under section 5 of this Act and accordingly that State Board for the Prevention and Control of Water Pollution shall, without prejudice to the exercise and performance of its powers and functions under that Act, exercise the powers and perform the functions of the State Board for the Prevention and Control of Air Pollution under this Act.

5. (i) In any State in which the Water (Prevention and Control of Pollution) Act, 1974, is not in force, or that Act is in force but the State Government has not constituted a State Board for the Prevention and Control of Water Pollution under that Act, the State Government shall, with effect from such date as it may, by notification in the Official Gazette, appoint, constitute a State Board for the Prevention and Control of Air Pollution under such name as may be specified in the notification, to exercise the powers conferred on, and perform the functions assigned to, that Board under this Act.

(ii) A State Board constituted under this Act shall consist of the following members, namely:—

(a) a Chairman, being a person having special knowledge or practical experience in respect of matters relating to environmental protection, to be nominated by the State Government;

Provided that the Chairman may be either whole-time or part-time as the State Government may think fit;

(b) such number of officials, not exceeding five, as the State Government may think fit, to be nominated by the State Government to represent that Government;

(c) such number of persons, not exceeding five, as the State Government may think fit, to be nominated by the State Government from amongst the members of the local authorities functioning within the State;

(d) such number of non-officials, not exceeding three, as the State Government may think fit, to be nominated by the State Government to represent the interests of agriculture, fishery or industry or trade or labour or any other interest, which, in the opinion of that Government, ought to be represented;

(e) two persons to represent the companies or corporations owned, controlled or managed by the State Government, to be nominated by that Government;

(f) a full-time member-secretary having practical experience in respect of matters relating to environmental protection and having administrative experience, to be appointed by the State Government:

Provided that the State Government shall ensure that not less than two of the members are persons having special knowledge or practical experience in respect of matters relating to the improvement of the quality of air or the prevention, control or abatement of air pollution.

3) Every State Board constituted under this Act shall be a body corporate with the name specified by the State Government in the notification issued under sub-section (1), having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and dispose of property and contract, and may by the said name sue or be sued.
Central Board 6. No State Board shall be constituted for a Union territory and in relation to excise the to a Union territory, the Central Board shall exercise the powers and perform the functions of a State Board under this Act for that Union territory; provided that in relation to any Union territory the Central Board may delegate all or any of its powers and functions under this section to such person or body of persons as the Central Government may specify.

Terms and conditions of service of members. 7. (1) Save as otherwise provided by or under this Act, a member of a State Board constituted under this Act, other than the member-secretary, shall hold office for a term of three years from the date on which his nomination is notified in the Official Gazette:

Provided that a member shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office,

(2) The terms of office of a member of a State Board constituted under this Act and nominated under clause (b) or clause (e) of sub-section (2) of section 5 shall come to an end as soon as he ceases to hold the office under the State Government or, as the case may be, the company or corporation owned, controlled or managed by the State Government, by virtue of which he was nominated.

(3) A member of a State Board constituted under this Act, other than the member-secretary, may at any time resign his office by writing under his hand addressed,—

(a) in the case of the Chairman, to the State Government; and

(b) in any other case, to the Chairman of the State Board, and the seat of the Chairman or such other member shall thereupon become vacant.

(4) A member of a State Board constituted under this Act, other than the member-secretary, shall be deemed to have vacated his seat, if he is absent without reason, sufficient in the opinion of the State Board, from three consecutive meetings of the State Board or where he is nominated under clause (c) of sub-section (2) of section 5, he ceases to be a member of the local authority and such vacation of seat shall, in either case, take effect from such date as the State Government may, by notification in the Official Gazette, specify.

(5) A casual vacancy in a State Board constituted under this Act shall be filled by a fresh nomination and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated.

(6) A member of a State Board constituted under this Act shall be eligible for re-nomination but not for more than two terms.

(7) The other terms and conditions of service of the Chairman and other members (except the member-secretary) of a State Board constituted under this Act shall be such as may be prescribed.

8. (1) No person shall be a member of a State Board constituted under this Act, who—

(a) is, or at any time has been, adjudged insolvent, or

(b) is of unsound mind and has been so declared by a competent court, or

(c) is, or has been, convicted of an offence which, in the opinion of the State Government, involves moral turpitude, or

(d) is, or at any time has been, convicted of an offence under this Act, or

(e) has directly or indirectly by himself or by any partner, any share or interest in any firm or company carrying on the business of manufacture, sale, or hire of machinery, industrial plant, control equipment or any other apparatus for the improvement of the quality of air or for the prevention control or abatement of air pollution, or
(f) is a director or a secretary, manager or other salaried officer or employee of any company or firm having any contract with the Board, or with the Government constituting the Board or with a local authority in the State, or with a company or corporation owned, controlled or managed by the Government, for the carrying out of programmes for the improvement of the quality of air or for the prevention, control or abatement of air pollution, or

(g) has so abused, in the opinion of the State Government, his position as a member, as to render his continuance or the State Board detrimental to the interests of the general public.

(2) The State Government shall, by order in writing, remove any member who is, or has become, subject to any disqualification mentioned in sub-section (1):

Provided that no order of removal shall be made by the State Government under this section unless the member concerned has been given a reasonable opportunity of showing cause against the same.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (6) of section 7, a member who has been removed under this section shall not be eligible to continue to hold office until his success or enters upon his office, or, as the case may be, for re-nomination as a member.

Vacation of 9. If a member of a State Board constituted under this Act becomes subject to any of the disqualifications specified in section 8, his seat shall become vacant.

Meeting of 10. (1) For the purposes of this Act, a Board shall meet at least once in every three months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed:

Provided that if, in the opinion of the Chairman, any business of an urgent nature is to be transacted, he may convene a meeting of the Board at such time as he thinks fit for the aforesaid purpose.

(2) Copies of the minutes of the meetings under sub-section (1) shall be forwarded to the Central Board and to the State Government concerned.

Constitu- 11. (1) A Board may constitute as many committees consisting wholly of members or partly of members and partly of other persons and for such purposes as it may think fit.

(2) A committee constituted under this section shall meet at such time and at such place, and shall observe such rules of procedure in regard to the transaction of business at its meetings, as may be prescribed.

(3) The members of a committee other than the members of the Board shall be paid such fees and allowances, for attending its meetings and for attending to any other work of the Board as may be prescribed.

Temporal 12. (1) A Board may associate with itself in such manner, and for any purposes, as may be prescribed, any person whose assistance or advice it may desire to obtain in performing any of its functions under this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions of the Board relevant to that purpose, but shall not have a right to vote at a meeting of the Board and shall not be a member of the Board for any other purpose.

(3) A person associated with a Board under sub-section (1) shall be entitled to receive such fees and allowances as may be prescribed.

13. No act or proceeding of a Board or any committee thereof shall be called in question on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board or such committee, as the case may be. acts or pro-
14. (1) The terms and conditions of service of the member-secretary Member-
of a State Board constituted under this Act shall be such as may be prescribed. secretory and

(2) The member-secretary of a State Board, whether constituted under officers and this Act or not, shall exercise such powers and perform such duties as may other emplo-
be prescribed. yees of Boards.

(3) Subject to such rules as may be made by the State Government in this behalf, a State Board, whether constituted under this Act or not, may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under this Act.

(4) The method of appointment, the conditions of service and the scales of pay of the officers (other than the member-secretary) and other employees of a State Board appointed under sub-section (3) shall be such as may be determined by regulations made by the state Board under this Act.

(5) Subject to such conditions as may be prescribed, a State Board constituted under this Act may from time to time appoint any qualified person to be a consultant to the Board and pay him such salary and allowances or fees, as it thinks fit.

15. A State Board may, by general or special order, delegate to the Delegation Chairman or the member-secretary or any other officer of the Board of powers, subject to such conditions and limitation if any, as may be specified in the order, such of its powers and functions under this Act as it may deem nece-

sary.

CHAPTER III

POWERS AND FUNCTIONS OF BOARDS

16. (1) Subject to the provisions of this Act, and without prejudice to Functions of the performance of its functions under the Water (Prevention and Control Central Board. of Pollution) Act, 1974, the main functions of the Central Board shall be to improve the quality of air and to prevent, control or abate air pollution in the country.

(2) In particular and without prejudice to the generality of the foregoing functions, the Central Board may—

(a) advise the Central Government on any matter concerning the improvement of the quality of air and the prevention, control or abatement of air pollution;

(b) plan and cause to be executed a nation-wide programme for the prevention, control or abatement of air pollution;

(c) co-ordinate the activities of the State Boards and resolve disputes among them;

(d) provide technical assistance and guidance to the State Boards, carry out and sponsor investigations and research relating to problems of air pollution and prevention, control or abatement of air pollution;

(e) plan and organise the training of persons engaged or to be engaged in programmes for the prevention, control or abatement of air pollution on such terms and conditions as the Central Board may specify;

(f) organise through mass media a comprehensive programme regarding the prevention, control or abatement of air pollution;

(g) collect, compile and publish technical and statistical data relating to air pollution and the measures devised for its effective prevention, control or abatement and prepare manuals, codes or guides relating to prevention, control or abatement of air pollution;

(h) lay down standards for the quality of air;

(i) collect and disseminate information in respect of matters relating to air pollution;
(j) perform such other functions as may be prescribed.

(3) The Central Board may establish or recognise a laboratory or laboratories to enable the Central Board to perform its function under this section efficiently.

(4) The Central Board may—

(a) delegate any of its functions under this Act generally or specially to any of the committees appointed by it;

(b) do such things and performs such other acts as it may think necessary for the proper discharge of its functions and generally for the purpose of carrying into effect the purposes of this Act.

17. (1) Subject to the provisions of this Act, and without prejudice to the performance of its functions, if any, under the Water (Prevention and Control of Pollution) Act, 1974, the functions of a 6 of 1974 State Board shall be—

(a) to plan a comprehensive programme for the prevention, control or abatement of air pollution and to secure the execution thereof;

(b) to advise the State Government on any matter concerning the prevention, control or abatement of air pollution;

(c) to collect and disseminate information relating to air pollution;

(d) to collaborate with the Central Board in organising the training of persons engaged or to be engaged in programmes relating to prevention, control or abatement of air pollution and to organise mass-education programme relating thereto;

(e) to inspect, at all reasonable times, any control equipment industrial plant or manufacturing process and to give, by order, such directions to such persons as it may consider necessary to take steps for the prevention, control or abatement of air pollution.

(f) to inspect air pollution control areas at such intervals as it may think necessary, assess the quality of air therein and take steps for the prevention, control or abatement of air pollution in such areas;

(g) to lay down, in consultation with the Central Board and having regard to the standards for the quality of air laid down by the Central Board, standards for emission of air pollutants into the atmosphere from industrial plants and automobiles or for the discharge of any air pollutant into the atmosphere from any other source whatsoever not being a ship or an aircraft:

Provided that different standards for emission may be laid down under this clause for different industrial plants having regard to the quantity and composition of emission of air pollutants into the atmosphere from such industrial plants;

(h) to advise the State Government with respect to the suitability of any premises or location for carrying on any industry which is likely to cause air pollution;

(i) to perform such other functions as may be prescribed or as may from time to time, be entrusted to it by the Central Board or the State Government;

(j) to do such other things and to perform such other acts as it may think necessary for the proper discharge of its functions and generally or the purpose of carrying into effect the purposes of this Act.

(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently.
18. In the performance of its functions under this Act— Powers to give directions.

(a) the Central Board shall be bound by such directions in writing as the Central Government may give to it; and
(b) every State Board shall be bound by such directions in writing as the Central Board or the State Government may give to it;

Provided that where a direction given by the State Government is inconsistent with the direction given by the Central Board, the matter shall be referred to the Central Government for its decision.

CHAPTER IV

PREVENTION AND CONTROL OF AIR POLLUTION

19. (1) The State Government may, after consultation with the State Board, by notification in the Official Gazette, declare in such manner as may be prescribed, any area or areas within the State as air pollution control area or areas for the purposes of this Act. Power to declare air pollution control areas.

(2) The State Government may, after consultation with the State Board, by notification in the Official Gazette,—

(a) alter any air pollution control area whether by way of extension or reduction;
(b) declare a new air pollution control area in which may be merged one or more existing air pollution control areas or any part or parts thereof.

(3) If the State Government, after consultation with the State Board, is of opinion that the use of any fuel, other than an approved fuel, in any air pollution control area or part thereof, may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the use of such fuel in such area or part thereof with effect from such date (being not less than three months from the date of publication of the notification) as may be specified in the notification.

(4) The State Government may, after consultation with the State Board, by notification in the Official Gazette, direct that with effect from such date as may be specified therein, no appliance, other than an approved appliance, shall be used in the premises situated in an air pollution control area:

Provided that different dates may be specified for different parts of an air pollution control area or for the use of different appliances.

(5) If the State Government, after consultation with the State Board, is of opinion at the burning of any material (not being fuel) in any air pollution control area or part thereof may cause or is likely to cause air pollution, it may, by notification in the Official Gazette, prohibit the burning of such material in such area or part thereof.

20. With a view to ensuring that the standards for emission of air pollutants from automobiles laid down by the State Board under clause (g) of sub-section (i) of section 17 are complied with, the State Government shall, in consultation with the State Board, give such instructions as may be deemed necessary to the concerned authority in charge of registration of motor vehicles under the Motor Vehicles Act, 1939, and such authority shall, notwithstanding anything contained in that Act or the rules made thereunder be bound to comply with such instructions.

21. (1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, operate any industrial plant for the purpose of any industry specified in the Schedule in an air pollution control area.
(2) An application for consent of the State Board under sub-section (1) shall be accompanied by such fees as may be prescribed and shall be made in the prescribed form and shall contain the particulars of the industrial plant and such other particulars as may be prescribed:

Provided that where any person, immediately before the declaration of any area as an air pollution control area, operates in such area any industrial plant for the purpose of any industry specified in the Schedule, such person shall make the application under this sub-section within such period (being not less than three months from the date of such declaration) as may be prescribed and where such person makes such application, he shall be deemed to be operating such industrial plant with the consent of the State Board until the consent applied for has been refused.

(3) The State Board may make such inquiry as it may deem fit in respect of the application for consent referred to in sub-section (1) and in making any such inquiry, shall follow such procedure as may be prescribed.

(4) Within a period of four months after the receipt of the application for consent referred to in sub-section (1), the State Board shall, by order in writing, either grant or refuse, for reasons to be recorded in the order, the consent applied for.

(5) Every person to whom consent has been granted by the State Board under sub-section (4), shall comply with the following conditions namely:

(i) the control equipment of such specifications as the State Board may approve in this behalf shall be installed and operated in the premises where the industry is carried on or proposed to be carried on;

(ii) the existing control equipment, if any, shall be altered or replaced in accordance with the directions of the State Board;

(iii) the control equipment referred to in clause (i) or clause (ii) shall be kept at all times in good running condition;

(iv) chimney, wherever necessary, of such specifications as the State Board may approve in this behalf shall be erected or re-erected in such premises;

(v) such other conditions as the State Board may specify in this behalf; and

(vi) the conditions referred to in clauses (i), (ii) and (iv) shall be complied with within such period as the State Board may specify in this behalf;

Provided that in the case of a person operating any industrial plant for the purpose of any industry specified in the Schedule in an air pollution control area immediately before the date of declaration of such area as an air pollution control area, the period so specified shall not be less than six months

Provided further that—

(a) after the installation of any control equipment in accordance with the specifications under clause (i), or

(b) after the alteration or replacement of any control equipment in accordance with the directions of the State Board under clause (ii), or

(c) after the erection or re-erection of any chimney under clause (iv),

no control equipment or chimney shall be altered or replaced or, as the case may be, erected or re-erected except with the previous approval of the State Board.
(6) If due to any technological improvement or otherwise the State Board is of opinion that all or any of the conditions referred to in sub-section (c) require or requires variation (including the change of any control equipment, either in whole or in part), the State Board shall, after giving the person to whom consent has been granted an opportunity of being heard, vary all or any of such conditions and thereupon such person shall be bound to comply with the conditions as so varied.

(7) Where a person to whom consent has been granted by the State Board under sub-section (4) transfers his interest in the industry to any other person, such consent shall be deemed to have been granted to such other person and he shall be bound to comply with all the conditions subject to which it was granted as if the consent was granted to him originally.

22. No person carrying on any industry specified in the Schedule or operating any industrial plant, in any air pollution control area shall discharge or cause or permit to be discharged the emission of any air pollutant in excess of the standards laid down by the State Board under clause (g) of sub-section (i) of section 17.

23. (1) Where in any air pollution control area the emission of any air pollutant into the atmosphere in excess of the standards laid down by the State Board occurs or is apprehended to occur due to accident or other unforeseen act or event, the person in charge of the premises from where such emission occurs or is apprehended to occur shall forthwith intimate the fact of such occurrence or the apprehension of such occurrence to the State Board and to such authorities or agencies as may be prescribed.
(c) for the purpose of examining and testing any control equipment, industrial plant, record, register, document or any other material object or for conducting a search of any place in which he has reason to believe that an offence under this Act or the rules made thereunder has been or is being or is about to be committed and for seizing any such control equipment, industrial plant, record, register, document or other material object if he has reasons to believe that it may furnish evidence of the commission of an offence punishable under this Act or the rules made thereunder.

(2) Every person carrying on any industry specified in the Schedule and every person operating any control equipment or any industrial plant, in an air pollution control area shall be bound to render all assistance to the person empowered by the State Board under sub-section (i) for carrying out the functions under that sub-section and if he fails to do so without any reasonable cause or excuse, he shall be guilty of an offence under this Act.

(3) If any person wilfully delays or obstructs any person empowered by the State Board under sub-section (I) in the discharge of his duties, he shall be guilty of an offence under this Act.

(4) The provisions of the Code of Criminal Procedure, 1973, or, in relation to the State of Jammu and Kashmir, or any area in which that Code is not in force, the provisions of any corresponding law in force in that State or area, shall, so far as may be, apply to any search or seizure under this section as they apply to any search or seizure made under the authority of a warrant issued under section 94 of the said Code or, as the case may be, under the corresponding provisions of the said law.

25. For the purposes of carrying out the functions entrusted to it, the State Board or any officer empowered by it in that behalf may call for any information (including information regarding the types of air pollutants emitted into the atmosphere and the level of the emission of such air pollutants) from the occupier or any other person carrying on any industry or operating any control equipment or industrial plant and for the purpose of verifying the correctness of such information, the State Board or such officer shall have the right to inspect the premises where such industry, control equipment or industrial plant is being carried on or operated.

26. (i) A State Board or any officer empowered by it in that behalf shall have power to take, for the purpose of analysis, samples of air or emission from any chimney, flue or duct or any other outlet in such manner as may be prescribed.

(2) The result of any analysis of a sample of emission taken under sub-section (1) shall not be admissible in evidence in any legal proceeding unless the provisions of sub-sections (3) and (4) are complied with.

(3) Subject to the provisions of sub-section (4), when a sample of emission is taken for analysis under sub-section (1), the person taking the sample shall—

(a) serve on the occupier or his agent, a notice, then and there, in such form as may be prescribed, of his intention to have it so analysed;

(b) in the presence of the occupier or his agent, collect a sample of emission for analysis;

(c) cause the sample to be placed in a container or containers which shall be marked and sealed and shall also be signed both by the person taking the sample and the occupier or his agent;
send, without delay, the container or containers to the laboratory established or recognised by the State Board under section 17 or, if a request in that behalf is made by the occupier or his agent when the notice is served on him under clause (a), to the laboratory established or specified under sub-section (1) of section "28."

(4) When a sample of emission is taken for analysis under sub-section (1) and the person taking the sample serves on the occupier or his agent, a notice under clause (a) of sub-section (3), then,—

(a) in a case where the occupier or his agent wilfully absents himself, the person taking the sample shall collect the sample of emission for analysis to be placed in a container or containers which shall be marked and sealed and shall also be signed by the person taking the sample, and

(b) in a case where the occupier or his agent is present at the time of taking the sample but refuses to sign the marked and sealed container or containers of the sample of emission as required under clause (c) of sub-section (3), the marked and sealed container or containers shall be signed by the person taking the sample, and the container or containers shall be sent without delay by the person taking the sample for analysis to the laboratory established or specified under sub-section (1) of section 28 and such person shall inform the Government analyst appointed under sub-section (1) of section 29, in writing, about the wilful absence of the occupier or his agent, or, as the case may be, his refusal to sign the container or containers.

27. (1) Where a sample of emission has been sent for analysis to the laboratory established or recognised by the State Board, the Board analyst appointed under sub-section (2) of section 29 shall analyse the sample and submit a report in the prescribed form of such analysis in triplicate to the State Board.

(2) On receipt of the report under sub-section (1), one copy of the report shall be sent by the State Board to the occupier or his agent referred to in section 26, another copy shall be preserved for production before the court in case any legal proceedings are taken against him and the other copy shall be kept by the State Board.

(3) Where a sample has been sent for analysis under clause (J) of sub-section (3) or sub-section (4) of section 26 to any laboratory mentioned therein, the Government analyst referred to in the said sub-section (4) shall analyse the sample and submit a report in the prescribed form of the result of the analysis in triplicate to the State Board which shall comply with the provisions of sub-section (2).

(4) Any cost incurred in getting any sample analysed at the request of the occupier or his agent as provided in clause (d) of sub-section (3) of section 26 or when he wilfully absents himself or refuses to sign the marked and sealed container or containers of sample of emission under sub-section (4) of that section, shall be payable by such occupier or his agent and in case of default the same shall be recoverable from him as arrears of land revenue or of public demand.

28. (1) The State Government may, by notification in the State Air Laboratory, Gazette,—

(a) establish one or more State Air Laboratories; or

(b) specify one or more laboratories or institutes the State Air Laboratories to carry out the functions entrusted to the State Air Laboratory under this Act.

(2) The State Government may, after consultation with the State Board, make rules prescribing—

(a) the functions of the State Air Laboratory;
the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of the Laboratory's report thereon and the fees payable in respect of such report;

(c) such other matters as may be necessary or expedient to enable that Laboratory to carry out its functions.

29. (1) The State Government may, by notification in the Official Gazette, appoint such persons as it thinks fit and having the prescribed qualifications to be Government analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or specified under sub section (1) of section 28.

(2) Without prejudice to the provisions or section 14, the State Board may, by notification in the Official Gazette, and with the approval of the State Government, appoint such persons as it thinks fit and having the prescribed qualifications to be Board analysts for the purpose of analysis of samples of air or emission sent for analysis to any laboratory established or recognised under section 17.

Reports of
30. Any document purporting to be a report signed by a Government analyst or, as the case may be, a State Board analyst may be used as evidence of the facts stated therein in any proceeding under this Act.

Appeal
31. (1) Any person aggrieved by an order made by the State Board under this Act may, within thirty days from the date on which the order is communicated to him, prefer an appeal to such authority (hereinafter referred to as the Appellate Authority) as the State Government may think fit to constitute;—

Provided that the Appellate Authority may entertain the appeal after the expiry of the said period of thirty days if such authority is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) The Appellate Authority shall consist of a single person or three persons as the State Government may think fit to be appointed by the State Government.

(3) The form and the manner in which an appeal may be preferred under sub-section (1), the fees payable for such appeal and the procedure to be followed by the Appellate Authority shall be such as may be prescribed.

(4) On receipt of an appeal preferred under sub-section (1), the Appellate Authority shall, after giving the appellant and the State Board an opportunity of being heard, dispose of the appeal as expeditiously as possible.

CHAPTER V

FUND, ACCOUNTS AND AUDIT

32. The Central Government may, after due appropriation made by Parliament by law in this behalf, make in each financial year such contribution to the State Boards as it may think necessary to enable the State Boards to perform their functions under this Act:

Provided that nothing in this section shall apply to any State Board for the Prevention and Control of Water Pollution constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 which is empowered by that Act to expend money from its fund thereunder also for performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.
33. (1) Every State Board shall have its own fund for the purposes of this Act and all sums which may, from time to time, be paid to it by the Central Government and all other receipts (by way of contributions, if any, from the State Government, fees, gifts, grants, donations, benefactions or otherwise) of that Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) Every State Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the fund of that Board.

(3) Nothing in this section shall apply to any State Board for the Prevention and Control of Water Pollution constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974, which is empowered by that Act to expend money from its fund thereunder also for performing its functions, under any law for the time being in force relating to the prevention, control or abatement of air pollution.

34. The Central Board or, as the case may be, the State Board Budget shall, during each financial year, prepare, in such form and at such time as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipt and expenditure under this Act, and copies thereof shall be forwarded to the Central Government or, as the case may be, the State Government.

35. (1) The Central Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the Central Government and that Government shall cause every such report to be laid before both Houses of Parliament within six months of the date on which it is received by that Government.

(2) Every State Board shall, during each financial year, prepare, in such form and at such time as may be prescribed, an annual report giving full account of its activities under this Act during the previous financial year and copies thereof shall be forwarded to the State Government and that Government shall cause every such report to be laid before the State Legislature within a period of nine months of the date on which it is received by that Government.

36. (1) Every Board shall, in relation to its functions under this Act, maintain proper accounts and other relevant records, and prepare an annual statement of accounts in such form as may be prescribed by the Central Government or, as the case may be, the State Government.

(2) The accounts of the Board shall be audited by an auditor duly qualified to act as an auditor of companies under section 226 of the Companies Act, 1956.

(3) The said auditor shall be appointed by the Central Government or, as the case may be, the State Government on the advice of the Comptroller and Auditor-General of India.

(4) Every auditor appointed to audit the accounts of the Board under this Act shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect of the offices of the Board.

(5) Every such auditor shall send a copy of his report together with an audited copy of the accounts to the Central Government or, as the case may be, the State Government.

(6) The Central Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before both Houses of Parliament.
(7) The State Government shall, as soon as may be after the receipt of the audit report under sub-section (5), cause the same to be laid before the State Legislature.

**CHAPTER VI

PENALTIES AND PROCEDURE**

**Failure to comply with section (5) of section 21 or section 22 or with any order or direction given under this Act shall, in respect of each such failure, be punishable of section 21 with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees, or with both, and in case the failure continues, with an additional fine which may extend to one hundred rupees for every day during which such failure continues after the conviction for the first such failure.**

(2) If the failure referred to in sub-section (1) continues beyond a period of one year after date of conviction, the offender shall be punishable with imprisonment for a term which may extend to six months.

38. Whoever—

(a) destroys, pulls down, removes, injures or defaces, any pillar, post or stake fixed in the ground or any notice or other matter put up, inscribed or placed, by or under the authority of the Board, or

(b) obstructs any person acting under the orders or directions of the Board from exercising his powers and performing his functions under this Act, or

(c) damages any works or property belonging to the Board, or

(d) fails to furnish to the Board or any officer or other employee of the Board any information required by the Board or such officer or other employee for the purpose of this Act, or

(e) fails to intimate the occurrence of the emission of air pollutants into the atmosphere in excess of the standards laid down by the State Board or the apprehension of such occurrence, to the State Board and other prescribed authorities or agencies as required under sub-section (1) of section 23, or

(f) in giving any information which he is required to give under this Act, makes a statement which is false in any material particular, or

(g) for the purpose of obtaining any consent under section 21, makes a statement which is false in any material particular, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees or with both.

39. Whoever contravenes any of the provisions of this Act, for which no penalty has been elsewhere provided in this Act, shall be punishable with fine which may extend to five thousand rupees, and in the case of continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

40. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate, and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

41. (1) Where an offence under this Act has been committed by any Department of Government, the Head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

42. No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or any member or any officer of any Department or other employee of the Board in respect of anything which is done in good faith or intended to be done in good faith in pursuance of this Act or the rules made thereunder.

43. No court shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing, of, the State Board, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

44. All the members and all officers and other employees of a Board when acting or purporting to act in pursuance of any of the provisions of this Act or the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

45. The Central Board shall, in relation to its functions under this Act, furnish to the Central Government, and a State Board shall, in relation to its functions under this Act, furnish to the State Government and to the Central Board such reports, returns, statistics, accounts and other information as that Government, or, as the case maybe, the Central Board may, from time to time, require.

46. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which an Appellate Authority constituted under this Act is empowered by or under this Act to determine, and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.
MISCELLANEOUS

47. (1) If at any time the State Government is of opinion—

(a) that a State Board constituted under this Act has persistently made default in the performance of the functions imposed on it by or under this Act, or

(b) that circumstances exist which it necessary in the public interest so to do,

the State Government may, by notification in the Official Gazette, supersede the State Board for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (a), the State Government shall give a reasonable opportunity to the State Board to show cause why it should not be superseded and shall consider the explanations and objections, if any, of the State Board.

(2) Upon the publication of a notification under sub-section (1) superseding the State Board,—

(a) all the members shall, as from the date of supersession, vacate their offices as such;

(b) all the powers, functions and duties which may, by or under this Act, be exercised, performed or discharged by the State Board shall, until the State Board is reconstituted under sub-section (3), be exercised, performed or discharged by such person or persons as the State Government may direct;

(c) all property owned or controlled by the State Board shall, until the Board is reconstituted under sub-section (3), vest in the State Government.

(3) On the expiration of the period of supersession specified in the notification issued under sub-section (1), the State Government may—

(a) extend the period of supersession for such further term, not exceeding six months, as it may consider necessary; or

(b) reconstitute the State Board by a fresh nomination or appointment, as the case may be, and in such case any person who vacated his office under clause (a) of sub-section (2) shall also be eligible for nomination or appointment.

Provided that the State Government may at any time before the expiration of the period of supersession, whether originally specified under sub-section (1) or as extended under this sub-section, take action under clause (b) of this sub-section.

48. Where the Central Board or any State Board constituted under the Water (Prevention and Control of Pollution) Act, 1974, is superseded the Central Government or the State Government, as the case may be, under that Act, all the powers, functions and duties of the Central Board or such State Board under this Act shall be exercised, performed or discharged during the period of such supersession by the person or persons, exercising, performing or discharging the powers, functions and duties of the Central Board or such State Board under the Water Prevention and Control of Pollution) Act, 1974, during such period.
49. (1) As and when the Water (Prevention and Control of Dissolution of Pollution) Act, 1974, comes into force in any State and the State Government constitutes a State Board for the Prevention and Control of Water Pollution under that Act, the State Board constituted by the State Government under this Act shall stand dissolved and the Board first-mentioned shall exercise the powers and perform the functions of the Board second-mentioned in that State.

(2) On the dissolution of the State Board constituted under this Act,—

(a) all the members shall vacate their offices as such;

(b) all moneys and other property of whatever kind (including the fund of the State Board) owned by, or vested in, the State Board, immediately before such dissolution, shall stand transferred to and vest in the State Board for the Prevention and Control of Water Pollution;

(c) every other and other employee serving under the State Board immediately before such dissolution shall be transferred to and become an officer or other employee of the State Board for the Prevention and Control of Water Pollution and hold office by the same tenure and at the same remuneration and on the same terms and conditions of service as he would have held the same if the State Board constituted under this Act not been dissolved and shall continue to do so unless and until such tenure, remuneration and terms and conditions of service are duly altered by the State Board for the Prevention and Control of Water Pollution

Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the State Government.

(d) all liabilities and obligations of the State Board of whatever kind, immediately before such dissolution, shall be deemed to be the liabilities or obligations, as the case may be, of the State Board for the Prevention and Control of Water Pollution and any proceeding or cause of action, pending or existing immediately before such dissolution by or against the State Board constituted under this Act in relation to such liability or obligation may be continued and enforced by or against the State for the Prevention and Control of Water Pollution.

50. (1) The Central Government may, of its own motion or on the recommendation of a Board, by notification in the Official Gazette, add to, or omit from, the Schedule any industry or alter the description of any industry and thereupon the Schedule shall be deemed to be amended accordingly.

(2) Every notification made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament.

51. (1) Every State Board shall maintain a register containing particulars of the persons to whom consent has been granted under section 21, the standards for emission laid down by it in relation to each such consent and such other particulars as may be prescribed.

(2) The register maintained under sub-section (1) shall be open to inspection at all reasonable hours by any person interested in or affected by such standards for emission or by any other person authorised by such person in this behalf.

52. Save as otherwise provided by or under the Atomic Energy Act, 1962, in relation to radioactive air pollution the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act.
53. (1) The Central Government may, in consultation with the Central Board, by notification in the Official Gazette, make rules in respect of the following matters, namely:—

(a) the intervals and the time and place at which meetings of the Central Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of section 10 and under sub-section (2) of section 11;

(b) the fees and allowances to be paid to the members of a committee of the Central Board, not being members of the Board, under sub-section (3) of section 11;

(c) the manner in which and the purposes for which persons may be associated with the Central Board under sub-section (1) of section 12;

(d) the fees and allowances to be paid under sub-section (3) of section 12 to persons associated with the Central Board under sub-section (1) of section 12;

(e) the functions to be performed by the Central Board under clause (j) of sub-section (2) of section 16;

(f) the form in which and the time within which the budget and the annual report of the Central Board may be prepared and forwarded to the Central Government under sections 34 and 35;

(g) the form in which the account of the Central Board may be maintained under sub-section (1) of section 36.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

54. (1) Subject to the provisions of sub-section (3), the State Tower of Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act in respect of matters not falling within the purview of section 53.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the terms and conditions of service of the Chairman and other members (other than the member-secretary) of the State Board constituted under this Act under sub-section (7) of section 7;

(b) the intervals and the time and place at which meetings of the State Board or any committee thereof shall be held and the procedure to be followed at such meetings, including the quorum necessary for the transaction of business thereat, under sub-section (1) of section 10 and under sub-section (2) of section 11;

(c) the fees and allowances to be paid to the members of a committee of the State Board, not being members of the Board under sub-section (3) of section 11;

(d) the manner in which and the purposes for which persons may be associated with the State Board under sub-section (1) of section 12;
(e) the fees and allowances to be paid under sub-section (3) of section 12 to persons associated with the State Board under sub-section (1) of section 12;

(f) the terms and conditions of service of the member-secretary of a State Board constituted under this Act under sub-section (1) of section 14;

(g) the powers and duties to be exercised and discharged by the member-secretary of a State Board under sub-section (2) of section 14;

(h) the conditions subject to which a State Board may appoint such officers and other employees as it considers necessary for the efficient performance of its functions under sub-section (3) of section 14;

(i) the conditions subject to which a State Board may appoint a consultant under sub-section (5) of section 14;

(j) the functions to be performed by the State Board under clause (i) of sub-section (1) of section 17;

(k) the manner in which any area or areas may be declared as air pollution control area or areas under sub-section (1) of section 19;

(l) the form of application for the consent of the State Board, the fees payable therefor, the period within which such application shall be made and the particulars it may contain, under sub-section (2) of section 21;

(m) the procedure to be followed in respect of an inquiry under sub-section (3) of section 21;

(n) the authorities or agencies to whom information under sub-section (1) of section 23 shall be furnished;

(o) the manner in which samples of air or emission may be taken under sub-section (1) of section 26;

(p) the form of the notice referred to in sub-section (3) of section 26;

(q) the form of the report of the State Board analyst under sub-section (1) of section 27;

(r) the form of the report of the Government analyst under sub-section (3) of section 27;

(s) the functions of the State Air Laboratory, the procedure for the submission to the said Laboratory of samples of air or emission for analysis or tests, the form of Laboratory's report thereon, the fees payable in respect of such report and other matters as may be necessary or expedient to enable that Laboratory to carry out its functions, under sub-section (2) of section 28;

(t) the qualifications required for Government analysts under sub-section (1) of section 29;

(u) the qualifications required for State Board analysts under sub-section (2) of section 29;

(v) the form and the manner in which appeals may be preferred, the fees payable in respect of such appeals and the procedure to be followed by the Appellate Authority in disposing of the appeals under sub-section (3) of section 31;

(w) the form in which and the time within which the budget and annual report of the State Board may be prepared and forwarded to the State Government under sections 34 and 35;

(x) the form in which the accounts of the State Board may be maintained under sub-section (1) of section 36;

(y) the particulars which the register maintained under section 51 may contain;

(z) any other matter which has to be, or may be, prescribed.

(3) After the first constitution of the State Board, no rule with respect to any of the matters referred to in sub-section (2) other than those referred to in clause (a) thereof, shall be made, varied, amended or repealed without consulting the Board.
THE SCHEDULE

(See sections 21, 22, 24 and 50)

1. Asbestos and asbestos products industries.
2. Cement and cement products industries.
3. Ceramic and ceramic products industries.
4. Chemical and allied industries.
5. Coal and lignite based chemical industries.
7. Ferrous metallurgical industries.
8. Fertilizer industries.
10. Food and agricultural products industries.
11. Mining industry.
12. Non-ferrous metallurgical industries.
13. Ores/mineral processing industries including beneficiation, pelletization, etc.
14. Power (coal, petroleum and their products) generating plants and boiler plants.
15. Paper and pulp (including paper products) industries.
16. Textile processing industry (made wholly or in part of cotton).
17. Petroleum refineries.
19. Plants for recovery from and disposal of wastes.
20. Incinerators.

N. SANJIVA REDDY,
President.

R.V.S. PERI SASTRI,
Secretary to the Govt, of India.

By Order,

B. R. PRADHAN,
Secretary to the Govt, of Sikkim, Law Department,
F. No. II (248)/LD/81

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Sikkim Entertainment Tax Act, 1980 (8 of 1980), the State Government hereby appoints the 1st. day of August, 1981 as the date on which the said Act shall come into force.

P. K. PRADHAN
Secretary,
Local Self Government & Housing Department.
In exercise of the powers conferred by sub-section (1) of section 3 of the Sikkim Enter-
tainment Tax Act, 1980 (8 of 1980) and in supersession of all previous notfictions and
orders on the subject. the State Government hereby orders that with effect from the 1st day of
August 1981, there shall be levied and paid on all payments for admission to the categories of
entertainment specified in column (1) of the Table below an entertainment tax at the rate speci-
fied in column (2) of the said Table:—

<table>
<thead>
<tr>
<th>Categories of entertainment</th>
<th>Rate of entertainment tax</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.Cinematograph Exhibitions</td>
<td>at the rate of</td>
</tr>
<tr>
<td>(a) forty percent of the payment for admission (exclusive of tax) where such payment is less than one rupee;</td>
<td></td>
</tr>
<tr>
<td>(b) fifty percent of the payment for admission (exclusive of tax) where such payment is less than one rupee and forty paise;</td>
<td></td>
</tr>
<tr>
<td>(c) sixty percent of the payment for admission (exclusive of tax) where such payment is less than one rupee one and eighty paise; and</td>
<td></td>
</tr>
<tr>
<td>(d) seventy five percent of the payment for admission (exclusive of tax) where such payment is one rupee one and eighty paise and above.</td>
<td></td>
</tr>
<tr>
<td>2.Games and Sports</td>
<td>at the rate of twenty percent of the payment for admission to such exhibitions, sports, exclusive of tax.</td>
</tr>
<tr>
<td>3.Other exhibitions, performances and amusements.</td>
<td>at the rate of twenty five percent of the payment for admission to such exhibitions performances and amusements, exclusive of tax.</td>
</tr>
</tbody>
</table>

Explanation: While calculating the tax under any of the items specified in the above table,
fraction of a paisa shall be ignored and if the last figure is less than five, the amount shall be
increased to the next higher amount which is a multiple of five and if the last figure is more
than five, the amount shall be increased to the next higher amount which is a multiple of ten.
In exercise of the powers conferred by section 10 of the Sikkim Entertainment Tax Act, 1980 (No. 8 of 1980) the State Government makes the following for securing the payment of entertainment tax and generally for carrying into effect the provisions of the said Act—

(1) These rules shall be called the Sikkim Entertainment Tax Short title commencement and Rules, 1981. extent.

(2) They shall come into force with effect from August 1, 1981.

(3) They shall apply to all entertainments to which persons are admitted on payment and which are notified under section 3 of the Act.

2. In these rules, unless there is anything repugnant in the subject or context,-

(a) "Act" means the Sikkim Entertainment Tax Act, 1980 (No. 8 of 1980);
(b) "form" means the form appended to these rules;
(c) "government" means the Government of the State of Sikkim;
(d) "official seal" means an impressed, embossed or engraved seal with the signature of Secretary of the Department entrusted with the assessment and collection of entertainment tax for the purpose of stamping the tickets and denoting that the proper tax has been paid.

3. For the purpose of uniformity in the realisation of entertainment Classification of tax the entertainments shall be classified as under—

(a) exhibitions by means of cinematograph;
(b) games and sports; and
(c) other exhibitions, performances and amusements.

4. (1) Every taxable ticket issued on payment for admission to an entertainment shall be clearly marked with—

(a) name of the place of entertainment;
(b) Serial number of ticket;
(c) day and show;
(d) name of class;
(e) admission rate;
(f) entertainment tax;
(g) total of admission rate and tax;
(h) name of press and town.

(2) The tickets shall be placed in books and each book shall contain 100 tickets.

5. Every taxable ticket issued for the purpose of admitting more than one person to an entertainment shall also have clearly shown thereon the number of persons to be admitted and the amount of total tax payable on tickets for admitting each such person separately.

6. Every taxable ticket shall be stamped with the official seal of the Secretary of the Department entrusted with the assessment and collection of entertainment tax before it is issued denoting that the entertainment tax payable has been deposited in the Government account.
7. All tickets shall be got printed by the proprietor/management of the entertainment concerned and shall be deposited with the Government sufficiently in advance of the date or dates fixed for tainment and for this purpose Form-'A' shall be used.

8. (1) Whenever the proprietor/management of an entertainment requires the tickets for being sold he shall send a requisition to Government in Form-'B' showing the number of tickets required and the entertainment tax payable along with the receipt of the Bank of Sikkim showing that the total tax payable has been deposited in the Government account.

   (2) On receipt of the requisition and the Bank receipt as in sub-rule (1) the Government shall issue the required number of tickets stamped with the official seal to the proprietor/management of the entertainment and take a proper receipt for the same.

   (3) In the case of casual entertainments which are held occasionally the same procedure as in rule 7 and sub-rule (1) and (2) of this rule shall be followed, but in their case the tax shall be deposited in full under a temporary receipt in favour of the Secretary of the Department concerned. If the proprietor/management applies for a refund of the entertainment tax in respect of the unused tickets, the application shall be duly considered and after ascertaining the facts, necessary refund shall be made and the balance deposited in the Government account as entertainment tax. The unused tickets so returned by the proprietor/management shall be destroyed after obtaining proper orders of the Secretary concerned.

   (4) No application for refund under sub-rule (3) shall be entertained after 15 days of the last show of the entertainment concerned and the entire amount deposited under the temporary receipt shall in that case be deposited in the Government account as entertainment tax.

9. (1) A register in Form-'C' shall be maintained for all entertainments entries shall be made regarding receipt and issue of all cinema tickets. There shall be a separate register for each cinema.

   (2) A separate register shall be maintained for all entertainments other than cinemas.

10. When the purchaser of any ticket admitting him to one part of an entertainment wishes to transfer to another part of the entertainment for which the price of admission is higher and taxable the proprietor/management may issue him a ticket of the higher class duly stamped by the official seal and take back the first ticket issued to him.

11. Every season ticket or tickets available for more than one part of an entertainment shall have marked thereon the name of the purchaser and the period for which it is available. Such ticket shall besides being marked with the price of entertainment will also be marked with the amount of the entertainment tax that would be payable and shall be duly stamped with the official seal.

12. (1) When the proprietor/management of an entertainment proposes to hold or exhibit an entertainment which has been exempted from payment of entertainment tax under section 7 of the Act, he shall follow the same procedure as laid down in rule 7 and on receipt of the requisition the Government shall issue to the proprietor/management of the said entertainment the required number of tickets but without stamping them with the official seal. Such tickets shall be used only for the entertainment for which they are issued.

   (2) The unsold tax free tickets, if any, shall be returned to the Government with a statement in Form-'D' within three days of the last show of the entertainment and kept separately and entered into a separate registered in Form 'E' to be maintained for the purpose. When they are to be issued for being sold in any subsequent entertainment which is not exempted from tax, they shall be taken out from the said register and accounted for in the register of taxable tickets.
The proprietor/management shall sell the tax free tickets as long as he exhibits or holds the tax free entertainment and shall prepare and submit to Government a daily account of collection made by him in each show.

This rule shall not apply in the case of casual or temporary entertainments exempted from entertainment tax and for which tickets are to be provided to the Government.

On admission of the purchaser the proprietor/management shall cause Defacement a ticket, not being a season ticket or tickets available for more than one destruction or entertainment issued for admission to the entertainment, to be collected so that the ticket is torn into two portions across the seal and one portion is returned to the purchaser. The purchaser shall retain his portion until he has left the place of entertainment. The other portion shall be retained by the proprietor till the end of the day following the entertainment and shall then be destroyed.

No ticket which is officially sealed but has been torn, defaced or otherwise marked or mutilated shall be issued by the proprietor/management. Such tickets torn may be returned to the Government who on being satisfied that they have not been willfully damaged or spoiled, may give in lieu thereof other tickets of the same class or value.

Every proprietor/management shall keep a proper account of the number of respective tickets issued to him and sold by him up to date.

Where payment for a programme or synopsis is compulsory, the tax shall be levied on the total sum paid for admission to the entertainment including the sum paid for the programme or synopsis. Where payment for a programme or synopsis is voluntary, the tax shall be levied separately on the sum paid for admission and on the sum paid for the programme or synopsis.

Any person claiming exemption under sub-section (1) of section 7 of the Act from payment of the entertainment tax shall present an application for such exemption to the Government ten clear days before the date of the entertainment. After considering the application the Government shall issue such orders as it may deem fit under sub-section (2) of section 7 of the Act.

Every proprietor/management of an entertainment admitting a person free of payment or on payment of a reduced sum shall issue to such person a ticket showing clearly thereon the full charge for admission to the class to which the person is admitted. The tax shall be paid on such ticket in the same manner as if it were a ticket issued on payment of the full charge and the person admitted shall for the purposes of these rules be deemed to be the purchaser of the ticket:

Provided-

(1) that when a child not exceeding three years in age is admitted free of payment, he shall be exempted from the payment of the tax and shall not be issued any ticket;

(2) that where members of the armed forces, their families and their guests are admitted to a performance organized and produced exclusively for members of the armed forces under the orders of the Government of India then the aforesaid persons shall be exempted from payment of the tax;

(3) that the Chairman and Members of the Central Board of Film Censors, the Regional Officers of the Central Board of Film Censors, Madras, Calcutta, the Assistant Regional Officer, Bombay and the Members of the Advisory Panel, Bombay, Calcutta and Madras of the said Board, shall be exempt from the payment of the entertainment tax on complimentary tickets which may be issued to them by the exhibitors to facilitate their entry into a licensed cinema for the purpose of satisfying themselves that the provisions of the Cinematograph (Censorship) Rules, 1951, are being carried out.

(4) that the representatives of the Films Division, Ministry of Information and Broadcasting, Government of India, Bombay, shall be
exempt from the payment of the entertainment tax on the complimentary tickets issued to them by the exhibitors to facilitate their entry into a licensed cinema for the purpose of ensuring the observance of the terms and conditions of the contract entered into by the exhibitors with the President of India regarding the supply and exhibition of approved films, provided the persons concerned are accredited representatives of the Films Division and bear permits or certificates to that effect and have filed copies thereof with the Government.

19. A person who has been admitted to an entertainment in respect of which the tax due is payable in accordance with the provisions of sub-section(2) of section (5) of the Act shall upon demand made during the course of or immediately before or after the entertainment, produce to any officer authorised under section of the Act, the ticket, badge, card of membership, voucher or document by means of which he was admitted, or a portion of the ticket by means of which he was admitted or the stamped cover of the book or the stamped principal part of the sheet from which the ticket, by means of which he was admitted, was taken.

20. (1) Any officer duly empowered in this behalf by the Government may at any time require the proprietor/management to produce for inspection all his books and records, and all tickets or portions of tickets in his possession, relating to the entertainment. Such officer can seize and take in his possession all such records, books, tickets or portions of tickets, etc. relating to such entertainments as he may consider necessary in case he suspects evasion of tax or any irregularity.

(2) Under the provisions of this rule every District Collector is hereby empowered to call upon the proprietor/management of an entertainment held in his district to produce for inspection all his books, records and all tickets or portions of tickets in his possession relating to such entertainment.

21. Every proprietor/management shall submit to Government a return of the monthly collections in Form ‘G’. Such return shall be submitted in the first week of the subsequent month.

22. In case there is any doubt about the interpretation of any of these rules, the decision of the Government shall be final.

P.K. PRADHAN,
Secretary,
Local Self Government & Housing Department
FORM — A
(See rule7)

Name of Cinema, ..............

Name of Town........................

(To be filled in by the proprietor/management and submitted in duplicate)

<table>
<thead>
<tr>
<th>Day &amp; Show</th>
<th>Class</th>
<th>Serial No. of tickets</th>
<th>Total No. of tickets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature of Proprietor/Manager sending the tickets.
Date:          

Received by —
Designation —
Office seal —
Date :
Name of Cinema and Town—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Class</th>
<th>Day &amp; show</th>
<th>Number of tickets required</th>
<th>Number of BookS</th>
<th>Rate of entertainment tax</th>
<th>Amount of entertainment tax</th>
<th>B.R. No. &amp; date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

Form—B
(See sub-rule(1) of rule 8)
(To be submitted by proprietor/management
(in duplicate) after filling up columns 1-8)

For Government use only

<table>
<thead>
<tr>
<th>Sl. No. of tickets</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
</tr>
<tr>
<td>9</td>
</tr>
</tbody>
</table>

Signature of Proprietor/Manager of entertainment.
Date :

Signature of Official issuing the tickets.
Date :

Signature of person receiving the tickets
Date :

Form—C
(See sub-rule (1) of rule 9)

Register of tickets

<table>
<thead>
<tr>
<th>Date of receipt</th>
<th>Stock of tickets</th>
<th>Tickets issued</th>
<th>Amount of Tax</th>
<th>Balance of tickets</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Challan number</td>
<td>From</td>
<td>To</td>
<td>No. of Books</td>
<td>From</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>
Name of Cinema and Town-
Statement of untold tax-free tickets to be returned to Government by the proprietor/management of an entertainment.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Class</th>
<th>Sl. number of tickets received from Government From</th>
<th>To</th>
<th>Total No. of tickets</th>
<th>Sl. number of tickets sold From</th>
<th>To</th>
<th>Total No. of unsold tickets From</th>
<th>To</th>
<th>Sl. No. of tickets returned to Government From</th>
<th>To</th>
<th>Total No. of unsold tickets returned</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td></td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
</tr>
</tbody>
</table>

Signature of proprietor/management
Date:

Signature of receiving official
Date:

FORM—E
(See sub-rule (2) of rule 12)
Register of tax free tickets

<table>
<thead>
<tr>
<th>Date of issue of tickets</th>
<th>Sl. number of tickets issued From</th>
<th>To</th>
<th>Total No. of Books</th>
<th>Balance of tickets returned to Government by the Cinema From</th>
<th>To</th>
<th>Total No. of Books</th>
<th>Signature of issuing officer</th>
<th>Signature of the officer concerned</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>
FORM-F
(See sub-rule (3) of rule 12)
Account of daily collection in respect of tax free tickets.
Date of performance —

Name of Cinema—
Name of Town—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Class</th>
<th>Sl. number of tickets sold</th>
<th>Total No. of tickets sold</th>
<th>Rate of tickets</th>
<th>Total collection made during the show</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>From</td>
<td>To</td>
<td></td>
<td>Rs.</td>
<td>np.</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Certified that I have checked the above account and found it correct.

Signature of proprietor/manager,

Date:

FORM—G
(See rule 21)
Statement of collections made by (Name of Cinema) for the month of 19
(To be prepared and submitted by the proprietor/management by the 1st week of every month)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Class</th>
<th>Total No. of tickets sold during the month</th>
<th>Rate of one ticket including tax</th>
<th>Total amount</th>
<th>Allocation</th>
<th>Allocation</th>
<th>Allocation</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Admission fee</td>
<td>Entertainment tax</td>
<td>Remarks</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rs.</td>
<td>np.</td>
<td>Rs.</td>
<td>np.</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4.</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

Grand Total:

Signature of proprietor/manager.

Date:
The following Order No. 76/SKM-LA/13/80, dated 8th May, 1981, 18 Vaisakha, 1903 (S) of the Election Commission of India, New Delhi is published for general information:—

ORDER
Whereas the Election Commission is satisfied that Shri Chitman Rai, P.O. Namchi (Sikkim), a contesting candidate for general election to the Sikkim Legislative Assembly in October, 1979, from 13-Damthang Constituency, has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;
And whereas, after considering the representation made by the said candidate, the Election submission is further satisfied that he has no good reason or justification for the failure;
Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chitman Rai to be disqualified for being chosen as, and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

TASHI WANGCHUK

Under Secretary (Election)

S. C. JAIN

Under Secretary
to the Election Commission of India.
In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim is pleased to make the following rules to regulate the conduct of persons appointed to public services or posts in connection with the affairs of the State of Sikkim, namely:—

1. Short title, commencement and application—
   (a) These Rules may be called the Sikkim Government Servants Conduct Rules, 1981.
   (b) They shall be deemed to have come into force on the 14th day of April, 1981.
   (c) These rules shall apply to every person appointed to a civil service or post in connection with the affairs of the State of Sikkim and who are subject to the rules making powers of the Government:

   Provided that:—
   (a) nothing in these rules shall apply to persons appointed to All India Services;
   (b) in the case of any officer whose services have been obtained on deputation from an Organisation outside Sikkim, decision as to whether there has been a violation of these rules shall be taken in consultation with such Organisation.

2. Definitions : In these rules unless the context otherwise requires:—
   (a) "Appointing authority" means the Authority specified in Schedule appended to the Sikkim Government Servants' Discipline and Appeal Rules, 1974.
   (b) "Government" means the State Government of Sikkim;
   (c) "Government Servant" means any person appointed to a public service or a post in connection with the affairs of the State of Sikkim, in respect of whom the Governor of Sikkim is empowered to make rules under Article 309 of the Constitution of India, whether for the time being such person is serving in connection with the affairs of the Government of India or of any State, or is on foreign service, or on leave, or in-service training;

EXPLANATION:— A Government servant whose services are placed at the disposal of a company, Corporation, Organisation or a local authority by the Government shall, for the purpose of these rules, be deemed to be a government servant serving under the Government notwithstanding that his salary is drawn from sources other than the consolidated fund of the State.
(d) "members of the family" in relation to government servant means:

(i) the wife or husband, as the case may be, of the Government servant, whether residing with the government servant or not but does not include wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent court;

(ii) son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer dependent on the government servant or of whose custody the government servant has been deprived by or under any law;

(iii) any other person related, whether by blood or marriage, to the government servant or to the government servant's wife or husband and wholly dependent upon the government servant.

3. GENERAL:

(i) Every government servant shall at all times-

(a) maintain absolute integrity;
(b) maintain devotion to duty;
(c) do nothing which is unbecoming of a government servant.

(ii) Every government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all government servants for the time being under his control and authority;

(iii) No government servant shall, in the performance of his official duties or in the exercise of powers conferred in him, act otherwise than in his best judgment except when he is acting under the direction of his official superior and shall, where he is acting under such direction, obtain the direction in writing, wherever practicable, and where it is not practicable to obtain the direction in writing, he shall obtain written confirmation of the direction as soon thereafter as possible.

EXPLANATION: Nothing in Rule E shall be construed as empowering a government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

4. Consumption of intoxicating drinks and drugs:

No government servant shall-

(i) While on duty, be under the influence of intoxicating drinks or drugs to such an extent as to render him incapable of discharging his duties properly and efficiently;

(ii) habitually use intoxicating drinks or drugs to excess;

(iii) appear in a public place in a state of intoxication;

(iv) consume any intoxicating drink or drug in public place except on such occasions such as social and religious functions and festivities.

EXPLANATION: For the purpose of this rule, public place means any place or premises (including a conveyance) to which the public have, or permitted to have access, whether on payment or otherwise.

Every government servant shall strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being.

5. Employment of near relatives of government servant in companies or firms:

(i) No government servant shall use his position or influence directly or in directly to secure employment for any members of his family in any company or firm with which he has official dealing or in any other undertaking having official dealings with the Government.

(ii) No Class I Officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependent to accept employment in any company or firm with which official dealings or in any other undertaking having official dealings with the Government.

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government and the employment may be accepted provisionally subject to the permission of the Government.
(iii) A government servant shall, as soon as he become aware of the acceptance
of a member of his family of an employment in any company or firm, intimate such acceptance to the appointing
authority shall also intimate whether he has or has had any official dealings with that company or firm.

(iv) No government servant shall in the discharge of his official duties deal
if any member relating to or award any contract in favour of any company or firm or any other person,
of his family is employed in that company or firm or under that person or if he or any member
is interested in such matter or contract in any other matter.

(v) In any case referred to in sub-rule (iv), the government servant shall refer
of his official superior and the case shall thereafter he disposed off according to the instruct-
official superior to whom the reference is made.

6. Taking part in politics and election:—

(i) No government servant shall be a member of, or be otherwise associated
political party or any organisation which takes part in politics nor shall be take part in, subscribe in .
fast in any other manner, any political movement or activity.

(ii) It shall be the duty of every government servant to endeavour to prevent
any member of his family from taking part in, subscribing in aid of or assisting in any other manner, any
movement activity which is, or tends directly or indirectly to be, subversive of the Government as by law
established where a Government servant is unable to prevent a member of his family from taking part in, or
subscribing in aid of or assisting in any other manner, any such movement or activity, he shall make a report
to that to the Government.

(iii) If any question arises whether any movement or activity falls within the scope
(ii), the decision of the Government thereon shall be final,

(iv) No government servant shall canvass or otherwise interfere with, or use his
connection with or take part in, an election to any legislature or local authority:

Provided that—

(a) a government servant qualified to vote at such election may exercise his right to
vote, but where he do so, he shall give no indication of the manner in which he
proposes to vote or has voted;

(b) a government servant shall not be deemed to have contravened the provisions of
this sub-rule by reason only that he assists in the conuct of an election in the due
performance of a duty imposed on him by or under any law for the time being in
force.

EXPLANATION: The display by a government servant on his person, vehicle or residence of any electoral sym-
bol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

NOTE: A government servant who has reason to believe that attempts are being made to induce him to
break the provisions of this rule by or on behalf of an official superior or superiors shall report
the facts to the Chief Secretary to the Government.

NOTE: Proposing or seconding the nomination of a candidate at an election or acting as a Polling Agent
shall be deemed as an active participation in the election.

NOTE: Attendance at meetings organised by a political party shall be construed as contravening this rule
unless all the following conditions are satisfied:—

(a) that the meeting is a public meeting and not in any sense a private or restricted
meeting;
(b) that the meeting is not held contrary to any prohibitory order or without permission
where permission is needed;
(c) that the government servant in question does not himself speak at, or take active
or prominent part in organising or conducting the meeting.

7. Joining of association by government servants:—

No government servant shall join, or continue to be a member of, an association the object or
which are prejudicial to the interests of the sovereignty and integrity of India or public
order or morality.
8. Demonstrations and Strikes:—
No government servant shall—

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with other States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an

(ii) resort to or any way abet any form of strike or coercion or physical duress in connection with any matter pertaining to his service or the service of any other government servant; or

(iii) call a public meeting for discussing their conditions of service or participate in any such meeting or public discussions.

(iv) resort to mass adsentation from work without permission;

(v) refuse to work overtime where such overtime work is necessary in public interest;

(vi) resort to practice or conduct which is likely to result in or result in the cessation or substantial retardation at work.

9. Connection with press or radio—

(i) No government servant himself or through a member of his family or through any other person shall, except with the previous sanction of the Government own wholly or in part, or conduct or participate in the editing or management of any newspaper or other periodical publication.

(ii) No government servant shall make any communication to the press or any public utterance make any statement of fact or opinion which has the effect of adverse criticism of any current or recent policy or in action of the Government of India or the Government of any other State; or State Government of Sikkim; or

(iii) which is capable of embarrassing the relations between the Government and the Government of India or the Government of any other State; or

(iv) which is capable of embarrassing the relations between the Government of India and any foreign State:

Provided that nothing in this rule shall apply to any statements made or views expressed by a government servant in his official capacity or in the due performance of the duties assigned to him.

10. Criticism of Government:— No government servant shall in any radio broadcast or in any document published in his own name or anonymously or pseudonymously, or in the name of any other person any communication to the press or in any public utterance make any statement of fact or opinion which has the effect of any adverse criticism of any current or recent policy or in action of the Government of India or the Government of any other State; or State Government of Sikkim; or

Provided that nothing in this rule shall apply to any statements made or views expressed by a government servant in his official capacity or in the due performance of the duties assigned to him.

11. Evidence before Committee or any other authority—

Save as provided in sub-rule (iii), no government shall, except with the previous of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.
(ii) where any sanction has been accorded under sub-rule (i), no government servant giving such evidence shall criticise the policy or any action of the Government or of the Government of India or of the Government of any other State.

(iii) Nothing in this rule shall apply to—
(a) evidence given at an enquiry before an authority appointed by the Government, by Parliament or by a State Legislature; or
(b) evidence given in any judicial enquiry; or
(c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

12. Unauthorised communication of information:—
No government servant shall, except in accordance with any general or special order of the Government or in the performance in good faith of the duties assigned to him, communicate, directly or indirectly, to any government servant, or any other person, or to the press, contents of any official document or any part thereof or information which has come into his possession in the course of his public duties, or inform has been prepared or collected by him whether from official source or otherwise.

EXPLANATION: Quotation by a government servant (in his explanation, representation, appeal or memorial etc. addressed to the Head of office or Head of Department or the Government) from any letter, circular or office memorandum or from the notes of any file, shall amount to unauthorised communication of information within the meaning of this rule.

13. Subscriptions:—No government servant shall, except with the previous sanction of the Government ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in cash or an kind in persuance of any object whatsoever.

14. Gifts:—
(i) Save as otherwise provided in these rules, no government servant shall, except with the previous sanction of the Government, accept or permit any member of his family or any other person acting on his behalf to accept, any gift.

EXPLANATION: For the purpose of this rule "gift" included free transport, free, boarding, free lodging or any other service or pecuniary advantage when provided by a person other than a near relative or personal friend having no official dealings with the government servant but does not include a casual meal, a casual lift or other social hospitality.

NOTE I:—Government servant shall avoid accepting a lavish hospitality or frequent hospitality from a individual having official dealings with him or from industrial or commercial firms, organisations etc.

(ii) (a) On the occasion such as weddings, anniversaries, funerals or religious functions, when the making of a gift is in conformity with the prevailing religious or social practice, a government servant shall accept gifts from his near relatives but he shall make a report to the Government if the value of any such gift exceeds Rs. 2000/-. 

(b) On such occasions as specified in sub-rule (ii) a government servant may accept gifts from his personal friends having no official dealings with him but he shall make a report to the Government if the value of any such gift exceed Rs. 2000/-. 

(c) In any other case, a government servant shall not accept any gift without the sanction of the Government if the value thereof exceeds Rs. 1000/- in the case of a government servant holding any Class I or Class II post and Rs. 500/- in the case of a government servant holding any Class III or

Provided that where it is not practicable for a government servant to obtain the previous sanction of the Government, he shall, within one month of acceptance of such gift make a report to the Government, stating circumstances under which such gift was accepted, and whether the donor had any official dealing with the government servant, and if the Government does not approve of such acceptance, he shall return the gift to the donor.

15. Public demonstrations in honour of government servants:—
(a) No government servant shall except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour, or in the honour of any other government servant:
Provided that nothing in this rule shall apply to:

(a) a farewell entertainment of a substantially private or internal character held in honour of any government servant on the occasion of his retirement, resignation or transfer; or

(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

(b) No government servant shall exercise pressure of any sort on any government servant to induce him to subscribe even if it is of a substantially private and informal character.

16. Private trade or employment:—

(i) No Government servant shall, except with the previous sanction of the Government, engage directly or indirectly, in any trade or business or use his position as a government servant to help such trade or business or negotiate for such trade or business or undertake any other employment.

(ii) A government servant may undertake honorary work of a social or charitable nature or occasional work of a literary, artistic or scientific character, subject to the condition that his official duties do not suffer thereby but the appointing authority may, in its discretion, at any time, forbid him to undertake, or require him to abandon any such work, if it is in its opinion undesirable or likely to occupy so much of his time as to interfere with his official duties.

Provided that, if the undertaking of any such work involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.

EXPLANATION I: Canvassing by a government servant in support of the business of insurance agency, commission agency etc. owned or managed by his wife or any other member of his family shall be deemed to be a breach of the sub-rule (i).

EXPLANATION II: Canvassing for a candidate or candidates for an elective office referred to in proviso to sub-rule (ii), shall also be deemed to be a breach of this sub-rule.

EXPLANATION III: An honorary Chairmanship or honorary Secretaryship of philanthropic, charitable, religious or cooperative societies is not employment within the meaning of this rule. The Secretaryship of a club consisting mainly of government servants does not constitute employment in the sense of this rule, if it does not occupy so much of the government servant's time as to interfere with his official duties and if it is an honorary office. In all these cases, however, the government servant concerned may be required by his appointing authority to abandon the work either because the work is interfering with the official duties of the government servant concerned or because it is undesirable in any other way.

(iii) Every government servant shall report to the Government if any member of his family engaged in a trade or business or owns or manages an insurance agency or commission agency.

(iv) No government servant shall, without the previous sanction of the Government, except in the discharge of his official duties, take part in the registration, promotion or management of any bank or other company registered under the Companies Act, 1956 (I of 1956) or any other law for the time being in force:

Provided that a government servant may take part in the registration, promotion or management of a Co-operative Society substantially for the benefit of government servants, registered under the Sikkim Co-operative Societies Act, 1978 (12 of 1978) or any other law for the time being in force, or of a literary, scientific or charitable society registered under any law relating to registration of societies for the time being in force subject to the following conditions, namely:-

(a) that he shall, within a period of one month of his undertaking any such work, report to Government giving full details;

(b) that his official duties do not thereby suffer;

(c) that he shall discontinue any such work if so directed by the Government.

Provided further that, if the undertaking of any such work involves holding of an elective office, he shall not seek election to any such office without the previous sanction of the Government.
EXPLANATION: Canvassing for a candidate or candidates for an elective office referred to in the proviso shall be deemed to be a breach of this sub-rule.

(v) No government servant shall hold a lottery for any purpose, except with the previous permission of the Government.

(vi) No government servant may accept any fee for any work done by him for any public body or any private person without the sanction of the Government.

17. Investments, lending and borrowing:

(i) No government servant shall speculate in any stock share or other investments.

EXPLANATION: Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

(ii) No government servant shall make, or permit any member of his family or any person acting on his behalf to make any investment which is likely to embarrass or influence him in the discharge of his duties where a government servant fails to prevent a member of his family from making an investment of this nature, he shall make a report to that effect to the Government forthwith.

(iii) If any question arises whether any transaction is of the nature referred to in sub-rule (i) or sub-rule (ii), the decision of the Government thereon shall be final.

(iv) No government servant shall, except with the previous sanction of the Government, lend money to any person possessing land for valuable property within the local limits of his authority, or at interest to any person.

Provided that a government servant may make an advance of pay private servant or give a loan of small amount free in interest to a personal friend or relatives, even if such person possesses land within the local limits of his authority.

(v) No government servant shall, save in the ordinary course of business with a bank or a public limited company himself or through any member of his family or any person acting on his behalf:

a) lend or borrow or deposit money as a principal or an agent, to or from, or with, any person or firm or private company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under pecuniary obligation to such person or firm or private limited company, or

Note: A "pecuniary obligation" means not only obligation arising out of a cash transaction but also the acceptance without consideration of any service or facility of other than trifling value.

b) lend money to any person at interest or in a manner whereby return in money or kind is charged or paid

Provided that a government servant may, give to, or accept from, a relative or a personal friend, a purely temporary loan of a small amount free of interest, or operate a credit account with a bonafide tradesman or make an advance of pay to his private employee:

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a government servant with the previous sanction of the Government.

(vi) When a government servant is appointed or transferred to a post of such a nature as to involve him in the breach of any of the provisions of sub-rule (ii) or sub-rule (5), he shall forthwith report the circumstances to the appointing authority and shall thereafter act in accordance with such orders as may be passed by such authority.

18. Insolvency and habitual indebtedness—

A government servant shall, so manage his private affairs as to avoid insolvency or habitual indebtedness. A government servant against who any legal proceeding is instituted for the recovery of any debt due from him adjudging him as an insolvent shall forthwith report the full facts to the Government of the legal proceedings.

The burden of proving that the indebtedness or insolvency was the result of circumstances which with the exercise of ordinary deligence, the government servant could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon him.
19. Movable, immovable and valuable property:

(i) A government servant shall, or his first appointment to any service or post and thereafter at the close of every financial year, submit to the Government return of his assets and liabilities in such form as may be prescribed by the Government giving full particulars regarding—

(a) immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;

(b) shares, debentures, cumulative time deposits and cash including bank deposits owned, acquired or inherited by him, or held by him, either in his own name or in the name of any member of his family or in the name of any other person;

(c) other movable property inherited by him or similarly owned, acquired or held by

(d) debts and other liabilities, if any, incurred by him directly or indirectly.

Note I: Unless directed otherwise, sub-rule (i) shall not ordinarily apply to Class IV servants.

Note II: In all returns, the values of items or movable property worth less than Rs.5,000/-may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc., need not be included in such return.

Note III: Every government servant who is in service on the date of the commencement of these rules submit a return under this sub-rule or before such date as may be specified by the Government after such commencement.

(ii) No government servant shall, except with the previous knowledge of the Government, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

Provided that the previous sanction of the Government shall be obtained by the Government servant if any such transaction is—

(a) with a person having official dealings with the government servant;

(b) otherwise than through a regular or reputed dealer.

(iii) where a government servant enters into a transaction in respect of movable property either in his own name or in the name of a member of his family, he shall, within one month from the date of such transaction, report the same to the Government, if the value of such property exceeds Rs.5,000/- in the case of a government servant holding any Class I or Class II post or Rs.2,000/- in the case of a government servant holding any Class III or Class IV post:

Provided that the previous sanction of the Government shall be obtained if any such transaction is—

(i) with a person having official dealing with the government servant; or

(ii) otherwise than through a regular or reputed dealer.

EXPLANATION: For the purposes of sub-rules (ii) (b) and (iii) (b) a "regular or reputed dealer" means a person/firm who deals in a particular item and keeps regular accounts of his/its transactions and who has regular business premises.

(iv) The Government may, at any time, by general or special order, require a government servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government include the details of the means by which, or the source from which, such property was acquired.

(v) The Government may exempt any category of government servants belonging to Class III or Class IV from any of the provisions of this rule except sub-rule (iv).

EXPLANATION: For the purpose of this rule the expression "movable property" includes—

(a) jewellery, insurance policies the annual premium of which exceeds Rs.5,000/-

(b) shares, securities and debentures;

(c) motor cars, motor cycles, horses, or any other means of conveyance.

(d) refrigerators, radios, radiograms and television sets, tape, recorders.
(vi) A government servant found to be in possession of pecuniary resources or property disproportionate to his known sources of income, for which he cannot satisfactorily account, shall, unless the contrary is proved, be presumed to have been guilty of grave misconduct in the discharge of his official duty for which he shall be liable for criminal action besides departmental proceedings.

(vii) The Government or any authority powered by it in this behalf may, by an order in writing, require a government servant to afford facilities for inspection and assessment of the value of any lands, buildings or any other immovable property held or acquired by him or by any member of his family as may be specified in that order and failure to comply with the order shall be deemed to be grave official misconduct on the part of the government servant concerned.

20. Vindication of acts and character of government servants—

No government servant shall, except with the previous sanction of the Government, have recourse to any court or to the press for the vindication of any official act which has been the subject matter of adverse or at attack of defamatory character.

EXPLANATION: Nothing in this rule shall be deemed to prohibit a government servant from vindicating his private or any act done by him in his private capacity, subject to the condition that he shall submit a report to the government regarding such action.

21. Canvassing of non-official or other outside influence: No Government servant shall bring or attempt to bring private political or other influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government.

22. Restriction regarding marriage;—

(i) No government servant shall enter into, or contract, a marriage with a person having a spouse living; and

(ii) No government servant having a spouse living, shall enter into or contract a marriage with any person:

Provided that the Government may permit a government servant to enter into, or contract any such marriage as is referred to in Clause (i) or Clause (ii), if it is satisfied that—

(a) such marriage is permissible under the personal law applicable to such government servant and the other party to the marriage and

(b) there are other grounds for so doing.

23. Interpretation:— If any question arises relating to the interpretation or these rules, a government servant who has married or marries a person other than of Indian shall be referred to the Government whose decision thereon shall be final.

24. Delegation of powers:— The Government may, by general or special order, direct that any power exercisable by it or any head of department under these rules (except the power under rule 23 and this rule shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

25. Repeal and saving:— The Sikkim Government Servant’s Conduct Rules, 1974 and any other Notification and orders on the subject are hereby repealed:

Provided that any order made or action taken under those rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules:

Provided further that such repeal shall not affect the previous operation of the rules so repealed and a contravention of the said rules shall be punishable as if it were a contravention of those rules.

BY ORDER.

T. CHHOPEL,
Secretary to the Government of Sikkim.
EXPLANATORY MEMORANDUM

The Sikkim Government Servants Conduct Rules, 1981 were made and circulated to all the Departments of the Government of Sikkim on 14th April, 1981. Due to inadvertence, these rules were not abolished in the Sikkim Government Gazette. No Department of the Government has acted upon them so far and as such the interest of no person to whom these Rules apply is likely to be affected even retrospectively.

T. CHHOPEL,
2-7-81

2-7-81

Secretary Establishment Department
The following Act of Parliament having received the assent of the President on the 27th March, 1981 and published in the Gazette of India, Extraordinary, Part II, Section I, on the same date, is hereby republished for general information.

THE SPECIAL BEARER BONDS (IMMUNITIES AND EXEMPTIONS) ACT, 1981

(ACT NO. 7 OF 1981)

to provide for certain immunities to holders of Special Bearer Bonds, 1991 and for certain exemptions from direct taxes in relation to such bonds and for matters connected therewith.

WHEREAS for effective economic and social planning it is necessary to canalise for productive purposes black money which has become a serious threat to the national economy;

AND WHEREAS with a view to such canalisation the Central Government has decided to issue at par certain bearer bonds to be known as the Special Bearer Bonds, 1991, of the face value of ten thousand rupees and redemption value, after ten years, of twelve thousand rupees;

AND WHEREAS it is expedient to provide for certain immunities and exemptions to render it possible for persons in possession of black money to invest the same in the said Bonds;

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:

1. (1) This Act may be called the Special Bearer Bonds (Immunities and Exemptions) Act, 1981. and commence

(2) It extends to the whole of India.
(3) It shall be deemed to have come into force on the 12th day of January, 1981.

2. In this Act, "Special Bearer Bonds" means the Special Bearer Bonds, 1991, issued by the Central Government.

3. (1) Notwithstanding anything contained in any other law for the time being in force,-

(a) no person who has subscribed to or has otherwise acquired Special Bearer Bonds shall be required to disclose, for any purpose whatsoever, the nature and source of acquisition of such Bonds;

(b) no inquiry or investigation shall be commenced against any person under any such law on the ground that such person has subscribed to or has otherwise acquired Special Bearer Bonds; and

(c) the fact that a person has subscribed to or has otherwise acquired Special Bearer Bonds shall not be taken into account and shall be inadmissible as evidence in any proceedings relating to any offence or the imposition of any penalty under any such law.

(2) Nothing in sub-section (1) shall apply in relation to prosecution for any offence punishable under Chapter IX or Chapter XVII of the Indian Penal Code, the Prevention of Corruption Act, 45 of 1860 1947 or any offence which is punishable under any other law and 2 of 1947 which is similar to an offence punishable under either of those Chapters or under that Act or for the purpose of enforcement of any civil liability.

Explanation.— For the purposes of this sub-section, "civil liability" does not include liability by way of tax under any law for the time being in force.

4. Without prejudice to the generality of the provisions of section 3, the subscription to, or acquisition of, Special Bearer Bonds by any person shall not be taken into account for the purpose of any proceedings under the Income-tax Act, 1961 (hereinafter referred to as the Income-tax Act), the Wealth-tax Act, 1957 (hereinafter referred to as the Wealth-tax Act) or the Gift-tax Act, 1958 (hereinafter referred to as the Gift-tax Act) and, in particular, no person who has subscribed to, or has otherwise acquired, the said Bonds shall be entitled-

(a) to claim any set-off or relief in any assessment, re-assessment, appeal, reference or other proceeding under the Income-tax Act or to reopen any assessment or re-assessment made under that Act on the ground that he has subscribed to or has otherwise acquired the said Bonds;

(b) to claim, in relation to any period before the date of maturity of the said Bonds, that any asset which is includible in his net wealth for any assessment year under the Wealth-tax Act has been converted into the said Bonds; or

(c) to claim, in relation to any period before the date of maturity of the said Bonds, that any asset held by him or any sum credited in his books of account or otherwise held by him represents the consideration received by him for the transfer of the said bonds.
5. In the Income-tax Act,—

(a) in section 2, in clause (14), after sub-clause (iv), the following sub-clause shall be inserted, namely:—

"(v) Special Bearer Bonds, 1991, issued by the Central Government;"

(b) in section 10, in clause (15), after sub-clause (ia) the following sub-clause shall be inserted, namely:—

"(ib) premium on the redemption of Special Bearer Bonds-1991;".

6. In section 5 of the Wealth-tax Act, in sub-section (1), after Amendment of Clause (xvia), the following clause shall be inserted, namely:— Act of 1958,

"(xvib) Special Bearer Bonds, 1991;".

7. In section 5 of the Gift-tax Act, in sub-section (1), after Amendment of clause (iiia), the following clause shall be inserted, namely:— Act 18 of 1958,

"(iiib) of property in the form of Special Bearer Bonds, 1991;".

8. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

9. (1) The Special Bearer Bonds (Immunities and Exemptions) Repeal and Saving Ordinance, 1981, is hereby repealed. 

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

N. SANJIVA REDDY,
President.

R.V.S. PERI SASTRI,
Secretary to the Govt of India.

By order,

B.R. PRADHAN,
Secretary to the Government of Sikkim.

Law Department,
F. No. 11 (229)/LD/80.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The Governor has been pleased to sanction the following terms and conditions for deputation of officers to public undertakings, autonomous bodies or other bodies wholly or partially owned or controlled by the Government of Sikkim:—

1. COMMENCEMENT OF DEPUTATION: The deputation shall commence from the date on which the Government servant hands over charge of the post and will expire on the date preceding date on which such Government servant resumes charge of the post under the Government on reversion.

2. PERIOD OF DEPUTATION: The period of deputation shall not exceed two years in the first instance subject to the conditions that:

(a) Government/competent authority reserves the right to recall a Government servant at any time before expiry of the period of deputation if the services of such Government servant are required by Government in the interest of public service;

(b) the services of the Government servant are not required by the borrowing organisation, it shall be open to that organisation to revert such Government servant to the parent department provided three months' notice is given to the Government/competent authority by it before effecting such reversion.

PAY: While on deputation the Government servant:

(a) shall draw pay which such Government servant would have drawing in the parent department but for the deputation, plus deputation allowance equal to 20% of parent grade pay if the deputation is within a radius of 8 KMs from Gangtok subject to a maximum of Rs. 200/- p.m. and 30% of parent grade for deputation outside and beyond 8 KMs from Gangtok subject to a maximum of Rs. 300/-;

(b) may elect to draw either the pay in the scale of pay of the new post plus other allowances attached to the post to which the Government servant is deputed in which case such Government servant shall not be entitled to the drawal of deputation allowance.
NOTE: For the purpose of computing the deputation allowance, the Special being drawn in the parent department, shall be taken into account.

4. DEARNESS ALLOWANCE/HOUSE RENT ALLOWANCE AND HILL COMPENSATORY ALLOWANCE:

The Government servant on deputation shall be entitled to draw the dearness allowance, house rent allowance and hill compensatory allowance at such rates as admissible under the State Government unless otherwise such Government servant opts for the pay, scale and allowances attached to the post of deputation.

5. JOINING TIME PAY AND TRANSFER TRAVELLING ALLOWANCE:

The salary and travelling allowance during the joining time both on transfer to and reversion on expiry of deputation shall be paid by the borrowing organisation according to the relevant rules of the Government or the organisation as the case may be.

6. TRAVELLING ALLOWANCE FOR JOURNEY ON DUTY DURING THE PERIOD OF DEPUTATION:

The Government servant on deputation shall be entitled to travelling allowance and daily allowance for journeys undertaken after joining the borrowing organisation according to the rules applicable in the State Government or under the rules of the borrowing organisation, as the case may be.

7. LEAVE: (a) The Government servant on deputation shall continue to be governed by the leave rules applicable to such Government servant before such transfer on deputation.

(b) Where a Government servant has exhausted leave earned while on deputation, such Govt, servant may be given leave from the amount of leave at credit in the parent department, before proceeding on deputation. Leave salary in such cases shall, however, be paid by the borrowing organisation who shall claim for reimbursement of the amount of salary from the parent department of the Government servant.

8. LEAVE SALARY AND PENSION CONTRIBUTION:

Leave salary contribution shall be recovered from the borrowing organisation at 11% of the maximum scale of pay. Pension contribution shall be recovered at 12% of the maximum of the scale of pay in which the Government servant was placed prior to deputation and in case of any proforma promotion granted during the period of deputation 12% of the amount of salary scale given on proforma promotion.

9. MEDICAL CONCESSIONS: The Government servant on deputation shall continue to be entitled to medical facilities as admissible under Sikkim Government Medical facilities Rules, as, as amended from time to time.

10. GENERAL PROVIDENT FUND SUBSCRIPTION:

If the Government servant on deputation had been contributing towards General Provident Fund, such Govt. servant shall continue the subscription to the fund in accordance with the prescribed rules.

11. DEPARTMENTAL ENQUIRIES/PROCEEDINGS: If a departmental enquiry is to be instituted against the Government servant by the borrowing organisation such Government servant shall be reverted to the parent Department. The subsistence allowance shall be paid by the Government but it will be recovered from the borrowing organisation.
12. PROFORMA PROMOTION: If, while on deputation, the Government servant becomes for promotion in the parent department such Government servant should not ordinarily be allowed to continue on deputation. If however, the Govt. servant is continued on deputation, such Government servant will be allowed the pay of the scale given on proforma promotion.

13. PERMANENT ABSORPTION: If subsequently the Govt. servant desires to get absorbed in the services of the borrowing organisation, such government servant shall be required to resign his appointment under the Government and permanent absorption shall be with effect from the date of acceptance of the resignation.

14. These terms and conditions shall be deemed to have come into force with effect from the 26th day of April, 1975.

15. These terms and conditions shall also apply to such borrowing organisation if it has not got its own terms and conditions.

T. CHHOPHEL,
Secretary to the Govt. of Sikkim,
Establishment Department
The Government of Sikkim have reconstituted the State Level Committee for planning, co-ordinating and reviewing various schemes for the development of industries in the State of Sikkim. The following shall be the composition of the Committee:

1. Shri N. B. Bhandari, Hon'ble Chief Minister of Sikkim. — Chairman.
2. Shri Sanchaman Limbu, Hon'ble Minister for Industries. — Vice Chairman.
3. Shri R. Narayanan, Development Commissioner. — Member.
4. Shri K. Sherab, Secretary, Finance. — Member.
5. Shri J. Dorjee, Secretary, Power. — Member.
6. Shri P. T. Wangdi, Secretary, Land Revenue. — Member.
7. Shri P. K. Pradhan, Secretary, L.S.G. — Member.
8. Shri T. P. Sharma, Secretary, Heavy Industries. — Member.
9. Shri L. B. Chettri, Chief Engineer (Roads & Bridges) — Member.
10. Shri M. K. Pradhan, Chief Engineer (Building) — Member.
11. Shri P. Subba Rao, Director of Industries. — Member Secretary.

The Committee may also co-opt/invite any other Member considered necessary for the fulfilment of the above objective.

The terms of the Committee will be for a period of two years.

M.P. PRADHAN,
Chief Secretary,
Government of Sikkim.
NOTIFICATION

In exercise of the powers conferred by article 318 of the Constitution, the Governor is pleased to make the following regulations to amend the Sikkim Public Service Commission Regulations 1976, namely:

1. (i) These regulations may be called the Sikkim Public Service Commission (Amendment) Regulations, 1981-

(ii) They shall come into force on the date of their publication in the Official Gazette

2. In the Sikkim Public Service Commission Regulations, 1976, for regulation 6, the following regulation shall be substituted, namely:

6. The Chairman shall draw a fixed salary of Rs. 3000/- (rupees three thousand) only per month and a Member shall draw a fixed salary of rupees two thousand five hundred per month. In addition, the Chairman and a Member shall draw house rent allowance at the rate as is admissible to Class I Officers of the State Government:

Provided that the Chairman or a Member who, on the date of his appointment as such is in the active service of the Government of India or any other State Government, may be paid his grade pay and allowances in the parent service plus rupees three hundred as special pay till his retirement from the parent service:

Provided further that where any retired Government servant is appointed as the Chairman or a Member, pay plus pension shall not exceed rupees three thousand per month in case of the Chairman and rupees two thousand five hundred per month in case of a Member."

T. CHHOPHEL,

Secretary to the Govt. of Sikkim,
Establishment Department.
It has been found that most of the Departments responsible for granting contract works, supply works or Licences etc. are not insisting on production of valid Income Tax Clearance Certificate issued from the Income Tax Department inspite of this Office Notification No. 1172-200/IT&ST dated the 17th- February, 1977 copy enclosed. As a result of which the Department is experiencing difficulties in recovering the Government dues.

It is therefore, once again requested to all Heads of Departments to insist on production of a valid Income Tax Clearance Certificate before awarding any Government contract works or extending any other Government patronages,

Sd/- K. Sherab,
Secretary Finance,
Income and Sales Tax Department,
Government of Sikkim,
Gangtok.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION


Government of Sikkim hereby authorise the rise of the area detailed below as a gun emplacement area for the period from 5th August to 14th August, 1981 (both days inclusive):—

RANGE B: Area bounded by the Grid Reference as under, on the Map sheet No. 784/11 and : 784/15SIKKIM AND BHUTAN Meter Grid scale 1:50,000:—

(a) On the Northern side boundary runs along:
    Point 090660 to Point 100660
(b) On the Eastern side boundary runs along:
    Point 100640 to Point 100660
(c) On the Southern side boundary runs along:
    Point 090640 to Point 100640
(d) On the Western side boundary runs along:
    Point 090640 to Point 090660

EXPLANATION:
The area as per grid reference above coincides roughly the area bounded (clockwise) by:
Nursery, Chogin and Panch mile area

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
In continuation of Notification No. 15 (2)Home/79 dated 3-8-1981 the Government of Sikkim hereby extend the time for gun emplacement from 15th to 17th August, 1981 in the area as already notified in the above-mentioned Notification.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
Notification No. 28(678/L.R.(S) Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January,1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I)of Articles 258 of the constitution of India.

And whereas th? Governor is satisfied that land is needed for a public purpose, being a purpose to the Union, namely for Establishment of Army in the block of Kalapathar Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 313, 315, 316, full 319, 72, 78, 73, 77 parts measuring more or less 7.82 acres bounded on:

EAST D.F. Gyamibu Lepcha Road & D.F. of self
WEST Govt. Khas D.F. Dawa Tshering Lepcha
NORTH Namtey Lepch Govt. Khas
SOUTH N.S.H.. Road N.S.H. Road

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Kalapather.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern,

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (1) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Chungtang Elakha Chunghang District North it is hereby declared that a piece of land comprising cadastral plots 118 in part measuring more or less 1.32 acres bounded on:

EAST River Bet
WEST Champa Lama
NORTH D.F. Champa Lama
SOUTH Lachung Chu

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Pegong.

This declaration is made under the provision or section 6 of the Land Acquisition Act, 1894(Iof 1894) read with the said notification, to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No.30(678)/L.R.(S)  
(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for establishment of Army in the block of Toong Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 55, 56, 50, 60A and 60B in Fart measuring more or less 1.54 acres bounded on:  
EAST Private land  
WEST -do-  
NORTH -do-  
SOOTH -do-  
is needed for the aforesaid public purpose at the public expense within the aforesaid block of Toong.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1394 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.  
Secretary,  
Land Revenue Department,  
Government of Sikkim.
Notification No. 31(678)/L.R.(S)

Dated Gangtok, the 13th August, 1981.

Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government Under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No 12018/12/76 LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Deorali Simpher Elakha Chungthang District North it is hereby declared tha a piece of land comprising cadastral plots 345, 370, 374, 375. 346, 371, fall and 359, 359,341, 380, 379 in parts, measuring more or less 35.52 acres bounded on:


EAST Private land Jhora Private land
WEST " Markey Lepcha "
NORTH Road Khas Lepcha Foot path
SOUTH Footh path Private Teesta

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Deorali Simpher.

This declaration is made under the provision of section 6 of the Land Acquisition Act-1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O.,
Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, LAS.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 32(678)/L.R.(S)  
Dated Gangtok, the 13th August, 198

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(1 of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LR dated the 10th January 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose being a purpose of the Union, namely for Establishment of Army in the block of Chungthang Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 128 in full and 119, 120 and 123 in parts measuring more or less 1.49 acre bounded on:

EAST Khas Land
WEST P.F. Pemba Lama
NORTH P.F. Champa Lama, P.F. Kunda, Govt. Khas
SOUTH Teesta

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Chungthang.

The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern. A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.  
Secretary,  
Land Revenue Department,  
Government of Sikkim.
Notification No. 33(678)/L.R.(S) Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for establishment of Army in the block of Pegeng Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 327, 326, and 325 in full measuring more or less 18.53 acres bounded on:

EAST D.F. Namtey Lepcha, Pemba Lepcha
WEST " " " "
NORTH Forest
SOUTH Govt. land

is needed for the aforesaid public purpose at the public expence within the aforesaid block of Pegeng.

This declaration is made under the provision of section 6 of the Land Acquisition Act, Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Thumbuk Elakha Lachen District North it is hereby declared that a piece of land comprising cadastral plots 1, 3, 4 and 5 measuring more or less 4.40 acres bounded on:

<table>
<thead>
<tr>
<th>EAST</th>
<th>WEST</th>
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<tbody>
<tr>
<td>Private land</td>
<td>&quot;</td>
</tr>
<tr>
<td>NORTH</td>
<td>SOUTH</td>
</tr>
</tbody>
</table>

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Thumbuk.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No.35(678)/L.R.(S) Dated Gangtok, the 13th August, 1981.

(Notification under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of Articles 258 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Chuptakang Elakha Lachen District North it is hereby declared that a piece of land comprising cadastral plots 1, 2, 3 and 4 in full measuring more or less 2.60 acres bounded on:

EAST Private land
WEST -do-
NORTH -do-
SOUTH -do-

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Chuptaking.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Sikkim

Goverment Gazette

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Land Revenue Department

Government of Sikkim

Gangtok

Dated Gangtok, the 13th August, 1981.

Notification No. 36(678)/L.R.(S)

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Pegeng Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 322 in full and 313 in part measuring more or less 2.38 acres bounded on:

EAST Gvt. Land N. Govt. Land
WEST Namtey S. -do-
NORTH -do- E Penpo, Jurgey, Namtey
SOUTH -do- W Govt. Land

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Pegeng.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L A O ., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. Wangdi, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 38(678)/L.R.(S) Dated Gangtok, the 13th August, 1981

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD: dated the 10th January 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Rabong Elakha lachen District North it is hereby declared that a piece of land comprising cadastral plots 1 and 2 in full measuring more or less 3.60 acres bounded on:

EAST Private
WEST -do-
NORT -do-
SOUTH -do-

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Rabong.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S. Secretary Land Revenue Department, Government of Sikkim.
Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No.120/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Lukrap Elakha, Lachen District North it is hereby declared that a piece of land comprising cadastral plots 1, 2, 3, 4, 5, 6, and 7 measuring more or less 17.37 acres bounded on:

EAST Private land
WEST "
NORTH "
SOUTH "
is needed for the aforesaid public purpose at the public expense within the aforesaid block of Lukrap.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No.40(678)/L.R.(S)

Dated Gangtok, the 13th August, 1981

Notification No.40(678)/L.R.(S) (Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted State Government by Notification No. 12018/12/76 LRD dated 10th January 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose being a purpose of the Union, namely for Establishment of Army in the block of Charter Elakha Lachen District North it is hereby declared that a piece of land comprising cadastral plots A and B in full measuring more or less 1.50 acres bounded on:

- EAST Private land
- WEST "
- NORTH "
- SOUTH "

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Charter.

This declaration is made under the provision of section 6 of the Land Acquisition Act 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan if the land may be inspected in the office of the Collector-cum-Sp. L.A.O. Land Revenue Department, Gangtok.

By Order of the Governor

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
Notification No.41(678)/L.R.(S) Dated Gangtok, the 13th August, 1981

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January 1978 issued by the Government of India in the Ministry of Agriculture; & irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Chungthang Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 91, 93, 96, 97 135, 134, 129, 127, 124 and 122 parts measuring more or less 0.84 acres bounded on:

EAST Khasland
WEST N.S.H. Road
NORTH P.F. Dawa Tsh. Children, Gyammo, D.F. Sonam Tsh. Lama
SOUTH Mahaya D.F. Chiden P.F. Kundu P.F.D.F. Champu.

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Chungthang.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern. A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 42(678) L.R.(S)
Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (1 of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted State Government by Notification No. 12018/12/76 LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Charten Elakha Lachen when District North it is hereby declared that a piece of land comprising cadastral plots 1 in Part measuring more or less 0.85 acres bounded on;

EAST Private Land
WEST -do-
NORTH Road
SOUTH Private Land

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Charten.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (1 of 1894) read with the said notification, to all whom it may concern,

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O.,
Land Revenue Department, Gangtok,

By Order of the Governor

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department
Government of Sikkim.
Notification No.43(678)/L.R.(S)  Dated Gangtok, the 13th August, 1981,

(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894) in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause(I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Charten Elakha District North it is hereby declared that a piece of land comprising cadastral plots 1,2,3, 4, 5 and 6 measuring more or less 8.45 acres bounded on:

- EAST Private land
- WEST -do-
- NORTH -do-
- SOUTH -do-

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Charten.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor,

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 44(678)/L.R.(S) 
Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

 Whereas the functions of the Central Government under the Land Acquisition Act, 1894(1 of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Gongchung Elakha Lachen District North it is hereby declared that a piece of land comprising cadastral plots 1, 2, 3 and 4 measuring more or less 3.62 acres bounded on:

EAST Private land
WEST
NORTH
SOUTH

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Gongchung.

This declaration is made under the provision of section 6 of the Land Acquisition Act 1894(1 of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.Q., Land Revenue Department, Gangtok.

By Order of the Governor

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No.45(678)/L.R(S) Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

Where the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted the State Government by Notification No. 12018/12/76 LRD dated the January 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Pegeng Elakha Chunthang District North it is hereby declared that a piece of land comprising cadastral plots in part measuring more or less 6.25 acres bounded on:

EAST Khasmall
WEST D.F.Yusep Lepcha
NORTH D.F. Namtey Lepcha
SOUTH " "

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Pegeng.

The declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. Revenue Department, Gangtok.

By Order of the Governor

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Notification No.46(678)/LR.(S)

Gangtok, the 13th August, 1981

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Article 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Charten Elakha Lachen District North it is hereby declared that a piece of land comprising cadastral plots 2, 3, 5, 6 and 39 in full measuring more or less 0.79 acres bounded on:

- EAST Mule Track
- WEST Lachen Pipon
- NORTH N.S.H. Road
- SOUTH D.G.Ongchuk Palden and others

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Charten.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L A O., Land Revenue Department Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S.

Secretary,
Land Revenue Department
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANAGTOK.
Notification No.7(678)/L.R.(S) Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (1) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Chungthang Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 335 in full measuring more or less 3.75 acres bounded on:

EAST Pintso Lepcha and Dichen Lepcha
WEST Govt.land
NORTH Government
SOUTH Government

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Chungthang.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894), read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor,

P. T. WANGDI, I.A.S,
Secretary,
Land Revenue Department,
Government of Sikkim.
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No.48(678)/L.R.(S)
Dated Gangtok, the 13th August, 1981

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose being a purpose of the Union, namely for Establishment of Army in the block of Pegeng Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 316, 320, and 323 in full and 317 in part measuring more or less 3.46 acres bounded on:

EAST Govt. land N. Govt. land Namtey Lepcha
WEST Govt. land and Jorgey S. Ggyamibu Lepcha
NORTH Road E. Govt. land
SOUTH Jorgey Lepcha W. Yusef and Namyte Lepcha

is needed for the aforesaid public purpose at the public expense within the aforesaid block if Pegeng.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern. A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/T6 LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Pegeng Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 332, 334, and 335 in full measuring more or less 2.89 acres bounded on:

- EAST Jhora
- WEST Khas
- NORTH N.S.H. Road
- SOUTH D.F. Dechen Lepcha and Govt. Khas

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Pegeng.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O. Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGD1, I.A.S.
Secretary,
Land Revenue Department
Government of Sikkim
NOTIFICATION NO 50(678)/L.R.(S) 

Dated Gangtok, the 13th August, 1981

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Zeema Elakha District North it is hereby declared that a piece of land comprising cadastral plots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 plots in full measuring more or less 4.56 acres bounded on:

EAST Private land

WEST -do-

NORTH -do-

SOUTH -do-

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Zeema.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O., and Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S.

Secretary

LAND REVENUE DEPARTMENT

GOVERNMENT OF SIKKIM

GANGTOK
Notification No.51(678)/L.R.(S)  
Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Pegeng Elakha Chungthang District North it is hereby declared that a piece of land comprising cadastral plots 333 and 338 in parts measuring more or less 0.63 acres bounded on:

EAST Govt. land
WEST Dichen Lepcha
NORTH Pintso Lepcha
SOUTH Dichen Lepcha

is needed for the aforesaid public purpose at the public expenses within the aforesaid block of Pegeng.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor,

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
notification No. 52(678)/L-R.(S) Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India. And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Rhenock Elakha Aritar District East it is hereby declared that a piece of land comprising cadastral plots 574, 486, and 487 in full measuring more or less 4.58 acres bounded on:

East Galli
West Late Sonam Dadul Kazi
North Late Sonam Dadul Kazi and Rinzing Lepchani
South Bachu, Tyan Thinley, Nim Tshering and Passang Tshering

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Rhenock.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor,

Secretary,
Land Revenue Department
Government of Sikkim.
Sikkim

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Gangtok, Monday, August 17, 1981

Land Revenue Department

Government of Sikkim

Gangtok

Dated Gangtok, the 13th August, 1981.

Notification No. 53(67S)/L.R.(S)

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being purpose of the Union, namely for Establishment of Army in the block of Aritar Elakha Rhenock District East it is hereby declared that a piece of land comprising cadastral plots as shown in schedule of properties below measuring more or less 22.71 acres bounded on:

EAST Budhu Lepcha Harka Bahadur Gurung
WEST Water point & Kazi Khati area, Private Land
NORTH Private Land
SOUTH Private Land , Reshi Rongli Road.

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Aritar.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

Schedule of Properties.

In full-1302,488,191,193,189,185,490,39,49,190,45,44,77,76,42,81,82,83,84,506,505,43
In Part-1303,192,74,46,211,80,80A,85,86,86A,489.

By Order of the Governor.

P.T. Wangdi, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim
Notification No. 54(678)/L.R.(S)

(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose being a purpose of the Union, namely for Establishment of Army in the block of Penongla Elakha Tadong District East it is hereby declared that a piece of land comprising cadastral plots in Part-37, 36, 39 40, 30 measuring more or less 49.60 acres bounded on:

Reserve Forest & bijan ban
EAST Reserve Forest & bijan bari
WEST N.S.H. Road Taktse Compound
NORTH N.S.H. Road
SOUTH " " & P.T. PUTHOK Compound

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Penongla.

This declaration is made under the provision of section 6 of the Land Acquisition Act 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L,A.O. Land Revenue Department, Gangtok.

By Order of the Governor,

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No, 55(678)/L.R.(S)  
Dated Gangtok, the 13th August, 1981

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No- 12018/12/76 LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Aritar Elakha Rhenak District East it is hereby declared that a piece of land comprising cadastral plots as shown in schedule of properties below measuring more or less 44.58 acres bounded on:

EAST Private land
WEST Forest, Private land, reshi-Rongli Road
NORTH Govt. Khas & Private Road
SOUTH Reshi-Rongli Road

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Aritar.

This declaration is made under the provision of section 6 of the Land Acquisition Act, Land Revenue Department, Gangtok.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.0., Land Revenue Department, Gangtok.

SCHEDULE OF PROPERTIES.

In full -222,221,235,1394,1395,489,38,22,490,30,31,492,570,848,847,1105 493.

By Order of the Governor,
P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
NOTIFICATION NO. 56(678)/L.R.(S) 
Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose being a purpose of the Union, namely for Establishment of Army in the block of Phadamchen Elakha Chuzachen District East it j is hereby declared that a piece of land comprising cadastral plots 54 in full measuring more or less 3.60 acres bounded on:

EAST Govt. Land
WEST Mule Track
NORTH Mule Track Reserve Forest
SOUTH Dak Banglow

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Phadamchen.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the Land may be inspected in the office of the Collector-cum-Sp. L.A.O.,d Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Rhenock Aritar Elakha Rhenock District East it is hereby declared that a piece of land comprising cadastral plots, in part 21A,21B, 1439 and 176, 21 in full measuring more or less 4.50 acres bounded on.

EAST late Sonam Dad
WEST D.F. of Doley Lepcha
NORTH Forest line
SOUTH D.F. of Doley Lepcha.

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Rhenock Aritar.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O. Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No.58(678)/L.R.(S)  

Dated Gangtok, the 13th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(1 of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation purpose (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Penongla Elakha Tadong District East it is hereby declared that a piece of land comprising cadastral plots in Part-39, 39A 36, 39B measuring more or less 6.01 acres bounded on:

EAST N.S.H. Road  
WEST Taktse Palace Compound  
NORTH Taktse Palace Compound  
SOUTH Private Land

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Penongla.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(1 of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S.  
Secretary,  
Land Revenue Department,  
Government of Sikkim.
No.107

Gangtok, Friday August 21, 1981

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

Dated Gangtok, the 20th August, 1981.

No.18/SLAS//81-82/631

The following order made by the Governor of Sikkim is hereby published for general information:—

No.SKM/GOV/1208/81

ORDER

Dated 19th August, 1981.

In exercise of the powers conferred on me by article 174 (1) in Part VI of the Constitution of India, I, Homi J-H. Talleyarkhan, Governor of Sikkim, hereby summon the Legislative Assembly of Sikkim to meet on Wednesday, 16th September, 1981 at 11.00 A.M.in the Assembly House in Gangtok.

I further direct that the Secretary, Legislative Assembly, shall notify the Members accordingly.

HOMI J. H. TALEYARKHAN,
GOVERNOR OF SIKKIM"
Notification No.59(123)/L-R.(S)  
Dated Gangtok, the 24th August, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely, for the establishment of District Administrative Centre and residential buildings at Pentok in the block of Zimchim Elakha Mailing Singhik District North, it is hereby declared that a piece of land comprising cadastral plot Nos. 43, 45, 16, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 83, 84, 85, 139, 145, 146, 147, 148, 149, 155, 156, 157, 158, 159, and 160 measuring area more or less 52.31 acres bounded on the:

NORTH: Agriculture Regional Centre and public holding separated by stone fencing wall.
SOUTH: Khas land of block Ringham & Zimchung block
EAST: Private holding separated by Rock and stone fencing wall
WEST: Agriculture Regional Centre and Khas land;

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Zimchung.

This declaration is made under the provisions of Section 6 of Act I of 1894 to all whom it may concern.

A plan of land may be inspected in the office of the Collector, Mangan, North Sikkim'

By Order of the Governor.

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
LEGISLATIVE DEPARTMENT

Notification.

No.1/L/75-8th September, 1975.— The following Act of the Sikkim Legislature having been assented to by the Governor on the 8th September 1975, is hereby published for general information.

Sikkim Act 1 of 1975.
[Passed by the Sikkim Legislature]

ACT NO. 1 OF 1975
THE SIKKIM CULTIVATORS PROTECTION (TEMPORARY PROVISIONS) ACT 1975
(As amended by Sikkim Act No. 3 of 1979 which received the assent of the Governor on November 13, 1979 and published in Sikkim Extraordinary Gazette of November 23, 1979).

AN ACT

to make temporary provision for protection of cultivators against termination of cultivation of lands cultivated by them, for restoration of such lands in case of illegal termination, for limiting the liability of the cultivators and for other matters connected therewith.

WHEREAS it is expedient to make temporary provisions for protection of the cultivators against termination of their cultivation of lands cultivated by them, for restoration of such lands in case of illegal termination, for limiting the liability of the cultivators and for other matters connected therewith:

It is hereby enacted as follows:-

1. (1) This Act may be called the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975.
(2) It extends to the whole of Sikkim.
(3) It shall come into force at once and shall remain in force for a period of two years from the date of its commencement; but the State Government may, by notification in the Sikkim Government Gazette, extend the period of its duration for a further period not exceeding 1[four years].

In this Act, unless there is anything repugnant in the subject or context.

(I) "Agriculture Year", means the year commencing from the first day of February;

(2) "Civil Court" does not include the High Court or the Supreme Court;

(3) "Cultivator" means a person who cultivates the land of another person on condition of payment of rent, in cash or in kind, or on condition of delivering or receiving share or any fixed quantity of the produce and included a person who cultivates the land of another person on any terms and conditions except as a paid servant or hired labourer:

(4) "Owner" means a person whose land is cultivated by a cultivator

(5) "Prescribed" means prescribed by rules made under this Act;

(6) "Prescribed Authority" means the District Officer designated the land is situated and shall also include any other officer specially empowered by the State Government in this behalf.

3. (1) The provisions of this Act and of any rules made thereunder shall have effect notwithstanding anything to the contrary contained in any other law or in any custom, usage, contract or instrument.

(2) Any law or custom or usage having the force of law in force immediately before the commencement of this Act shall cease to have effect with respect to any matter for which provision is made in this Act,

(3) Any other law in force immediately before the commencement of this Act shall cease to have effect in so far it is inconsistent with the any of the provisions contained in this Act.

4. (1) No owner shall be entitled to terminate the cultivation of his land by a cultivator except in execution of an order made by the prescribed authority on the ground that the cultivator has without any reasonable cause failed to cultivate the land.

(2) Any order of ejectment passed under the provisions of this Act shall be executed by the prescribed authority, but proper compensation as may be determined by the prescribed authority shall be paid by the owner to the cultivator for his share of the standing crops, if any.

(3) If any owner terminates or causes to be terminated the cultivation of any land by a cultivator in contravention of the provisions of this Act, the prescribed authority shall, on receipt of any application made by or on behalf of the cultivator and after giving the cultivator and the owner an opportunity of being heard and after making such inquiries as he may deem necessary, by order direct—

(a) in a case where such land has not been cultivated or has been cultivated by the owner or by any person on his behalf other than a cultivator, that the land be immediately restored to the cultivator and further that forty per cent of any produce of the land shall be forfeited to the State Government and the remaining sixty per cent of such produce shall be retained by the cultivator.

(b) in a case where such land has been cultivated by a new cultivator engaged by the owner, that the land be restored at the end of the cultivation season to the applicant cultivator and further that the new cultivator shall retain fifty per cent of the produce harvested before restoration and make over the remaining fifty per cent of such produce to the applicant cultivator.
Limit of liability of cultivation. For the cultivation of any land, no cultivator shall be required to pay or deliver to the owner and no owner shall be entitled to receive from the cultivator, more than half of the principal produce of the land or the price thereof, as the case may be, as rent or share or on any other account.

Surrender or abandonment. (1) If cultivator:
(a) surrenders his right to cultivate in respect of land cultivated by him as a cultivator, or
(b) abandons cultivation of such land, the owner of the land shall give information in writing of such surrender or abandonment to the prescribed authority.

(2) On receipt of such information the prescribed authority shall, after giving the cultivator and the owner an opportunity of being heard and making such inquiries as he may deem necessary, by order determine whether the cultivator voluntarily surrendered or abandon the cultivation in relation to such land.

(3) If the prescribed authority determines that the cultivator had not voluntarily surrendered or abandoned the cultivation of the land which was being cultivated by him as such and that he had been compelled by force or otherwise to surrender or abandon the cultivation of such land, the prescribed authorities shall restore the cultivator to the cultivation of the land.

(4) If the cultivator is not available or is not willing to be restored to the cultivation of such land, or if the prescribed authority determines that the cultivator had voluntarily surrendered or abandoned the cultivation of such land, the owner shall not resume personal cultivation of such land, but may, with the permission of the prescribed authority, have the land cultivated by another cultivator of the locality who is willing to cultivate the land as cultivator.

7. (1) Where a cultivator cultivating any land dies, the cultivation of such land may be continued for the remaining period of that agricultural year by the lawful heir of the cultivator and if such lawful heir continues the cultivation, he shall have all the rights and be subject to all the liabilities of a cultivator under the Act in respect of such remaining period.

(2) Where -
(a) no lawful heir of the cultivator is in a position to cultivate the land personally, or
(b) the lawful heir omits or fails to take any steps for the continuation of the cultivation of the land within fifteen days from the date of the death of the cultivator, or if the agricultural operations in the neighbouring lands are not then in progress, within fifteen days from the date of commencement of such operation, the cultivation of the land may be continued by such person as may be nominated by the owner.

8. (1) If cultivator fails or omits neglects to pay the rent or share or fixed quantity of the produce payable to the owner, the owner shall be entitled to recover such rent or produce due to him or its money value.

(2) If the produce of any land cultivated by cultivator whether before or after it is harvested is taken away by owner forcibly or otherwise, the cultivator shall be entitled to recover from such owner the share or quantity of the produce due to him or its money value.

9. Every dispute between a cultivator and the owner in respect of the following matter, namely:
(a) division or delivery or the produce or payment of rent,
(b) recovery of rent, share or fixed quantity of the produce under the provisions of sub-section (1) or sub-section (2) of section 8.
(c) termination of cultivation by the cultivator, shall be decided by the prescribed authority.

10. Appeal shall lie within the prescribed period to an Appellate Officer to be appointed by the state Government against any final order of the prescribed authority made under this Act, except where such order was made by the prescribed authority with the consent of the parties to the dispute.

11. (1) The procedure to be followed by the prescribed authority or by the Appellate Officer shall be as may be prescribed.

(2) An order made by the prescribed authority or the Appellate Officer shall be executed by the prescribed authority in such manner as may be prescribed.

12. No suit, prosecution or other legal proceedings shall any persons for anything which is in good faith done or intended to be done under or in pursuance of the provisions of this Act, or the Sikkim Cultivators (Protection) Ordinance 1975.

13. No order or other proceedings whatsoever under this Act, shall be questioned in any Civil Court and no Civil Court shall entertain any suit or proceeding in respect of any matter for which provision is made in this Act.

14. (1) The State Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rule may provide for all or any of the following matters:

(a) the period within which the cultivator shall pay or deliver to the owner the rent, or share or fixed quantity of the produce to which the owner is entitled under this Act;

(b) the period within which an appeal shall lie under Section 10 to an Appellate Officer;

(c) the procedure to be followed by the prescribed authority or the Appellate Officer;

(d) the manner in which the final order by the prescribed authority or the Appellate Officer shall be executed;

(e) any other matter required to be prescribed under this Act.

15 (1) The Sikkim Cultivators (Protection) Ordinance 1975is hereby repealed.

(2) Notwithstanding the repeal of the said Ordinance any proceeding of remedy in respect of any right, privilege, obligation or liability under the said Ordinance and relating to the period before such repeal may be instituted, continued or enforced as if the said Ordinance had been in force and had not been repealed.

By Order of the Governor.

P. K. PRADHAN
Secretary to the Government
MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 26th July, 1981/Sravana 4, 1903 (Saka)
THE ESSENTIAL SERVICES MAINTENANCE ORDINANCE, 1981
No. 10 of 1981

Promulgated by the President in the Thirty-second Year of the
Republic of India.

An Ordinance to provide for the maintenance of certain essen-
tial services and the normal life of the community.

WHEREAS Parliament is not in session and the President is
If 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 123 of the Constitution, the President is pleased
to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Essential Services short title ex-
(Maintenance Ordinance, 1981. tent and com-
(2) It extends to the whole of India: mencement,

Provided that it shall not apply to the State of Jammu and
Kashmir in so far as it relates to any essential service connected with
matters with respect to which Parliament has no power to make laws
for that State.

(3) It shall come into force at once.
2. (1) In the Ordinance, unless the context otherwise requires,—

(a) "essential service" means—

(i) any postal, telegraph or telephone service, including any service connected therewith;

(ii) any railway service or any transport service, for the carriage of passengers or goods by air or any other transport service for the carriage of passengers or goods by land or water with respect to which Parliament has power to make laws;

(iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft, or any service in the International Airports Authority of India constituted under section 3 of the International Airports Authority Act, 1971;

(iv) any service in, or in connection with the working of, any major port, including any service connected with the loading, unloading, movement or storage of goods in any such port;

(v) any service connected with the clearance of goods or passengers through the customs or with the prevention of smuggling;

(vi) any service in any establishment of, or connected with, the armed forces of the Union or in any other establishments or installations connected with defence;

(vii) any service in any section of any industrial undertaking pertaining to a scheduled industry on the working of which the safety of such undertaking or the employees employed therein depends;

Explanation—For the purposes of this sub-clause, the expressions "industrial undertaking" and "scheduled industry" shall have the meanings respectively assigned to them in clauses (d) and (i) of section 3 of the Industries (Development and Regulation) Act, 1951;

(viii) any service in, or in connection with, the working of any undertaking owned or controlled by the Central Government being an undertaking engaged in the purchase, procurement, storage, supply or distribution of foodgrains;

(ix) any service in, or in connection with the working of any system of public conservancy or sanitation, hospitals or dispensaries in any Union territory, cantonment area or undertaking owned or controlled by the Central Government;

(x) any service in connection with or in relation to banking;

(xi) any service in any oilfield or refinery or in any establishment or undertaking dealing with the production, supply or distribution of petroleum and petroleum products;

(xii) any service in any mint or security press;

(xiii) any service in connection with elections to Parliament or to the Legislatures of the States;

(xiv) any service in connection with the affairs of the Union, not being a service specified in any of the foregoing sub-clauses;

Definitions,
(xv) any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purpose of this Ordinance;

(b) "strike" means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes-

(i) refusal to work overtime where such work is necessary for the maintenance of any essential service;

(ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

(2) Any reference in this Ordinance to any law which is not in force in any area and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law.

(3) Every notification issued under sub-clause (xv) of clause (a) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation:- Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates.

3.(1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit strikes in any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for months only, but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

(a) no person employed in any essential service to which the Order relates shall go or remain on strike;

(b) any strike declared or commenced whether before or after the issue of the Order, by persons employed in any such service shall be illegal.
4. Any person,—
(a) who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike; or
(b) who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike,
shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

5. Any person who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

6. Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

7. Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

8. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Ordinance shall be tried in a summary way by any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered in this behalf by the State Government and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such offences.

Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrates to pass a sentence of imprisonment for any term for which such offence is punishable under this Ordinance.

10. The provisions of this Ordinance and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947, or in any other law for the time being in force.

11. During the continuance in force of this Ordinance, the Essential Services Maintenance (Assam) Act, 1980, shall have effect as if—
(a) in section 2,—
(1) in sub-section (1),
(i) clause (a) had been omitted;
(ii) for clause (b), the following clauses had been substituted, namely:

'(b) "essential service" means—

(i) any transport service for the carriage of passengers or goods, by land or water, with respect to which the Legislative Assembly of the State of Assam has power to make laws;

(ii) any service connected with the production, storage, supply or distribution, as the case may be, of gas or water;

(iii) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries;

(iv) any public service and posts in connection with the affairs of the State, and also persons appointed to the secretarial staff of the Legislative Assembly of the State of Assam;

(v) any other service or employment or class thereof connected with matters with respect to which the Legislative Assembly of the State of Assam has power to make laws and which the State Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of the supplies and service necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of the Act;

(bb) "State Government" means the State Government of Assam;

(2) in sub-section (2), for the words, brackets and figures "under sub-clause (xiv)", the words, brackets and figure "under sub-clause (v)" had been substituted;

(b) in section 3 and 9, for the words "appropriate Government", wherever they occur, the words "State Government" had been substituted.

N. SANJIVA REDDY,
President.

_________________________
R.V.S. PERI SASTRI,
Secretary to the Govt, of India.

By order,

BR. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,
F. No. II(255)/LD/80.
The following notifications are republished for general information:-

THESE NOTIFICATIONS HAVE BEEN PUBLISHED IN AN EXTRAORDINARY ISSUE OP GAZETTE OF INDIA PART II, SECTION 3 (iii), DATED 2ND SEPTEMBER, 1981.

GOVERNMENT OF INDIA
MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(LEGISLATIVE DEPARTMENT)

NOTIFICATION

New Delhi, the 2nd September, 1981.

S.O. In pursuance of section 12 of the Representation of the People Act, 1951 (43 of 1951), the President is pleased to call upon the elected members of the Legislative Assembly of Sikkim to elect, in accordance with the Provisions of the said Act and the Rules and orders made thereunder, a member to fill the seat of the member of the Council of States who is retiring on the 19th October, 1981 on the expiration of his term of office.

Sd/- R.V.S. PERI SASTRI
SECRETARY
No. F. 13(4)/81-Leg. II.)

ELECTION COMMISSION OF INDIA

New Delhi
Dated: 2 September, 1981,
Bhadra II, 1903 (S).

NOTIFICATION

No. 318/KSKM/81(I)-Whereas the President has, by notification published in the Gazette of India on the 2nd September, 1981 called upon elected members of the Legislative Assembly of the State of Sikkim to elect one member to the Council of States;

Now, therefore, In exercise of the powers conferred by sub-section (1) of section 39 of the Representation of the People Act, 1951, the Election Commission hereby appoints with respect to the said election.

(a) 9th September, 1981 (Wednesday), as the last date for making nominations;
(b) 10th September, 1981 (Thursday), as the date for the scrutiny of nominations;
(C) 12th September 1981 (Saturday), as the last date for the withdrawal of candidatures;
(d) 21st September, 1981(Monday), as the date on which a poll shall, if necessary, be taken; and
(e) 26th September 1981 (Saturday) as the date before which the election shall be completed;

By order,

(k.Ganesah)
Secretary to the Election Commission of India.
NOTIFICATION,

No. 31/SKM/81(2).- In exercise of the powers conferred by sect 56 of the Representation of the People Act, 1951, the Election Commission hereby fixes the hours from 10.00 a.m. to 2.00 p.m as the hours during which the poll shall, if necessary, be taken at the biennial election to the Council of States, to be held In pursuance of the President's notification published in the Gazette of India on the 2nd September 1981.

By order,

(K. GANESAN)
SECRETARY TO THE ELECTION COMMISSION OF INDIA

ELECTION COMMISSION OF INDIA
NEW DELHI
DATED: 2nd September, 1981
Bhadra II, 1903 (Saka)

NOTIFICATION

No.318/SKM/81 (3).- In pursuance of the provisions of section 21 of the Representation of the People Act, 1951 the Election Commission hereby designates in consultation with the Government of Sikkim Shri R.K. Gupta, Secretary, Legislative Assembly, to be the Returning Officer, in respect of the biennial election to the Council of States to be held in the said State in pursuance of the President’s notification published in the Gazette of India on 2nd September, 1981.

By order,

(K. GANESAN)
SECRETARY TO THE ELECTION COMMISSION OF INDIA

ELECTION COMMISSION OF INDIA
New Delhi
Dated 2nd September, 1981
II Bhadra, 1903 (S)

NOTIFICATION

No.318/SKM/81(4) - In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby appoints Shri B.S. Rai, Deputy Secretary, Sikkim Legislative Assembly, to assist the Returning Officer appointed vide Commission’s notification No. No.318/SKM/81(3), dated the 2nd September, 1981, for the biennial election to the Council of States, in the performance of his functions.

By order,

(HR. Gupta) (K. GANESAN)
Deputy Chief Electoral Officer, Sikkim, SECRETARY TO THE
ELECTION COMMISSION OF INDIA

PRINTED AT THE SIKKIM GOVERNMENT PRESS
The following Ordinance promulgated by the Governor on 3rd September, 1981 is hereby published for general information:

ORDINANCE NO 2 OF 1981

THE SIKKIM CULTIVATORS PRO ACTION (TEMPORARY PROVISIONS) AMENDMENT ORDINANCE, 1981.

AN ORDINANCE further to amend the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975.

Whereas the legislative Assembly of the State of Sikkim is not in Session;

And whereas, the Governor of Sikkim is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the power conferred by clause (1) of article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance:-

1. This Ordinance may be called the Cultivators Protection Shot title, (Temporary Provisions) Amendment Ordinance, 1981.

2. In section 1 of the Sikkim Cultivators Protection (Temporary Amendment of Provisions) Act, 1975, in sub_section (3), for the words "a further of Section I period not exceeding four years", the words "a farther period not exceeding six years" shall be substituted.

Gangtok, Dated the 3rd Sept., 1981.

HOMI J. H. TALEYARKHAN
GOVERNOR
In exercise of the powers conferred by sub-section (3) of Section 1 of the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975 (Sikkim Act No. 1 of 1975) as amended by Ordinance No. 2 of 1981, the State Government hereby extends the period of duration of the said Act for a further period of Two years with effect from the expiry of the previous extended period of two years under Notification No. 2369/L.R. dated the 7th September, 1979.

By Order

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Sikkim Legislative Assembly Secretariat

Notification

Dated Gangtok, the 1st September, 1981.

No.697/204/SLAS/81-82.

In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the Speaker has been pleased to order the pre-publication of the following Bill:-

THE SIKKIM ARMED POLICE FORCE BILL, 1981.

BILL NO- 8 OF 1981.

A BILL

to provide for the constitution and regulation of the Sikkim Armed Police Force in the State of Sikkim.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Sikkim Armed Police Force Act, 1981.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

(4) It shall apply to the officers of the Force wherever they may be.

2. In this Act, unless the context otherwise requires,—

(a) "active duty" means—

(i) the duty to restore and preserve order in any local area in the event of any disturbance therein, to prevent offences involving breach of peace or danger to life or property, and to search for and apprehend persons concerned in such offences, or who are so desperate and dangerous as to render their being at large hazardous to the community;

(ii) the duty to take all measures for extinguishing fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earth-quakes, enemy action or riots and to restore peace and preserve order on such occasion;

(iii) such other duty as may be specified to be active duty by the State Government or the Inspector General of Police, in a direction issued under section 12;
(b) "Commandant", "Assistant Commandant" "Adjutant" "Company Commander" means a person appointed by the State Government to those offices as such under section 5;
(c) "follower" means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or any other tradesman designated as such in connection with the Force;
(d) "Force" means the Sikkim Armed Police Force constituted under section 3;
(e) "Inspector-General" means the Inspector-General of Police;
(f) "members of the subordinate ranks" means members of the Force below the rank of Adjutant, Assistant Commandant or Company Commander;
(g) "officer of the Force" means a member of the Force;
(h) "police officer" means every police officer as defined in the Police Act, 1861;
(i) "prescribed" means prescribed by rules made under this Act;
(j) "superior officer" in relation to any officer of the Force, means,-
   (a) an officer of the Force of a higher class than, or of a higher grade in the same class as, such officer; or
   (b) an officer of the Force of the same grade or class but defined such officer;
(k) the words and expressions used herein and not denned, but dew in the Indian Penal Code, 1860, the Code of Criminal Procedure 45 of 1898, and the Police Act, 1861 shall have the meanings respectively assigned to them in those enactments.
3. (1) In addition to the police force constituted under the Police Act, 1861, the State Government may constitute and maintain a force known as the Sikkim Armed Police Force.
(2) The Force shall be constituted and maintained in such manner as may be prescribed.
(3) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the Force shall be such as may be prescribed:
   Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police Service who may be transferred to the Force.
(4) The State Government or any officer empowered by the State Government in this behalf may—
   (a) divide the Force in groups;
   (b) sub-divide each group into battalions, and each battalion into companies, and each company into platoons, and platoons into sections or smaller sub-units;
   (c) post any group, battalion, company, platoon, section or smaller sub-unit at such places as the State Government or such officer may deem fit.
4. The superintendence, control and administration of the Force shall, in accordance with the provisions of this Act and the rules made thereunder, vest in the Inspector-General or in such Deputy Inspector-General or Assistant Inspector-General as the State Government may authorise in this behalf.
5. (1) The State Government may appoint for each Battalion a Commandant who is a person eligible to hold the post of a Superintendent of Police and one or more Assistant Commandants, Adjutants and Company Commanders who shall be persons eligible to hold the post of an Assistant or a Deputy Superintendent of Police.
(2) The Deputy Inspector-General of Police, the Assistant Inspector-General of Police, the Commandant, the Assistant Commandant, the Company Commander and the Adjutant may exercise such powers and authority as may be prescribed.

6. The State Government may, by notification in the Official Gazette, empower a police officer of the District police force of such rank to exercise such disciplinary powers under this Act over the officers of the Force working under his operational control and in such districts as may be specified in the notification:

Provided that such police officer shall be of the rank higher than the rank of the officer of the Force in charge of such Force.

7. (1) Before any person appointed to be an officer of the force joins his appointment, a declaration in the form in Schedule I shall be read out, and if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant, or an Adjutant or a police officer not below the rank of an Assistant Superintendent or a Deputy Superintendent of Police and shall be signed by him, in token of having been so read out, and explained to him, and of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant, Adjutant or police officer, as the case may be.

(2) No officer of the Force shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (1).

(3) Where any officer of the Force resigns in contravention of the provisions of this section, he shall, on the order of the Commandant forfeit all arrears of pay due to him on the date of his resignation.

(4) The forfeiture of arrears of pay under sub-section (3), shall be without prejudice to any other penalty, if any, that may be imposed upon such officer under the provisions of this Act or any other law for the time being in force.

8. (1) Subject to the provisions of sections 14 to 21, every officer of the Force shall, upon his appointment and so long as he continues to be an officer thereof, be deemed to be a police officer and, subject to any terms, conditions and restrictions as may be prescribed, have and be subject to all the powers, privileges, liabilities, penalties, punishments and protection as a police officer duly enrolled under provisions of the Police Act, or any other law for the time being in force, or any rules or regulation made thereunder:

Provided that the provisions of the Police Act, or any other law or rules or regulations made thereunder are not inconsistent with the provisions of this Act or any rules made thereunder.

(2) The State Government may designate the ranks of officers of the Force which shall be deemed to be equivalent to various ranks of the police officers for the purposes of this section, and also generally for the purposes of this Act.

9. (1) Notwithstanding anything contained in this Act or Police Act, it shall be competent for the State Government or the Inspector-General, if so authorised by the State Government in this behalf, to transfer officer of the Police force appointed under the Police Act, 1861, to the Force and vice-versa.

(2) On the transfer of an officer of the Police force appointed under the Police Act, 1861, to the Force or vice-versa, he shall be deemed to be an officer of the Force or the Police force, as the case may be, to which he is transferred and in the performance of his functions, he shall, subject to such order as the State Government may make, be deemed to be vested with such powers and privileges, and be subject to the liabilities, of an officer of the grade in the Force or the police force, as the case may be, to which he has been transferred, as may be specified in the orders.
10. (1) Every officer of the Force below such rank as may be specified by the State Government shall on appointment, receive a certificate of appointment in the form in Schedule II.

(2) Every person who for any reason, ceases to be an officer of the Force, shall forthwith deliver his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office to an officer empowered by the Commandant to receive the same.

11. The Commandant shall, subject to the orders of the Inspector-General, direct and regulate all matters of arms, drill exercise, discipline, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the officers of the Force and members of the subordinate ranks under his charge.

12. (1) Every officer of the Force shall for the purpose of this Act be deemed to be always on duty and any officer of the Force and any number or body of the officers of the Force may, if the State Government or the Inspector-General so directs, be employed on active duty for so long as and wherever the service of the same may be required whether in Sikkim or outside.

(2) Every direction issued under sub-section (1) shall specify that the duty on which any officer of the Force or any number or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

(3) Every direction issued under sub-section (1) shall be final and binding on every officer of the Force.

(4) An officer of the Force employed on active duty under sub-section (1), or when a number or body of the officers of the Force are so employed, the officer-in-charge of such number or body, shall be responsible for the efficient performance of their duty and all police officers who but for the employment of one or more officers of the Force or body of officers of the Force, would be responsible for the performance of that duty, shall, to the best of their ability, assist and co-operate with the said officer of the Force or officer-in-charge of a number or body of officers of the Force.

13. (1) When employed on active duty at any place under sub-section (1) of section 12, the senior officer of highest rank not below that of a Head Constable present shall be deemed to be an officer-in-charge of a police station for the purposes of Chapter IX of the Code of Criminal Procedure 1898.

(2) Notwithstanding anything contained in sections 100 and 103 of Indian Penal Code, 1860, an officer of the Force employed as aforesaid may, when there is reasonable apprehension of assault on himself or any officer of the Force or of damage or harm to any property or person which or whom it is his duty to protect, use such force against the wrong-doer or whom it may be reasonably necessary, even though the use of such force may involve risk of death of the wrong-doer or the assailant or any other person assisting such wrong-doer or assailant.

14. If any officer of the Force resigns his appointment in contravention of section 7 and in pursuance of such resignation remains absent from duty before it is accepted, he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

15. Any officer of the Force who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (2) of section 10 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.
16. Every officer of the Force who -

(a) begins, excites, causes or conspires to cause, or joins any mutiny, or, bring present at any mutiny, does not use his utmost endeavours to suppress it, knowing or having reason to believe in the existence of any mutiny, or of any intention or conspiracy to mutiny or any conspiracy against the State, does not, without delay, give information thereof to his superior officer; or

(b) uses, or attempts to use criminal force against or commits an assault, on his superior officer whether on or off duty; or

(c) shamefully abandons or delivers up any post, guard, buildings, fortification or property which is committed to his charge, or which it is his duty to defend; or

(d) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any officer of the Force or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms, or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms; or

(e) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any person in arms against the State or any person conspiring against the State Government or public security or any per on to be arrested, or omits to disclose immediately to his superior officer present, any such correspondence or communications coming to his knowledge; or

(f) directly or indirectly sells, gives away, or otherwise disposes of, or agrees to, or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any person referred to in clause (e), or knowingly harbours or protects any such person; or

(g) while on active duty —

(i) disobeys the lawful command of his superior officer; or

(ii) deserts the Force or his post; or

(iii) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave; or

(iv) without authority leaves his office for any purpose whatsoever; or

(v) uses criminal force against or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessarily plunders, destroys or damages any property of any kind; or

(vi) intentionally causes or spreads a false alarm in camp, garrison or quarters;

(vii) commits extortion or without lawful authority extorts anything from any person, carriage, potterage or provisions;

shall be punished with rigorous imprisonment for a term which may extend to six years and shall also be liable to fine.

Explanation.—An officer of the Force shall be deemed to desert the Force if he leaves his place of duty or posting without the permission of his superior officer, and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.
17. Every officer of the Force who —

(a) assaults or uses or attempts to use criminal force against any sentry; or

(b) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape; or

(c) being in command of a guard, picquet or patrol, permits any person belonging to such guard, picquet or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline; or

(d) being under arrest or in confinement leaves the place of his arrest or confinement, before he is set at liberty by lawful authority; or

(e) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(f) maligns, feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity; or

(g) maligns or disparages a superior officer or refers to him in derogatory terms either orally or in writing; or

(h) refuses to superintend or assist in the making or carrying out of any construction of any description, ordered to be made either in quarters or in the field; or

(i) assaults or otherwise ill-treats any officer of the Force with reference to whom he is a superior officer; or

(j) designedly or through neglect damages or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such article entrusted to him or to any other person; or

(k) with intent to render himself or any other person unfit for duty voluntarily causes hurt to himself or any other person; or

(l) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, losses or takes away any animal or vehicle used in the public service;

shall be punishable with rigorous imprisonment for a term which may extend to six months or with fine, which may extend to hundred rupees or, with both.

18. An officer of the Force, who, being in command of any guard, picquet, party, patrol or detachment and knowing of the commission or of a design to commit any offence punishable under section 16 or 17 by or on the part of any officer of the Force under his command, intentionally omits or without reasonable excuse (the burden of proving which shall lie on him) fails to give information of such commission or design to his superior officer, shall be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

19. (1) Every person sentenced under this Act to imprisonment may be dismissed from the Force and his pay, allowances and any other money due to him, as well as any medals and decorations received by him shall further be liable to forfeiture.
(2) Every such person shall, if he is so dismissed, be imprisoned in such prison as the State Government may, by notification in the Official Gazette, specify in this behalf, but if he is not so dismissed from the Force, he may if the Court so directs be confined in the quarter guard or such other place as the Court may consider suitable.

20. (1) Whoever intentionally causes or attempts to cause or does any act which he knows is likely to cause disaffection towards the Government established by law in India, amongst the officers of the Force, or induces or attempts to induce, or does any act which he knows is likely to induce any officer of the Force to withhold his services or to commit a breach of discipline, shall be punished with imprisonment which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) Nothing shall be deemed to be an offence under this section which is done in good faith for the purpose of promoting the welfare or interest of any officer of the Force by inducing him to withhold his services in any manner authorised by law.

21. (1) A Commandant, or subject to the control of the Commandant, an Assistant Commandant or such other officers as may be prescribed, may award for good and sufficient reasons to any member of the subordinate ranks and below the rank of Head Constable, who is subject to his authority any of the following punishments for the commission of any offence against discipline, which is not otherwise provided for in this Act or which in the opinion of the Commandant, Assistant Commandant or such other officer, as the case may be, is not of such serious nature as to call for prosecution before a criminal court, that is to say—

(a) confinement in the quarter guard or such other place as may be considered suitable, for a term which may extend to fifteen days when the order is passed by a Commandant, or to seven days when it is passed by any other officer. Such confinement shall involve the forfeiture of pay and allowances for the period of confinement if an order to this effect is passed by the officer awarding the punishment:

Provided that no officer below the rank of Commandant shall pass orders towards forfeiture of pay and allowances;

(b) punishment drill, extra guard, fatigue or any other duty for a term which may extend, when the order is passed by the Commandant, to fifteen days and when the order is passed by any other officer to seven days.

(2) Any of the punishments specified in sub-section (1) may be awarded separately or jointly with any one or more of the other punishments:

Provided always that confinement to the quarter guard shall not exceed fifteen consecutive days.

(3) When a Commandant or an Assistant Commandant or other officer passes order under sub-section (1), he shall enter in a book to be kept for the purpose, a brief description of the defaults together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

22. Any officer of the Force who attempts to commit an offence punishable under this Act, or causes such an offence to be committed and in such attempt does any act towards the commission of the offence, may be punished with the punishment provided in this Act for such offence.

23. Any officer of the Force who abets offence punishable under this Act may be punished with the punishment provided in this Act for such offence.

24. (1) No Court shall take cognizance of an offence under this Act except with the previous sanction or on the complaint of the Inspector-General or any other police officer (not below the rank of Commandant) authorised by him in this behalf.
(2) No Court inferior to the Court of the Magistrate of the first class shall try any offence under this Act.

25. Nothing in this Act shall prevent any person from being prosecuted under any other enactment, order or rule made under any other enactment, for any act or omission punishable thereunder, or from being liable, if so prosecuted, to any other or higher penalty than is provided for that act or omission by this Act:

Provided that no person shall be punished twice for the same offence.

26. (1) In any suit or proceedings against any officer of the Force for any act done by him in pursuance of a warrant or order of a superior officer, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the offices of the Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) Notwithstanding anything contained in any other law, for the time being in force, any legal proceeding, whether civil or criminal, which may, lawfully be brought against any officer of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules made thereunder, shall be commenced within two months after the act complained of was committed and not otherwise, and notice in writing of such proceedings and of the cause thereof, shall be given to the defendant or his superior officer, at least one month before the commencement of such proceedings:

Provided that such proceedings may, with the sanction of the State Government, be commenced at any time after the act complained of was committed.

27. (1) The State Government may, by notification in the Official Gazette, make rules consistent with this Act for carrying out the purposes of this Act.

In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:

(a) the constitution and administration of the Force;
(b) the number, classes and grades of the Force;
(c) recruitment, organisation, classification and discipline of members of the subordinate ranks;
(d) inspection of the Force;
(e) powers to be exercised by the Deputy Inspector General, Assistant Inspector General, Company Commander and Adjutant under the Act;
(f) description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the officers of the Force;
(g) pay, pension and other conditions of service of the members of the Force;
(h) officers who may award minor punishments under section 21;
(i) any other matter which is to be or may be prescribed.

28. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.
29. (1) The Sikkim Armed Police Force in existence at the commencement of this Act, shall be deemed to be the Force constituted under this Act.

(2) Officers of the Sikkim Armed Police Force in existence at the commencement of this Act shall be deemed to have been appointed under this Act.

(3) Anything done or any action taken before the commencement of this Act in relation to the constitution of the Sikkim Armed Police Force referred to in sub-section (1), in relation to any person appointed thereto, shall be as valid and effective in law as if such thing or action was done or taken under this Act.
FORM OF DECLARATION TO BE SIGNED BEFORE JOINING APPOINTMENT IN THE FORCE.

I, (Name in full) ................................................................................

... designation in the case of an officer of a police force/address in the case of a direct recruit

... declare that

(1) I am willing to serve, wherever posted, in the Force.

(2) I shall not be entitled to resign my appointment in the Force or to apply for a transfer to any other police force until I have completed the prescribed period of service in the Force; and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be, would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

(4) In the event of my resignation from the appointment, I shall not remain absent from duty till the date with effect from which the resignation is accepted.

Signature in token of the above, declaration having been read out and explained to the declarant and on his having understood and accepted it.

Date: ____________________________

Place: ____________________________

Signed in my presence after I had satisfied my self that (name in full).................... designation in the case of an officer of a police force/full address in the case of a direct recruit, has understood and accepted the declaration and signed it in my presence.

Signature.

Designation of the officer before whom the declaration is signed.

Commandant/Assistant Commandant.

Adjutant or police officer.

Date: ____________________________

Place: ____________________________
A.B. ..............................................................................................................has been appointed to the Force in the State of Sikkim and is vested with the powers, function and privileges of an officer of the Force under the Sikkim Armed Police Force Act, 1981.

Signature

Appointing Authority.
STATEMENT OF OBJECTS AND REASONS

For the maintenance of proper law and order situation in the State, it was considered that the Sikkim police force established under the Police Act, 1861 was not sufficient. It was, therefore felt necessary to constitute a separate Force called the Sikkim Armed Police Force to meet with extraordinary situations. With this object in view the Sikkim Armed Police Force had been created. The Bill seeks to make legal provisions for the constitution and maintenance of the Force, discipline among its members and other connected matters.

The Bill has been framed with the above object in view.

N.B BHANDARI
Chief Ministers.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 27 of the Bill empowers the State Government to make rules for carrying out the purposes of the Bill. The matters on which such rules may be made, inter alia, include:

(a) the constitution and administration of the Force and the number, classes and grades in which such Force may be divided;
(b) recruitment to, classification and discipline of subordinate ranks;
(c) inspection of the Force and powers to be exercised by various officers;
(d) officers who may award punishments;
(e) any other matter which is to be or may be prescribed.

The matters in respect of which rules may be made pertain to details and procedure. The delegation of legislative power is, therefore, normal in character.

FINANCIAL MEMORANDUM
NIL

By order,
R. K. GUPTA
Secretary,

PRINTED AT THE SIKKIM GOVERNMENT PRESS
In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the

BILL NO. 9 OF 1981

THE SIKKIM FIRE SERVICES BILL, 1981

A BILL
to provide for the constitution and maintenance of a fire brigade for the State of Sikkim; for licensing of warehouses and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Sikkim in the Thirty-second Year of the Republic of India as follows:—

CHAPTER I

Preliminary

I. (1) This Act may be called the Sikkim Fire Services Act, 1981.
(2) It extends to the whole of Sikkim.
(3) It shall come into force in any area on such date as the State Government may, by notification in the Official Gazette appoint and different dates may be appointed for different areas and for different provisions of this Act; and the State Government may by like notification withdraw this Act or the provisions thereof from any such area:

Provided that when the fire brigade is sent to any place outside any such area this Act shall deemed to be in force in such place for all purposes connected with service therein.

2 In this Act unless the context otherwise requires,—
(a) "Director" means the Director of Fire Services appointed by the State Government under sub-section (3) of section 3;
(b) "fire brigade" means the fire brigade maintained by the State government under section 3 and includes an Auxiliary fire brigade raised under section 4;

(c) "fire fighting property" includes—
   (i) lands and buildings used as fire stations;
   (ii) fire engines, equipments, tools, implements and things whatsoever used for fire-fighting;
   (iii) motor vehicles and other means of transport used in connection with fire-fighting;
   (iv) uniforms and badges of rank;

(d) "fire station" means any post or place declared, generally or specially by the State Government to be a fire station;

(e) "members of the fire brigade" includes persons enrolled in Sikkim Fire Services and also volunteers and other persons enrolled in an Auxiliary fire brigade;

(f) "officer-in-charge" of a fire station includes, when the officer-in-charge of the fire station is absent from the station or unable from illness or other cause to perform his duties, the member of the fire brigade present at the station who is next in rank to such officer;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "warehouse" means any building or place used for the storing or processing or keeping of jute, gunny bags, cotton, hemp, shellac, varnish, bitumen, pitch, tar, tallow, celluloid, wood, (excluding furniture kept in the building or place for ordinary use), charcoal, coal, straw, hay, grass, raw rattan canes, coconut fibre, waste paper, packing boxes, or any other inflammable articles or chemicals and also any other article which is likely to increase the risk of fire and which is specified by the State Government, by notification in the Official Gazette, for the purpose of this clause;

(i) "workshop" means any building or place where processing of any article is carried on for purposes of trade or business, if processing of such article is declared by the State Government, by notification in the Official Gazette in this behalf, to be attended with the risk of fire.

**Explanation.**— The expression "processing" means making, altering, repairing, treating or otherwise dealing with any article by means of steam, electricity or other mechanical power.

**CHAPTER II**

**Fire brigade**

3. (i) The State Government shall maintain a fire brigade for services in areas in which this Act is in force and may, if it thinks fit, send the fire brigade to any place outside any such area for service therein.

(2) The fire brigade shall consist of such number of members and shall be otherwise constituted in such manner as the State Government may think fit.

(3) The State Government shall appoint a person to be the Director of the Fire Services under this Act; and he shall remain under the control of the Inspector General of Police.

(4) The fire brigade shall be under the direction and control of the Director who may, with the previous sanction of the State Government and subject to the orders or rules, if any, made by the State Government, under the provisions of this Act, frame such regulations as it thinks fit relating to—
(a) the general administration and control of the fire brigade including terms and conditions of service of members thereof;

(b) the equipments, clothing and accoutrement of the members of the fire brigade, their classification and duties and distribution of work among them;

(c) the place at which or the limits of the areas within which the members or any class of members of the fire brigade shall ordinarily reside for ensuring that the services of the members or such class of members of the fire brigade may be readily available;

(d) all other matters which he considers necessary for rendering the fire brigade an efficient fire-fighting force.

4. The State Government may raise an Auxiliary fire brigade in any area in which this Act is in force and enrol volunteers or other persons as members of such brigade on such terms and conditions as it may think fit.

5. The State Government may, from time to time, make such general or special orders as it thinks fit—

(1) for furnishing and providing the fire brigade with such fire-fighting properties as it deems proper;

(2) for providing adequate supply of water and for ensuring that it is available for use;

(3) for constructing or providing stations or hiring places for accommodating the members of the fire brigade and its fire-fighting properties;

(4) for giving rewards to persons who have given notice of fires and to those who have rendered effective service to fire brigade on the occasion of fires;

(5) for the training, discipline and good conduct of the members of the fire brigade;

(6) for the speedy attendance of the members of the fire brigade with necessary fire fighting properties or equipments on the occasion of any alarm of fire;

(7) for sending the members of the fire brigade with necessary fire-fighting properties and equipments to any place beyond the limits of any area in which this Act is in force for the purpose of extinguishing fire in such place on such terms and conditions as it deems proper;

(8) for the employment of the members of the fire brigade on such terms and conditions as it deems proper in any rescue, salvage or other works not connected with extinguishment of fire for which the fire brigade may in its opinion, be usefully and appropriately employed;

(9) for enforcing discipline and imposing punishment on any member of the fire brigade who infringes any order;

(10) for regulating and controlling the powers, duties and functions of the Director and other members of the fire brigade;

(11) generally for the maintenance of the fire brigade in due shape of efficiency.

6. (1) Where the fire brigade is sent to a place beyond limits of any areas in which this Act is in force in order to extinguish fire in a warehouse or a workshop at such place, the occupier of the warehouse or workshop shall be liable to pay such fee as may be determined by the State Government in this behalf.

(2) The fee referred to in sub-section (1) shall be payable within one month of the service of a notice of demand by the Director on the occupier and if it is not paid within such period it shall be recoverable as a public demand.
7. It shall be the duty of every member of the fire brigade to give effect promptly to the lawful commands of the Director or the officer-in-charge of a fire station or the officer in immediate charge of the fire brigade on the occasion and at the site of a fire and generally to discharge the duties imposed upon him by this Act or any orders, rules or regulations made thereunder.

8. No member of the fire brigade shall resign his office or withdraw himself from the duties thereof unless expressly permitted in writing by the Director:

Provided that a member of the fire brigade may resign his office or withdraw himself from the duties as such member on giving one month’s notice of his intention to do so.

9. (1) on the occasion of a fire or alarm of fire, the Director or the officer-in-charge of a fire station or the officer-in-charge of the members of the fire brigade on the spot may—

(a) remove or order any member of the fire brigade to remove any person who by his presence interferes with or impedes the due operation of the fire brigade;

(b) close any street or passage in or near which a fire has taken or is likely to take place;

(c) by himself or by any member of the fire brigade enter, break into or through or pull down any premises for the purpose of extinguishing fire or for the passage of hose or other fire-fighting appliances, doing as little damage as possible;

(d) require the authority in charge of water supply in the area to regulate the water mains and pipes or cause the mains and pipes to be shut off so as to provide water at a specified pressure at the place were the fire has broken out and utilise the water of any stream, cistern, well or tank or of any available source of water, public or private, for the purpose of extinguishing or limiting the spread of such fire;

(e) exercise the same powers for dispersing any assembly or persons likely to obstruct the operation of the fire brigade, as if he were an officer-in-charge of a police-station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers;

(f) generally take such measures as may appear necessary for the preservation of life and property.

(2) The Director or the officer-in-charge of a fire station or the pre-in-charge of the members of the fire brigade on the spot may verbally nominate and depute one or more members of the fore brigade to act at a distance, and such member or members shall have for the time being the like powers as the Director or such officer himself possesses under this section.

10. The Director may, with the previous sanction of the State Government enter into an agreement with any person or authority in any area for securing an adequate supply of water in case of fire on such terms as may be specified in the agreement.

11. The Director may, with the previous sanction of the State Government enter into an agreement with any person or authority maintaining fire-fighting properties for securing, on such terms as may be specified in the agreement, the assistance of such person or authority for the purpose of extinguishing fires.

12. Whenever any vehicle of the fire brigade is proceeding to extinguish fire using fire alarm all vehicles other than police vehicles or ambulances shall give way to such vehicle of the fire brigade.
13. Police officers of all grades shall be authorised and bound to aid the fire brigade in the execution of its duties and may, close any street in or near which a fire has happened, and also on their own motion or on the request of the Director or any member of the fire brigade, remove any person who by his presence interferes with or impedes the due operation of the fire brigade.

14. No member of the fire brigade and no officer of the police shall be liable to damage or otherwise on account of any act done by him in the bona fide belief that such act was required for the proper execution of its duties under this Act or any rules, regulations made thereunder.

15. (1) In the case of any fire occurring within any area in which this Act is in force, the senior most officer in rank among the members of the fire brigade in that area or where members of the fire brigade are sent to any place beyond the limits of any area in which this Act is in force to extinguish fire in such place, the senior most officer in rank among the members so sent shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to a Magistrate having jurisdiction in the place in which such fire has occurred; and the said Magistrate may, in any case where he thinks fit, summon witnesses and take evidence in order to further ascertain such facts.

   (2) Copies of all reports and of all evidence recorded under this section shall be furnished on application to any person interested on payment of such fees as may be prescribed.

CHAPTER III

Fire works, letting off rockets, etc.

16. No person shall let off rockets or send up fire balloons or sell or store for sale any fire-works within any area in which this Act is in force except under and in accordance with the terms and conditions of a licence as may be prescribed.

   (1) Subject to the provisions of sub-section (2), the application for licence under section 16 for sale or storing shall be made to the Superintendent of Police or such other authority as may be appointed by the State Government and shall be accompanied by—

   (i) annual fee not exceeding rupees three hundred as may be prescribed; and

   (ii) a certificate from the Director that the place where the fire works are sold or stored for sale is fit for the purpose of such sale or storage and has adequate arrangements for fire fighting.

   (2) The fee for licence to let off rockets or to send up fire balloons for any particular occasion may not exceed rupees five as may be determined by the State Government by a notification in the Official Gazette.

18. A licence granted under section 16 may, without prejudice to any other action that may be taken against the licensee, be suspended or withdrawn by the Superintendent of Police or other authority after giving the licensee an opportunity of being heard if in the opinion of the Superintendent of Police or other authority it is necessary to do so in the public interest or, in the case of a licence to sell fire-works, if there has been a breach of any prescribed terms and conditions.

19. Unless withdrawn earlier, a licence granted under section 16 shall remain valid for a period of one year from the date of issue and may be renewed on payment of such fees not exceeding rupees fifty as may be prescribed.

CHAPTER IV

Licence for warehouse or workshop

20. No building or place shall be used as a warehouse or workshop unless the owner or occupier thereof shall have previously obtained under this Act a licence for such use.
(i) from the Gangtok Municipal Corporation when such ware-
house or workshop is situated within the area of that corpo-
ration, and
(ii) from the Local Self Government Department of the State of
Sikkim in other cases.

21. No licence to use any building or place as a warehouse or workshop shall
be granted unless the application for such licence under section 23 is accom-
pained by a certificate from the Director that the building or place is fit for use as such warehouse
or workshop and adequate fire-fighting arrangements have been provided therein.

22. The owner or occupier of any building or place which was being used, imme-
diately before the date on which this Act comes into force in the local area within which
such building or place is situated, as—
(a) warehouse; or
(b) workshop immediately before the date of publication of the notifi-
cation under clause (i) of section 2 by which such building or place
comes under the definition of workshop in the said clause;

shall, upon application made in writing to the Gangtok Municipal Corporation or the Local
Self Government Department, as the case may be, within one month from the date on
which this Act comes into force in the said local area or within one month from the date
of publication of the said notification, be entitled to obtain a licence to use such building
or place as a warehouse or workshop under this Act, subject to the payment of annual fee
as specified in section 25.

23. (1) Every application for licence shall be made in such form as may be
prescribed and shall be disposed of within thirty days from the date
of its receipt by the Gangtok Municipal Corporation or, as the case
may be, by the Local Self Government Department, and if it is
not disposed of within that period, the applicant shall not be liable
to any penalties under this Act for the use of a building or place as
a warehouse or workshop in respect of which the application was
made, after the said period of thirty days, so long as such applica-
tion is not refused by the Gangtok Municipal Corporation or, as
the case may be, by the Local Self Government Department.

(2) On receipt of any such application for the grant of a licence, the
Gangtok Municipal Corporation or, as the case may be, the Local
Self Government Department, may grant or refuse the licence.

(3) A licence granted under this section shall be valid for the period
of one year (specified therein) and may be renewed from time to time
for such period and on payment of such fees not exceeding rupees fifty
and on such conditions as may be prescribed.

(4) Where a grant of a licence or renewal of a licence is refused, the
Gangtok Municipal Corporation or, as the case may be, the Local
Self Government Department, shall record in writing the reasons for
such refusal.

(5) Any person aggrieved by a decision of the Gangtok Municipal Cor-
poration or, as the case may be, the Local Self Government
Department, under this section may within thirty days from the date
on which the decision is communicated to him prefer an appeal to an
appealable officer who shall be a person nominated in this behalf
by the State Government:

Provided that the appellate officer may entertain the appeal after the expiry
of the said period of thirty days; if he is satisfied that the appellant was prevented by su-
fficient cause from filing the appeal in time.

(6) On receipt of an appeal under subsection (5), the appellate officer
shall after giving the appellant an opportunity of being heard, dis-
pose of the appeal as expeditiously as possible.
All licence for a warehouse or workshop shall be subject to the following such other conditions as may be prescribed in this behalf, namely:

(a) that the warehouse or workshop shall at all times be open to inspection by such officer or officers, being member or members of a fire brigade, as may be appointed by the Director;

(b) that no article referred to in clause (h) of section 2 shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse or workshop;

(c) that no part of a warehouse shall be used as a residence and that no person shall be allowed—

(i) to bring into such warehouse any match boxes or match sticks or any artificial light not duly and thoroughly protected; or

(ii) to smoke within such warehouse, while inflammable article is stored therein.

25. (I) The annual fee in respect of a licence under this Chapter shall be payable in advance.

(2) The annual fee shall be calculated at such rate as may be prescribed, being not less than ten per cent and not more than twenty five per cent of the annual value of the building or place used as a warehouse or workshop and different rates may be prescribed for different classes of warehouses according to the nature and quantity of the article stored, processed, or kept therein and for different classes of workshops according to the nature of the processing carried or the quantity or nature of the articles processed therein:

Provided that the annual fee for warehouse or workshop shall not be less than ten rupees or more than such amount as may be prescribed, and different amounts may be prescribed for different classes of warehouses or workshops:

Provided further that if the owner or occupier of a warehouse or workshop maintains, within the warehouse or at a place within such distance therefrom as the Director may consider reasonable for use in the warehouse or workshop in case of necessity, any fire fighting appliances of such types as may be prescribed, then a rebate calculated at such rate as may be prescribed in respect of such type of fire fighting appliances or different combination thereof shall be allowed to such owner or occupier.

(3) For purposes of sub-section (2) the annual value of a building or place used as a warehouse or workshop shall be deemed—

(a) if it is situated within a municipality, to be the annual value at which it is assessed for the payment of municipal taxes:

Provided that if such building or place forms part of any holding assessed as a whole for the payment of municipal taxes, the annual value of such building or place shall be such as may be determined in this behalf by the Gangtok Municipal Corporation in such proportion which such building or place bears to the entire holding;

(b) if it is situated outside municipality, to be seven and half per cent of the current market value of the building or place as determined by the Local Self Government Department.

26. Whenever a change in the occupation or any warehouse or workshop occurs, the person entering into occupation of the same shall, within two weeks of entering into occupation, give notice in writing to the Gangtok Municipal Corporation, or as the case may bee, the Local Self Government Department such change of occupation, and shall pay of ten rupees and his name shall thereupon be substituted in the licence in respect of the warehouse or workshop for the name of the last occupier.

27. (I) Whenever the Gangtok Municipal Corporation, or as the case may be, the Local Self Government Department receives credible information that any conditions to which the licence of any warehouse or workshop is subject, has been broken by the holder thereof, it shall file in writing the substance of such information in the Court of a Magistrate and the Magistrate may issue summons upon the holder of the licence to show cause why the licence should not be cancelled or suspended and may suspend such licence pending hearing of the case.
(2) The Magistrate shall not make the order suspending such licence unless he is satisfied that it is necessary to prevent or obviate immediate danger or injury of a serious kind.

(3) The summons issued under this section shall be served upon the said holder of the licence named therein in the manner provided in the Code of Criminal Procedure, 1898 for the service of summons.

(4) The Magistrate before whom the case is filed under sub-section (I) may, if he is satisfied after taking the evidence that there exists reasonable and proper ground for cancelling or suspending the licence, cancel such licence or suspend the same for such time as he may think fit and may impose such conditions as to the reversal of such order of cancellation or suspension as may be consistent with the provisional Act for the grant of a licence for warehouse or workshop.

Delegation of powers.

28. The State Government may, by general or special order published in the Gazette, direct that such of the powers, duties and functions of the Director under this Act shall also be exercised and performed by such other officers as the State Government may specify in the order.

CHAPTER V

Temporary structure and Pandal.

29. A person who intends to erect a temporary structure or pandal with roof or walls made of straw, hay, mat, canvas or other like material, for use a place where members of the public may assemble, shall apply to the Superintendent of Police of the area for permission to erect such structure or pandal and such permission shall not be refused if the structure or pandal conforms to the conditions that may be prescribed in this behalf:

Provided that no such permission shall be necessary where a temporary structure or pandal is erected for the purpose of poojas, marriages or other religious functions of a private character;

Provided further that where no order granting or refusing the permission is made within such period as may be prescribed in this behalf; the structure or pandal may be erected if it conforms to the prescribed conditions.

CHAPTER VI

Penalties.

30. (1) Any person whose property catches fire on account of any action of his own or of his agent done deliberately or negligently shall be liable to pay compensation to any other person suffering damage to his property on account of any action taken under section 9 of this Act by any officer mentioned therein or any person acting under the authority of such officer.

(2) All claims under sub-section (i) shall be preferred to the District Collector within thirty days from the date when the damage was caused.

(3) The District Collector shall, after giving the parties an opportunity of being heard, determine the amount of compensation due and pass an order stating such amount and the person liable for the same, and the order so passed shall have the force of a decree of a civil court.

31. Any member of the fire brigade who contravenes any provisions of section 7 or section 8 shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

32. Any person who, being in charge of a vehicle, contravenes the provisions of section 12 shall be punishable, on conviction before a Magistrate, fine which may extend to one hundred rupees.
33. Any person who, within any area in which this Act is in force,—
(a) lets off rockets; or
(b) sends up fire-balloons; or
(c) sells fire-works,
without obtaining a licence; or
(d) where a licence to sell fire-works has been granted, violates any of
the prescribed conditions specified therein,
shall be punishable, on conviction before a Magistrate, with fine which may extend to one
hundred rupees for every such offence.

34. If any rockets are let off or fire-balloons sent up from within the precincts
of any private premises or compound without a licence, the owner or occupier or person
under whose immediate control the premises or compound is, shall, unless he can prove
that the offence was committed without his knowledge, be punishable, on conviction before
a Magistrate, with fine which may extend to one hundred rupees.

35. Any person who without a licence uses any building or place as a warehouse
or workshop shall be punishable, on conviction before a Magistrate, with fine which may
extend to five hundred rupees or with imprisonment for a term which may extend to two
months or with both, and with further fine not exceeding one hundred rupees for each day
during which he may continue so to use such warehouse or workshop.

36. Any person who uses any warehouse or workshop in respect of which all
a licence has been refused, or after the licence in respect thereof has been cancelled or
during the time for which such licence has been suspended, shall be punishable on conviction
before a Magistrate, with fine which may extend to five hundred rupees or with imprisonment
for a term which may extend to two months or with both, and with further fine not exceeding one hundred rupees for each day
during which he may continue so to use such warehouse or workshop.

37. Any holder of a licence who violates any of the conditions under which a
licence is held is respect of any warehouse or workshop shall be punishable, on conviction
before a Magistrate, with fine which may extend to one hundred rupees or with imprison-
ment for a term which may extend to one month or with both.

38. If there is a change in the occupation of any warehouse or workshop and
the person entering into occupation fails to give a notice and pay the fees required by
section 26 such person shall be punishable, on conviction before a Magistrate, with fine
which may extend to twenty rupees for each day during which he may so use or continue
to use such warehouse or workshop.

39. Any person who gives false information to the Gangtok Municipal Corpora-
tion, or as the case may be, the Local Self Government Department under section 27 with
the object of inducing it to take action under section 27 shall be punishable, on conviction
before a Magistrate, with fine which may extend to one hundred rupees or with imprison-
ment for a term which may extend to one month or with both.

40. Any person who uses as a residence any portion of a warehouse shall be
punishable on conviction before a Magistrate, with fine which may extend to one hundred
rupees and with further fine not exceeding twenty rupees for each day during which he
may so continue to use it.

41. Any person who brings into a warehouse any match-boxes, match sticks
or any artificial light not duly and thoroughly protected, shall be punishable, on conviction
before a Magistrate, with fine which may extend to one hundred rupees.

42. Any person who smokes within a warehouse shall be punishable, on convic-
tion before a Magistrate, with fine which may extend to one hundred rupees.

43. Any person who erects any structure or pandal in contravention of the pro-
visions of section 29 shall be punishable, on conviction before a Magistrate., with fine
may extend to one hundred rupees or with imprisonment for a term which may extend
to one month or with both, and with further fine not exceeding ten rupees for each day during
which such contravention continues.
44. Any person who wilfully obstructs, or offers any resistance to, or impedes of otherwise interferes with the Director or any officer exercising powers under section 49 or any assistant accompanying the Director or such officer while exercising such powers, shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

45. All offences punishable under this Chapter shall be bailable and shall, except where punishable under section 31, be cognizable.

CHAPTER VII

General and Miscellaneous.

46. (1) Any person committing an offence under section 33 may, if his name and address be unknown, be arrested by any officer of police and forthwith produced before a Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police-station within the said jurisdiction, in order that such persons may be detained until he can be produced before a Magistrate or unless he executes a bond with or without sureties for his appearance before a Magistrate.

(2) Whenever such person is taken to a police station, the officer-in-charge such police station shall as soon as possible, but in every case within twenty four hours, cause him to be produced before a Magistrate having jurisdiction.

47. Every licence granted under Chapter IV of this Act shall, as far as possible, be in the form in the Schedule appended to this Act.

48. (1) Nothing in this Act shall be deemed to apply to buildings or places where small quantities of any of the articles referred to in clause (h) of section (2) posited.

(2) The State Government may, from time to time, declare by notification in the Official Gazette, quantities of articles referred to in clause (h) of section (2) which shall be deemed to be small quantities within the meaning of this section.

49. (1) The Director, or any officer-in-charge of a fire station authorised by Director in this behalf, may enter into or upon any building or place, with or without assistants, in order to make any inspection, test, examination, survey, measurement, weighment, valuation or enquiry for the purpose of carrying into effect the provisions of this Act or of any rule made thereunder or to obtain information for fire-fighting purposes with respect to the character of the buildings and other property within the local jurisdiction, the available water supplies and the means of access thereto and other relevant local circumstances, which in his opinion, it is necessary to obtain for any of the purposes or in pursuance of any of the provisions of this Act or any such rule:

Provided that—

(a) no such entry shall be made after sunset and before sunrise;
(b) no dwelling-house and no public building or hut which is used as a dwelling place, shall be so entered; except with the consent of the occupier thereof, without giving the said occupier at least twenty four hours' previous written notice of the intention to make such entry;
(c) notwithstanding any power to enter any building or place hereby conferred, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premises where their privacy need not be disturbed;
(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the building or place entered.
(2) The Director or any officer referred to in sub-section (i) shall not use any force for the purpose of effecting any entry under sub-section (i) unless:

(ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule made thereunder.

(3) Except when it is in this Act or in any rule made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under subsection (i) or by the use of any necessary force under sub-section (2).

50. The State Government may establish and maintain one or more training centres in the State for providing courses of instructions in the prevention and extinguishment of fire and may close down or re-establish any such centre.

51. No member of the fire service shall engage in any employment or office whatsoever other than his own duties under this Act unless expressly permitted to do so by the Government.

52. No charge shall be made by any local authority for water consumed by the fire service in fighting fires, training, filling static water tanks, or other similar or allied purposes.

53. No authority in charge of water supply in an area shall be liable to pay claim for compensation for damages by reason of any interruption of supply of water occasioned only by compliance by such authority with the requirements specified in clause (d) of section 6.

54. Any person who possesses any information regarding an outbreak of fire shall communicate the same without delay to the nearest fire station.

55. No suit, prosecution, or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

56. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) the determination of the fees referred to in section 6;
(b) the determination of the fees referred to in section 15;
(c) the form of licence referred to in section 16;
(d) for renewal of licence under section 19;
(e) the form of application for licence under section 23;
(f) period, fee and conditions for renewal of licence under section 23;
(g) conditions of licence under section 24;
(h) the rate of the annual value of a building or place for using such building or place as a warehouse or workshop is to be calculated under section 25;
(i) the types of fire-fighting appliances and the rates at which rebate referred to in section 25 shall be calculated;
(j) the conditions and the period of time referred to in section 29 within which a licence is to be granted or refused;
(k) any other matter for which provision has to be or may be made by rules.

57. (1) The Sikkim Fire Service in existence at the commencement of this Act shall be deemed to be the Sikkim Fire Service constituted under this Act.

(2) Members of the Sikkim Fire Service in existence at the commencement of this Act shall be deemed to have been appointed under this Act.

(3) Any thing done or any action taken before the commencement of this Act in relation to the constitution of the Sikkim Fire Service referred to in sub-section (1), in relation to any person appointed thereto, shall be as valid, and effective in law as if such thing or action was done or taken under this Act.
SCHEDULE

(see section 47)

Licence under the Sikkim Fire Services Act, 1981.

No............................ of 1981.

Licence is hereby granted to____under the Sikkim Fire Services Act 1981.

to use the building or place being No. (a) as a warehouse for storing or processing or keeping

(b) ...........................................................................................................................................................................................................................

........................................................................................................................................................................................................

........................................................................................................................................................................................................

to use the building or place being No. (a)............................................................................as a work-shops, subject to the conditions noted on the back and such other conditions as may be prescribed.

It is hereby acknowledged that a sum of rupees____being the licence fee due by the said____for the period from ........................................ to.................. in respect of the aforesaid licence at the rate of Rs______per annum has been received.

Name of owner

...........................................................................................................................................................................................

Name of occupier.

...........................................................................................................................................................................................

Licensing Authority

The ........................................ day.

(a) Here insert the location.

(b) Here insert the name of the article.

(On the back of the licence).

CONDITIONS

(I) The warehouse/the workshop shall at all times be open to inspection by such officer or officers, being member or members of the fire brigade, as may be appointed by the Director of Fire Services.

(2) The warehouse/workshop shall conform to the conditions prescribed under section 23 of the Sikkim Fire Services Act, 1981.

(3) No article referred to in clause (h) of section 2 of the Sikkim Fire Services Act, 1981 shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse.

(4) No person shall be allowed to use as residence any part of the warehouse or to bring into the warehouse any match-boxes or match-sticks or any artificial alight not duly and thoroughly protected or to smoke within the warehouse, while any inflammable article is stored therein.
STATEMENT OF OBJECTS AND REASONS

The Government have felt that with the progress of trade, industry and other commercial activities in this State the chances of outbreak of fire and other allied dangers are likely to increase and that the Government should make provisions for the constitution of a fire service and maintenance of a fire brigade. The bill has been framed with the above objects in view.

(N.B. BHANDARI)
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 56 of the Bill confers on the State Government power to make rules for carrying out the purpose of the Bill. Sub-clause (2) of that clause specifies the matters in respect of which rules may be made under this clause. These include, among other things, form and application for licence, fees for grant and renewal of licences, conditions for renewal of licence, rate of the annual value of a building used as a warehouse of workshop, period within which a licence has to be granted or refused.

2. The matters with respect to which rules may be made are matters of procedure and detail. The delegation of legislative power is thus normal in character.

FINANCIAL MEMORANDUM

NIL

By Order

R. K. GUPTA,
Secretary.
Sikkim Legislative Assembly.
SIKKIM NATIONALISED TRANSPORT (PREVENTION OF TRAVEL AND MISCELLANEOUS PROVISIONS), BILL, 1981.

BILL NO. 10 OF 1981

A BILL
to provide for prevention of ticketless travel in, and carriage of goods by, the Sikkim Nationalised Transport and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Sikkim Nationalised Transport (Prevention of Ticketless travel and Miscellaneous Provisions) Act, 1981.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

(1) "carriage charges" means charges payable for carrying of goods by transport vehicles as may be determined by the Government from time to time;

(2) "carriage receipt" means the document issued by the Sikkim Transport acknowledging the receipt of goods for carriage by it;

(3) consignee” in relation to goods carried by the Sikkim Transport means the person named in the carriage receipt as being the consignee of the goods covered by the receipt and includes the consignor where the goods are consigned in the name of the consignor to self;
(4) "consignment" means the goods entrusted to the Sikkim Transport carriage by it and includes part of a consignment;

(5) "consignor" means the person named in the carriage receipt as being the consignor by whom and on whose behalf goods covered by carriage receipt are entrusted to Sikkim Transport for carriage;

(6) "demurrage" means the charge levied for detention of any consignment after the expiry of the free time allowed for such detention;

(7) "endorsee" means the person in whose favour the consignment and in the case of successive endorsements, means the person in whose favour endorsement is made;

(8) "endorsement" in relation to a carriage receipt means signing of such receipt on the back or face thereof by the consignee or endorsee so as to entitle any other person to the possession thereof and to receive the goods covered by such receipt;

(9) "employee" means an employee of the Sikkim Transport and includes an officer;

(10) "fare" means the amount determined by the Government for transporting a person from one place to another place;

(11) "forwarding note" means the document executed by a consignor or his agent;

(12) "goods" includes materials, commodities, articles and animal

(13) "Government" means the State Government of Sikkim;

(14) "luggage" means the goods of a passenger either carried by him in his charge or entrusted by him to the Sikkim Transport for carriage by the later;

(15) "passenger" means the person who enters or remains in a transport vehicle with the intention of travelling from one place to another place

(16) "prescribed" means prescribed by rules under this Act;

(17) "transport vehicle" means the public service vehicle owned by or operated under the supervision of the Sikkim Transport for carriage or transportation of goods and passengers;

(18) "travel without ticket" means travelling without a proper ticket or with defaced ticket or with a ticket which has already been used;

(19) "Sikkim Transport" means the Sikkim Nationalised Transport include any transport undertaking owned and controlled by the Government

(20) "wharfage" means the charge levied on goods for not removing from the premises of the Sikkim Transport after expiry of the free time allowed for such removal.

Prohibition against travelling without ticket.

3. No person shall enter or remain in any transport vehicle of the Sikkim Transport for the purpose of travelling therein as a passenger or travel in such transport vehicle as a passenger—

(a) without a proper ticket, or
(b) with a defaced ticket, or
(c) with a ticket which has been used earlier.

Prohibition against carrying of goods without obtaining the proper carriage receipt from any employee, conductor or driver of the Sikkim Transport.

Payment of charges.

Duty of conductor or employee of Sikkim Transport to issue tickets, etc.

5. (1) At any place where the Sikkim Transport has booking counter for issue of passenger ticket or carriage receipt, it shall be the duty of an employee of the Sikkim Transport to issue such passenger ticket or carriage receipt.

(2) At places where there is no booking counter referred to in sub-section (i), it shall be the duty of the driver or conductor to issue passenger ticket or the carriage receipt as the case may be.

Duty of passengers to obtain tickets.

6. It shall be the duty of a person to obtain ticket or carriage receipt from the booking counter of the Sikkim Transport before boarding a transport vehicle.
7. No person shall board a transport vehicle after it has left the place declared Bus Stand or Bus Stop by the Government by a notification in the Official Gazette.

8. Any person who travels in a transport vehicle shall, whenever required by an employee of the Sikkim Transport not below the rank of a conductor or any other person below the rank of a Sub-inspector of police specially authorised by the State Government in this behalf, present his ticket or the carriage receipt to such employee or other person for examination.

9. (1) Any person who carries or causes to be carried goods by a transport vehicle of the Sikkim Transport without payment of carriage charges or makes false declaration in relation to the weight of the goods shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both and shall also be liable to pay the excess charge specified in sub-section (2) in additional to the actual carriage charges.

   (2) excess charge referred to in sub-section (1) shall be such not exceeding rupees two per kilogramme of the goods carried as may be prescribed or rupees one hundred, whichever is more.

10. (1) Any person who travels in a transport vehicle without having a proper ticket or having alighted therefrom fails or refuses to present his ticket for examination on requisition shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both and shall also be liable to pay the excess charge specified in sub-section (2), in addition to the actual fare, for the distance which he has travelled, or where there is any doubt as to the stage from which he started, the fare from the stage from which the transport vehicle originally started, or from the place, if any, where the tickets were last examined, to the place where he was detected to be travelling without ticket.

   (2) The excess charge referred to in sub-section (1) shall be the actual fare for the distance referred to in that sub-section or a sum of rupees twenty, whichever is more.

11. If an employee of the Sikkim Transport whose duty is-

   (1) to supply a ticket to a person travelling in a transport vehicle on payment of fare by such person, either wilfully or negligently,—

      (a) omits or refuses to accept the fare when tendered; or
      (b) omits or refuses to supply a ticket; or
      (c) supplies an invalid ticket; or
      (d) supplies a ticket of lesser value; or
      (e) supplies a tickets for shorter distance.

   (2) to check any ticket, either wilfully or negligently omits or refuses to do so, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both.

12. Any person who travels or attempts to travel in a transport vehicle without having proper ticket with him or beyond the place authorised by his ticket or who, being inside a transport vehicle, fails or refuses to present his ticket for examination when required to do so, may be removed from such vehicle by an employee of the Sikkim Transport or any other person whom such employee or other person may call to his aid unless he then and there pays the fare.

13. If person wilfully obstructs an employee of the Sikkim transport or any other person authorised under this Act, in the discharge of his duty, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both.
14. (1) A passenger may carry with him in the transport vehicle without payment of any carriage charges a suitcase, trunk or bedding or bed-roll and such other articles as may be prescribed and up to such weight as may be prescribed.

(2) A passenger who carries with him any articles not specified in sub-section (1) or in excess of the prescribed weight shall book the same and obtain a carriage receipt therefor.

(3) Any passenger who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to punishment which may extend to twice the amount of carriage charges from the place from which the luggage, goods or other articles are being carried to the place where those are intended to be carried or rupees one hundred whichever is more.

(4) The conductor and driver of the transport vehicle in which personal luggage, goods or other articles are being carried in contravention of sub-section (1) or sub-section (2) shall be liable to be punished with fine which may extend to rupees five hundred.

15. (1) A passenger who has attained the age of twelve years shall pay the full fare as may be determined by the Government from time to time.

(2) No fare shall be charged from a passenger who is a child below the age of five years and is carried in the lap of the parent or other passenger.

(3) Fare at the rate of half of the fare determined under sub-section (1) may be charged in respect of children above the age of five but below the age of twelve years.

16. The Government may, by notification in the Official Gazette, declare any class or category of persons who may travel in a transport vehicle without payment of the fare or at such concessional fare as may be declared in that notification on such occasions as may be so declared.

17. If any employee is in a state of intoxication while on duty, he shall be punished with fine which may extend to two hundred and fifty rupees and when the performance of any duty in such state is likely to endanger the safety of any person travelling in the transport vehicle, such employee shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

18. If any employee, required to furnish a return by or under this Act, signs and furnishes a return which is false in any material particular, he shall be punished with imprisonment which may extend to five hundred rupees or with both.

19. (a) A passenger -

(b) having unauthorisedly occupied a seat reserved for the use of another passenger.

19. (a) having entered a transport vehicle wherein no seat has been reserved for his use, or

(b) having unauthorisedly occupied a seat reserved for the use of another passenger.

20. If any passenger enters or leaves, or attempts to enter or leave a transport vehicle -

(a) any transport vehicle while, it is in motion or

(b) at a place other than a place, declared by the Government as a Bus Stop or

(c) opens the door of any transport vehicle while it is in motion.

He shall be punished with imprisonment for a term which may extend to fifty rupees or with fine which may extend to five hundred rupees or with both.

21. If any passenger -

(a) travels on the roof of a transport vehicle; or

(b) persists in travelling -
(i) on the steps or foot-board of any transport vehicle; or

(ii) in any part of the transport vehicle not intended for the use by passengers,

even after being warned by an employee not so to travel, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred and fifty rupees or with both and may be removed from the transport vehicle by any employee of the Sikkim Transport.

22. If any passenger vilfully alters or defaces his ticket so as to render the date, number or any material portion thereof illegible, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both and shall also forfeit the ticket or pass as altered or defaced.

23. (i) If any person with intent to defraud the Sikkim Transport uses or attempts to use a ticket which has already been used on a previous journey he shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees.

(2) The person referred to in sub-section (1) shall, in addition to the payment of excess charge mentioned in sub-section (3), be liable to pay -

(a) the ordinary single fare for the distance which he has travelled; or

(b) where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the bus originally started; or

(c) if the tickets of passengers travelling in the transport vehicle have been examined since the original starting of the vehicle, the ordinary single fare from the place where the tickets were last examined; or

(d) in case of their having been examined more than once, the ordinary single fare from the place where the tickets were last examined.

(3) The excess charge referred to in sub-section (2) shall be a sum equal to the ordinary single fare payable under that sub-section or rupees twenty whichever is more.

(4) Where Sikkim Transport fails to prove any fraudulent intention under sub-section(1), it shall not preclude the Magistrate from passing an order that the person shall be liable to pay the ordinary single fare and the excess charge.

(5) Where a person fails or refuses to pay the excess charge the ordinary single fare, the sum shall be recoverable as if were a fine imposed by a Magistrate.

(6) Notwithstanding anything contained in section 75 of the Indian Penal Code, the Court imposing any fine of any sum recoverable as fine, may direct that the person in default of payment shall suffer imprisonment for a term which may extend to three months.

(7) Out of any amount recovered under this section, the excess charge and the ordinary single fare shall be paid to the Sikkim Transport before any portion of that amount is credited as fine to the Government.

24. (I) If any person not being an employee or an agent authorised by the Sikkim Transport in this behalf;

(a) sells or attempts to sell any ticket; or
(b) parts or attempts to part with the possess on of a ticket against which reservation of a seat has been made, in order to enable any other person to travel therewith, he shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both and shall also forfeit the fare and the ticket which he may have sold or attempted to sell.

(2) If any person purchases any ticket referred to in clause (a) of sub-section (i) or obtains the possession of any ticket referred to in clause (b) of that sub-section from any person not being an employee or an agent authorised by the Sikkim Transport in this behalf, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both and if a purchaser or holder of any ticket aforesaid travels or obtained travel therewith, he shall forfeit the ticket which he may have purchase and shall be deemed to be travelling without having a proper ticket with him and shall be liable to be dealt with under section 10.

(3) Out of any amount recovered under this section, the sum representing the single fare therein, shall be paid to the Sikkim Transport before any portion of that amount is credited as fine to the Government.

25. (i) No person shall smoke in any transport vehicle if objected to by any passenger in that transport vehicle.

(2) Whoever contravenes the provisions of sub-section (I) shall be punished with fine which may extend to one hundred rupees.

26. If any person in any transport vehicle, or within the premises of any Bus Stop -

(a) is in state of intoxication; or

(b) commits any nuisance or act of indecency or uses abusive or obscene language; or

(c) wilfully or without excuse interferes with any amenity provided by the Sikkini Transport so as to affect the comfortable travel of any passenger,

he may be removed from such transport vehicle or Bus Stop by any employee and shall, in addition to the forfeiture of any fare which he may have paid and of any ticket which he may have purchased, be punished with fine which may extend to two hundred and fifty rupees.

27. If any driver or conductor of any transport vehicle disobeys the reasonable directions of any employee or police officer, he shall be punished with imprisonment for a term which may extend to one month.

28. The Sikkim Transport shall ensure that the goods entrusted to it for carriage are carried safely and within a reasonable time:

Provided that the Sikkim Transport shall not be liable to pay any compensation for any delay in transit.

29. The Sikkim Transport shall maintain at each place where goods, other passengers and their luggage, is received for carriage, the tariffs, distance tables, rate tables and a list of station to station rates for carriage of goods from such place and shall, during all reasonable hours, make them available for reference of any person without payment of any fee.
30. The Sikkim Transport may impose conditions, not inconsistent with this Power to impose conditions, not inconsistent with this **Power** to im-
act or any rule made thereunder, with respect to the receiving, accepting, booking, **pose condition**. loading, forwarding, carrying or delivery of any goods.

31. Every consignor or his agent entrusting any goods to the Sikkim Transport **Forwarding** for carriage by its execute a forwarding note in such form as may be prescribed and **Note**. different forms of forwarding notes may be prescribed for carriage of different catego-

32. No person shall consign or carry such offensive or dangerous goods as may **Prohibition**. be prescribed in a transport vehicle of the Sikkim Transport. **against carriage**
offensive or dangerous goods.

33. (1) Every employee of the Sikkim Transport shall weigh or cause to be weighed **Power of weigh the goods.**
the goods consigned for carriage or to be carried in or upon a transport vehicle of the **employeeto**
Sikkim Transport, before issuing carriage receipt and shall enter the weight of the **weigh the**

(2) Any employee who suspects that the weight of the goods has not been correctly entered in the carriage receipt, may have the goods re-weighed.

34. The Sikkim Transport may keep the goods at destination station for **Power to** such time as may be prescribed and may charge such demurrage or wharfage charges **realisedemur-
charge, etc.**

35. Where the consignor, consignee or endorsee fails to take delivery of the goods **Power of dispo-
within the prescribe time, the Sikkim Transport may dispose of the goods by public **sal of goods**
auction in such manner as may be prescribed. **which remain undelivered.**

36. Except in case of goods for which the carriage charges are required to be paid at the time of booking, such carriage charges may be paid either at the time of **Payment of**
carriage charges. **carriage char-

37. Where due to any cause beyond the control of the Sikkim Transport or due **Deviation of**
to other operational reasons, goods are carried over a route other than the route by **route.**
which they are ordinarily carried, the Sikkim Transport shall not be deemed to have the contract of carriage by reason only of such deviation of **of transport**

38. The Sikkim Transport shall deliver the goods at destination only on the **Surrender of**
surrender of the original carriage receipt issued to the consignor or his agent at the **carriage receipt.**
place where the goods were booked.

39. (I) The Government may by general or special order, specify the maximum **Maximum car-
weight of the goods and the maximum number of passengers that may be carried in arrying capacity**
transport vehicle and different weights and number of passengers may be specified for different types of transport vehicles and for different routes. **vehicle.**

(2) The weight and number of passengers to be carried by a transport vehicle specified under sub -section (i) shall be displayed at a conspicuous place in or outside the **vehicle.**

(3) Any employee who takes or allows to be taken in a transport vehicle **Carrying pass-
passengers or goods in excess of the weight or number specified under sub-section (I)**
shall be punishable with fine which may extend to one hundred rupees.

40. (I) No employee shall carry or caused to be carried passengers in a transport **Carrying pas-
vehicle intended for carrying **sengers in ve-

Government from time to time. **for car-

riage of goods.**
(2.) Any person who contravens the provisions of sub-section (1) shall be punishable with fine which may extend to one hundred rupees.

Magistrate having jurisdiction under the Act.

41. No Magistrate other than a Judicial Magistrate of the first class shall try an offence punishable under this Act.

Cases to be tried summarily.

42. In the trial of offences punishable under this Act, the Magistrate shall follow the procedure laid down in the Code of Criminal Procedure, 1898, for trial of offences in a summary way.

Excess charge to be paid the Sikkim Transport

43. Any amount recovered by way of excess charge under this Act shall be paid to the Sikkim Transport.

Overriding effect of the Act.

44. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

Power to make rules.

45. (1) The State Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing subsection, such rules may provide for all or any of the following matters, namely:—

(a) the excess charge under section 9 (2);

(b) the articles that a passenger may carry without payment of carriage charges and the weight of such articles;

(c) the form of the forwarding note under section 31;

(d) the offensive or dangerous goods which may not be carried in or upon a transport vehicle;

(e) the free time for which the goods may be kept at the destination stations and the demurrage and wharfage charges;

(f) the manner of disposal of goods by public auction under section 35;

(g) any other matter which is required to be or may be prescribed.
STATEMENT OF OBJECTS AND REASONS

Of late the problem of ticketless travel in the Sikkim Nationalised Transport has assumed an alarming proportion and has been causing considerable loss of revenue to the Sikkim Nationalised Transport. It is, therefore, considered necessary to make a law providing for prevention of ticketless travel and for carrying of unauthorised goods by the employees of Sikkim Nationalised Transport and to prohibit smoking in the transport vehicles.

The Bill has been framed with the above objects in view.

(P. B. GURUNG)
Minister-in-charge,
Sikkim Nationalised Transport.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 45 of the Bill confers power on the State Government to make rules forgiving effect to the provisions of the Bill. Sub-clause (2) of this clause provides for framing of rules in respect of matters, such as excess charge, the articles that the passenger may carry without payment of carriage charges and the weight of such articles, the form of forwarding note, the offensive and dangerous goods that cannot be carried by transport vehicles and free time and the demurrage and wharfage charges.

The matters with respect to which rules may be made are matters of procedure or detail. The delegation of legislative power is, therefore, normal in character.

FINANCIAL MEMORANDUM
NIL

By order, R. K. GUPTA,
Secretary,
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
NOTIFICATION
No. 740/204/SLAS/81-82
Dated Gangtok, the 9th September, 1981.

In pursuance of rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following Bill:

BILL NO. 11 OF 1981.
THE SIKKIM CULTIVATORS PROTECTION (TEMPORARY PROVISIONS) AMENDMENT BILL, 1981.

A BILL

further to amend the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Sikkim Cultivators Protection (Temporary Provisions) Amendment Act, 1981. Short title

(2) It shall be deemed to have come into force on the 3rd day of September, 1981.

2. In section 1 of the Sikkim Cultivators Protection (Temporary Amendments) Act, 1975, in sub-section (3), for the words "a further period not exceeding four years", the words "a further period not exceeding six years" shall be substituted.

3. (1) The Sikkim Cultivators Protection (Temporary Provisions) Repeal and Amendment Ordinance, 1981 is hereby repealed. Repeal and

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.
STATEMENTS OF OBJECTION AND REASONS

The Sikkim Cultivators Protection (Temporary Provisions) Act, 1975 (Act I of 1975) is due to expire on the 7th September, 1981. The circumstances in which the 1975 Act was enacted still prevail and it is felt that the protection of cultivators against termination of cultivation and restoration of such lands in case of illegal termination should continue for a further period of two years. As such the Sikkim Cultivators Protection (Temporary Provisions) Amendment Ordinance was promulgated on the 3rd September.

The Bill seeks to replace the aforesaid Ordinance—

Sherab Palden Lepcha
Minister-in-charge
Land Revenue Department.

MEMORANDUM REGARDING DELEGATED LEGISLATION
NIL

FINANCIAL MEMORANDUM
NIL

By Order

R.K. GUPTA
Secretary
Sikkim Legislative Assembly.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
Sikkim Legislative Assembly Secretariat

No. SLAS/81-82/204/774. Dated Gangtok, the 10th September, 1981

In pursuance of rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the Speaker has been pleased to order the pre-publication of the following Bill.

THE SIKKIM SHOW HOUSES AND PUBLIC HALLS (PROHIBITION OF SMOKING) BILL, 1981.

(BILL NO. 12 OF 1981)

A BILL

to prohibit smoking in show houses and public halls in Sikkim.

BE it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:

1. (1) This Act may be called the Sikkim Show Houses and Public Halls (Prohibition of Smoking) Act, 1981.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas or places in Sikkim.

(4) The State Government may, by notification in the Official Gazette, declare that with effect from such date as may be specified in the notification, this Act shall cease to be in operation in any or all such areas and places in which it has been enforced under sub-section (3) and the provisions of section 20 of the Sikkim Interpretation and General Clauses Act, 1977, shall have effect as if the Act had then been repealed in that area or place by a Sikkim Act,

(5) The powers conferred on the State Government under sub-section(3) may be exercised in respect of the same or different areas or places as often as occasion requires.

Short title, extent, commencement and withdrawal.
Definitions. 2. In this Act, unless the context otherwise requires,—

(a) 'show house' means any building, or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition to the public, whether on payment or otherwise, of cinematographic films, dramatical, pantomime, or musical performances, dances, physical feats of human beings or animals, conjuring tricks or sleights of hand, boxing, wrestling, skating, billiards or table-tennis competitions or any other indoor amusement or diversion whatsoever;

(b) 'public hall' means a chamber or hall used ordinarily or occasionally as a place of public assembly or meeting.

Prohibition of 3. No person shall smoke during a demonstration, exhibition or smoking in meeting, in any part of a show house or public hall reserved for the show houses audience or the spectators.

Management 4. (1) Every person responsible for the management of demonstration or exhibition in a show house and every person who controls the deliberations of a public assembly or meeting in a public hall, shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides in the case of any cinematographic exhibition, that any person smoking during a demonstration, exhibition or meeting, in the show house or public hall shall be liable to prosecution.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend for a first offence to fifty rupees and for a second or subsequent offence to two hundred rupees-

Penalty for 5. (1) Any Police officer or any other person specially authorised by the State Government by notification in the Official Gazette, may direct any person found smoking in contravention of the provisions of section 3 to desist from smoking and if such person does not desist, he shall be punishable with fine which may extend to rupees fifty.

(2) Any Police officer or the person authorised may require a person who does not desist from smoking as directed under sub-section (1), to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or if the police officer or the person authorised reasonably suspects him of giving a false name or address, the police officer or the person authorised arrest him without a warrant.

Power to arrest 6. Any police officer may arrest without warrant any person committing an offence under section 3.

Offences to be 7. All offences under this Act shall be cognizable and bailable.

Power to ex- 8. The State Government or any officer of the State Government clude from authorised in this behalf may, by general or special order in writing, the operation direct that the provisions of this Act shall not apply in respect of any show house or public hall or any demonstration, exhibition or public meeting therein.

Power to make 9. The State Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act.
STATEMENT OF OBJECT AND REASONS.

In the recent past there has been concern over the hazards of public health due to uncontrolled smoking by persons in the show houses and public halls in Sikkim. It is, therefore, considered necessary to prohibit smoking in such places.

The Bill has been framed with this object in view.

N. B. BHANDARI,
Chief Minister.

FINANCIAL MEMORANDUM
NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clause 9 of the Bill confers power on the State Government to make rules for giving effect to the provisions of the Bill.

The matters with respect to which rules may be made would be matters of procedure or detail which cannot be foreseen at this stage. The delegation of legislative power is thus normal in character.

By order,

R. K. GUPTA,
Secretary,
In pursuance of rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following Bill:

**THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS REMOVAL OF DISQUALIFICATIONS (AMENDMENT) BILL, 1981.**

**(BILL NO. 13 OF 1981)**

A BILL to amend the Sikkim Legislative Assembly Members Removal of Disqualifications Act, 1978.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:

1. (I) This Act may be called the Sikkim Legislative Assembly Members Removal of Disqualifications Act, 1981.

2. In the long title of, and the preamble to, the Sikkim Legislative Assembly Members Removal of Disqualifications Act, 1978 (hereinafter referred to as the principal Act), for the words "to declare that certain offices are not to disqualify" the words "to declare that certain officers of profit are not to disqualify" shall be and shall always be deemed to have been substituted.

3. In section 3 of the principal Act,—

(a) after the words "Legislative Assembly", the words in so far as it is an office of profit under the Government" shall be and shall always be deemed to have been inserted;

(b) after clause (o), the following clauses shall be and shall always be deemed to have been inserted, namely:—

"(oa) the office of the Chairman or a member of the Board of Directors of the Sikkim Jewels Limited appointed by the State Government;
(ob) the office of the Chairman or a member of the Board of Directors of the Sikkim Distilleries Limited appointed by the State Government;

(oc) the office of the Chairman or a member of the Board of Directors of the Government Fruit Preservation Factory appointed by the State Government;

(od) the office of the Chairman or a member of the Board of Directors of the Sikkim Tobacco Private Limited appointed by the State Government;

(oe) the office of the Chairman or a member of the Board of Directors of the Sikkim Time Corporation appointed by the State Government;”

Validation. 4. Notwithstanding any judgement, decree or order of any Court, Tribunal or other authority, no member of the Sikkim Legislative Assembly shall be disqualified or shall ever be deemed to have been disqualified for being chosen as, and for being a member of, the Sikkim Legislative Assembly by reason only that he holds or has ever held the office of the Chairman or a member of the Board of Directors of any Corporation, Committee or other authority specified in section 3 of the principal Act as ammended by this Act.

STATEMENT OF OBJECTS AND REASONS

The appointment of some members of the Legislative Assembly as Chairman of State Bank of Sikkim etc. has been challenged and the matter is pending with the Election Commission of India.

We have been legally advised that the office of the Chairman and a member of the Board of Directors of the Sikkim Times, Sikkim Jewels, Sikkim Distilleries and Sikkim Fruit Preservation Factory may be specifically included in section 3 of the Sikkim Legislative Assembly Members Removal of Disqualification Act, 1978. It is also proposed that the Bill may be given retrospective effect.

The Bill has been framed with the above objects in view.

(N.B. BHANDARI)

Chief Minister.

FINANCIAL MEMORANDUM

NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL

By Order

R.K. GUPTA
Secretary
Sikkim Legislative Assembly.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
In pursuance of the provisions of Sub-section (1) of section 29 of the Representation of the People Act, 1951, I, R.K. Gupta, Returning Officer for the election by the elected members of the Legislative Assembly of Sikkim to fill the seat in the Council of States, hereby fix, with the previous approval of the Election Commission of India, the Sikkim Legislative Assembly House, Gangtok, as the place at which a poll shall be taken in pursuance of the Election Commission's Notification No. 318/SKM/81(I), dated the 2nd September, 1981, from 10 a.m. to 2 p.m. on 21st September, 1981.

R.K. Gupta
Returning Officer for the election to the Council of States
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

No. SLAS/81-82/804. Dated Gangtok, the 15th September, 1981

In pursuance of the Notification No. F13(4)/81/Leg.II, dated 2nd September, 1981 as published in an Extraordinary issue of the Gazette of India part 2, section III, dated 2nd September, 1981 and republished under Home Department (Election) Notification No. 10/H, dated 2nd September, 1981 Extraordinary Gazette of Government of Sikkim dated 2nd September, 1981 calling upon the elected Members of the Legislative Assembly of the State of Sikkim to elect, in accordance with the provisions of the Representation of the People Act, 1951, one member to fill the seat allotted to the State of Sikkim in the Council of States, the counting for the above election shall be held in the Sikkim Legislative Assembly House, Gangtok, immediately after the poll is over on 21st September, 1981.

U.K. Gupta,

Returning Officer for the election to the Council of States.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

Office Order No.38(5)Home/81. Dated Gangtok, the 26th September, 1981.

WHEREAS the State Government is satisfied that in the public interest, it is neccessary and expedient to prohibit strikes in an Essential Service, namely, the Department of Power relating to the supply of electricity and other similar establishment connected with it.

Now, therefore, in exercise of the powers conferred by sub-section (1)of section 3 of the Sikkim Essential Services Maintenance Act, 1978(7 of 1978), the State Government hereby prohibits strikes in the said Essential Service.

2. This notification shall remain in force for a period of six months commencing on and from the 1st day of October, 1981.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
Notification No. 60(576)/L.R.(S)  
Dated Gangtok, the 10th September, 1981.

(Notice under section 4 of Land Acquisition Act, 1894)

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely for Establishment of Central School in the block of Syari, Elakha Tathangchen, East District, Gangtok it is hereby declared that a piece of land comprising c.s. plots as shown in the schedule of properties below measuring more or less 23.92 acres bounded on the

- EAST Rock and D.F. of Jangu Lepcha
- WEST Rock and boundary of Cantonment compound
- NORTH Khasland and D.F. of Nedup Lepcha
- SOUTH Steep Area

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Syari.

The declaration is made, under the provision of section 4 of Act I of 1894, to all whom it may concern.

And whereas there is an urgency to acquire the land the Governor is further pleased to direct under Section 17(4) that the provision for section 5-A of the Act shall

In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and do all other acts required or permitted by that Section.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

Any person interested in the above land who has any objection to the acquisition thereof, may, within fifteen days after the date on which public notice of the substance of this notification is given in the locality, files an objection in writing before the Collector-cum-Sp. L.A.O., Land Revenue Department, Government of Sikkim, Gangtok.
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23.92 acres

By Order of the Governor.

P.T. WANGDI, I.A.S.
Secretary
Land Revenue Department
Government of Sikkim

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
HOME DEPARTMENT (ELECTION)
NOTIFICATION NO. 11/H.
Dated Gangtok, the 23rd September, 1981.

The following notification No. 56/79-XXV dated 23rd July, 1981/2 Sravana, 1903 (S) of Election Commission of India, New Delhi is republished for general information:—

NOTIFICATION

S.O- Whereas the Election Commission of India, by its order dated the 23rd July, 1981, has held decided land directed that—

(a) the group led by Smt- Indira Gandhi as the President and known by the name Indian National Congress (I) shall be recognised for the purpose of the symbols Order as the Indian National Congress, a recognised national Party;
(b) the symbol "Hand" shall continue to be the reserved symbol for the said Party unless that party applies for the revival of the frozen symbol "Calf and Cow: and
(c) group in the Indian National Congress led by Shri Devraj Urs and known by the name Indian National Congress (U), shall be de-recognised.

Now, therefore, in pursuance of clause (a) of sub-para (1) and sub-para (2) of Paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments in its notification No. 56/79, dated 28th September, 1979, published as S.O. 557(E) in the Gazette of India, Extraordinary, Part II, Section 3 (ii), dated the 28th September, 1979, and as amended from time to time, namely—

In TABLE 1 appended to the said notification:

(i) For the existing entry "4 Indian National Congress (I) Hand", the entry "4 Indian National Congress ...............Hand" shall be substituted;
(ii) the existing entry "5. Indian National Congress (U) ........ Charkha" shall be deleted; and
(iii)the existing entries "6 and 7" shall be re-numbered as "5 and 6".

The above amendment shall be deemed to have taken effect from the 23rd July, 1981.

By Order,

HR GUPTA,
Deputy Chief Electoral Officer, Sikkim.

K. GANESAN,
SECRETARY.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
The following order of the Governor of Sikkim dated 26th September, 1981 is published for general information:

"No. SKM/GOV/1507/81— In exercise of the powers conferred by Article 174 (2) (a) institution, I, Homi J. H. Taleyarkhan, Governor of Sikkim, hereby prorogue the Sikkim Legislative Assembly which was summoned to meet on Wednesday, 16th September, 1981.

HOMI J.H. TALEYARKHAN,
GOVERNOR OF SIKKIM"

By Order

R.K. GUPTA,
Secretary
Sikkim Legislative Assembly
GOVERNMENT OF SIKKIM

HOME DEPARTMENT

NOTIFICATION


Government of Sikkim have hereby granted permission to the Army for field firing and artillery practice in areas specified below in North Sikkim as described in the Schedule below during the period from 15th October to 15th February, every year upto 31st December, 1984.

THE SCHEDULE

Area bounded by the Grid Reference as under on the Map sheets No. 78 A/11 and 78 A/15 Bhutan, China, Sikkim Metre Grid Scale 1 : 50,000:—

(a) On the Northern side boundary runs along; 081 762 132 786 148 798 174 783
(b) On side Eastern boundary runs along; 205 756 188 748 158 733 169 719 159 688
(c) On the Southern side boundary runs along; 126 672 097 660 095 659 089 653 076 654
(d) On the western side boundary runs along; 077 658 077 660 069 667 070 670 083 675 083 680 084 682 088 678 092 680 095 694 090 695 083 693 073 698 064 699 064 703 070 706 072 707 077 708 085 722 078 735 071 751 083 693 073 698 064 699 064 703 070 706 072 707 077 708 085 722 078 735 071 751 081 762

Range 'D'

EXPLANATION

The area as per grid reference above coincides roughly (Clockwise) by:—

Pt 2643, Pt 4349, Pt 4042, Pt 4603, Pt 3860, Pt 3590, Talang, Pt 3841, North of Panchmil, South East of Pt 2467, Bojadhari, North East of Phyangla, Wooden Bridge NSH, Tingda, Lingchom, South of Kabi, Pt 2160, Pt 1963, Pt 2463.

J.T. DENSAPA,
Home Secretary,
Government of Sikkim

PRINTED AT THE SIKKIM GOVERNMENT PRESS
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 30th day of September, 1981, is hereby published for general information.

THE SIKKIM ARMED POLICE FORCE ACT, 1981.
ACT NO. 8 OF 1981.

AN ACT to provide for the constitution and regulation of the Sikkim Armed Police Force in the State of Sikkim.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:

1(1) This Act may be called the Sikkim Armed Police Force Act, 1981. Short title

2. In this Act, unless the context otherwise requires,— Definitions

(a) "active duty" means—

(i) the duty to restore and preserve order in any local area in the event of any disturbance therein, to prevent offences involving breach of peace or danger to life or property, and to search for and apprehend persons concerned in such offences, or who are so desperate and dangerous as to render their being at large hazardous to the community;

(ii) the duty to take all measures for extinguishing fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earth-quakes, enemy action or riots and to restore peace and preserve order on such occasion;

(iii) such other duty as may be specified to be active duty by the State Government or the Inspector General of Police in a direction issued under section 12;
(b) "Commandant", "Assistant Commandant", "Adjutant", "Company Commander" means a person appointed by the State Government to those offices under section 5;

(c) "follower" means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or any other tradesman designated as such in connection with the Force;

(d) "Force" means the Sikkim Armed Police Force constituted under section 3;

(e) "Inspector-General" means the Inspector-General of Police;

(f) "members of the subordinate ranks" means members of the Force below the rank of Adjutant, Assistant Commandant or Company Commander;

(g) "officer of the Force" means a member of the Force;

(h) "police officer" means every police officer as defined in the Police Act, 1861;

(i) "prescribed" means prescribed by rules made under this Act;

(j) "superior officer" in relation to any officer of the Force, means -

(a) an officer of the Force of a higher class than, or of a higher grade in the same class as, such officer; or

(b) an officer of the Force of the same grade or class but senior to such officer;

(k) the words and expressions used herein and not defined, but defined in the Indian Penal Code, 1860, the Code of Criminal Procedure 45 of 1860, 1898, and the Police Act, 1861 shall have the meanings respectively assigned to them in those enactments.

3. (1) In addition to the police force constituted under the Police Act, 1861, the State Government may constitute and maintain a force known as the Sikkim Armed Police Force.

(2) The Force shall be constituted and maintained in such manner as may be prescribed.

(3) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the Force shall be such as may be prescribed:

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police Service who may be transferred to the Force.

(4) The State Government or any officer empowered by the State Government in this behalf may-

(a) divide the Force in groups;

(b) sub-divide each group into battalions, and each battalion into companies, and each company into platoons, and platoons into sections or smaller sub-units;

(c) post any group, battalion, company, platoon, section or smaller sub-unit at such places as the State Government or such officer may deem fit.

4. The superintendence, control and administration of the Force shall, in accordance with the provisions of this Act and the rules made thereunder, vest in the Inspector-General or in such Deputy Inspector-General or Assistant Inspector-General of Police as the State Government may authorise in this behalf.

5. (i) The State Government may appoint for each Battalion a Commandant who is a person eligible to hold the post of a Superintendent of Police and one or more Assistant Commandants, Adjutants and Company Commanders who shall be persons eligible to hold the post of an Assistant or a Deputy Superintendent of Police.
The Deputy Inspector-General of Police, the Assistant Inspector-General Police, the Commandant, the Assistant Commandant, the Company Commander and the Adjutant may exercise such powers and authority as may be prescribed.

The State Government may, by notification in the Official Gazette, conferment of certain disciplinary powers under this Act over the officers of the Force under powers unhis operational control and in such districts as may be specified in the notification to the District Police Provided that such police officer shall be of the rank higher than the rank of the officer of the Force incharge of such Force.

Before any person appointed to be an officer of the force joins appointment, a declaration in the form in Schedule I shall be read out, and if he so desires, explained to him in the presence of a Commandant or an Assistant Commandant, or an Adjutant or a police officer not below the rank of an Assistant Superintendent or a Deputy Superintendent of Police shall be signed by him, in token of having been so read out, and explained to him, and of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Commandant, Assistant Commandant, Adjutant or police officer, as the case may be.

No officer of the Force shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (1).

Where any officer of the Force resigns in contravention of the provisions of this section, he shall, on the order of the Commandant, forfeit all areas of pay due to him on the date of his resignation.

The forfeiture of arrears of pay under sub-section (3), shall be without prejudice to any other penalty, if any, that may be imposed upon such officer under the provisions of this Act or any other law for the time being in force.

Subject to the provisions of sections 14 to 21, every officer of Officer of the Force shall, upon his appointment and so long as he continues to be an officer thereof, be deemed to be a police officer and, subject to any have same terms, conditions and restrictions as may be prescribed, have and be subject powers, pri to, all the powers, privileges, liabilities, penalties, punishments and protec- tion as a police officer duly enrolled under provisions of the Police Act, liabilities as 1861, or any other law for the time being in force, or any rules or police offi-regulation made thereunder: cer.

Provided that the provisions of the Police Act, or any other law or rules or regulations made thereunder are not inconsistant with the provisions of this Act or any rules made thereunder.

The State Government may designate the ranks of officers of the Force which shall be deemed to be equivalent to various ranks of the police officers for the purposes of this section, and also generally for the purposes of this Act.

Notwithstanding anything contained in this Act or Police Act, Transfer 1861, it shall be competent for the State Government or the Inspector-General, if so authorised by the State Government in this behalf, to transfer officer of the police force appointed under the Police Act, 1861, to the Force and vice-versa.

On the transfer of an officer of the police force appointed under the Police Act, 1861, to the Force or vice-versa, he shall be deemed to be an officer of the Force or the police force, as the case may be, to which he is transferred and in the performance of his functions, he shall, subject to such order as the State Government may make, be deemed to be vested with such powers and privileges, and be subject to the liabilities, of an officer of the grade in the Force or the police force, as the case may be, to which he has been transferred, as may be specified in the order.
10. (1) Every officer of the Force below such rank as may be specified by the State Government shall, on appointment, receive a certificate of appointment in the form in Schedule II.

(2) Every person who for any reason, ceases to be an officer of the Force, shall forthwith deliver his certificate of appointment and the arms, accoutrements, clothing and other necessaries which have been furnished to him for the execution of his office to an officer empowered by the Commandant to receive the same.

11. The Commandant shall, subject to the orders of the Inspector-General, direct and regulate all matters of arms, drill exercise, discipline mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the officers of the Force and members of the subordinate ranks under his charge.

12. (1) Every officer of the Force shall for the purpose of this Act be deemed to be always on duty and any officer of the Force and any number or body of the officers of the Force may, if the State Government or the Inspector-General so directs, be employed on active duty for so long as and wherever the service of the same may be required whether in Sikkim or outside.

(2) Every direction issued under sub-section (1) shall specify that the duty on which any officer of the Force or any number or body of such officers is directed to be employed shall be deemed as active duty for the purposes of this Act.

(3) Every direction issued under sub-section (1) shall be final and binding on every officer of the Force.

(4) An officer of the Force employed on active duty under sub-section (1), or when a number or body of the officers of the Force are so employed, the officer-in-charge of such number or body, shall be responsible for the efficient performance of their duty and all police officers who but for the employment of one or more officers of the Force or body of officers of the Force, would be responsible for the performance of that duty, shall, to the best of their ability, assist and co-operate with the said officer of the Force or officer-in-charge of a number or body of officers of the Force.

13. (1) When employed on active duty at any place under sub-section (1) of section 12, the senior officer of highest rank not below that of a Head Constable present shall be deemed to be an officer-in-charge of a police station for the purposes of Chapter IX of the Code of Criminal Procedure 1898.

(2) Notwithstanding anything contained in sections 100 and 103 of Indian Penal Code, 1860, an officer of the Force employed as aforesaid may, when there is reasonable apprehension of assault on himself or any officer of the Force or of damage or harm to any property or person which or whom it is his duty to protect, use such force against the wrong-doer or assailant as may be reasonably necessary, even though the use of such force may involve risk of death of the wrong-doer or the assailant or any other person assisting such wrong-doer or assailant.

14. If any officer of the Force resigns his appointment in contravention of section 7 and in pursuance of such resignation remains absent from duty before it is accepted, he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

15. Any officer of the Force who wilfully neglects or refuses to deliver up for refusal of certificate of appointment or any other article in accordance with certificate sub-section (2) of section 10 shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to five hundred rupees, or with both.
Every officer of the Force who —

(a) begins, excites, causes or conspires to cause, or joins any mutiny, or, being present at any mutiny, does not use his utmost endeavours to suppress it, knowing or having reason to believe in the existence of any mutiny, or of any intention or conspiracy to mutiny or any conspiracy against the State, does not, without delay, give information thereof to his superior officer; or

(b) uses, or attempts to use criminal force against or commits an assault, on his superior officer whether on or off duty; or

(c) shamefully abandons or delivers up any post, guard, buildings, fortification or property which is committed to his charge or which it is his duty to defend; or

(d) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any officer of the Force or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms, or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms; or

(d) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves, any person in arms against the State or any person conspiring against the State Government or public security or any person to be arrested, or omits to disclose immediately to his superior officer present, any such correspondence or communications coming to his knowledge; or

(f) directly or indirectly sells, gives away, or otherwise disposes of, or agrees to, or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any person referred to in clause (e), or knowingly harbours or protects any such person; or

(g) while on active duty —

(i) disobeys the lawful command of his superior officer; or

(ii) deserts the Force or his post; or

(iii) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave; or

(iv) without authority leaves his office for any purpose whatsoever; or

(v) uses criminal force against or commits an assault on, any person whom he has not any reason to believe to be in arms against the State and against whom it is his duty to act, or without authority breaks into any house or other place for plunder or any illegal purpose, or wilfully and unnecessarily plunders, destroys or damages any property of any kind; or

(vi) intentionally causes or spreads a false alarm in camp, garrison or quarters;

(vii) commits extortion or without lawful authority extorts anything from any person, carriage, potterage or provisions; shall be punished with rigorous imprisonment for a term which may extend to six years and shall also be liable to fine.

Explanation— An officer of the Force shall be deemed to desert the Force if he leaves his place of duty or posting without the permission of his superior officer, and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.
17. Every officer of the Force who —

(a) assaults or uses or attempts to use criminal force against any sentry; or
(b) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge or whether in such command or not, releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape; or
(c) being in command of a guard, picquet or patrol, permits any person belonging to such guard, picquet or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline; or
(d) being under arrest or in confinement leaves the place of his arrest or confinement, before he is set at liberty by lawful authority; or
(e) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
(f) maligns, feigns or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity; or
(g) maligns or disparages a superior officer or refers to him in derogatory terms either orally or in writing; or
(h) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field; or
(i) assaults or otherwise ill-treats any officer of the Force with reference to whom he is a superior officer; or
(j) designedly or through neglect damages or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries furnished to him for the execution of his office or any such article entrusted to him or to any other person; or
(k) with intent to render himself or any other person unfit for duty voluntarily causes hurt to himself or any other person, tolls,
(l) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, loses or takes away any animal or vehicle used in the public service;

shall be punishable with rigorous imprisonment for a term which may extend to six months or with fine, which may extend to five hundred rupees or, with both.

Officer of 18. An officer of the Force, who, being in command of any guard, picquet Force party, patrol or detachment and knowing of the commission of a design to commit any offence punishable under section 16 or 17, by or mand to on the part of any officer of the Force under his command, intentionally give infor- omits or without reasonable excuse (the burden of proving which shall mation of lie on him) fails to give information of such commission or design to his superior officer, shall be punished with rigorous imprisonment for a term under this which may extend to six months or with fine which may extend to five hundred rupees or with both.

Place of 19. (1) Every person sentenced under this Act to imprisonment may be dismissed from the Force and his pay, allowances and any other money and due to him, as well as any medals and decorations received by him, liability to shall further be liable to forfeiture.

be dismissed or imprison-
(2) Every such person shall, if he is so dismissed, be imprisoned in such prisoner as the State Government may, by notification in the Official Gazette, specify in this behalf, but if he is not so dismissed from the Force, he may if the Court so directs be confined in the quarter guard or such other place as the Court may consider suitable.

20. (1) Whoever intentionally causes or attempts to cause or does any act which he knows is likely to cause disaffection towards the Government, amongst the officers of the Force, or induces or attempts to induce, or does any act which he knows is likely to induce any officer of the Force to withhold his services or to commit a breach of discipline, shall be punished with imprisonment which may extend to six months or with fine which may extend to two hundred rupees or with both.

(2) Nothing shall be deemed to be an offence under this section which is done in good faith for the purpose of promoting the welfare or interest of any officer of the Force by inducing him to withhold his services in any manner authorised by law.

21. (1) A Commandant, or subject to the control of the Commandant, an Assistant Commandant or such other officers as may be prescribed, may award for good and sufficient reasons to any member of the subordinate ranks and effects below the rank of Head Constable, who is subject to his authority, any of the following punishments for the commission of any offence against discipline, which is not otherwise provided for in this Act or which in the opinion of the Commandant, Assistant Commandant or such other officer, as the case may be, is not of such serious nature as to call for prosecution before a criminal court, that is to say—

(a) confinement in the quarter guard, or such other place as may be considered suitable, for a term which may extend to fifteen days when the order is passed by a Commandant, or to seven days when it is passed by any other officer. Such confinement shall involve the forfeiture of pay and allowances for the period of confinement if an order to this effect is passed by the officer awarding the punishment:

Provided that no officer below the rank of Commandant shall pass orders towards forfeiture of pay and allowances;

(b) punishment drill, extra guard, fatigue or any other duty for a term which may extend, when the order is passed by the Commandant, to fifteen days and when the order is passed by any other officer to seven days.

(2) Any of the punishments specified in sub-section (1) may be awarded separately or jointly with any one or more of the other punishments:

Provided always that confinement to the quarter guard shall not exceed fifteen consecutive days.

(3) When a Commandant or an Assistant Commandant or other officer passes an order under sub-section (1), he shall enter in a book to be kept for the purpose, a brief description of the defaults together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

22. Any officer of the Force who attempts to commit an offence punishable under this Act, or causes such an offence to be committed and in such attempt does any act towards the commission of the offence, may be punished with the punishment provided in this Act for such offence.

23. Any officer of the Force who abets an offence punishable under this Act may be punished with the punishment provided in this Act for such offence.

24. (1) No Court shall take cognizance of an offence under this Act except with the previous sanction or on the complaint of the Inspector-General or of offences any other police officer (not below the rank of Commandant) authorised by him in this behalf.
(2) No Court inferior to the Court of the Magistrate of the first class shall try any offence under this Act.

25. Nothing in this Act shall prevent any person from being prosecuted under any other enactment, order or rule made under any other enactment, for any act or omission punishable thereunder, or from being liable, if so prosecuted, to any other or higher penalty than is provided for in that Act or omission by this Act:

Provided that no person shall be punished twice for the same offence.

26. (1) In any suit or proceedings against any officer of the Force for any act done by him in pursuance of a warrant or order of a superior officer, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the officer of the Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) Notwithstanding anything contained in any other law, for the time being in force, any legal proceeding, whether civil or criminal, which may, lawfully be brought against any officer of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules made thereunder, shall be commenced within two months after the act complained of was committed and not otherwise and notice in writing of such proceedings and of the cause thereof, shall be given to the defendant or his superior officer, at least one month before the commencement of such proceedings:

Provided that such proceedings may, with the sanction of the State Government, be commenced at any time after the act complained of was committed.

27. (1) The State Government may, by notification in the Official Gazette, make rules consistent with this Act for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such rules may provide for all or any of the following matters, namely:

(a) the constitution and administration of the Force;
(b) the number, classes and grades of the Force;
(c) recruitment, organisation, classification and discipline of members of the subordinate ranks;
(d) inspection of the Force;
(e) powers to be exercised by the Deputy Inspector General, Assistant Inspector General, Company Commander and Adjutant under the Act;
(f) description and quantity of arms, accoutrements, clothing and other necessaries to be furnished to the officers of the Force;
(g) pay, pension and other conditions of service of the members of the Force;
(h) officers who may award minor punishments under section 21;
(i) any other matter which is to be or may be prescribed.

28. If any difficulty arises in giving effect to the provisions of this Act, State Government may, by order, do anything not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.
29. (1) The Sikkim Armed Police Force in existence at the commencement of this Act, shall be deemed to be the Force constituted under this Act. as to existing Sikkim Armed Police Force.

(2) Officers of the Sikkim Armed Police Force in existence at the commencement of this Act shall be deemed to have been appointed under this Act.

(3) Anything done or any action taken before the commencement of this Act in relation to the constitution of the Sikkim Armed Police Force referred to in sub-section (1), in relation to any person appointed thereto, shall be as valid and effective in law as if such thing or action was done or taken under this Act.
Form of declaration to be signed before joining appointment in the Force.

I, (Name in full)..........................................................................................

designation in the case of an officer of a police force/address in the case of a direct recruit

..... declare that

(1) I am willing to serve, wherever posted, in the Force.

(2) I shall not be entitled to resign my appointment in the Force or to apply for a transfer to any other police force until I have completed the prescribed period of service in the Force; and

(3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer as the case may be, would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.

(4) In the event of my resignation from the appointment, I shall not remain absent from duty till the date with effect from which the resignation is accepted.

Signature in token of the above declaration having been read out and explained to the declarant and on his having understood and accepted it.

___________________________

Signed in my presence after I had satisfied myself that (name in full)..........................

designation in the case of an officer of a police force/full address in the case of a direct recruit

___________________________

has understood and accepted the declaration and signed it in my presence.

Designation of the officer before whom the declaration is signed.

Commandant/Assistant Commandant.

Adjutant or police officer.

Date: ........................................

Place: ........................................
A.B..........................................................................................................................has been appointed to the Force in the State of Sikkim and is vested with the powers, functions and privileges of an officer of the Force under the Sikkim Armed Police Force Act, 1981.

Signature

Appointing Authority.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,
F. No. 16/(72)LL/78.
THE SIKKIM FIRE SERVICES ACT, 1981

ACT NO. 9 OF 1981

AN ACT
to provide for the constitution and maintenance of a fire brigade for the State of Sikkim; for
censuring of warehouses and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Sikkim in the Thirty-second Year
of the Republic of India as follows:—

CHAPTER I

Preliminary

(1) This Act may be called the Sikkim Fire Services Act, 1981.

(2) It extends to the whole of Sikkim.

(3) It shall come into force in any area on such date as the State Government may, by notification in the Official Gazette appoint and different dates may be appointed for different areas and for different provisions of this Act; and the State Government may by like notification withdraw this Act or the provisions thereof from any such area:

Provided that when the fire brigade is sent to any place outside any such area
this Act shall be deemed to be in force in such place for all purposes connected with ser-
vice therein.

In this Act, unless the context otherwise requires,—

(a) "Director" means the Director of Fire Services appointed by the
State Government under sub-section (3) of section 3:
(b) "fire brigade" means the fire brigade maintained by the State Government under section 3 and includes an Auxiliary fire brigade raised under section 4;

(c) "fire fighting property" includes—
(i) lands and buildings used as fire stations;
(ii) fire engines, equipments, tools, implements and things whatsoever used (or fire-fighting);
(iii) motor vehicles and other means of transport used in connection with fire-fighting;
(iv) uniforms and badges of rank;

(d) "fire station" means any post or place declared, generally or specially by the State Government to be a fire station;

(e) "members of the fire brigade" include persons employed in the Sikkim Fire Services and also volunteers and other persons enrolled in an Auxiliary fire brigade;

(f) "officer-in-charge" of a fire station includes, when the officer-in-charge of the fire station is absent from the station or unable from illness or other cause to perform his duties, the member of the fire brigade present at the station who is next in rank to such officer;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "warehouse" means any building or place used whether temporarily or permanently for the storing or processing or keeping of jute gunny bags, cotton, hemp, resin, shellac, varnish, bitumen, pitch, tar, tallow, celluloid, wood, (excluding furniture kept in the building or place for ordinary use), charcoal, coal, straw, hay, grass, raw rattan canes, coconut fibre, waste paper, packing boxes or any other inflammable articles or chemicals and also any other article which is likely to increase the risk of fire and which is specified by the State Government, by notification in the Official Gazette, for the purpose of this clause;

(i) "workshop" means any building or place where processing of any article is carried on for purposes of trade or business, if processing of such article is declared by the State Government, by notification in the Official Gazette in this behalf, to be attended with the risk of fire.

**Explanation.**—The expression "processing" means making, altering, repairing, treating or otherwise dealing with any article by means of steam, electricity or other mechanical power.

**CHAPTER II**

**Fire brigade**

3. (i) The State Government shall maintain a fire brigade for services in areas in which this Act is in force and may, if it thinks fit, send the fire brigade to any place outside any such area for service therein.

(2) The fire brigade shall consist of such number of members and shall be otherwise constituted in such manner as the State Government may think fit.

(3) The State Government shall appoint a person to be the Director of the Fire Services under this Act; and he shall remain under the control of the Inspector General of Police.

(4) The fire brigade shall be under the direction and control of the Director who may, with the previous sanction of the State Government and subject to the orders or rules, if any, made by the State Government under the provisions of this Act, frame such regulations as it thinks fit relating to—

(a) the general administration and control of the fire brigade including terms and conditions of service of members thereof;
(b) the equipments, clothing and accoutrement of the members of the fire brigade, their classification and duties and distribution of work among them;
(c) the place at which or the limits of the areas within which the members or any class of members of the fire brigade shall ordinarily reside for ensuring that the services of the members or such class of members of the fire brigade may be readily available;
(d) all other matters which he considers necessary for rendering the fire brigade an efficient fire-fighting force.

4. The State Government may raise an Auxiliary fire brigade in any area in which this Act is in force and enrol volunteers or other persons as members of such brigade on such and conditions as it may think fit.

5. The State Government may, from time to time, make such general or special orders with respect to the fire brigade.

   (1) for furnishing and providing the fire brigade with such fire-fighting properties as it deems proper;
   (2) for providing adequate supply of water and for ensuring that it is available for use;
   (3) for constructing or providing stations or hiring places for accommodating the members of the fire brigade and its fire-fighting properties;
   (4) for giving rewards to persons who have given notice of fires and to those who have rendered effective service to fire brigade on the occasion of fires;
   (5) for the training, discipline and good conduct of the members of the fire brigade;
   (6) for the speedy attendance of the members of the fire brigade with necessary fire-fighting properties or equipments on the occasion of any alarm of fire;
   (7) for sending the members of the fire brigade with necessary fire-fighting properties and equipments to any place beyond the limits of any area in which this Act is in force for the purpose of extinguishing fire in such place on such terms and conditions as it deems proper;
   (8) for the employment of the members of the fire brigade on such terms and conditions as it deems proper in any rescue, salvage or other works not connected with extinguishment of fire for which the fire brigade may in its opinion, be usefully and appropriately employed;
   (9) for enforcing discipline and imposing punishment on any member of the fire brigade who infringes any order;
   (10) for regulating and controlling the powers, duties and functions of the Director and other members of the fire brigade;
   (11) generally for the maintenance of the fire brigade in due state of efficiency.

1. Where the fire brigade is sent to a place beyond limits of any areas in which this Act is in force in order to extinguish fire in a warehouse or a workshop at such place, the occupier of the warehouse or workshop shall be liable to pay such fee as may be determined by the State Government in this behalf.

2. The fee referred to in sub-section (1) shall be payable within one month of the service of a notice of demand by the Director on the occupier and if it is not paid within such period it shall be recoverable as a public demand.
<table>
<thead>
<tr>
<th>Duties of members of fire brigade.</th>
<th>7. It shall be the duty of every member of the fire brigade to give effect promptly to the lawful commands of the Director or the officer-in-charge of a fire station or the officer in immediate charge of the fire brigade on the occasion and at the site of a fire and generally to discharge the duties imposed upon him by this Act or any orders, rules or regulations made thereunder.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibition on resignation or withdrawal from duties without permission or notice.</td>
<td>8. No member of the fire brigade shall resign his office or withdraw himself from the duties thereof unless expressly permitted in writing by the Director: Provided that a member of the fire brigade may resign his office or withdraw himself from the duties as such member on giving one month’s notice of his intention to do so.</td>
</tr>
</tbody>
</table>
| Powers exercisable on occasion of fire. | 9. (1) On the occasion of a fire or alarm of fire, the Director or the officer-in-charge of a fire station or the officer-in-charge of the members of the fire brigade on the spot may—
(a) remove or order any member of the fire brigade to remove any person who by his presence interferes with or impedes the due operation of the fire brigade;
(b) close any street or passage in or near which a fire has taken or is likely to take place;
(c) by himself or by any member of the fire brigade enter, break into or through or pull down any premises for the purpose of extinguishing fire or for the passage of hose or other fire-fighting appliances, doing as little damage as possible;
(d) require the authority in charge of water supply in the area to regulate the water mains and pipes or cause the mains and pipes to be shut off so as to provide water at a specified pressure at the place were the fire has broken out and utilise the water, public or private well or tank or of any available source of water, public or private for the purpose of extinguishing or limiting the spread of such fire;
(e) exercise the same powers for dispersing any assembly or persons likely to obstruct the operation of the fire brigade, as if he were an office in-charge of a police-station and as if such an assembly were an unlawful assembly and shall be entitled to the same immunities and protection as such an officer, in respect of the exercise of such powers;
(f) generally take such measures as may appear necessary for the preservation of life and property.
(2) The Director or the officer-in-charge of a fire station or the officer-in-charge of the members of the fire brigade on the spot may verbally nominate and depute one or more members of the fire brigade to act at a distance, and such member or such officer himself possessing the like powers as the Director or such officer himself possesses under this section. |
| Power to enter into agreement with the authority in charge of water supply. | 10 The Director may, with the previous sanction of the State Government, enter into an agreement with any person or authority in any area for securing an adequate supply of water in case of fire on such terms as may be specified in the agreement. |
| Power to enter into arrangement for assistance. | 11. The Director may, with the previous sanction of the State Government, enter into an agreement with any person or authority maintaining fire-fighting properties for securing, on such terms as may be specified in the agreement, the assistance of such person or authority for the purpose of extinguishing fires. |
| All vehicles to give way to fire brigade vehicles. | 12. Whenever any vehicle of the fire brigade is proceeding to extinguish fire using fire alarm all vehicles other than police vehicles or ambulances shall give way to such vehicle of the fire brigade. |
13. Police officers of all grades shall be authorised and bound to aid the fire Police officers to aid the fire brigade in the execution of its duties and may, close any street in or near which a fire has taken place, and also on their own motion or on the request of the Director or any member of the fire brigade, remove any person who by his presence interferes with or impedes the due operation of the fire brigade.

14. No member of the fire brigade and no officer of the police shall be liable Non-liability to damages or otherwise on account of any act done by him in the bonafide belief that such damages, act was required for the proper execution of its duties under this Act or any rules, regulations or orders made thereunder.

15. (I) In the case of any fire occurring within any area in which this Act is Enquiry into origin of fire or where members of the fire brigade are sent to any place beyond the limits of any area and report, in which this Act is in force to extinguish fire in such place, the senior most officer in rank among the members so sent shall ascertain the facts as to the origin and cause of such fire and shall make a report thereon to a Magistrate having jurisdiction in the place in which such fire has occurred; and the said Magistrate may, in any case where he thinks fit, summon witnesses and take evidence in order to further ascertain such facts.

(2) Copies of all reports and of all evidence recorded under this section shall be furnished on application to any person interested on payment of such fees as may be prescribed.

CHAPTER III
Fire works, letting off rockets, etc.

16. No person shall let off rockets or send up fire balloons or sell or store any fire-works within any area in which this Act is in force except under and on accord-ance with the terms and conditions of a licence as may be prescribed. letting off rockets, etc.

17. (I) Subject to the provisions or sub-section (2), the application for Authority to grant licence under section 16 for sale or storing shall be made to the Superintendent of Police or such other authority as may be appointed and fee for by the State Government and shall be accompanied by licence. (i) annual fee not exceeding rupees three hundred as may be prescribed; and (ii) a certificate from the Director that the place where the fire works are sold or stored for sale is fit for the purpose of such sale or storage and has adequate arrangements for fire fighting.

(2) The fee for licence to let off rockets or to send up fire balloons for any particular occasion may not exceed rupees five as may be determined by the State Government by a notification in the Official Gazette.

18. A licence granted under section 16 may, without prejudice to any other Withdrawal or action that may be taken against the licence, be suspended or withdrawn by the Superintendent of Police or other authority after giving the licensee an opportunity of being licence. heard of in the opinion of the Superintendent of Police or other authority it is necessary to do so in the public interest or, in the case of a licence to sell fire-works, if there has been a breach of any prescribed terms and conditions.

19. Unless withdrawn earlier, a licence granted under section 16 shall remain Validity of valid for a period of one year from the date of issue and may be renewed on payment of licence. such fees not exceeding rupees fifty as may be prescribed.

CHAPTER IV
Licence for warehouse or workshop

20. No building or place shall be used as a warehouse or workshop unless Licence for the owner or occupier thereof shall have previously obtained under this Act a licence for warehouse or such use- workshop.
(i) from the Gangtok Municipal Corporation when such warehouse or workshop is situated within the area of that Corporation, and
(ii) from the Local Self Government Department of the State of Sikkim in other cases.

21. No licence to use any building or place as a warehouse or workshop shall be granted unless the application for such licence under section 23 is accompanied by a certificate from the Director that the building or place is fit for use as such warehouse or workshop and adequate fire-fighting arrangements have been provided therein.

22. The owner or occupier of any building or place which was being used, immediately before the date on which this Act comes into force in the local area within which such building or place is situated, as
   (a) warehouse; or
   (b) workshop immediately before the date of publication of the regulation under clause (i) of section 2 by which such building or place comes under the definition of workshop in the said clause;
shall, upon application made in writing to the Gangtok Municipal Corporation or the Local Self Government Department, as the case may be, within one month from the date on which this Act comes into force in the said local area or within one month from the date of publication of the said notification, be entitled to obtain a licence to use such building or place as a warehouse or workshop under this Act, subject to the payment of annual fee as specified in section 25.

24. (1) Every application for licence shall be made in such form as may be prescribed and shall be disposed of within thirty days from the date of its receipt by the Gangtok Municipal Corporation or, as the case may be, by the Local Self Government Department, and if it is not disposed of within that period, the applicant shall not be liable to any penalties under this Act for the use of a building or place as a warehouse or workshop in respect of which the application was made, after the said period of thirty days, so long as such application is not refused by the Gangtok Municipal Corporation or, as the case may be, by the Local Self Government Department.

   (2) On receipt of any such application for the grant of a licence, the Gangtok Municipal Corporation or, as the case may be, the Local Self Government Department, may grant or refuse the licence.

   (3) A licence granted under this section shall be valid for the period of one year (specified therein) and may be renewed from time to time for such period and on payment of such fees not exceeding rupees fifty on such conditions as may be prescribed.

   (4) Where a grant of a licence or renewal of a licence is refused, the Gangtok Municipal Corporation or, as the case may be, the Local Self Government Department, shall record in writing the reasons for such refusal.

   (5) Any person aggrieved by a decision of the Gangtok Municipal Corporation or, as the case may be, the Local Self Government Department, under this section may within thirty days from the date on which the decision is communicated to him prefer an appeal to an appellate officer who shall be a person nominated in this behalf by the State Government:

   Provided that the appellate officer may entertain the appeal after the expiry of the said period of thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time:

   (6) On receipt of an appeal under sub-section (5), the appellate officers shall after giving the appellant an opportunity of being heard, dispose of the appeal as expeditiously as possible.
24. A licence for a warehouse or workshop shall be subject to the following conditions and such other conditions as may be prescribed in this behalf, namely:

(a) that the warehouse or workshop shall at all times be open to inspection by such officer or officers, being member or members of a fire brigade, as may be appointed by the Director;

(b) that no article referred to in clause (h) of section 2 shall be made, prepared, dried or treated in any manner on the top or roof of any building constituting or forming part of a warehouse or workshop;

(c) that no part of a warehouse shall be used as a residence and that no person shall be allowed—

(i) to bring into such warehouse any match boxes or match sticks or any artificial light not duly and thoroughly protected; or

(ii) to smoke within such warehouse, while inflammable article is stored therein.

25. (1) The annual fee in respect of a licence under this Chapter shall be advance.

(2) The annual fee shall be calculated at such rate as may be prescribed, being not less than ten percent and not more than twenty five percent of the annual value of the building or place used as a warehouse or workshop and different rates may be prescribed for different classes of warehouses according to the nature and quantity of the articles stored, processed, or kept therein and for different classes of workshops according to the nature of the processing carried or the quantity or nature of the articles processed therein:

Provided that the annual fee for warehouse or workshop shall not be less than ten rupees or more than such amount as may be prescribed, and different amounts may be prescribed in this behalf for different classes of warehouses or workshops:

Provided further that if the owner or occupier of a warehouse or workshop maintains, within the warehouse or at a place within such distance therefrom as the Director may consider reasonable for use in the warehouse or workshop in case of necessity, any fire fighting appliances of such types as may be prescribed, then a rebate calculated at such rate as may be prescribed in respect of such type of fire fighting appliances or different combination hereof shall be allowed to such owner or occupier.

(3) For purposes of sub-section (2) the annual value of a building or place used as a warehouse or workshop shall be deemed—

(a) if it is situated within a municipality, to be the annual value at which it is assessed for the payment of municipal taxes:

Provided that if such building or place forms part of any holding assessed as a whole for the payment of municipal taxes, the annual value of such building or place shall be such as may be determined in this behalf by the Gangtok Municipal Corporation in such proportion which such building or place bears to the entire holding;

(b) if it is situated outside municipality, to be seven and half per cent of the current market value of the building or place as may be determined by the Local Self Government Department.

26. Whenever a change in the occupation of any warehouse or workshop occurs, the person entering into occupation of the same shall, within two weeks of his entering into occupation, give notice in writing to the Gangtok Municipal Corporation, or as the case may be, the Local Self Government Department of such change of occupation, and shall pay a fee of ten rupees and his name shall thereupon be substituted in the licence in respect of the warehouse or workshop for the name of the last occupier.

27. (1) Whenever the Gangtok Municipal Corporation, or as the case may be, the Local Self Government Department receives credible information that any condition to which the licence of any warehouse or workshop is subject, has been broken by the holder thereof, it shall file in writing the substance of such information in the Court of a Magistrate having jurisdiction and the Magistrate may issue summons upon the holder of the licence to show cause why the licence should not be cancelled or suspended and may suspend such licence pending hearing of the case.
(2) The Magistrate shall not make the order suspending such licence unless he is satisfied that it is necessary to prevent or obviate immediate danger or injury of a serious kind.

(3) The summons issued under this section shall be served upon the said holder of the licence named therein in the manner provided in the Code of Criminal Procedure, 1898, for the service of summons.

(4) The Magistrate before whom the case is filed under sub-section (1) may, if he is satisfied after taking the evidence that there exists reasonable and proper ground for cancelling or suspending the licence, cancel such licence or suspend the same for such time as he may think fit and may impose such conditions as to the reversal of such order of cancellation or suspension as may be consistent with the provisions of this Act for the grant of a licence for warehouse or workshop.

Delegation of powers. Official Gazette, direct that such of the powers, duties and functions of the Director under this Act shall also be exercised and performed by such other officers as the State Government may specify in the order.

CHAPTER V
Temporary structure and Pandal.

Erection of temporary structure or pandal with roof temporarily or walls made of straw, hay, mat, canvas or other like material, for use as a place where members of the public may assemble, shall apply to the Superintendent of Police of the area for permission to erect such structure or pandal; and such permission shall not be refused if the structure or pandal conforms to the conditions that may be prescribed in this behalf:

Provided that no such permission shall be necessary where a temporary structure or pandal is erected for the purpose of poojas, marriages or other religious functions of a private character.

Provided further that where no order granting or refusing the permission is made within such period as may be prescribed in this behalf, the structure or pandal may be erected if it conforms to the prescribed conditions.

CHAPTER VI
Penalties.

Liability of owner to any other person suffering damage to his property on account of any action taken under section 9 of this Act by any officer mentioned therein or any person acting under the authority of such officer.

(2) All claims under sub-section (1) shall be preferred to the District Collector of the area within thirty days from the date when the damage was caused.

(3) The District Collector shall, after giving the parties an opportunity of being heard, determine the amount of compensation due and pass an order stating such amount and the person liable for the same, and the order so passed shall have the force of a decree of a civil court.

Penalty for contravening section 7 or section 8 shall be punishable, or conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty for contravening section 7 or section 8 shall be punishable, or conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty for contravening section 7 or section 8 shall be punishable, or conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty for contravening section 7 or section 8 shall be punishable, or conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty for not being in charge of a vehicle, contravenes the provisions giving way to fire brigade shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

Penalty for not being in charge of a vehicle, contravenes the provisions giving way to fire brigade may extend to one hundred rupees.
33. Any person who, within any area in which this Act is in force,—
(a) lets off rockets; or
(b) sends up fire-balloons; or
(c) sells fire-works,
without obtaining a licence; or
(d) where a licence to sell fire-works has been granted, violates any of
the prescribed conditions specified therein,
shall be punishable, on conviction before a Magistrate, with fine which may extend to one
hundred rupees for every such offence.

34. If any rockets are let off or fire-balloons sent up from within the precincts
of any private premises or compound without a licence, the owner or occupier or per-
son under whose immediate control the premises or compound is, shall, unless he can prove
allowing letting
that the offence was committed without his knowledge, be punishable, on conviction be-
fore a Magistrate, with fine which may extend to one hundred rupees. without licence.

35. Any person who without a licence uses any building or place as a warehouse
or workshop shall be punishable, on conviction before a Magistrate, with fine which may
taking out a
extend to five hundred rupees or with imprisonment for a term which may extend to two
months or with both, and with further fine not exceeding one hundred rupees for each day
during which he may continue so to use such warehouse or workshop.

36. Any person who uses any warehouse or workshop in respect of which
a licence has been refused, or after the licence in respect thereof has been cancelled or
during the time for which such licence has been suspended, shall be punishable on convic-
tion before a Magistrate, with fine which may extend to five hundred rupees or with im-
prisonment for a term which may extend to two months or with both, and with further fine
not exceeding one hundred rupees for each day during which he may continue so to
use such warehouse or workshop.

37. Any holder of a licence who violates any of the conditions under which a
licence is held is respect of any warehouse or workshop shall be punishable, on convicted
ment for a term which may extend to one month or with both.

38. If there is a change in the occupation or any warehouse or workshop and
the person entering into occupation fails to give a notice and pay the fees required by
section 26, such person shall be punishable, on conviction before a Magistrate, with fine
change in occu
which may extend to twenty rupees for each day during which he may so use or continue
pation of ware-
ton warehouse or workshop.

39. Any person who gives false information to the Gangtok Municipal Corpora-
tion, or as the case may be, the Local Self Government Department under section 27 with
the object of inducing it to take action under that section shall be punishable, on convic-
tion before a Magistrate, with fine which may extend to one hundred rupees or with imprisonment for a term which may extend to one month or with both.

40. Any person who uses as a residence any portion of a warehouse shall be
punishable on conviction before a Magistrate, with fine which may extend to one hundred rupees and with further fine not exceeding twenty rupees for each day during which he as residence.
may so continue to use it.

41. Any person who brings into a warehouse any match-boxes, match sticks
--- -------- alight not duly and thoroughly protected, shall be punishable, on conviction
ng match
before a Magistrate, with fine which may extend to one hundred rupees. boxes, etc. in
warehouse.

42. Any person who smokes within a warehouse shall be punishable, on convic-
a Magistrate, with fine which may extend to one hundred rupees.

43. Any person who erects any structure or pandal in contravention of the pro-
vision of section 29 shall be punishable, on conviction before a Magistrate, with fine which
may extend to one hundred rupees or with imprisonment for a term which may extend to
one month both, and with further fine not exceeding ten rupees for each day during
which such contravention continues.
 Penalty for 44. Any person who wilfully obstructs, or offers any resistance to, or impedes or obstructing otherwise interferes with the Director or any officer exercising powers under section persons 49 or any assistant accompanying the Director or such officer while exercising such powers exercising shall be punishable, on conviction before a Magistrate, with fine which may extend to one hundred rupees.

 Offences bailable 45. All offences punishable under this Chapter shall be bailable and shall, and cognizable except where punishable under section 31, be cognizable.

 CHAPTER VII

 General and Miscellaneous.

 Police officer 46. (1) Any person committing an offence under section 33 may, if his name and address be unknown, be arrested by any officer of police and forthwith produced before a Magistrate having jurisdiction in the place in which such offence has been committed, or shall be taken to the nearest police-station within the said jurisdiction, in order that such person may be detained until he can be produced before a Magistrate or unless executes a bond with or without sureties for his appearance before a Magistrate.

 (2) Whenever such person is taken to a police station, the officer-in-charge of such police station shall as soon as possible, but in every case within twenty four hours, cause him to be produced before a Magistrate having jurisdiction.

 Form of licence under Chapter IV. 47. Every licence granted under Chapter IV of this Act shall, as far as possible he in the form in the Schedule appended to this Act.

 Act not to apply 48. (1) Nothing in this Act shall be deemed to apply to buildings or place where small quantities of any of the articles referred to in clause (h) of section 2 are deposed.

 (2) The State Government may, from time to time, declare by notification in the Official Gazette, quantities of articles referred to in clause (h) of section which shall be deemed to be small quantities within the meaning of this section.

 Power of entry. 49. (1) The Director, or any omcer-in-charge of a fire station authorised by the Director in this behalf, may enter into or upon any building or place, with or without assistants, in order to make any inspection, test, examination, survey, measurement weighment, valuation or enquiry for the purpose of carrying into effect the provisions of this Act or of any rule made thereunder or to obtain information for fire-fighting purposes with respect to the character of the buildings and other property within the local jurisdiction, the available water supplies and the means of access thereto and other relevant local circumstances, which in his opinion, it is necessary to obtain for any of the purposes or in pursuance of any of the provisions of this Act or any such rule;

 Provided that—

 (a) no such entry shall be made after sunset and before sunrise;
 (b) no dwelling-house and no public building or hut which is used as a dwelling place, shall be so entered except with the consent of the occupier thereof, without giving the said occupier at least twenty four hours' previous written notice of the intention to make such entry;
 (c) notwithstanding any power to enter any building or place hereby conferred, sufficient notice of such entry shall in every instance be given to enable the inmates of any apartment appropriated to females to withdraw to some part of the premise where privacy may not be disturbed;
 (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the building or place entered.
(2) The Director or any officer referred to in sub-section (1) shall not use any force for the purpose of effecting any entry under sub-section (1) unless-

(i) such entry cannot otherwise be effected; and

(ii) there is reason to believe that an offence is being, or has been, committed against any provision of this Act or any rule made thereunder.

(3) Except when it is in this Act or in any rule made thereunder otherwise expressly provided, no claim shall lie against any person for compensation for any damage necessarily caused by any entry made under subsection (1) or by the use of any necessary force under sub-section (2).

50. The State Government may establish and maintain one or more training centres in the State for providing courses of instructions in the prevention and extinguishment of fire and may close down or re-establish any such centre.

51. No member of the fire service shall engage in any employment or office whatsoever other than his own duties under this Act unless expressly permitted to do so by the employment.

52. No charge shall be made by any local authority for water consumed by the fire service in fighting fires, training, filling static water tanks, or other similar or allied water by the fire service.

53. No authority in charge of water supply in an area shall be liable to pay claim for compensation for damages by reason of any interruption of supply of water occasioned only by compliance by such authority with the requirements specified in clause (d) of section 49.

54. Any person who possesses any information regarding an outbreak of fire shall communicate the same without delay to the nearest fire station.

55. No suit, prosecution, or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

56. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the determination of the fees referred to in section 6;

(b) the determination of the fees referred to in section 15;

(c) the form of licence referred to in section 16;

(d) the fees for renewal of licence under section 19;

(e) the form of application for licence under section 23;

(f) period, fee and conditions for renewal of licence under section 23;

(g) conditions of licence under section 24;

(h) the rate of the annual value of a building or place for using such building or place as a warehouse or workshop is to be calculated under section 25;

(i) the types of fire-fighting appliances and the rates at which rebate referred to in section 25 shall be calculated;

(j) the conditions and the period of time referred to in section 29 within which licence is to be granted or refused;

(k) any other matter for which provision has to be or may be made by rules.

57. (1) Sikkim Fire Service in existence at the commencement of this Act shall be deemed to be the Sikkim Fire Service constituted under this Act.

(2) Members of the Sikkim Fire Service in existence at the commencement of this Act shall be deemed to have been appointed under this Act.

(3) Any thing done or any action taken before the commencement of this Act in relation to the constitution of the Sikkim Fire Service referred to in sub-section (1), in relation to any person appointed thereto, shall be as valid and effective in law as if such thing or action was done or taken under this Act.
SCHEDULE
(See section 47)

Licence under the Sikkim Fire Services Act, 1981.

No. ........................................ of 1981.

Licence is hereby granted to ..............................................................
Sikkim Fire Services Act 1981.

to use the building or place being No. (a) ........................................
warehouse for storing or processing or keeping

(b) ........................................................................................................

...........................................................................................................

...........................................................................................................

...........................................................................................................

to use the building or place being No. (a) ........................................ as a work-
shop, subject to the conditions noted on the back and such other conditions as may be prescribed.

It is hereby acknowledged that a sum of rupees______being
the licence fee due by the said,for the
period from ..............................................................to ..............................................................in
respect of the aforesaid licence at the rate of Rs______per
annum has been received.

Name of owner
............................................................................................................
of occupier. .............................................................................................

Licensing Authority

day ..............................................................................................

(a) Here insert the location.
(b) Here insert the name of the article.
(On the back of the licence).

CONDITIONS

(i) The warehouse/the workshop shall at all times be open to inspection by such officer
officers, being member or members of the fire brigade, as may be appointed by
Director of Fire Services.

(ii) The warehouse/workshop shall conform to the conditions prescribed under section
23 of the Sikkim Fire Services Act, 1981.

(iii) No article referred to in clause (h) of section 2 of the Sikkim Fire Services Act, 1981 shall
be made, prepared, dried or treated in any manner on the top or roof of any building constit-
tuting or forming part of a warehouse.

(iv) No person shall be allowed to use as residence any part of the warehouse or to bring into
the warehouse any match-boxes or match-sticks or any artificial light not duly and thoroughly
ly protected or to smoke within the warehouse while any inflammable article is stored
therein.

By Order of the Governor,

B. R. PRAQDHAN,
Secretary to, the Government of Sikkim
Law Department,
F.No.16(46)LL/78

PRINTED AT THE SIKKIM GOVERNMENT PRESS
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor 30th day of September, 1981, is hereby published for general information.

THE SIKKIM NATIONALISED TRANSPORT (PREVENTION OF TICKETLESS TRAVEL AND MISCELLANEOUS PROVISIONS) ACT 1981.

ACT NO. 10 OF 1981

AN ACT
to provide for prevention of ticketless travel in, and carriage of goods by, the Sikkim Nationalised Transport and for matters connected therewith or incidental thereto.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:—

1.(I) This Act may be called the Sikkim Nationalised Transport (Prevention of Ticketless Travel and Miscellaneous Provisions) Act, 1981.

Definitions

(2) It extends to the whole of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions

(I) "Carriage charges" means charges payable for carrying of goods by transport vehicle as may be determined by the Government from time to time;

(2) "Carriage receipt" means the document issued by the Sikkim Transport acknowledging the receipt of goods for carriage by it;

(3) "Consignee" in relation to goods carried by the Sikkim Transport means the person named in the carriage receipt as being the consignee of the goods covered by the receipt and includes the consignor where the goods are consigned in the name of the consignor or to self;
(4) "consignment" means the goods entrusted to the Sikkim Transport for carriage by it and includes part of a consignment;

(5) "consignor" means the person named in the carriage receipt as being the consignor by whom and on whose behalf goods covered by carriage receipt are entrusted to Sikkim Transport for carriage;

(6) demurrage means the charge levied for detention of any consignment after the expiry of the free time allowed for such detention;

(7) "endorsee" means the person in whose favour the consignment and in the case of successive endorsements, means the person in whose favour endorsement is made;

(8) "endorsement" in relation to a carriage receipt means signing of such receipt on the back or face thereof by the consignee or endorsee so as to entitle any other person to the possession thereof and to receive the goods covered by such receipt;

(9) "employee" means an employee of the Sikkim Transport and includes an officer;

(10) "fare" means the amount determined by the Government for transporting a person from one place to another place;

(11) "forwarding note" means the document executed by a consignor or his

(12) "goods" includes materials, commodities, articles and animals;

(13) "Government" means the State Government of Sikkim;

(14) "luggage" means the goods of a passenger either carried by such receipt charge or entrusted by him to the Sikkim Transport for carriage by the later;

(15) "passenger" means the person who enters or remains in a transport vehicle with the intention of travelling from one place to another place;

(16) "prescribed" means prescribed by rules made under this Act;

(17) "transport vehicle" means the public service vehicle owned by or operated under the supervision of the Sikkim Transport for carriage or transportation of goods and passengers;

(18) "travel without ticket" means travelling without a proper ticket or with a defaced ticket or with a ticket which has already been used;

(19) "Sikkim Transport" means the Sikkim Nationalised Transport and may include any transport undertaking owned and controlled by the Government;

(20) "wharfage" means the charge levied on goods for not removing from the premises of the Sikkim Transport after expiry of the free time allowed for such removal.

3. No person shall enter or remain in any transport vehicle of the Sikkim Transport for the purpose of travelling therein as a passenger or travel in such transport vehicle as a passenger—

(a) without a proper ticket, or

(b) with a defaced ticket, or

(c) with a ticket which has been used earlier.

Prohibition against travel without ticket.

No person shall carry in or upon any transport vehicle any goods without obtaining therefor proper carriage receipt from any employee, conductor or driver of the Sikkim Transport.

Prohibition against carrying of goods without payment of carriage charges.

Duty of conductor or employee of Sikkim Transport to issue tickets, etc.

(i) At any place where the Sikkim Transport has booking counter for sale of passenger ticket or carriage receipt, it shall be the duty of an employee of the Sikkim Transport to issue such passenger ticket or carriage receipt.

Duty of conductors or employees of Sikkim Transport to issue tickets, etc.

(2) At places where there is no booking counter referred to in sub-section (1), it shall be the duty of the driver or conductor to issue passenger ticket or the carriage receipt as the case may be.

Duty of passenger to obtain ticket or carriage receipt from the booking counter of the Sikkim Transport before boarding a transport vehicle.

Duty of passengers to obtain tickets.
7. No person shall board a transport vehicle after it has left the place declared as a Bus Stand or Bus Stop by the Government by a notification in the Official Gazette.

8. Any person who travels in a transport vehicle shall, whenever required by an employee of the Sikkim Transport not below the rank of a conductor or any other person not below the rank of a Sub-inspector of police specially authorised by the State Government in this behalf, present his ticket or the carriage receipt to such employee or other person for examination.

9. (1) Any person who carries or causes to be carried goods by a transport vehicle of the Sikkim Transport without payment of carriage charges or makes a false declaration in relation to the weight of the goods shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both and shall also be liable to pay the excess charge specified in sub-section (2) in addition to the actual carriage charges.

(2) The excess charge referred to in sub-section (1) shall be such not exceeding rupees two per kilogramme of the goods carried as may be prescribed or rupees one hundred, whichever is more.

10. (3) Any person who travels in a transport vehicle without having a proper ticket or having alighted therefrom fails or refuses to present his ticket for examination shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both and shall also be liable to pay the excess charge specified in sub-section (2), in addition to the actual fare, for the distance which he has travelled, or where there is any doubt as to the stage from which he started, the fare from the stage from which the transport vehicle originally started, or from the place, if any, where the tickets were last examined, to the place where he was detected to be travelling without ticket.

(2) The excess charge referred to in sub-section (1) shall be the actual fare for the distance referred to in that sub-section or a sum of rupees twenty, whichever is more.

11. If an employee of the Sikkim Transport whose duty is -

(I) to supply a ticket to a person travelling in a transport vehicle on payment of fare by such person, either wilfully or negligently,—

(a) omits or refuses to accept the fare when tendered; or
(b) omits or refuses to supply a ticket; or
(c) supplies an invalid ticket; or
(d) supplies a ticket of lesser value; or
(e) supplies a tickets for shorter distance.

(2) to check any ticket, either wilfully or negligently omits or refuses to do so, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both.

12. Any person, who travels or attempts to travel in a transport vehicle without having proper ticket with him or beyond the place authorised by his ticket or who, being inside a transport vehicle, fails or refuses to present his ticket for examination when required to do so, may be removed from such vehicle by an employee of the Sikkim Transport or any other person whom such employee or other person may call to his aid unless he then and there pays the fare.

13. If any person wilfully obstructs an employee of the Sikkim transport or any other person authorised under this Act, in the discharge of his duty, he shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to two hundred and fifty rupees or with both.
14. (1) A passenger may carry with him in the transport vehicle without payment of any carriage charges a suit-case, trunk or bedding or bed-roll and such other articles as may be prescribed and up to such weight as may be prescribed.

(2) A passenger who carries with him any articles not specified in sub-section (1) or in excess of the prescribed weight shall book the same and obtain a carriage receipt therefor.

(3) Any passenger who contravenes the provisions of sub-section (1) or sub-section (2) shall be liable to punishment which may extend to twice the amount of carriage charges from the place from which the luggage, goods or other articles are being carried to the place where those are intended to be carried or rupees one hundred whichever is more.

(4) The conductor and driver of the transport vehicle in which personal luggage, goods or other articles are being carried in contravention of sub-section (1) or sub-section (2) shall be liable to be punished with fine which may extend to rupees five hundred.

15. (1) A passenger who has attained the age of twelve years shall pay the full fare as may be determined by the Government from time to time.

(2) No fare shall be charged from a passenger who is a child below the age of five years and is carried in the lap of the parent or other passenger.

(3) Fare at the rate of half of the fare determined under sub-section (1) may be charged in respect of children above the age of five but below the age of twelve years.

16. The Government may, by notification in the Official Gazette, declare any class or category of persons who may travel in a transport vehicle without payment of the fare or at such concessional fare as may be declared in that notification on such occasions as may be so declared.

17. If any employee is in a state of intoxication while on duty, he shall be punished with fine which may extend to two hundred and fifty rupees and when the performance of any duty in such state is likely to endanger the safety of any person travelling in the transport vehicle, such employee shall be punished with imprisonment for a term which may extend to one year or with fine or with both.

18. If any employee, required to furnish a return by or under this Act, signs and furnishes a return which is false in any material particular, he shall be punished with imprisonment which may extend to one year or with fine which may extend to five hundred rupees or with both.

19. If any passenger -
   (a) having entered a transport vehicle wherein no seat has been reserved for his use, or
   (b) having unauthorisedly occupied a seat reserved for the use of another passenger,
refuse to leave it when required to do so by any employee, any employee authorised by the Sikkim Transport in this behalf, may remove him or cause him to be removed with the aid of any other person from the transport vehicle or seat, and shall also be punished with fine which may extend to one hundred rupees.

20. If any passenger enters or leaves, or attempts to enter or leave-
   (a) any transport vehicle while it is in motion; or
   (b) at a place other than a place declared by the Government as a Bus Stand or Bus Stop; or
   (c) opens the door of any transport vehicle while it is in motion, he shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees or with both.

21. If any passenger -
   (a) travels on the roof of a transport vehicle; or
   (b) persists in travelling -
(i) on the steps or foot-board of any transport vehicle; or

(ii) in any part of the transport vehicle not intended for the use by passengers,

even after being warned by an employee not so to travel, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to one hundred and fifty rupees or with both and may be removed from the transport vehicle by any employee of the Sikkim Transport.

22. If any passenger wifully alters or defaces his ticket or pass so as to render the date, Altering or number or any material portion thereof illegible, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both and shall also forfeit the ticket or pass as altered or defaced.

23. (1) If any person with intent to defraud the Sikkim Transport uses or attempts to use a ticket which has already been used on a previous journey, he shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees. travel on a used ticket.

(2) The person referred to in sub-section (1) shall, in addition to the payment of excess charge mentioned in sub-section (3), be liable to pay -

(a) the ordinary single fare for the distance which he has travelled; or

(b) where there is any doubt as to the station from which he started, the ordinary single fare from the station from which the bus originally started; or

(c) if the tickets of passengers travelling in the transport vehicle have been examined since the original starting of the vehicle, the ordinary single fare from the place where the tickets were last examined; or

(d) in case of their having been examined more than once, the ordinary single fare from the place where the tickets were last examined.

(3) The excess charge referred to in sub-section (2) shall be a sum equal to the ordinary single fare payable under that sub-section or rupees twenty whichever is more.

(4) Where Sikkim Transport fails to prove any fraudulent intention under sub-section (1), it shall not preclude the Magistrate from passing an order that the person shall be liable to pay the ordinary single fare and the excess charge.

(5) Where a person fails or refuses to pay the excess charge and the ordinary single fare, the sum shall be recoverable as if it were a fine imposed by a Magistrate.

(6) Notwithstanding anything contained in section 75 of the Indian Penal Code, 1860, the Court imposing any fine of any sum recoverable as fine, may direct that the person in default of payment shall suffer imprisonment for a term which may extend to three months.

(7) Out of any amount recovered under this section, the excess charge and the ordinary single fare shall be paid to the Sikkim Transport before any portion of that amount is credited as fine to the Government.

24. (1) If any person, not being an employee or an agent authorised by the Sikkim Transport, sells or attempts to sell any ticket; or
(b) parts or attempts to part with the possession of a ticket against which reservation of a seat has been made,

in order to enable any other person to travel therewith, he shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both and shall also forfeit the fare and the ticket which he may have sold or attempted to sell*

(2) If any person purchases any ticket referred to in clause (a) of sub-section (1) or obtains the possession of any ticket referred to in clause (b) of that sub-section from any person not being an employee or an agent authorised by the Sikkim Transport in this behalf, he shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both and if a purchaser or holder of any ticket aforesaid travels or attempts to travel therewith, he shall forfeit the ticket which he may have purchased or obtained and shall be deemed to be travelling without having a proper ticket with him and shall be liable to be dealt with under section 10.

(3) Out of any amount recovered under this section, the sum representing the single fare therein, shall be paid to the Sikkim Transport before any portion of that amount is credited as fine to the Government.

Smoking.

25. (1) No person shall smoke in any transport vehicle if objected to by any passenger in that transport vehicle.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with fine which may extend to one hundred rupees.

Drunkenness or nuisance in transport vehicle or at Bus Stop.

26. If any person in any transport vehicle, or within the premises of any Bus (a) is in state of intoxication; or

(b) commits any nuisance or act of indecency or uses abusive or obscene language; or

(c) wilfully or without excuse interferes with any amenity provided by the Sikkim Transport so as to affect the comfortable travel of any passenger,

he may be removed from such transport vehicle or Bus Stop by any employee and shall, in addition to the forfeiture of any fare which he may have paid and of any ticket which he may have purchased, be punished with fine which may extend to two hundred and fifty rupees.

Disobedience by bus driver or conductor of direction of an employee.

27. If any driver or conductor of any transport vehicle disobeys the reasonable directions of any employee or police officer, he shall be punished with imprisonment for a term which may extend to one month.

Carriage of goods.

28. The Sikkim Transport shall ensure that the goods entrusted to it for carriage are carried safely and within a reasonable time:

Provided that the Sikkim Transport shall not be liable to pay any compensation for any delay in transit.

Maintenance of rates, etc. for carriage of goods.

29. The Sikkim Transport shall maintain at each place where goods, other passengers and their luggage, is received for carriage, the tariffs, distance tables, rate tables and a list of station to Station rates for carriage of goods from such place and shall, during all reasonable hours, make them available for reference of any person without payment of any fee,
30. The Sikkim Transport may impose conditions, not inconsistent with this Power to un-
load, forwarding, carrying or delivery of any goods.

31. Every consignor or his agent entrusting any goods to the Sikkim Transport Forwarding
for carriage by it shall execute a forwarding note in such form as may be prescribed and Note.
different forms of forwarding notes may be prescribed for carriage of different catego-
ries of goods.

32. No person shall consign or carry such offensive or dangerous goods as may be prescribed in or upon a transport vehicle of the Sikkim Transport. Prohibition
against carriage of offensive or dangerous goods.

33. (I) Every employee of the Sikkim Transport shall weigh or cause to be weighed Power of
the goods consigned for carriage or to be carried in or upon a transport vehicle of the employee to
Sikkim Transport, before issuing carriage receipt and shall enter the weight of the goods in such receipt .

(2) Any employee who suspects that the weight of the goods has not been correctly entered in the carriage receipt, may have the goods re-weighed.

34. The Sikkim Transport may keep the goods at destination station for such time as may be prescribed and may charge such demurrage or wharfage charges as may be prescribed.

35. Where the consignor, consignee or endorsee fails to take delivery of the goods Power of dispo-
within the prescribed time, the Sikkim Transport may dispose of the goods by public auction in such manner as may be prescribed.

36. Except in case of goods for which the carriage charges are required to be Payment of
paid at the time of booking, such carriage charges may be paid either at the time of carriage char-
booking of goods or at the time of taking delivery of such goods.

37. Where due to any cause beyond the control of the Sikkim Transport or due Deviation of
to other operational reasons, goods are carried over a route other than the route by route.
which they are ordinarily carried, the Sikkim Transport shall not be deemed to have committed a breach of the contract of carriage by reason only of such deviation of

38. The Sikkim Transport shall deliver the goods at destination only on the Surrender of
tsurrender of the original carriage receipt issued to the consignor or his agent at the place where the goods were booked.

39. (I) The Government may by general or special order, specify the maximum Maximum car-
weight of the goods and the maximum number of passengers that may be carried in arying capacity
transport vehicle and different weights and number of passengers may be specified for of transport vehicle.
different types of transport vehicles and for different routes.

(2) The weight of goods and number of passengers to be carried by a transport vehicle specified under sub-section (I) shall be displayed at a conspicuous place in or outside the vehicle.

(3) Any employee who takes or allows to be taken in a transport vehicle goods or passengers in excess of the weight or number specified under sub-section (I) shall be punishable with fine which may extend to one hundred rupees.

40. (I) No employee shall carry or caused to be carried passengers in a transport Carrying pas-
vehicle intended for carrying of the goods in excess of the number declared by the State governmen-
government from time to time.
(a) Any person who contravenes the provisions of sub-section (1) shall be punishable with fine which may extend to one hundred rupees.

41. No Magistrate other than a Judicial Magistrate of the first class shall try an offence punishable under this Act.

42. In the trial of offences punishable under this Act, the Magistrate shall follow the procedure laid down in the Code of Criminal Procedure, 1898, for trial of offences in a summary way.

43. Any amount recovered by way of excess charge under this Act shall be paid to the Sikkim Transport.

44. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law.

45. (i) The State Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing sub-section, such rules may provide for all or any of the following matters, namely:

(a) the excess charge under section 9 (2);
(b) the articles that a passenger may carry without payment of carriage charges and the weight of such articles;
(c) the form of the forwarding note under section 31;
(d) the offensive or dangerous goods which may not be carried in or upon a transport vehicle;
(e) the free time for which the goods may be kept at the destination stations and the demurrage and wharfage charges;
(f) the manner of disposal of goods by public auction under section 35;
(g) any other matter which is required to be or may be prescribed.

By Order of the Governor,

B. R. PRADHAN
Secretary to the Government of Sikkim, Law Department,
F. No. 16(137)LD/88
THE SIKKIM CULTIVATORS PROTECTION (TEMPORARY PROVISIONS) AMENDMENT ACT, 1981.

ACT NO. 11 OF 1981.

AN ACT

further to amend the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:

1. (1) This Act may be called the Sikkim Cultivators Protection Short title and commencement

(2) It shall be deemed to have come into force on the 3rd day of September, 1981.

2. In section 1 of the Sikkim Cultivators Protection (Temporary Amendment Provisions) Act, 1975, in sub-section (3), for the words "a fur- ther period not exceeding four years", the words "a further section I. period not exceeding six years" shall be substituted.


(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,
F. No. 16/(23)LL/77.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
THE SIKKIM SHOW HOUSES AND PUBLIC HALLS (PROHIBITION OF SMOKING) ACT, 1981.

(Act No. 12 of 1981)

AN ACT
to prohibit smoking in show houses and public halls in Sikkim.

BE it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Sikkim Show Houses and Public Halls (Prohibition of Smoking) Act, 1981.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different areas or places in Sikkim.

(4) The State Government may, by notification in the Official Gazette, declare that with effect from such date as may be specified in the notification, this Act shall cease to be in operation in any or all such areas and places in which it has been enforced under sub-section (3) and the provisions of section 20 of the Sikkim Interpretation and General Clauses Act, 1977, shall have effect as if the Act had then been repealed in that area or place by a Sikkim Act.

(5) The powers conferred on the State Government under sub-section (3) may be exercised in respect of the same or different areas or places as often as occasion requires.

2. In this Act, unless the context otherwise requires,—
(a) 'show house' means any building, or any roofed and enclosed structure, used ordinarily or occasionally for the demonstration or exhibition to the public, whether on payment or otherwise, of cinematographic films, dramatical, pantomime, or musical performances, dances, physical feats of human beings or animals, conjuring tricks or sleights of hand, boxing, wrestling, skating, billiards or table-tennis competitions or any other indoor amusement or diversion whatsoever;

(b) 'public hall' means a chamber or hall used ordinarily or occasionally as a place of public assembly or meeting.

No person shall smoke during a demonstration, exhibition or meeting, in any part of a show house or public hall reserved for the audience or the spectators.

(1) Every person responsible for the management of demonstration or exhibition in a show house and every person who controls the deliberations of a public assembly or meeting in a public hall, shall bring to the notice of the audience or the spectators, by posting notices prominently or by exhibiting slides in the case of any cinematographic exhibition, that any person smoking during a demonstration, exhibition or meeting, in the show house or public hall shall be liable to prosecution.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with fine which may extend for a first offence to fifty rupees and for a second or subsequent offence to two hundred rupees.

(1) Any police officer or any other person specially authorised in this behalf by the State Government by notification in the Official Gazette, may direct any person found smoking in contravention of the provisions of section 3 to desist from smoking and if such person does not desist, he shall be punishable with fine which may extend to rupees fifty.

(2) Any police officer or the person authorised may require a person who does not desist from smoking as directed under sub-section (1), to declare to him immediately his name and address and, if that person refuses or fails so to declare his name and address or if the police officer or the person authorised reasonably suspects him of giving a false name or address, the police officer or the person authorised may arrest him without a warrant.

Any police officer may arrest without warrant any person committing in his presence an offence under section 3.

All offences under this Act shall be cognizable and bailable.

The State Government or any officer of the State Government authorised in this behalf may, by general or special order in writing, direct that the provisions of this Act shall not apply in respect of any show house or public hall or any demonstration, exhibition or public meeting therein.

The State Government may, by notification in the Official Gazette, make rules for giving effect to the provisions of this Act.

By Order of the Governor,

B. R. PRADHAN
Secretary to the Government of Sikkim
Law Department,
F. No. 16/(138)LD/81.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 30th day of September, 1981, is hereby published for general information.

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS REMOVAL OF DISQUALIFICATIONS (AMENDMENT) ACT, 1981.

(ACT NO. 13 OF 1981)

AN ACT

to amend the Sikkim Legislative Assembly Members Removal of Disqualifications Act, 1978.

Be it enacted by the Legislature of Sikkim in the Thirty-second Year of the Republic of India as follows:

1. (1) This Act may be called the Sikkim Legislative Assembly Members Removal of Disqualifications (Amendment) Act, 1981.

(2) It shall be deemed to have come into force on the 3rd day of November, 1977.

2. In the long title of, and the preamble to, the Sikkim Legislative Assembly Amendment of Members Removal of Disqualifications Act, 1978 (hereinafter referred to as the principal Act), for the words "to declare that certain offices are not to disqualify" the words "to disqualify" shall be and shall always be deemed to have been substituted.

3. In section 3 of the principal Act,— Amendment of section

(a) after the words "Legislative Assembly" the words "in so far as it is an office of profit under the Government shall be and shall always be deemed to have been

(b) after clause (o), the following clauses shall be and shall always be deemed to have been inserted, namely:

"(oa) the office of the Chairman or a member of the Board of Directors of the Sikkim Jewels Limited appointed by the State Government;"
(ob) the office of the Chairman or a member of the Board of Directors of the Sikkim Distilleries Limited appointed by the State Government;

(OC) the office of the Chairman or a member of the Board of Directors of the Government Fruit Preservation Factory appointed by the State Government;

(od) the office of the Chairman or a member of the Board of Directors of the Sikkim Tobacco Private Limited appointed by the State Government;

(oe) the office of the Chairman or a member of the Board of Directors of the Sikkim Time Corporation appointed by the State Government;"

4. Notwithstanding any judgement, decree or order of any Court, Tribunal or other authority, no member of the Sikkim Legislative Assembly shall be disqualified or shall ever be deemed to have been disqualified for being chosen as, and for being a member of, the Sikkim Legislative Assembly by reason only that he holds or has ever held the office of the Chairman or a member of the Board of Directors of any Corporation, Committee or other authority specified in section 3 of the principal Act as amended by this Act.

By Order of the Governor,

B. R. PRADHAN
Secretary to the Government of Sikkim
Law Department,
F.No.'16(140)LD/81.
Notification No. 63(498)/L.R.(S) Dated Gangtok, the 12th October, 1981.

 Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely, for construction of Mini Secretariat and Legislative Assembly building at Nam Nam within G.M. C. area, East District it is hereby notified that a piece of land comprising cadastral survey plots 1162, 1166, 1167, 1168 and a part of 1169A and measuring more or less 3.50 acres, bounded by the following boundaries:

North Holdings of Shri D. Dolma Kazini
South Kazi Road
East -do-
West Namnam road and holding of Shri B.B. Rai

is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid area.

This notification is made, under the provision of section 4 of Act I of 1974 to all to whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workmen to enter upon and survey the land and do all other acts required or permitted by that Section.

And whereas there is an urgency to acquire the land the Governor is further pleased to direct under Section 17(4) that the provision of section 5-A of the Act shall not apply.

Any person interested in the above land who has any objection to the acquisition thereof, may, within thirty days after the date on which public notice of the substance of this notification is given in the locality, files an objection in writing before the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

P. T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 65(510)/L.R.(S) Dated Gangtok, the 21st October, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely for Establishment of Central School in the block of Syari, Elakha Tathangchen, East District, Gangtok it is hereby declared that a piece of land comprising c.s. plots as shown in the schedule of properties below measuring more or less 18.42 acres out of 23.92 acres of land proposed for acquisition under Notification No. 60(576) L.R.(S) dated 10.9.81 (published in State Gazette Vol. No. 123 dated 3.10.81) and bounded on

EAST Holding of Padam Bahadur Gurung & Jangu Lepcha
WEST Rock and boundary of Cantonment compound
NORTH Khasland and D.F. of Nedup Lepcha
SOUTH Rock (Steep Area)

is needed for the aforesaid public purpose at the public expense within the aforesaid block

The declaration is made, under the provision of section 6 of Act L.R. of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.
## SCHEDULE OF PROPERTIES.

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By Order of the Governor.

**P.T. WANGDI, I.A.S.**

Secretary,  
Land Revenue Department,  
Government of Sikkim.
Notification No. 62(498)/L.R.(S) Dated Gangtok, the 12th October, 1981.

Whereas the land whose description are given below was likely to be needed for public purpose and notifications No. 7/ACQ/700/L.R.(S) dated 14th September, 1980 and No. 11/700/L.R.(S) dated 5th March, 1981 published on the Sikkira Govt. Extra Ordinary Gazette volume Nos.95 dated 23.10.80 and 21 dated 11.3.81 under Sections 4 & 6 respectively of Land Acquisition Act, 1894 and whereas it has subsequently been revealed that the land is not required for All Inda Radio and that possession over the land has not been taken over by the Collector-cum-Sp. L.A.O., Land Revenue Department the above mentioned notifications made earlier, under Section 4 & 6 of the L. A. 1894 are hereby cancelled.

DESCRIPTION OF LAND
Khasra No.1162, 1166, 1167, 1168 and Part of 1169 measuring 92 acres of land.
Block Nam Nam within G M.C. area:
District East
Boundary North: Holding of Yuthok compound, northern part of Plot No. 1169A which is under dispute.
South -do-
East -do-
West Nam Nam Road and holding of Shri B.B. Rai.

P.T. WANGDI, I.A.S.
Secretary,
Land Revenue Department,
Government of Sikkim.
Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union namely for Establishment of Central School and other Educational Institutes under the Directorate of Education, Government of Sikkim in the Block of Syari, Elakha Thangchen, East District, Gangtok it is hereby declared that a piece of land comprising cadastral plots as shown in the schedule of properties below measuring more or less 18.42 acres out of 23.92 acres of land proposed for acquisition under Notification No. 60(516) L.R.(S) dated 10.9.81 (published in State Gazette Vol. No. 123 dated 3.10.81) and bounded on EAST Holding of Shri Padam Bahadur Gurung & Jangu Lepcha
WEST Rock and boundary of Cantonment Area
NORTH Khasland and D.F. of Nedup Lcpcha
SOUTH Rock (Steep Area)
is needed for the aforesaid public purpose at the public expense within the aforesaid block of Syari.
The declaration is made, under the provisions of Section 6 of L.A. Act, 1894 to all whom it may concern.
A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.
## SCHEDULE OF PROPERTIES

<table>
<thead>
<tr>
<th>PLOT NO.</th>
<th>AREA</th>
</tr>
</thead>
<tbody>
<tr>
<td>197</td>
<td>0.54</td>
</tr>
<tr>
<td>198</td>
<td>0.40</td>
</tr>
<tr>
<td>199</td>
<td>0.56</td>
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<tr>
<td>201</td>
<td>2.46</td>
</tr>
<tr>
<td>202</td>
<td>2.48</td>
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<tr>
<td>203</td>
<td>1.00</td>
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<tr>
<td>204</td>
<td>3.60</td>
</tr>
<tr>
<td>205</td>
<td>1.76</td>
</tr>
<tr>
<td>206</td>
<td>1.68</td>
</tr>
<tr>
<td>194 (Part)</td>
<td>2.62</td>
</tr>
<tr>
<td>196</td>
<td>1.32</td>
</tr>
</tbody>
</table>

18.42 acres

By Order of the Governor

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department
Government of Sikkim.
Notification No. 66(678)/L.R.(S) Dated Gangtok, the 22nd October, 1981


By Order of the Governor.

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 68(187)/L.R.(S) Dated Gangtok, the 24th October, 1981.
(Notice under section 4 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (1 of 1894) in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. f12018/12/76/LRD dated 10th January, 1978 issued by the Ministry of Agriculture & Irrigation, Government of India under clause of Article 258 of the constitution of India.

And whereas it appears to the Governor that land is likely to be needed for a public purpose being a purpose of the Union, namely for Alternative Road alignment to the existing H.H. 31-A by the Boarder Roads Development Board, P. Swastik, 85 R.C.C due to sinking in the Block of Samdur Elakha Tadung District East it is hereby notified that a piece of land comprising c.s. plots Nos. 107, 111 in full and 110 and 116 in parts and measuring more or less 1.35 acres bounded on the:

EAST D.F. of Nar Bahadur Chetri, P.F. of Kintuk Bhutia and D.F. of Lal Bahadur Chetri-West National Highway.
NORTH D.F. of Lal Bahadur Chetri
SOUTH Jhora (Kholsa)

is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block of Samdur.

This notification is made, under the provision of the section 4 of the Land Acquisition Act, 1894 read with the said notification, to all whom it may concern.

And whereas there is an urgency to acquire the land the Governor is further pleased to direct under section 17(4) that the provision for section 5-A of the Act shall not apply.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Government of Sikkim, Gangtok.

In exercise of the powers conferred by the said section read with the said notification, the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen, to enter upon and survey the land and all other acts required or permitted by that section.

Any person interested in the above land, who has any objection to the acquisition thereof, may within 15 days after the date on which public notice of the substance of this notification is given in the locality, file an objection in writing before the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor,

P.T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 69(69)B/L.(S) Dated Gangtok, the 24th October, 1981
(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for establishment of army Unit in the block of Samdur Elakha Tadong, District East it is hereby declared that a piece of land comprising cadastral plot No.137 in full and No. 135 in part measuring more or less 1.30 acres bounded on:

EAST New Cantonment separated by Rock
WEST D.F. of Lal Bahadur Chettri.
NORTH New Cantonment.
SOUTH D.F. of Shri Lal Bahadur Chettri,

is needed for the aforesaid public purpose at the public expense within the aforesaid block of East District.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No.37(l)-Home/77 Dated Gangtok, the 6th November, 1981.

The State Government announce with profound sorrow, the sad demise of His Holiness The Gyalwa Karmapa, who passed away on Friday, the 6th November, 1981. As a mark of respect to his memory State mourning will be observed for seven days from today, the 6th November, 1981. There will be no official entertainment during the period of mourning.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
Notification No. 70(69)B/L.R.(S) Dated Gangtok, the 24th October, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(1 of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 120/12/76 LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Samdur Elakha Tadong, District East it is hereby declared that a piece of land comprising cadastral plots noted under the schedule of properties below measuring more or less 26.36 acres bounded on:

EAST Syari Block
WEST D.F. Pachen Lepcha, PF & DF Late Tashi Lepcha & Govt. Khas land.
NORTH Cantonment area
SOUTH Rock

is needed for the aforesaid public purpose at the public expense within the aforesaid block of East District.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(1 of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

**SCHEDULE OF PROPERTIES.**


By Order of the Governor.

P.T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Notification No. 71(678)/LR(S) Dated Gangtok, the 26th October, 1981

(Notice under section 6 of L.A. Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRE dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (1) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Numphuchuten Elakha Lachung District North it is hereby declared that a piece of land comprising cadastral plots 1 & 2 in full measuring more or less 6.90. acres bounded on:

<table>
<thead>
<tr>
<th>EAST</th>
<th>S. Private land</th>
</tr>
</thead>
<tbody>
<tr>
<td>WEST</td>
<td>N. Numphuchuten</td>
</tr>
<tr>
<td>NORTH</td>
<td>Numphuchuten</td>
</tr>
<tr>
<td>SOUTH</td>
<td>Numphuchuten</td>
</tr>
</tbody>
</table>

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Numphuchuten.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 72(678)/L.R.(S) Dated Gangtok, the 26th October, 1981.

(Notice under section 6 of L.A. Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Bichu Elakha Lachen District North it is hereby declared that a piece of land comprising cadastral plots 1 & 2 measuring more or less 1245. acres bounded on:

<p>| | | |</p>
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>E.</td>
<td>Private land</td>
<td></td>
</tr>
<tr>
<td>W.</td>
<td>Private land</td>
<td>do</td>
</tr>
<tr>
<td>N.</td>
<td>Road</td>
<td></td>
</tr>
<tr>
<td>S.</td>
<td>Lachung chu</td>
<td></td>
</tr>
</tbody>
</table>

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Bichu.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894(I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
Notification No. 73(678)/L.R.(S) Dated Gangtok, the 26th October, 1981.

(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Lachung Elakha Lachung District North it is hereby declared that a piece of land comprising cadastral plots 5 in full measuring more or less 0.60 acres bounded on:

EAST Private Land

WEST "

NORTH "

SOUTH "

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 74(678)/L.R.(S) Dated Gangtok, the 26th October, 1981.

(Notice under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Namnasa Elakha Lachung District North it is hereby declared that a piece of land comprising cadastral plots 1 & 2 measuring more or less 3.10 acres bounded on:

- EAST Private Land
- WEST -do-
- NORTH -do-
- SOUTH -do-

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Namnasa.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 75(698)/L.R.(S) Dated Gangtok, the 26th October, 1981.

ERRATUM

In schedule of properties insert plot No. 2% also.

By Order of the Governor.

P.T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
ERRATUM


Delete plot No. 3 from the schedule of properties as shown in the aforesaid notification.

By Order of the Governor.

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 77(678)/L.R.(S) Dated Gangtok, the 7th November, 1981.

(Notification under section 6 of Land Acquisition Act, 1894).

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Thangu Elakha Lachen District North Sikkim it is hereby declared that a piece of land comprising cadastral plots Nil measuring more or less 0.37 acres bounded on:

EAST D.F. of self
WEST
NORTH
SOUTH

is needed for the aforesaid public purpose at the public expense within the aforesaid block of North Sikkim.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 78(678)/L.R.(S) Dated Gangtok, the 7th November, 1981.

(Notice under section 6 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army unit in the block of Theng Elakha Chungthang District North Sikkim it is hereby declared that a piece of land comprising following cadastral plots measuring more or less 10.55 acres bounded on:

EAST Govt. Land (River Bed)
WEST Land of Labja Lepcha
NORTH Jhora
SOUTH Land of Lacure Lepcha

is needed for the aforesaid public purpose at the public expense within the aforesaid block of North Sikkim.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

SCHEDULE OF PROPERTIES

Cadastral survey plots in full — 390 & 431
" " " part- 398

By Order of the Governor.

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 79(678)/L.R.(S) Dated Gangtok, the 7th November, 1981.

(Notice under section 6 of L.A. Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Thangu Gumpa Elakha Lachen District North Sikkim it is hereby declared that a piece of land comprising cadastral plots Nil measuring more or less 248 acres bounded on:

EAST Private land
WEST " 
NORTH " 
SOUTH C.P.W.D. compound

is needed for the aforesaid public purpose at the public expense within the aforesaid block of North Sikkim.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT

Notification No. 9/LD/81.
Dated Gangtok, the 14th August, 1981.

ORDER

The Government of Sikkim hereby appoints—

(i) the officers specified in the Schedule annexed hereto as persons by whom plaints and written Statements in suits in any court of civil jurisdiction by or against the State Government of Sikkim shall be signed;
(ii) those of the officers referred to in sub-clause (i) who are acquainted with the facts the case as persons by whom such plaints and written statements shall be verified, and directs that before the publication of this Order in the Official Gazette, anything done or any action taken by any of the officers mentioned in sub-clause (i) and (ii), shall be, and shall always be deemed to have been, as legal and valid as if this Order had been in force at all relevant times.

SCHEDULE
I-GENERAL.

Chief Secretary, any Secretary, Additional Secretary, Special Secretary, Joint Secretary, Deputy Secretary or Under Secretary to the Government of Sikkim.
II-Governor’s Secretariat.

Under Secretary to the Governor.
Accounts Officer
III-Chief Minister’s Secretariat.
Secretary to the Chief Minister.
IV-Sikkim Legislative Assembly.
Secretary, Deputy Secretary or Under Secretary.
V-Land Revenue Department.
Land Records Officer.
VI-Press, Publicity and Cultural Affairs Department.
Deputy Director.
VII-Electricity Transmission and Transformation Department.
Senior Administrative Officer (Department of Power).
VIII-Inspector General of Police.
Superintendent of Police (Headquarters).
IX-Trade, Industry and Commerce Depart
Deputy Director of Industries,
General Manager District Industries Centre, Jorethang.
X.Directorate of Survey and Settlement.
Director.
Administrative Officer.
Assistant Director (Operation).
Attestation Officer.
XI-Office of the Chief Pay and Accounts C
Chief Pay and Accounts Officer.
Deputy Chief Pay and Accounts Officer.
XII-Office of the Director of Vigilance.
Director
Deputy Superintendent of Police, Central Investigation Unit.
Deputy Superintendent of Police, Vigilance Police Station, Gangtok.
Senior Law Officer.
XIII-Public Works Department.
Superintending Engineer (Roads).
Superintending Engineer (Buildings).
Engineer Officer.

B. R. Pradhan,
Legal Remembrancer & Secretary
[13(24)/LD/1981]

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Governor hereby makes the following rules to regulate the method of recruitment, promotion and seniority among persons appointed to the Sikkim Police Force.

1. **Short title and commencement:**
   1) These rules may be called the Sikkim Police Force (Recruitment, Promotion and Seniority) Rules, 1981.
   2) They shall be deemed to have come into force on and from the 1st day of April, 1974.

2. **Application:**
   Notwithstanding anything to the contrary contained in any other rules made under the proviso to article 309 of the Constitution, these rules shall apply to the posts specified in column 2 of the Schedule in respect of matters covered by these rules.

3. **Definitions:**
   In these rules, unless the context otherwise requires—
   a) "appointing authority" in relation to posts upto and including the Sub-Inspector of Police in the Force means the Inspector General of Police;
   b) "Committee" means a Committee constituted by the Inspector General of Police from time to time for the purposes of holding tests for departmental promotions;
   c) "Force" means the Sikkim Police Force constituted under the Police Act, 1861.

4. **Method of recruitment, age limit and other qualifications:**
   The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 6 to 11 of Schedule aforesaid.

5. **Period of probation:**
   Every person appointed to the Force, whether by promotion or by direct recruitment, shall be on probation for the period as specified in column 9 of the Schedule;
   Provided that the appointing authority may for reasons to be recorded in writing extend the period of probation for—
   a) a period not exceeding six months in case of Constables and Head Constables; and
   b) not exceeding one year in case of others.

6. **Promotions:**
   1) All promotions to the Force shall be made on the recommendations of the Committee
   2) A list of persons considered eligible for promotion to the next higher rank shall be furnished to the Committee by the appointing authority or any officer directed by that authority.
3) The Committee may, for the purposes of determining ability, initiative, mental and physical fitness of the candidates, hold such written examination and out-door tests as it may deem fit and prepare a list of candidates in the order of merit.

4) The Committee shall have power to fix separately the minimum qualifying marks for written examination and out-door tests and shall have power to relax the same, if necessary, with the approval of the appointing authority in respect of any class or category of persons.

5) No decision of the Committee, if approved by the appointing authority, shall be challenged merely on the ground of any irregularity of procedure.

6) The list prepared under sub-rule (3) shall be submitted to the appointing authority.

7. **Seniority:**
   1) The seniority of persons recruited directly to the Force shall be determined according to the dates of their appointment to a particular rank/post.
   2) The seniority among the persons promoted from the lower posts shall be fixed according to the percentage of marks secured by them in the written examination, out-door tests and their past record, in such orders as may be determined by the Committee.

   Provided that where two persons obtain the same number of marks in the written examination and other tests held by the Committee and were also appointed in the lower rank/post on the same date, the person older in age shall rank senior.

8. **Powers to relax:**
   Where the appointing authority is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or posts.

9. **Saving :**
   1) Nothing in these rules shall affect reservations and other concessions required to be provided for the Scheduled Castes, the Scheduled Tribes and other Special Categories of persons in accordance with the orders issued by the State Government from time to time in his regard.

10. **Appeal:**
   1) Any person aggrieved by any order made under these rules may, within thirty days of the date of communication of the said order, prefer an appeal to the Secretary, Home Department, Government of Sikkim.

   Provided that where the Secretary, Home Department is satisfied that the person aggrieved was prevented by a sufficient cause from filing the appeal within a period of thirty days, he may entertain the same after the expiry of the prescribed period.

   2) As far as practicable, the Secretary, Home Department shall dispose of the appeal within a period of two months after it is received by him.

   3) An disposing of the appeal the Secretary, Home Department may obtain a report from the appointing authority and hold such enquiry as he may deem fit.

**EXPLANATORY MEMORANDUM**

At present, the Sikkim Government Service Rules, effective from the 1st day of April, are applicable to all Government Servants including the Constables, Head Constables, Assistant Sub-Inspectors, Sub-Inspectors and Inspectors of Police Force. Certain doubts have arisen whether the aforesaid service rules applicable to civil servants working in connection with affairs of the State of Sikkim should apply equally to the Police Department where the standards of discipline and conduct are required to be much more rigorous. In this context it is considered necessary to prormulgate separate rules regulating the method of recruitment, promotion and seniority among the ranks/posts in the Police Department upto and inclusive of Inspector of Police. It is proposed to give effect to these rules from the 1st day of April, 1974 i.e., the date on which the Sikkim Government Service Rules (containing four parts) came into force. It is certified that the giving of retrospective effect to these rules shall not adversely affect the interests of any person.

J.T. DENSAPA,
Home Secretary.
| No. | Name | No. of Class | Scale of Age | Educational and other qualifications prescribed | Whether by rules promotion/entry | Period of probation | Method of recruitment | In case of promotion/entrance what % of the vacancy will be filled by promotion/transfer/duputation/deputation from time to time | Whether by rules recruitment for direct recruits if any | If a committee will apply in the deputation transfer promotion/deputation/transfer in the case of promotions & % of the vacancy to be filled by various methods.

1. Constable | Class-III | 340-6-388 | Between 18 and 22 years | Physical: Not applicable | One year | 100% by direct recruitment. | One year | As nominated by IGP | Physical fitness should be certified in all respects by the Civil Surgeon.

2. Naiks | Not applicable | Not applicable | Not applicable | Not applicable | One year | 100% by promotion | Not applicable | From amongst Constables with three years service and from amongst Naiks with such years of service as may be determined by the appointing authority.

3. Head Constable | Not applicable | 380-7-410 | Not applicable | Not applicable | One year | 100% by promotion | Not applicable | From amongst Constables with three years service and from amongst Naiks with such years of service as may be determined by the appointing authority.
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<td>5.</td>
<td>6.</td>
<td></td>
<td>Assistant</td>
<td>Sub-Inspector</td>
<td>410-10-580</td>
<td>Note</td>
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<td>Two year 100% by promotion</td>
<td>From Head Constables with not less than four years service as Head Constables.</td>
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<td>Sub-Inspector</td>
<td>do-</td>
<td>12-700</td>
<td>applicable</td>
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<td>As nominated by the IGP consisting of not less than three and not more than five gazetted officers.</td>
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<td>Sub-Inspector</td>
<td>do-</td>
<td>480-12-600</td>
<td>Between</td>
<td>(a) Physical:</td>
<td>N.A.</td>
<td>-do- 65% by direct recruitment and 35% by promotion</td>
<td>by promotion from amongst Asstt. Sub-Inspectors with not less than three years service as Asstt. Sub-Inspector.</td>
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<td>Sub-Inspector</td>
<td>do-</td>
<td>15-750-20</td>
<td>18 and</td>
<td>(i) Height not less than 5'5&quot;;</td>
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<td>Sub-Inspector</td>
<td>do-</td>
<td>850</td>
<td>25 years</td>
<td>(ii) Chest: measurement not less than 33&quot; when fully inflated with a minimum expansion of 2&quot;.</td>
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<td>Sub-Inspector</td>
<td>do-</td>
<td>625-1225</td>
<td>N.A.</td>
<td>N.A.</td>
<td>N.A.</td>
<td>Two year 100% by promotion</td>
<td>Fitness for Sub-Inspectors for promotion to the rank of Inspectors shall be determined by an Assessment Committee comprising of the Inspector General of Police, the Establishment Secretary, and three Senior most Supdts of Police.</td>
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<td>Inspector</td>
<td>do-</td>
<td>65%</td>
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<td></td>
<td>Inspector</td>
<td>do-</td>
<td>Class-II</td>
<td>N.A.</td>
<td>N.A.</td>
<td>N.A.</td>
<td>Two year 100% by promotion</td>
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<td></td>
<td>Inspector</td>
<td>do-</td>
<td>Gazetted.</td>
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**Notes:**
- Height not less than 5'5";
- Chest:—measurement not less than 33" when fully inflated with a minimum expansion of 2".
- Physical fitness should be certified by the Civil Surgeon.
- Higher Secondary Examination of a recognised Board.
- Note applicable.
The Governor of Sikkim is pleased to revise the Tariff Rate for the consumption of electricity in supersession of earlier Notification No.2(2)ELECT/68/385 dated 13th April, 1970 applicable to all categories of consumers all over the State as per the Tariff Rate Schedule, annexed hereto. The revised Schedule of Rate shall come into force from 1st July, 1981, provided that the bill for the month of July, 1981 and thereafter, irrespective of dates of meter reading prior to and after 1.7.1981, shall deemed to be the energy consumed on 1st July, 1981.

The rates of charges, conditions of supply and other matters specified in the schedule annexed hereto shall replace the existing rates of charges and corresponding provisions in the existing schedules and in the existing agreements, if any, with the Power Department with effect from 1st July, 1981.

Jigme Dorji, I.A.S.
Secretary to the Government of Sikkim, Power Department, Gangtok
SUMMARY OF TARIFF SCHEDULE

A. LOW TENSION SUPPLY

1. DOMESTIC SERVICE

Schedule Designation

Applicability : This service is applicable to private and Government residential houses, Bungalows, Clubs, Schools, Temples, Mosques, Churches, charitable institutions, "educational institutions and such other non-commercial establishments.

Character of Service : A.C., 50 cycles, three or single phase supply.

Rate : KWH/Month Paise/KWH

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Minimum charge : Rs.3.00 per month.

Prompt Payment Rebate : A rebate of 4 paise/KWH will be allowed if the total bill is paid within the prescribed due date in the bill.

Delayed Payment : A surcharge of 4 paise per KWH will be charged if the bill is not cleared within the due date prescribed in the bill.

2. COMMERCIAL SERVICE

Schedule Designation

Applicability : This service is applicable for supply of electricity at 230/430 volts for use for any trade, business shops, hotels, cinemas, fuel service stations, bars & restaurants, Radio stations, Hospitals, Telephone Exchanges, Public auditoriums and such other establishments classified by the Department.

Character of Service : A.C. 50 cycles, three phase or single phase supply.

Rate : 45 paise/KWH for all consumption.

Minimum Charges : Rs.5.00 per month.

Prompt Payment Rebate : 5 paise/KWH.

Delayed Payment Surcharge : 5 paise/KWH.

3. L.T. INDUSTRIAL SERVICE

Schedule of Designation : L.T.I.S

Applicability : This service applies to supply of electricity to small Industrial concerns, printing presses, Cottage Industries, Poultry farming, Water works, flour Mills, Atta Chaki, automobiles workshops and such other services classified by the Department for connected load of such services not exceeding 100 KVA.

Character of Service : A.C. 50 cycles, three or single phase supply.

Rate : KWH/Month Paise/KWH

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Minimum charges : Rs.25.00 per KVA of connected load per month.

Prompt Payment Rebate : 5 paise/KWH.

Delayed Payment Surcharge : 5 paise/KWH.
MILK SUPPLY FOR MIXED LOAD

Schedule of Designation: M.L.L.T.

Applicability: This service is applicable to bulk supply at a point to educational institutional including hostels attached to such institutions, Radio stations including transmitters, army Cantts. Defence establishments, Aerodromes, Hospitals Despensaries, Orphanages, Residential colonies belonging to State/Central Govts and such establishments classified by the Deptt. The distribution system in such establishments or institutions should be owned and maintained by the respective agencies and are outside the purview of the Department of Power. The connected load of such a service should be limited up to 250 KVA.

Character of service: A.C.50 cycles, three phase supply.

Rate: KWH/Month Paise/KWH
- First 5000 45.00
- Next 5000 42.00
- All In excess 40.00

Minimum charges: Rs. 10.00 per KVA of connected load or contract demand per month.

Prompt Payment rebate: 5 paise per KWH.

Delayed Payment surcharge: 5 paise per KWH.

Important conditions of supply: The above schedule will apply to establishment in one compact area and not separated by public roads etc.

5. PUBLIC LIGHTING

Schedule Designation: PL

Applicability: This schedule shall apply to public lamps, street lighting system, traffic control signals, lighting of public parks and such other services as classified by the Power Department.

Character of Service: A.C. 50 cycles, single phase.

Rate: (a) 40 paise/KWH  
(b) Rs. 10.00 per lamp per month or part thereof.

Minimum Charge: Re. 1.00 per lamp per month or part thereof. Where the supply is unmetered the KWH for the purpose of billing shall be computed with reference to the total number of lamps, wattage and burning hours.

Prompt Payment Rebate: The above rate is subject to a rebate of 5 paise per KWH provided the bill is paid by the due date specified therein.

Delayed Payment Surcharge: A surcharge of 5 paise per KWH shall be charged from the date of bill if it is not paid within the prescribed due date.

6. TEMPORARY L.T. SUPPLY

Schedule of Designation: TS

Applicability: This service shall apply to Power supply lor temporary purpose and for a period not exceeding two months in the first instance, the duration of which may be extended at the discretion of the Power Department.
Character of Service : A.C. 50 cycles/second single or three phase L.T. or H.T. whichever is possible at the discretion of the Power Departments.

Rate : Tariff under schedule designation DS, CS, LTIS/MLLT and HTS for corresponding permanent supply PLUS 25% additional charge on the total bill.

Minimum Charge : The minimum charges payable for different categories of consumption will be as under:

   i) DS - Rs. 20,000 per service per month or part thereof,
   ii) CS - Rs. 30,000 per service per month or part thereof.
   iii) LTIS - Rs. 50,000 per KVA of connected load per month or part thereof.
   iv) MLLT - Rs. 25,000 per KVA of connected load or contract demand per month or part thereof.
   v) HTS - Rs. 60,000 per KVA per month or part thereof on the contract demand.

B. HIGH TENSION SUPPLY

Schedule Designation : HTS

Applicability : This service is applicable to Bulk Supply at 3.3 KV and above at standard High voltage or Extra high voltage available in the vicinity to industrial establishments, registered factories, workshops, construction power of any industrial or power projects, etc., having contract demand of 50 KW and above.

Character of service : 3.3. KV and 11-KV three phase, 50 cycles/second.

Rate : Demand charges; Rs. 25.00 per KVA per month of billing demand.

PLUS

Energy charges : 20 paise per KWH.

Minimum charges : The Demand charges on the monthly billing demand or the contract demand, whichever is higher will be the monthly minimum charges whether energy is consumed or not. The monthly billing demand shall be the highest of :-

   i) The actual maximum demand recorded during the month defined as the highest average load in KVA during any 30 minutes consecutive period of the month.
   OR
   ii) 75 per cent of the highest maximum demand during preceding eleven months
   OR
   iii) 75 per cent of the contract demand.

Discounts for supply at Higher voltages : If the consumer is supplied at 66KV a discount of 5 percent at 132 KV at discount of 8 per cent on the total monthly bill will be allowed.

Prompt Payment Rebate : A rebate of 2 per cent on the total monthly bill will if payments are made within the period prescribed.

Delayed Payment Surcharge : A surcharge of 2 per cent per month will be charged on the outstanding amount of the bill payable in addition from the date of the bill.

Metering in Low voltage side : In case the metering of maximum demand and energy consumption is made on the Low voltage side of a distribution transformer of 3.3/0.43KV and 11/0.43KV ratio, 3 per cent will be added both on the maximum demand and the consumption of energy for the purpose of billing.
SCHEDULE OF MISCELLANEOUS CHARGES

Upon receipt of the requisition for supply, the Departments' local office will serve estimate or quotation which will include the cost of service line, security deposit and agreement stamp. Cost of service connection shall include the cost of materials and equipment, labour and supervision charges. The total service connection charges are payable before the work is taken in hand.

Hire charges for meters and maximum demand indication etc. per month.

1. SERVICE CONNECTION:

i) Single phase meters Rs. 2.00
ii) Three phase 3-wire meters Rs. 4.00
iii) Three phase 4-wire meters Rs. 4.00
iv) Maximum demand indication (LT) Rs.2000
v) Maximum demand indication (HT) Rs.30.00
vi) Time switch Rs.10.00

2. METER RENT:

i) Single and Three phase meters Rs.10.00
ii) Other metering instruments Rs.30.00

3. TESTING OF METER:

i) Disconnection of supply for any reasons Rs.15.00

4. DISCONNECTION AND RECONNECTION:

i) Changing of Meters at the request of the consumer Rs.20.00
ii) Changing the position of the Meter Board at the consumer's request Rs.20.00

5. REPLACEMENT OF FUSES:

i) Low & Medium voltage single phase supply Rs. 2.00
ii) Low & Medium voltage three phase supply Rs. 6.00
iii) High voltage supply Rs. 15.00

6. RE-SEALING OF METER:

Replacement of missing seals in the meters or Cut outs in the absence of any sign of tempering. Rs. 5.00

i) If the meter or cut out seals are found tampered, the consumption will be reviewed vis-a-vis the preceding units consumed when the meter was not tampered. The meter will be tested and resealed. The Department further reserves the right to impose suitable penalty. Rs. 5.00 plus charges at schedule 3 above.
GOVERNMENT OF SIKKIM (ACCREDITATION OF PRESS CORRESPONDENTS) RULES 1981

A short title, application & commencement:
(i) These rules may be called the Government of Sikkim (Accreditation of Press Correspondents) Rules, 1981.
(ii) They shall come into force on the date of their publication in the Official Gazette.
(iii) These rules shall apply to the accreditation to the Government of Sikkim at the capital or elsewhere:
(a) of local news editors or press reporters
(b) the representatives of news agencies: and
(c) the representatives of newspapers published in or outside the State of Sikkim.

Definitions: In these rules, unless the context otherwise requires:
(a) "accreditation" means accreditation as a press correspondent to the Government of Sikkim.
(b) "form" means the Form appended to these rules;
(c) "news agency" means any establishment under the control of any person or body of persons whether incorporated or not, whose main function is to collect, transmit and publish news or comments and articles on matters of public interest and includes agencies for publication of photographs and feature articles;
(d) "news paper" means any printed work containing news of public interest or comments and articles published daily or weekly;
(e) "State" means the State of Sikkim.

Application for accreditation: Any person desirous of obtaining accreditation shall submit an application in Form I to the Department of Information and Public Relations.

Eligibility and conditions for accreditation of a correspondent of a newspaper:
1. The applicant for accreditation in respect of the newspapers should fulfill the following conditions, namely:
   (a) his residence should be at the capital or district headquarters of the State during the period of accreditation;
   (b) his main occupation should be the profession of journalism;
   (c) at the time of making any application, he should have spent at least three years in the profession of journalism in and outside Sikkim and should, in the opinion of the State Press Accreditation Committee, be able to discharge his duties in a competent and responsible manner.
The correspondent representing the newspaper or agency should produce a letter of authority signed by the Editor or the General Manager. When the Correspondent ceases to represent the media organization for which he is accredited, the fact should be brought to the notice of the Secretary to the State Government in the Department of Information and Public Relations in writing within ten days by both the representative and the Editor or the General Manager of the media concerned.

Not more than one representative shall be accredited for each newspaper or agency at the capital or in the district headquarters of the State.

Disaccreditation: An accredited representative shall be liable to disaccreditation if:

(a) he engages himself in non-journalistic work
(b) he behaves in an undignified or unprofessional manner in the course of his duties;
(c) he ignores or violates the conditions on which information and facilities are provided by the Government;
(d) he is responsible for wilful publication of malafide reports calculated to damage the interest of the State or abuses the confidence reposed in him by the State;
(e) he acts contrary to any of the provisions of the rules; provided that the State Press Accreditation Committee shall not recommend for disaccreditation under this sub-rule giving the accredited person a reasonable opportunity of being heard.

2. Every case relating to the disaccreditation shall be decided by the Secretary to the Government in the Department of Information and Public Relations as may be warranted by circumstances in each case in consultation with the State Press Accreditation Committee.

National Agencies: In the case of an All-India Agency, the following factors shall be considered for granting accreditation to the representative:

(a) the agency concerned itself should be accredited to the Government of India and approved by the Press Information Bureau, Government of India;
(b) the newspaper or the agency concerned must have a full-time or part-time correspondent permanently situated at Gangtok.

Agencies other than national agencies: For an agency not covered under Rule 6, the following factors shall be taken into consideration:

(a) the news, features or photographs should be based on the news emanating from the State capital or district headquarters concerned;
(b) the agency should provide regular services to media network on commercial basis.
(c) performance of such agency will be reviewed from time to time by the Secretary, Information and Public Relations Department.

Local and small newspapers:

1. In case of local newspapers, the newspaper concerned should have circulation for a minimum period of one year. Circulation should not be less than one thousand copies per issue as certified by the Proprietor of the Printing Press and to be verified by the Department of Information and Public Relations, Government of Sikkim.

2. In case of newspapers published outside the State the paper concerned should have circulation for a minimum period of one year. Circulation should not be less than one thousand copies per issue as certified by the Proprietor of the Printing Press and to be verified by the Department of Information and Public Relations, Government of Sikkim.

Review: The list of accredited correspondents shall be reviewed at least once a year by the Secretary to the State Government in the Department of Information and Public Relations in consultation with the State Press Accreditation Committee.

Accreditation not transferable: Accreditation is personal and not transferable.

Accreditation not to confer Special Status: Accreditation does not confer any official or special status on any mass media representative. The Government of Sikkim merely recognises and identifies an accredited correspondent as a representative of the newspaper or the agency which employs him.

Press Card: A press card shall be issued in Form II to a correspondent or a journalist by the Secretary to the Government of Sikkim in the Department of Information and Public Relations when he is accredited. Admission to special functions including press conference shall, however, be governed by issue of separate invitations or tokens.
Temporary Accreditation: The Secretary to the State Government in the Department of Information and Public Relations may:
(a) grant temporary accreditation to visiting pressmen or correspondents;
(b) accept substitution of an accredited representative desired for a temporary period.

Convenor of the State Press Accreditation Committee: The State Press Accreditation Committee shall consist of Four Members with Secretary to the State Government in the Department of Information and Public Relations or his representative as the Convenor.

Power to relax: The State Government may, having regard to the interests of healthy growth and development of journalism in the State, relax all or any of the provisions of these rules.

Repeal and Saving.
1. The rules for accreditation to the Government of Sikkim Press Correspondents representing news agencies, newspapers and journals published from Sikkim in other parts of the country published under Notification of the Department of Information and Public Relations No.2207/IPR, dated the 20th January 1980, are hereby repealed.
2. Notwithstanding such repeal, anything done or any action taken under such rules shall be deemed to have been done or taken under the corresponding provisions of these rules.

(K. C. Pradhan)
Secretary to the Government of Sikkim, Information & Public Relations Department.
Notification No. 80/L.R.(S) Dated Gangtok, the 19th November, 1981.

(Notice under section 6 of L.A. Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76 LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for alternative road alignment to the existing N.H. 31-A by the Border Road Development Board Project, Swastik, 85 R.C.C in the block of Samdur, Elakha Tadong, District East (Sikkim) it is hereby declared that a piece of land comprising cadastral plot Nos. 107, 111 in full and 110, 116 in parts measuring more or less 1.35 acres bounded on:

EAST D.F. of Nar Bdr. Chettri, P.F of Kintuk Bhutia and D.F. of Lal Bahadur Chettri
WEST National Highway
NORTH D.F. of Lal Bahadur Chettri
SOUTH Jhora (Kholsa)

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Samdur East District.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894 (I of 1894) read with the said notification, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
The Government of Sikkim is pleased to lay down the following Rules for the regulation of terms and conditions in respect of Government Advocates-cum-Public Prosecutors.

1. The State Government may from time to time appoint such number of Government Advocates-cum-Public Prosecutors as it may deem necessary.

2. The Home Secretary shall be the appointing and controlling authority in respect of Government Advocates-cum-Public Prosecutors. The appointment order shall be issued by the Home Department with the approval of the Minister-in-Charge of the Home Department.

3. One of the Government Advocates-cum-Public Prosecutors shall be appointed as Senior Government Advocate-cum-Public Prosecutor.


5. No person shall be eligible for appointment as Government Advocate-cum-Public Prosecutor unless he has been in practice as an Advocate for a period of not less than seven years. No person shall be appointed as Senior Government Advocate-cum-Public Prosecutor unless he has held the Office of Government Advocate of the Government of Sikkim or any other State Government for a period of not less than three years or person who has complete 15 year’s practice as Advocate.

6. The Senior Government Advocate-cum-Public Prosecutor shall be paid a retainer of Rs. 1,000/- per month and a Government Advocate-cum-Public Prosecutor shall be paid a retainer of Rs. 600/- per month.

7. The Senior Government Advocate-cum-Public Prosecutor and a Government Advocate-cum-Public Prosecutor shall be entitled to the following perquisites/facilities:

   (i) Free furnished flat (2 rooms, dining space, drawing room, kitchen, two bath rooms-cum-privy with two extra rooms for office)
   (ii) Two peons for attending the office in the morning and evening
   (iii) One Clerk
   (iv) Electricity charges for the office rooms provided a separate electric meter is installed for the office rooms.
   (v) Medical facilities as given to Class I Gazetted Officers.
   (vi) A Government vehicle, driver, fuel oil maintenance thereof.
   (vii) Telephone in the office-
   (viii) 45 days leave in a year.
Stationeries, book racks and furniture required for the Office

Expenses for package charges and transportation of luggage upto Gangtok from place of residence and vice versa upto a maximum of 2500 Kgs, on joining and relinquishing charge respectively.

8. The normal duties of the Senior Government Advocate-cum-Public Prosecutor and the Government Advocate-cum-Public Prosecutor will be:

(a) to conduct and appear in cases on behalf of the Government in court/courts as the Home Secretary from time to time shall determine by an official order in consultation with the Advocate General.

(b) to appear in cases independently or as a junior to the Advocate-General or any other Senior Counsel as may be determined by the Home Secretary.

(c) to give opinion to State Government free of charges in matters referred to him through the Secretary, Home Department.

(d) Neither the Senior Government Advocate-cum-Public Prosecutor nor the Government Advocate-cum-Public Prosecutor shall accept any private case. This provision shall not apply in the cases of the Central Government or statutory Corporation or body corporate in which the State Government is interested. The Government Advocate may, with the approval of the Home Secretary also appear for Government employees if it is necessary to do so in the interest of the State.

(e) The Senior Government Advocate-cum-Public Prosecutor shall look after the cases of the Advocate-General during the absence of the latter.

(f) They shall not take any case against the State Government.

(g) They shall not accept any brief on behalf of any person whose interest is adverse to that of the State Government.

9. Enhanced fees may be paid to the Senior Government Advocate-cum-Public Prosecutor and Government Advocate-cum-Public Prosecutor in specially complicated cases involving great labour and time in consultation with the Advocate-General. The Government Department shall obtain the prior approval of the Home Department for engaging the Senior Government-Advocate-cum-Public Prosecutor or Government Advocate-cum-Public Prosecutor if situation so arises, at enhanced fees.

10. The Senior Government Advocate-cum-Public Prosecutor and the Government Advocate-cum-Public Prosecutor shall be entitled to fees for appearance in the High Court of Sikkim at Gangtok:

(a) Rs. 300/- per day for effective hearing irrespective of the number of cases in a day and Rs. 150/- per day for non-effective hearing irrespective of the number of cases in a day when appearing independently.

(b) Rs. 150/- per day for effective hearing and Rs. 75/- for non-effective hearing while appearing as a junior to the Advocate General or a Senior Counsel.

11. The Senior Government Advocate-cum-Public Prosecutor and the Government Advocate-cum-Public Prosecutor shall be entitled to fees for appearance in the courts of the District and Sessions Judge, Additional District and Sessions Judge and other subordinate courts within Sikkim:

(a) Rs. 255/- per day for effective hearing and Rs. 120/- per day for non-effective hearing while appearing independently in all courts excepting the High Court or any of the said courts excepting the provisions laid down in clause 15 hereinbelow.

(b) Rs. 170/- per day for effective hearing and Rs. 80/- per day for non-effective hearing while appearing as junior to the Advocate General or a Senior counsel in all courts excepting the High Court or any of the courts excepting the provisions laid down in clause 15 hereinbelow.

12. The Senior Government Advocate-cum-Public Prosecutor and the Government Advocate-cum-Public Prosecutor shall be entitled to the following fees for the following works within the State before any Court:

(a) Fees for consultation
   Rs. 50/- for the first consultation of a case and Rs. 25/- for each subsequent consultation.
(b) **Fees for drafting**

(i) Rs. 75/- per petition pertaining to Memorandum of appeal, counter-affidavit, affidavit-in-reply, Cross-appeals and answering to Writ petitions.

(ii) For drafting other than (b) (i) above a fee of Rs. 20/- per draft.

(c) **Fees for inspection and scrutiny**

Rs. 20/- per case per day

13. While attending courts outside Gangtok within Sikkim and Police Headquarters and Police Stations for giving instructions and guidance in connection with courts cases outside Gangtok, the Senior Government Advocate-cum-Public Prosecutor and the Government Advocate-cum-Public Prosecutor shall receive travelling allowances at the rates admissible to a Class I Officer of the State Government plus compensatory fee of Rs. 100/- per day or part thereof in addition to his usual fees for appearance, drafting and consultations before such courts or office from the date of departure till the date of his return to Gangtok. No travelling allowances shall be admissible where Government Transport is provided.

14. The Senior Government Advocate-cum-Public Prosecutor shall be entitled to the fees indicated below for appearing before any courts, tribunal, judicial or quasi-judicial authority for undertaking any legal works outside Sikkim:

(i) For each appearance

(ii) For each consultation

(iii) For each drafting

(iv) Daily fees for attending Courts on days on which there is no effective hearing but has to attend Court in anticipation of the matter being listed or heard or fees for intervening days when the Court does not sit or fees during transit

(v) TA/DA in addition to clause (iv) and actual hotel charges when the Senior Government Advocate-cum-Public Prosecutor cannot be provided with accommodation by the Government

(vi) Clerkage at the rate of 16% of the total bill.

(vii) Fees for inspection, scrutiny of documents etc. — On usual rate of fees for appearance

15. When the Senior Government Advocate-cum-Public Prosecutor holds the brief of a Government Advocate-cum-Public Prosecutor or a Government Advocate-cum-Public Prosecutor holds the brief of another Government Advocate-cum-Public Prosecutor he shall be entitled in addition to his own fees, the fees of the Advocate whose brief he is holding.

16. All bills for fees shall be preferred in form ‘A and shall be submitted to the Home Department.

17. "Effective hearing" means the day on which any argument is heard, appeal is admitted, a writ or revision of application or any proceeding is admitted, hearing of a bail application, issues are framed, witness is examined or Cross-examined or charge is framed. "Non-effective hearing" means the date on which the suit or case or appeal or revision or writ or application or proceeding is adjournment or written statement or affidavit or application is filled in the court, the date fixed for supply of copies etc.

18. The Home Secretary may from time to time in consultation with the Advocate General, direct the Senior Government Advocate-cum-Public Prosecutor or a Government Advocate-cum-Public Prosecutor to appear as junior to the Advocate General.

19. These rules shall come into force from the date of publication.

20. **Removal of doubts.**

The Home Department with the approval of the Minister in-Charge of Department can interpret any of the provisions in the event of arising of any doubt. The Home Department may also exercise such powers to delete, add or to amend any provision including words, phrases etc.

By Order

J. T. DENSAPA,
Secretary,
Home Department,
Government of Sikkim.
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<th>Sl. Name of the Court &amp; Name of the Parties</th>
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Name of the Government Counsel

Signature of Government Counsel
HOME DEPARTMENT (ELECTION)

NOTIFICATION No. 12/H.

Dated Gangtok, the 28th September, 1981.

The following notification No. 23/SKM/81 dated 21st September, 1981/30 Bhadra 1903(S) of Election Commission of India, New Delhi is republished for general information:—

NOTIFICATION

In exercise of the powers conferred by proviso to rule 12 of the Registration of Electors Rules, 1960, the Election Commission of India hereby extends upto and including 30th September, 1981 (Wednesday), as the period within which a claim for the inclusion of name or an objection to an entry in the electoral rolls of all the assembly constituencies in the State of Sikkim shall be made.

By Order,

S. C. BHATNAGAR,

Under Secretary to the
Election Commission of India.

TASHI WANGCHUK,
Under Secretary (Election).

PRINTED AT THE SIKKIM GOVERNMENT PRESS
NOTIFICATION

S.O.- Whereas the Election Commission of India has considered the application of National Democratic Party for registration of that Organisation under paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968, as a political party, and the documents produced in support of the prayer contained on the said application, and has decided to register that Organisation under the name and style of 'National Democratic Party' in the State of Kerala under the provisions of paragraph 3 of the said Symbol Order subject to the following conditions:-

(i) The party shall communicate to the Commission without delay any change in its name, head office, office bearers address or political principles, policies, aims and objectives and any change in any other material matters;

(ii) The party shall intimate the Commission immediately whenever any amendments are issued to party Constitution along with the relevant documents like the notice for the meeting to consider amendments, agenda for the meeting, minutes of the meeting where the amendments have been carried etc.;

(iii) The party shall maintain all the records like minutes books, accounts books, membership registers, receipt books etc properly;

(iv) The said records shall be open for inspection at any time by the authorised representative(s) of the Commission;

(v) The registration granted shall be reviewed by the Commission from time to time;

Now, therefore, in pursuance of the provisions contained in clause (c) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission of India hereby makes the following amendments to its notification No.56/79 dated the 28th September, 1979 published as S.O. 557(E) in the Gazette of India, Extraordinary, Part II, Section 3 (ii), dated the 28th September, 1979 and as amended from time to time namely:

IN TABLE 3 appended to the said notification, under columns 1 and 2, after the entry "17. Tamil Nadu Congress (K) . Tamil Nadu", the entry "18. National Democratic Party. . . . Kerala" shall be inserted

By Order,

[Signatures]

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In exercise of the powers conferred by sections 6 and 8 of the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977 (4 of 1977) the State Government hereby makes the following rules to amend the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly Medical (Attendance) Rules, 1977, namely:—

(i) These rules may be called the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Medical Attendance) Amendment Rules, 1981.

(ii) They shall be deemed to have come into force on the 1st day of April, 1981.

2. In the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Medical Attendance) Rules, 1977,

(a) for sub-rule (i) of rule 3, the following sub-rule shall be substituted namely:—

"(1) The Chief Minister, any Minister, any Minister of State, any Member of the Legislative Assembly and members of their family shall be entitled to free medical attendance and treatment and all other medical facilities on the same terms and conditions as are applicable from time to time, to a Gazetted Officer of the State Government under the Sikkim Services (Medical Facilities) Rules, 1981".

(b) after sub-rule (1) as so substituted, the following proviso shall be inserted, namely:

"Provided that —

(i) requirements of applications in the prescribed form essentiality certificate and countersignatures of the claims by the controlling officers shall not be necessary;

(ii) Countersignatures of vouchers for purchase of medicines and other items relating to medical attendance/treatment by the medical attendant shall be sufficient to allow reimbursement of medical expenses.

EXPLANATORY MEMOBANDUM

The Sikkim Services (Medical Facilities) Rules were brought into effect from the 1st day of April, 1981 repealing all rules, orders and Notifications in force immediately before the commencement of those rules on the subject. The amendment proposed by this Notification is closely linked up with the Sikkim Services (Medical Facilities) Rules, 1981. It is, therefore necessary to give effect to the proposed amendment with effect from the 1st day of April, 1981. It is certified that giving of retrospective effect to these rules shall not adversely effect the interest of any person.

J. T. DENSAPA,
Secretary,
Home Department.
Government of Sikkim.
HOMΕ DEPARTMENT (ELECTION)
NOTIFICATION No. 14/H.
Dated Gangtok, the 17th October, 1981.

The following Order No- 76/SKM-LA/15/80 dated 9th September, 1981 of Election Commission of India, New Delhi is republished for general information:—

ORDER

Whereas Shri Purna Bahadur Khati, Gangtok, Purano Bazar, East Sikkim, a contesting candidate for general election to the Sikkim Legislative Assembly from 15-Rateypani West Pendam constituency held in October, 1979, was disqualified by the Election Commission of India vide its Order No. 76/SKM-LA/15/80/2367 dated 17th January, 1981, under section 10A of the Representation of the People Act, 1951, for the failure to lodge the account of his election expenses as required by the said Act and the Rules made thereunder;

And Whereas, the said Shri Purna Bahadur Khati has submitted a petition before the Election Commission of India for the removal of the disqualification imposed on him, giving reasons for his failure to lodge the account as required by law and has also since submitted an affidavit in support thereof;

And Whereas, the Election Commission of India has taken into account the said representation and also obtained report from the Chief Electoral Officer, Sikkim;

Now, Therefore, in exercise of the powers conferred by Section 11 of the said Act, the Election Commission of India his reduced the period of disqualification imposed on him to the period of disqualification already suffered by him and removed the disqualification for the unexpired period with effect from 9th September, 1981.

By Order,

C.L. ROSE,
Under Secretary-

TASHI WANGCHUK,
Under Secretary (Election).
GOVERNMENT OF SIKKIM
OFFICE OF THE SECRETARY, FINANCE

Circular No. 6/Fin. Dated Gangtok, the 20th October, 1981.

In continuation of this Department's Circular No. 3/Fin dated 15th May, 1981, the Government of Sikkim is pleased to decide that the rates of Dearness Allowance to State Government Employees will stand modified as follows from 1st February, 1981:—

Pay Range

1. Up to Rs. 1600/- p.m.  Modified rates of D. A. per month
   22 1/2 of pay (inclusive of 20% already granted) subject to a minimum of Rs. 79/- and a maximum: of Rs. 202/50 p.m.

2. Above Rs. 1600/- p.m. and up to Rs. 2,400/- p.m. Rs. 202/50 per month.

The above orders will also be applicable to employees appointed on contract and the work charged establishment drawing pay in the regular pay scales.

By order

K. SHERAB,
Secretary, Finance,
Government of Sikkim.
ERRATUM


Delete plot No. 490 from the schedule of properties in the aforesaid Notification.

P.T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
HOME DEPARTMENT (ELECTION)
NOTIFICATION NO. 15/H.
Dated Gangtok, the 20th November, 1981.

The following Order No. 76/SKM-LA/10/80 (2) dated 7th August, 1981 of Election Commission of India, New Delhi is republished for general information:

ORDER

Whereas the Election Commission is satisfied that Shri Hastudas Rai, Kopchey Miki-Khola Block, R.O. Namchi South Sikkim, a contesting candidate for general election to the Sikkim Legislative Assembly held in October, 1979 from 10-Jorethang, Naya Bazar constituency, has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder;

AND WHEREAS, after considering the representation made by the said candidate, the Election Commission is further satisfied that he has no good reason or justification for the failure.

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hastudas Rai to be disqualified for being chosen as, and for being, a member or either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

S. C. JAIN
Under Secretary
to the Election Commission of India.

TASHI WANGCHUK
Under Secretary (Election)
LAND REVENUE DEPARTMENT  
GOVERNMENT OF SIKKIM  
GANGTOK

Notification No. 83/L.R.(S)  
Dated Gangtok, the 26th November, 1981.

ERRATUM

In para 2 of Notification No. 34(678) L.R. (S) dated 13.8.81 issued under section 6 of the Land Acquisition Act (I of 1894) published in Sikkim Extra Ordinary Gazette Vol. No. 83 dated 17.8.81 in confirmation of acquisition of 4.40 acres of land at Thumbuk, Elakha Lachen in North Sikkim, the boundaries in the South may be read as "Tista River" in place of "Private Land".

By order of the Governor.

C.M. RASAILY,  
Addl. Secretary,  
Land Revenue Department,  
Government of Sikkim.
Whereas the Governor is satisfied that land is needed for a public purpose, not being purpose of the Union namely for construction of Mini Secretariat and Legislative Assembly building at Nam Nam within O.M.C. Area. East District, it is hereby declared that a piece of land comprising cadastral plots 1162, 1166, 1187 and a part of 1169-A measuring more or less 28 acres out of 3.50 acres mentioned in Notification No. 63(498) L.R. (S) dated 12.10.81 and bounded by the following boundaries:

- NORTH Holding of Shri D. Dolma Kazini & Pajo brothers
- SOUTH Kazi Road
- EAST -do-
- WEST Namnam road and holding of Shri B.B. Rai

is needed for the aforesaid public purpose at the public expense within the aforesaid area.

The declaration is made, under the provisions of Section 6 of Act, I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector-cum-Sp. L.A.O., Land Revenue Department, Government of Sikkim, Gangtok.

By Order of the Governor.

P. T. WANGDI, I.A.S.,
Secretary,
Land Revenue Department,
Government of Sikkim.
An Ordinance further to amend the Sikkim Panchayat Act, 1965.

WHEREAS the Legislative Assembly of Sikkim is not in session and the Governor 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, the Governor is pleased to promulgate the following Ordinance:

This Ordinance may be called the Sikkim Panchayat (Amendment) Ordinance, 1981.

1. (1) This Ordinance may be called the Sikkim Panchayat (Amendment) Ordinance, 1981.

(2) It shall come into force at once

2. In the Sikkim Panchayat Act, 1965 (hereinafter referred to as the principal Act), for sub-section (4) of section 6 and the proviso there-to, the following sub-section and proviso shall be and shall be deemed always to have been substituted, namely:

"(4) Every Block Panchayat shall, unless dissolved or superse-ded earlier under section 19 of the Act, continue for six years from the date of its constitution:

Provided that the said period may be extended by the Government by notification in the Official Gazette for a period of one year not exceeding six months at a time or until the reconstitution of the Block Panchayats, whichever is earlier".
3. Any Act, thing or proceeding done or taken, or purported to have been done or taken by any Block Panchayat under the principal Act during the period commencing on the 21st day of August, 1980, and ending with the commencement of this Ordinance, shall be as valid and effective for all purposes as if the amendment of the principal Act by section 2 of this Ordinance has been in force at all material times when such act, thing or proceeding was done or taken.

Gangtok,
Dated the 14th December, 1981.

HOMI J.H. TALEYARKHAN,
GOVERNOR.

B. R. PRADHAN,
Secretary to the Government of SiKKIM Law Department.
F. No. 16(85)LD/79.
This Ordinance may be called the Gangtok Municipal Corporation (Amendment) Ordinance, 1981.

Ordinance No. 4 of 1981.

Promulgated by the Governor in the Thirty Second Year of the Republic of India

An Ordinance

further to amend the Gangtok Municipal Corporation Act, 1975.

WHEREAS the Legislative Assembly of Sikkim is not in session and the Governor 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 the following Ordinance:

In the Gangtok Municipal Corporation Act, 1975 (hereinafter referred to as the principal Act), in section 2,-

(a) clause (1) shall be re-numbered as clause (1a) and before the clause as so re-numbered, the following clause shall be inserted, namely:-

(1) "Administrator” means the Officer appointed by the State Government under sub-section (5) of section 3,';
Amendment of section 3.

3. In the principal Act, in section 3, -
   (a) in sub-section (5), for the words "a period of two years" the words "period of four years" shall be substituted;
   (b) to sub-section (5), the following proviso shall be added, namely:-
      "Provided that the State Government may by a like order, extend the period of appointment of the Administrator for a further period of one year or until the reconstitution of the Corporation, whichever is earlier.;"
   (c) in sub-section (6), in clause (b), for the word "Corporation", the words "Corporation, the Corporation at meeting " shall be substituted.

Amendment of section 9.

4. In the principal Act, in section 9, in sub-section (3), for the words "more than three hundred Rupees", the words "more than eight hundred rupees" shall be substituted.

Insertion of new section 26A.

5. In the principal Act, after section 26, the following section shall be inserted, namely:-
   "26A. The Corporation may, with the previous sanction of the State Government, borrow money from banks and other financial institutions, on the security of the Municipal Fund or any of its other assets for the purposes of this Act."

Amendment of section 46.

6. In the principal Act, in section 46, in sub-section (1), -
   for the words "thirty days", the words "sixty days" shall be substituted.

Substitution of section 49.

7. In the principal Act, for section 49, the following section shall be substituted, namely:-
   "49. (1) if the Corporation is satisfied -
      (a) that the erection of any building-
      (i) has been commenced without obtaining any permission required to be obtained by or under this Act, or
      (ii) is being carried on or has been completed otherwise than in accordance with the particulars on which such permission was based, or
      (iii) is being carried on or has been completed in breach of any provision of this Act or any rule or bye-law made thereunder, or any direction or requisition lawfully given or made under this Act or under such rule or bye-law, or
(b) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in contravention of, or otherwise than in accordance with any sanction granted under section 46 or section 48, or

(c) that any alteration required by any notice issued under this Act or any rule or bye-law made, under this Act, has not been duly made, it may, without prejudice to any action that may be taken under any other provisions of this Act, by a notice in writing require the person responsible, to demolish within ten days of receipt of notice such erection, alteration, as the case may be, or to show cause why such erection, alteration, addition or other work should not be demolished or the alteration should not be made.

(2) The Corporation may issue notice under sub-section (1) notwithstanding the fact that the valuation of such building has been made under this Act and the Corporation has received payment of tax on such valuation.

(3) If the person responsible fails -

(a) to demolish such erection, alteration, addition or other work, or to make the alterations, or

(b) to show cause to the satisfaction of the Corporation why such erection, alteration, addition or other work should not be demolished, or the alteration should not be made, the Corporation may, by order and through its officers, employees or workmen demolish the erection, alteration, addition or other work and recover the expenses of demolition from the person responsible:

Provided that where the person responsible shows cause, the order to demolish the erection, alteration, addition or other works shall not be made without giving the person responsible, an opportunity of being heard:

Provided further that a copy of the order referred to in this clause or in the first proviso shall be served upon the owner and the occupier thereof and no such action shall be taken until after the expiry of thirty days from the date of the service of the said order.

(4) Notwithstanding anything contained in sub-section (1), sub-section (2) or sub-section (3), no action shall be taken under this section in respect of any erection, alteration, addition or other work executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975, whichever is later:

Provided that the onus of proving that the erection, alteration, addition, or other work was executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975, shall lie on the person responsible:

Provided further that no action shall be taken in respect of any erection, alteration, addition or other work which has been regularised under the provisions of this Act.
(c) Whoever contravenes any of the provisions of this Chapter shall be liable to prosecution and upon conviction to a fine which may extend to ten thousand rupees and if the offence is of a continuing nature a further fine of five hundred rupees per day after the first conviction.

Explanation:

In this section, the expression, “person responsible” includes the owner, the occupier and any other person who executes the erection, alteration, addition or other work or who is liable to make any alteration required by any notice issued under this Act or any rule or bye-law made thereunder.

8. In the principal Act, after section 49 as substituted, the following sections shall be inserted, namely:

49A (1) When any verandah, platform, building or other structure or any fixture attached to a building so as to form part of the building, whether erected before or after the commencement of this Ordinance causes a projection, encroachment or obstruction over or on any public street or any land vested in the Corporation, the Corporation, in accordance with such rule or bye-law as may be made by it, may, by written notice, require the owner or occupier of the building to remove or alter such structure or fixture within such time, not being less than fourteen days, as may be specified in the notice.

(2) If the expenses of removing or altering any such structure or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct any reasonable expenses, incurred for the purposes of such removal or alteration from the rent payable by him to the owner of the building.

(3) If the owner or occupier of the building proves that any such structure or fixture was erected before the commencement of the IV of 1975, Gangtok Municipal Corporation Act, 1975 or that it was erected on or after that day with the consent of any authority duly empowered for the time being in this behalf, the requisition made under sub-section (1) shall not be enforced except in pursuance of specific order of the Corporation made in that behalf and the Corporation shall after such structure or fixture has been removed or altered, pay reasonable compensation to every person who suffers damage by the removal or alteration thereof.

(4) Where any owner or occupier fails to comply with the notice served upon him under sub-section (1), the Corporation may remove such structure or fixture and recover the expenses of such removal from the owner or occupier, as the case may be.

(c) Any proceedings under section 49 pending before any Magistrate shall abate:

Provided that the Corporation may in respect of the proceedings so abated, take fresh action in accordance with the provisions of this Act.

49B(I) Whoever, in any place within the boundaries of the Corporation, shall have built or set up, or shall build or set up, any wall or any fence, rail, posts, stall, verandah, platform, plinth, step or any projection, structure or thing or other encroachment or obstruction, in any public street or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, sewer in such street, shall be punished with fine which may extend to five hundred rupees and with further fine which may extend to fifty rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction.
5

(i) The Corporation shall have power to remove any such obstruc­
tion or encroachment and shall have the like power to remove any unau­
thorised obstruction or encroachment of the like nature in any open
space not being private property, whether such space is vested in the Cor­
poration or not, provided that if the space is vested in the State Government,
the permission of the Secretary, Local Self Government and Housing Depart­
ment of the State Gover­
ment shall have first been obtained and the expenses of such removal shall be paid by the person who has caused the said obstruc­
tion or encroachment and such expenses shall be recoverable under sub­suc­tion (1) or sub-section (2) of section 49K, as the case may be.

(3) The materials or goods removed under sub-section (2)
may be stored at such place or places as the Corporation may think fit and
if within seven days of such removal, no person claims the return of such
materials or goods or establishes his claim thereto and pays up the expenses
incurred by the Corporation for removal and storage, the Corporation shall
have the power to sell the same by public auction and recover the expenses
incurred including the expenses of such auction from the proceeds of the
sale.

(4) When under sub-section (2), the Corporation causes
any wall to be removed or removes any other obstruction, projection or en­
croachment from land which forms part of a public street, no compensa­
tion shall be payable, but the Corporation shall be bound to provide proper
means of access to and from the street if none exists already.

(5) Whoever, not being duly authorised in that behalf,
removes earth, sand or other materials or makes any encroachment in or
upon any open space which is not private property, shall be punished with fine
which may extend to two hundred rupees and, in the case of an encroachment
which is continuing in nature, with further fine which may extend to fifty
rupees for every day on which the encroachment continues after the date
of first conviction.

(6) Nothing contained in this section shall prevent the
Corporation from allowing any temporary occupation of or erection, in any
public street on occasions of festivals and ceremonies, or the piling of fuel in
bye-lanes and spaces for not more then seven days, and in such manner as not
to inconvenience the public or any individual or from allowing the occupation
of, or temporary erection or structures for, any other purposes in accordance
with any rule or bye-law made under this Act.

(7) Nothing contained in this section shall apply to any
structure duly authorise under this Act or any rule or bye-law made the­
reunder.

49C. (1) If at any time it appears to the Corporation that any
structure (including under this expression any building, wall or other struc­
ture affixed to or projecting from any building, wall or other structure) is in a ruinous condition or likely to fall, or in any way dangerous
to any person, occupying, resorting to or passing by such structure or any other structures place in the neighbourhood thereof, the Corporation
may, by a written notice of not less than seven days, require the owner or occu­
pier -

(a) to demolish or to repair such structure in such manner
as may be specified in the notice, or

(b) to repair, protect or enclose such structure in such
manner as may be specified in the notice.

(2) Where it appears to the Corporation that immediate
action is necessary for the purpose of preventing imminent danger to any
person or property, it shall be the duty of the Corporation itself to take
such immediate action; and in such case it shall not be necessary for the
Corporation to give notice, if it appears to it that the object of taking
immediate action shall be defeated by the delay incurred in giving notice.
(3) Where any owner or occupier fails to comply with the notice served upon him, the Corporation may demolish or remove such structure or fixture under sub-section (1), or sub-section (2) and recover the expenses of such demolition or removal from the owner or occupier, as the case may be.

Demolition or alteration of works in other cases. 49D. (1) In any of the following cases, namely -

(i) if, within the period prescribed in any notice issued under this Act, requiring the removal or alteration of a verandah, platform or other similar structure or a fixture, the same is not duly removed or altered, or

(h) if the owner of any building which it erected or added to a street alignment and the building-line, fails to remove such building or addition when called upon by the Corporation to do so under this Act, or

(c) if the owner of any building, which is Unfit for human inhabitation, fails to demolish such building when required to do so under this Act, or

(d) if any privy or urinal be placed in contravention of the bye-laws made under this Act, or

(e) if within the period prescribed in any notice issued under this Act or any rule or bye-law made thereunder, requiring the owner or occupier of a building to comply with any condition on which the erection of any verandah or other projection was permitted, such condition is not complied with, or

(f) if within the period prescribed in any notice issued under this Act or any rule or bye-law made thereunder requiring the owner or occupier of a building to remove a verandah or other projection, the same is not duly removed, or

(g) if within the period prescribed in any notice issued under this Act or any rule or bye-law made thereunder, requiring the owner of a building to remove or alter an external roof or wall made of inflammable material the same is not duly removed or altered, or

(h) if any owner or occupier neglects to execute any work or to take any measure required by any notice issued under this Act or any rule or bye-law made thereunder, the Corporation may make an order directing that the projection, building, block of buildings, verandah, platform, fixture, additions, roof, wall, as the case may be, shall be demolished by the owner or occupier thereof who may be the person responsible or altered by such person to the satisfaction of the Corporation within the time specified in the order.

(2) if the person responsible fails

(a) to demolish such erection, alteration, addition or other work, or to make the alteration, or
(b) to show sufficient cause to the satisfaction of the Corporation or an officer specially appointed by the Corporation with the approval of the State Government in this behalf, as the case may be, why such erection, alteration, addition or other work should not be demolished or the alteration should not be made, the Corporation may by an order in writing and through its officers, employees and workmen demolish the erection, alteration, addition or other work:

Provided that where the person responsible shows cause, the order to demolish the erection, alteration, addition or other works shall not be made without giving the person responsible, an opportunity of being heard:

Provided further that a copy of the order referred to in this clause or in the first proviso shall be served upon the owner and the occupier thereof and no action shall be taken until the expiry of thirty days from the date of the service of such order:

Provided also that the Corporation may make any such order notwithstanding the fact that a valuation of such building has been made under this Act and the Corporation has received payment of tax on such valuation.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no action shall be taken under this section in respect of any erection, alteration, addition or other work executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975, whichever is later:

Provided that the onus of proving that the work was done more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975, shall lie on the person responsible.

Explanation:-

In this section, the expression "person responsible" includes the owner, the occupier, and any other person who executes the erection, alteration, addition or other work or who is liable to make any alteration required by any notice issued under this Act or any rule or bye-law made under this Act.

49E. (1) In any case in which the erection of a new building or any other work referred to in section 49, has been commenced, or is being carried on unlawfully as mentioned in that section, the Corporation may, by written notice, require the person carrying on such erection or other unlawful work to stop the same forthwith.

(2) If any notice issued under sub-section (1) is not duly complied with, the Corporation may, with the assistance of the police, if necessary, take such steps as it may deem necessary in order to stop the continuance of such unlawful work.

(3) The Corporation, if it considers necessary, may depute any municipal officer to watch the premises in order to prevent the continuance of the unlawful work.

(4) Where any person after receipt of the notice under sub-section (1), fails to comply with the said notice and carries on any work relating to the erection of a new building or any other work, the Corporation may demolish or remove such unlawful work and recover the expenses of such demolition or removal from the owner in accordance with the provisions of section 40K.
49F. (1) The State Government shall constitute a Tribunal to be called the Gangtok Municipal Corporation Tribunal for the purpose of hearing appeals against the orders made or the notices or requisitions issued by the Corporation under this Act or any rule or bye-law made thereunder.

(1) The Tribunal shall consist of
   (a) the District Judge,
   (b) an Officer not below the rank of a Joint Secretary to the State Government who has been a member of Judicial Service of any State for a period of not less than seven years,
   (c) an Officer who is or has been a member of the Sikkim Judicial Service.

(3) The District Judge shall be the President of the Tribunal and during his absence on leave or otherwise, the officer at clause (b) of sub-section (2) shall be the President of the Tribunal.

(4) The Tribunal shall have the power to regulate its own procedure.

(5) The quorum of the Tribunal shall be two members.

(6) The State Government may, on a request made by the President of the Tribunal, nominate not more than two other persons to be members of the Tribunal for specific purposes.

(7) Each member of the Tribunal shall be entitled to receive such remuneration, either by way of monthly salary or by way of honorarium or fees as the State Government may determine.

(8) The Tribunal shall, for the purpose of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:-
   (a) enforcing the attendance of any person and examining him on oath or affirmation;
   (b) compelling the production of accounts and documents;
   (c) issuing commissions for the examination of witnesses,

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49G. The Tribunal may call for and examine the record of any proceeding in which an appeal lies to it for the purpose of satisfying itself as to the legality or propriety of any order passed and if in any case it shall appear to the Tribunal that any such order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem fit.

49H. (1) The Tribunal may either on its own motion or on the application of any party interested, review its own order in any case, and pass in reference thereto such order as it thinks just:

Provided that no application made by the party interested shall be entertained unless the Tribunal is satisfied that there has been discovery of new and important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the Tribunal made its order or that there has been some mistake or error on the face of the record.

Provided further that no such order shall be varied on revised unless notice has been given to the parties interested to appear and be heard.

(2) An application for review under sub-section (1) by any party skill be made within ninety days from the date of communication of the order of the Tribunal.
(3) The Tribunal shall not review any order on its own motion after the expiry of a period of ninety days from the date on which such order was made by it.

49I. An order passed in appeal or in revision or in review by the Tribunal under this Act shall be final and conclusive and shall not be called in question in any civil or revenue court.

49J. (1) Any person aggrieved by an order made or notice issued by the Corporation under this Act or any rule or bye-law made thereunder, may, within thirty days from the date on which such order is communicated to him, prefer an appeal to the Tribunal:

Provided that the said Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by a sufficient cause from filing the appeal in time.

(2) The appeal referred to in sub-section (1) shall be in the form of a memorandum giving the grounds of appeal and shall be accompanied by a copy of the order appealed against and a fee of three hundred rupees:

Provided that when an appeal is preferred against any notice issued by the Corporation under this Chapter, the fees payable under this sub-section shall be fifty rupees.

49K. (1) If any person, after receipt of a notice of demand fails to pay, within thirty days, the expenses incurred by the Corporation under sections 49, 49A, 49B, 49C, 49D and 49E for demolition or removal of any structure or any other work, the Corporation may issue distress directing that the expense, incurred by it may be realised by the sale of movable property belonging to the defaulter except ploughs, plough cattle, tools or implements of agriculture, trade or profession.

(2) In the event of failure to recover the whole or any part of the sum due by distress and sale under sub-section (1), the Corporation may sue the defaulter in any court of competent jurisdiction for the recovery of such dues.

9. In the principal Act, section 53 shall be omitted.

10. In the principal Act, in section 75,-

(a) after the words "punished with fine," the words "which may extend to ten thousand rupees" shall be inserted;

(b) for the words "one hundred rupees," the words "five hundred rupees" shall be substituted.

11. In the principal Act, in section 85, for the words "proceedings shall be," the words "proceedings shall lie" shall be substituted.

12. In the principal Act, after section 85, the following sections shall be inserted, namely:-

85A. Notwithstanding anything contained in any law relating to the Criminal Procedure for the time being in force in this State, it shall be lawful for any Magistrate of the first class specially empowered by the State Government in this behalf to pass a sentence of fine exceeding two thousand rupees on any person convicted of contravening any order made under this Act or any rule or bye-law made thereunder.

85B. Notwithstanding anything contained in any law relating to the Criminal Procedure for the time being in force in this State, offences punishable under this Act shall be cognizable.

85C. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:
Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly.

Explanation:— For the purposes of this section -

(a) "company" means anybody corporate and includes a firm or other association of individuals: and

(b) "director", in relation to firm, means a partner in the firm.”

GANGTOK, HOMI J.H. TALEYARKHAN
The 16th December, 1981 GOVERNOR.

B. R. PRADHAN,
Secretary to the Government of Sikkim, Law Department,
F. No. 16/(6)LD/77.
In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Governor hereby makes the following rules to regulate the method of recruitment, seniority and promotion of the police personnel appointed to the Sikkim Vigilance Police, namely:

1. These rules may be called the Sikkim Vigilance Police (Recruitment, Seniority and Promotion) Rules, 1981.

2. They shall come into force on the date of their publication in the Gazette.

In these rules, unless the context otherwise requires:

- "absorb" means to accept on permanent transfer in the Vigilance Police an official from any State or other police organisation, whereby the transferee loses his lien in his parent department;
- "confirmation" means permanent absorption in an existing vacancy in the Vigilance Police in accordance with the provisions of these rules after successful completion of the probation, training or tests prescribed for the post;
- "convert" or "conversion" means the appointment of a non-executive staff of the Vigilance Police to the appropriate executive cadre, who on acquiring lien in the executive cadre shall forfeit his lien, if any, in the non-executive post held immediately before such conversion;
- "Director" means the Director of Vigilance in the Sikkim Vigilance Police;
- "executive cadre" means the cadre comprising the personnel holding a police rank and includes drivers of the Vigilance Police;
- "Government" means the Government of Sikkim;
- "non-executive cadre" means the office staff of the Vigilance Police, excluding those covered by the term "executive cadre";
- "Schedule" means a Schedule to these Rules;
- "State" means the State of Sikkim.
- "temporary transfer" means transfer of police personnel of the State Police Department to the Vigilance Police for a specified period, who may go back or be reverted to their parent Department on request or when their services are not required by the Vigilance Police, as the case may be;

Application

3. These rules shall apply to -
   (a) all the police personnel of the executive cadre of the Vigilance Police whether directly recruited or absorbed or converted or appointed on promotion;
   (b) persons on deputation from the Central or any State Government;
   (c) persons on temporary transfer from the Police Department of the State Government;
   (d) persons working as non-executive staff of the Vigilance Police;
   (e) persons holding posts specified in Schedule ‘B’, and
   (f) persons serving on contract.

Eligibility for Appointment

4. (1) Subject to such conditions as may be laid down by the State Government from time to time, no person who is not a citizen of India shall be appointed to any post in the Sikkim Vigilance Police.

   (2) A person recruited directly to the Vigilance Police shall be only after he has been declared medically fit by the Superintendents of Police Hospital.

   (3) The appointment on direct recruitment shall be further subject to receipt of satisfactory police verification report;

   Provided that the Director may, where the exigencies of service so require, for reasons to be recorded in writing, make temporary appointments to the Vigilance Police in the ranks of Sub-Inspector and below. The service of persons so appointed may be terminated with notice of one month or one month’s pay in lieu thereof;

   Provided further that a person whose probation period is extended by the Director for want of the police verification report, shall be allowed to be confirmed with effect from the date on which the candidate was eligible for confirmation, as if satisfactory verification report from the Police had been received in time.

   (4) A candidate on appointment to the Vigilance Police shall be required to take an oath of allegiance to the Constitution of India in the Form given in Schedule ‘C’.

   (5) A candidate for appointment by direct recruitment or by conversion or by promotion to any post in the Vigilance Police shall possess the educational qualifications mentioned under column 3 of Schedule ‘A’.

   Provided that the following examinations of the Indian Army shall be considered equivalent to the civil qualifications mentioned against each:-

   (a) Army III Class Certificate of education Examination - Class IV.
   (b) Army II Class Certificate of education Examination - Class VIII.
   (c) Army I Class Certificate of education Examination - Class X/Secondary School Certificate.
   (d) Army Special Class Certificate of education Examination - Class XII/Higher Secondary Certificate.

   (6) A person who has not attained the age of 18 years on the date of appointment shall not be appointed to any post in the Vigilance Police.

   (7) The maximum age-limit prescribed in column 2 of Schedule ‘A’ may be relaxed in the case of the following categories of candidates to the extent mentioned below:-

   (a) Ex-Servicemen having more than 6 months’ service shall be allowed relaxation up to a maximum period of three years plus the period of actual service in the Armed Forces.
   (b) Candidates belonging to the Scheduled Castes/Scheduled Tribes shall be allowed relaxation of age-limit as may be prescribed Government from time to time.
Provided that no person shall be given benefits of both the provisions contained clause (a) and (b).

(8) The maximum age shall be calculated as on the last date for receipt of applications for the post or the date of receipt of the panel of names from the Government, unless otherwise specifically provided in these rules.

(1) Appointments to the Vigilance Police shall be made by the following methods, subject to reservations for each type of appointment as specified under column 5 of Schedule ‘A’:-

(a) Direct recruitment.
(b) Promotion.
(c) Conversion from the non-executive cadre of the Vigilance Police.
(d) Temporary Transfer from the State Police Department.
(e) Deputation from the Central Government or any State Government.
(f) Absorption from the Central Government or any State Police Force or the State Police Department.
(g) On contract.

Provided that when the reserved posts cannot be filled in by the prescribed procedure due to on-availability of suitable candidates, these may be filled in accordance with the provisions under rule 12 of these rules.

(2) Personnel appointed in the Vigilance Police by the methods specified in rules 5 (1) (a), (c) and (g) shall be deemed to have been enrolled E’ under Police Act, 1861.

(1) Direct recruitment shall normally be made only to the posts of constables and Sub-Inspectors. The selection of candidates shall be made on the basis of test or interview or both conducted by a Selection Committee headed by the Director. The Joint Secretary, Establishment Department of the Government of Sikkim and an officer of the Vigilance Police not below the rank of Dy. S.P., nominated by the Director, shall be the members of the Selection Committee. The Director shall be the Appointing Authority for non-Gazetted posts in the Vigilance Police.

(2) Promotion shall be on the basis of seniority-cum-merit and subject to the fitness of a person who possesses the required educational qualifications laid down from time to time. The suitability or otherwise of a candidate shall be determined on the basis of assessment of the confidential rolls and service record. The Director shall be the Competent Authority for promotions up to the rank of Sub-Inspector. He may, if necessary, constitute a Departmental Assessment Committee every year, for scrutiny of the panel of candidates for promotions during the year.

(3) For promotions to the rank of Inspector and above, the Director shall send to the Government a list containing the names of suitable officers in the order of seniority. There shall be a Selection Committee consisting of the Establishment Secretary, Home Secretary and the Director. The Selection Committee may, after assessment of confidential rolls and service records of the officers, prepare a list of suitable candidates in the order of merit and recommend to the Government the names of candidates found suitable for promotion. Promotions shall be made by the Competent Authority on the basis of the list of candidates finally approved by the Government, subject to availability of vacancies.

Provided that the list once approved by the Government shall be in force until all the candidates are promoted to the next higher rank, or until a review or revision thereof is made, whichever is earlier:

Provided further that in the event of a gross misconduct or very serious lapse in duty of any officer included in the list, a special review of the list may be made at any time on the recommendation of the Director, and the Government may, if it is satisfied and thinks fit, delete the name of such person from the list recommended by the Selection Committee.
Provided that the Director may, if he thinks it necessary, extend up to six months the period of probation of an incumbent in the non-gazetted post. In cases of Gazetted posts, the period of probation may be extended up to one year by the Government.
(4) Persons found unsuitable during the initial or extended period of probation for the posts to which they have been promoted or appointed on conversion, shall be reverted to the posts from which they were promoted or appointed or conversion, by the Authority competent to extend the probation according to the proviso to sub-rule (4);

8. Subject to the norms and conditions laid down in these rules, the Vigilance Police shall prepare seniority lists of its executive staff separately for its permanent staff, and deputationists including transferes. Such lists shall be finalised in the month of December every year and will be valid for the next calendar year. In the case of Gazetted posts, the list shall be approved by the Government on the recommendation of the Director. For the non-Gazetted posts, the list shall be approved by the Director;

Provided that in case of insertions of names to any list during the year, a fresh list shall be published immediately. Fresh lists need not be published in case of corrections, and additions to the last entry.

(2) The first seniority list of the staff shall be published within three months of the publication of these rules in the Official Gazette. The following procedure shall be adopted for preparation of the first seniority list:

(a) Personnel currently on transfer from the State Police Department who are willing to be absorbed in the Vigilance Police shall be permanently absorbed in the vigilance Police in the rank which they hold, against the authorised vacancy of the Vigilance Police, with the concurrence of the Inspector-General of Police, Sikkim and the Establishment Department. Their seniority shall be governed by their date of appointment to the rank they hold in the Vigilance Police.

(b) Non-executive staff, if any, found suitable and willing to be converted to the executive cadre shall be converted to the appropriate rank by the Competent Authority. Their seniority shall be governed by their date of appointment to the rank in the Vigilance Police.

(c) The seniority list shall be prepared after completion of the above formalities.

(3) The following criteria shall be followed in determining the seniority of candidates:

(a) The seniority of those absorbed subsequently in the Vigilance Police shall be based on their dates of absorption in the Vigilance Police.

(b) The seniority of those on deputation and transfer to the Vigilance Police shall be governed by the dates of their appointment in the Vigilance Police.

(c) The inter-se seniority of the persons holding the same rank shall be determined as under:

(i) those holding substantive rank shall be senior to those holding temporary appointments.

(ii) seniority of those holding the same substantive rank shall be determined according to the length of substantive service of each person in that rank.

(iii) if the length of substantive service of two or more persons is the same, persons who have been holding temporary appointments in the higher rank from an earlier date shall be placed senior to others.

(iv) in case seniority cannot be determined between two or more persons on the basis of the criteria laid down in sub-clauses (1), (ii) & (iii), the person who was appointed first in the immediately lower rank, if any, shall be placed senior to others who were appointed subsequently to that lower rank.

(v) if seniority between two or more persons cannot yet be determined, then the person who was born earlier shall be ranked senior to the other or others.
(vi) in case seniority cannot yet be determined, by application the criteria specified herein-before, the matter shall be referred to the Government for orders.

(vii) the seniority of person recruited after coming into force of the rules, shall be determined on the basis of the order in which they are placed after the tests on completion of the training or probation. In case of two or more persons acquiring the same rank in the merit list, their seniority shall be determined as mentioned at sub-clauses (v) and (vi).

(viii) the relative seniority of those non-executive staff converted as the executive cadre shall be determined on the basis of the dates of appointment in the executive cadre, and where necessary, according to sub-clauses (v) and (vi) above.

(ix) promteees on probation to a post shall be placed senior to those directly recruited to that post on the same date.

(x) persons converted to a post shall be placed senior to those directly recruited to that rank on the same date.

(xi) date of assumption of charge shall be immaterial where seniority has been fixed by the Selection Committee.

Resignation

9. (1) A person intending to resign appointment shall be required to give notice to the Appointing Authority at least 90 days in advance. Such resignation if accepted, shall be effective from the date mentioned in the order conveying him the acceptance of resignation, provided that the date of such resignation may be before or after completion of 90 days if conditions so warrant.

(2) Any person intending to resign may be required by the Appointing Authority to refund, in full or part, the expenditure the Government may have incurred for any specialised training of such person, if he has not served for a minimum period of 36 months immediately preceding the date serving the notice.

Deputation

10. Members of the Vigilance Police shall be eligible to go on transfer or deputation to State and Central Government Departments and organisations.

11. On constitution of the Sikkim Public Service Commission, the powers and duties of various Authorities mentioned in these rules, which the Government may, by general order entrust to the Commission, shall stand automatically transferred to the Commission, unless exempted by special orders of the Government.

Reservations

12. (1) The reservation of quota to be filled in by various methods of appointment shall be calculated at the total number of vacancies arising in a rank in each year.

(2) When, due to non-availability of suitable candidates, a reserved vacancy cannot be filled by the 30th November in any year, such vacancies shall stand de-reserved, and may be filled in by any of the following methods in their order of precedence, before the end of the year:

(a) Promotion.
(b) Contract.
(c) Deputation/Transfer
(d) Conversion.
(e) Absorption.
(f) Direct recruitment.

(3) Filling up of such vacancies shall however be subject to the restriction mentioned in rules 6 and 7, and column 7 of Schedule ‘A’.

13. The composition and strength of the Vigilance Police shall be as per Schedule ‘B’ and shall ordinarily be reviewed at the interval of every five years reckoning from the date of the publication of these rules.
14. Where the Governor is of the opinion that it is necessary or expedient to do, he may, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

Explanation:- Without affecting the generality of the foregoing rules, other matters not specifically provided for shall be regulated by the general service rules of the State Government.

15. If any question arises as to the interpretation of these rules, the same shall be referred to the State Government for decision.

J. T. DENSAPA,
Home Secretary,
<table>
<thead>
<tr>
<th>Name of the post/classification</th>
<th>Age-limit for direct recruitment</th>
<th>Educational qualification (pass)</th>
<th>Physical standard for direct recruitment</th>
<th>Percentage of posts to be filled in by various methods</th>
<th>Minimum qualifying experience required for promotion</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constable Class III 23 years Class IV for direct recruitment; class V for conversion</td>
<td>Height: 5/2// 90% by direct recruitment; conversion (derecerved posts to be filled in terms of rule 12)</td>
<td>10%</td>
<td>—</td>
<td>(1) Five above increments to be granted to matriculates directly recruited; Conversion shall be from Class IV staff only.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Head-Constable Class III 90% by promotion; 10% by conversion (derecerved posts to be filled in terms of rule 12).</td>
<td>3 years' service in the rank of constable of the Vigilance Police.</td>
<td>(2) Conversion shall be from Class IV staff only.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assistant Sub-Inspector Class III 80% by promotion; 20% by conversion (derecerved posts to be filled in terms of rule 12)</td>
<td>3 years' service in the rank of Head qualification of Class Constable of VIII shall have to pass a test of the Vigilance Police in English and mother-tongue, of the standard of Class VIII.</td>
<td>(2) There shall be no direct recruitment to this rank.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

See rule 4(5), 4(7), 5(1), 6(5), 6(7) and 12(3)
Intermediate Height: 5'/3//
Chest: 33 //
with 2// expansion

5°% by promotion: 30% by direct recruitment (created posts to be filled in terms of rule 12)

5° years service as Assistant Sub-Inspector of the Vigilance Police

70% by Promotion: 30% by deputation or contract or transfer

5 years service as Sub-Inspector of the Vigilance Police

(1) Officers eligible for promotion to the rank of Sub-Inspector in their own department may be taken as Sub-Inspector on transfer or deputation. Officers retired as Sub-Inspectors and having experience in anti-corruption work will be eligible to be taken on contract as Sub-Inspectors.

(2) There shall be no conversion to this and the following ranks.

(3) State Government employees who have not completed 28 years of age shall be eligible for direct recruitment provided they are eligible otherwise.

(1) Officers eligible for promotion to the rank of Inspectors in their own department may be taken as Inspectors on transfer/deputation. Retired Inspectors having experience in anti-corruption work may be taken on contract as Inspectors.

(2) There shall be no direct recruitment to this rank.
## Schedule 'B'

### COMPOSITION AND STRENGTH OF THE SIKKIM VIGILANCE POLICE

(See rule 13)

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name of the post</th>
<th>No. of posts</th>
<th>Sources of appointment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Director (Deputy Inspector-General of Police)</td>
<td>one</td>
<td>I.P.S./Sikkim Police Service, with experience in anti-corruption works, or on deputation from the C.B.I.</td>
</tr>
<tr>
<td>2</td>
<td>Supdt. of Police</td>
<td>one</td>
<td>-do-</td>
</tr>
<tr>
<td>3</td>
<td>Deputy Supdt. of Police</td>
<td>four</td>
<td>Sikkim Police Service with experience anti-corruption works or on deputation from the C.B.I.</td>
</tr>
<tr>
<td>4</td>
<td>Inspector</td>
<td>eight</td>
<td>Vigilance Police, or on deputation/ta</td>
</tr>
<tr>
<td>5</td>
<td>Sub-Inspector</td>
<td>six</td>
<td>-do-</td>
</tr>
<tr>
<td>6</td>
<td>Assistant Sub-Inspector</td>
<td>two</td>
<td>-do-</td>
</tr>
<tr>
<td>7</td>
<td>Head Constable</td>
<td>four</td>
<td>-do-</td>
</tr>
<tr>
<td>8</td>
<td>Constable</td>
<td>fifty-one</td>
<td>-do-</td>
</tr>
<tr>
<td>9</td>
<td>Driver</td>
<td>three</td>
<td>-do-</td>
</tr>
<tr>
<td>10</td>
<td>Legal Adviser</td>
<td>one</td>
<td>Law graduate with experience in anti-corruption works, and with qualifications for functioning as Public Prosecutor.</td>
</tr>
</tbody>
</table>
OATH/AFFIRMATION OF ALLEGIANCE TO THE CONSTITUTION OF INDIA

(See rule 4(4)

"I......................................................................, son of Shri........................................................................do
swear/solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India
as by law established, that I will uphold the sovereignty and integrity of India, and that I will carry out the
duties of mine office loyally, honestly and with impartiality."

( So help me God )

Date________________________ Signature________________________
Whereas the draft of the Sikkim Co-operative Societies Rules, 1981, was published as required by sub-section (1) of section 117 of the Sikkim Co-operative Societies Act, 1978 (12 of 1978) in the Sikkim Government Gazette No. 39, dated the 14th April, 1981, inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of a period of forty five days from the date of publication of the said notification in the Official Gazette.

And whereas no objections and suggestions have been received from any person on the draft;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 117 of the said Act, the State Government hereby makes the following rules, namely:—
1. Short title and application:
   (1) The Rules may be called the Sikkim Co-operative Societies:
       Rules, 1981.
   (2) They shall extend to whole of the State of Sikkim.
   (3) They shall come into force on the date of their publication
       in the official gazette.

Definitions
   (1) In these Rules, unless the context otherwise requires :-
   (a) 'the Act' means the Sikkim Co-operative Societies Act, No. 1978
       (Act No. 12 1978)
   (b) 'borrowed capital' means the loans, deposits and other borrow-ings of a society including bonds issued by it.
   (c) 'decree' means any decree of a civil court and includes any
       order, decision or award referred to in the Act.
   (d) decree holder, means any society or person including the
       Government in whose favour a decree has been passed.
   (e) 'default' means failure on the part of the society, member or
       other persons to repay to the Financing Bank or any other
       society, a loan or any other amount due to it within the
       time fixed for repayment or to return to the society within the
       time fixed for finished goods in respect of raw material advanced
       or to keep any other obligation for the fulfilment of which
       time limit has been specified in the bye-laws :
   (f) 'defaulter' means any society, member or other person
       committing default.
   (g) 'default society' means a society classified as such during the
       course of an audit or enquiry or inspection or after reasons
       to be recorded in writing declared as such by the Registrar :
   (h) 'financing bank' means the State Co-operative Bank, registered
       under the Act ;
   (i) 'form' means a form appended to these Rules.
(j) ‘general body’ in relation to any society means all the members of the society and in relation to a co-operative society which has provided for the constitution of a representative ‘general body’ all the delegates or representatives constituting the representative general body elected in accordance with the provisions of the Bye-laws of such a co-operative society or the rules approved by the Registrar and the word ‘member’ in relation to general body or general meeting wherever occurring in these rules or bye-laws of such a co-operative society shall always be construed as such delegates or representative;

(k) ‘government dues’ include (i) audit fee leviable for audit under section 64, (ii) cost of enquiry leviable under section 68 (iii) loans, share capital, subsidy and grant-in-aid refundable under the terms of any agreement executed between a society and the Government, (iv) arbitration fee etc, (v) any other amount spent or to be spent by the Government on conducting elections of a committee, process fees, diet charges for civil arrests and civil confinement of defaulters, etc.

(l) ‘Judgement debtor’ means any person against whom a decree has been passed.

(m) ‘net profit of a Society means the profit remaining after allowing for the following charges namely:

(a) establishment charges, contingent charges, interest payable on loans and deposits at approved rates and audit fee approved by the Registrar.

Explanation—Where the Registrar has powers under the rules to prescribe the qualification number and the pay and allowances of the employees of a society, the 'Establishment Charges' shall mean the 'Establishment Charges' determined on the number of employees fulfilling the prescribed qualifications on the rates as may be determined by Registrar from time to time.

(b) all usual working charges such as repairs, rent, taxes and the like, bounties or subsidies received, depreciation and irrecoverable book debts written off with the prior approval of the Registrar;

(c) capital expenditure written of either wholly or in part;

(d) capital loss actually incurred and not adjusted against funds created out of profits;

(e) provisions for estimated bad debts, if any;

(f) any other charges allowed by the Registrar in writing,
3. Application for Registration

(1) Every application for registration of a society under sub-section (1) of section 6 shall be made in triplicate in Form A, in Hindi, English or local language and shall subject to the provisions of sub-rules (2) and (3), be duly signed by the applicants in accordance with the provisions of clauses (a) and (b) of sub-section (2) of section 6 and be accompanied by:

(a) four copies of the proposed by-laws of the society,
(b) a certificate from the financing bank stating the credit balance in favour of the proposed society therein,
(c) a list of persons who have contributed to the share capital, together with the amount contributed by each of them and the entrance fee paid by each of them,
(d) a scheme showing the details explaining as to the economic soundness of the proposed society,
(e) such other documents as may be specified by the Registrar by a special or general order.

(2) Where any member of society to be registered is a
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registered society, a member of the committee of such registered society shall be authorised by the committee by a resolution to sign on its behalf the application for registration and the bye-laws for registration and a copy of such resolution duly certified by the Secretary of the society shall also be appended to the application.

(3) Where any member of a society to be registered is a firm company, corporate body, society registered under the Societies Registration Act, 1860 or a public trust registered under any law for the time being in force or a local authority, then such firm company, corporate body, society, public trust or local authority shall duly authorise any person to sign on its behalf the application for registration and the bye-laws and a duly certified copy of the resolution giving such authority shall be appended to the application.

(4) The application for registration shall mention the name and address of one of the applicants to whom correspondence may be addressed by the Registrar.

(5) The application shall be sent to the Registrar by registered post or be delivered in his office by hand.

4. Registration

(1) On receipt of an application under rule 3 the Registrar shall enter particulars of the application in the register of applications to be maintained in Form B, give a serial number to the application and issue a receipt in acknowledgement thereof.

(2) The Registrar may give, wherever necessary, opportunity to the promoters to modify the proposed bye-laws, before finally registering the society or rejecting the application for registration of the society.

(3) On registering a society and its bye laws under sub-section (1) of section 8 the Registrar shall within six months from the date of registration, notify the registration of a society in the official Gazette and grant to the society a certificate of registration signed by him and bearing his official seal and containing the registration number of the society and the date of its registration. The Registrar shall also furnish the society with a certified copy of the bye-laws approved and registered by him.

5. Refusal to register

If the Registrar refuses to register a society, he shall
communicate the order of refusal together with the reasons therefor, by registered post to the applicant referred to in sub-rule (4) of rule 3.

Matters in respect of which Registrar may direct a society to make bye-laws or a Society may make bye-laws.

(1) The Registrar may require a society to make bye-laws in respect of all or any of the following matters, namely;

(a) the name, address and branches of the society;
(b) area of operation of the society;
(c) objects of the society;
(d) the manner in which and the limit upto which funds of the society may be raised, the maximum share capital which any one member may hold and purpose to which funds may be made applied;
(e) terms and qualifications for admission to membership including entrance fees, if any;
(f) privileges, rights, duties and liabilities of members including nominal members;
(g) consequences of default in payment of any sum due by a member to the society;
(h) conditions regarding sale or disposal of produce of members wherever applicable;
(i) in case of credit societies;
   (i) maximum loan admissible to a member;
   (ii) maximum rate of interest on loan to members;
   (iii) conditions on which loans may be granted to members and penalties for misapplication of loans so advanced;
   (iv) procedure for granting extension of time for repayment of loans and advances;
   (v) consequences of default in payment of any sum due;
   (vi) circumstances under which a loan may be recalled;
(j) in case of non-credit societies, the mode of conducting business such as manufacture, purchase, sale, stock taking and other like matters;
(k) in case of a composite society, that is to say, a society having both credit and non-credit functions, matters referred to in clauses (i) and (j);

(l) mode of holding general body and committee meetings;

(m) Procedure for expulsion of members;

(n) manner of making, altering and amending bye-laws;

(o) mode of appointment, either by election or otherwise, removal of members of committee and other officers, their duties and powers;

(p) chairman's powers, duties and functions and his removal;

(q) method of recruitment, conditions of service and the authority competent to fix, revise or regulate scales of pay and allowances of employees (including officers) and servants of the society and procedure to be followed in disposal of disciplinary cases against them;

(r) mode of custody and investment of funds and mode of keeping accounts and records;

(s) disposal of net profits;

(t) manner in which penalty should be levied on a member who is found to be guilty of breach of the bye-laws;

(u) appointment of a provisional committee, where necessary;

(v) mode of convening annual and special general meetings, issue of notices and the business which may be transacted thereat;

(w) in the event of winding up of the society, the manner in which surplus assets, if any, shall be utilised;

(x) conduct of elections to committee and other bodies of a society, number of members to be elected by different constituencies and appointment of Returning Officer;

(y) any other matter incidental to the management of business of a society;

(2) A society may also make bye-laws in respect of all or any of the following matters:

(a) the circumstances under which withdrawal from membership may be permitted;

(b) procedure to be followed in cases of withdrawal, eligibility and death of members;
(c) conditions under which transfer of share or interest of a member may be permitted;
(d) method of appropriating payments made by members from whom moneys are due;
(e) authorisation of an officer or officers to sign documents and to institute and defend suits and other legal proceedings on behalf of the society;
(f) constitution and maintenance of various funds required to be maintained under the provisions of the Act and these Rules,
(g) constitution of representative body consisting of delegates of members of a society and mode of election of such delegates to exercise powers of the general body of members and to specify the powers which may be exercised by such smaller body.

First bye-laws of a society

When a society has been registered, the bye-law of a society as approved and registered by the Registrar shall be the bye-laws of a society.

Model bye-laws

The Registrar may prepare model bye-laws of each class or sub-class of societies which may be adopted by societies with or without changes.

Classification of societies:

(1) After Registration of a society the Registrar shall classify a society into one or other of the following classes and subclasses of societies according to the principal object provided in its bye-laws:

(a) "Resource-society" means a society formed with the object of obtaining for its members the credit, goods or services required by them such as

(i) Thrift and Urban Credit Society.
(ii) Agricultural Credit Society.
(iii) Agricultural Non-Credit Society.
(iv) Multi-Purpose society which includes amongst its primary object, the object of societies refered in (ii) and (iii) above.
(v) Urban Thrift & Credit Co-operative Bank,
(vi) Co-operative Bank,
(b) "Producers Society" means a society such as, (i) Industrial Producers Society, (ii) Weavers' Society, (iii) Labour and Construction Society, (iv) Motor Transport Society, (v) Industrial Service Society, formed with the object of producing and disposing of goods as the collective property of its members and includes a society formed with the object of the collective disposal of the labour of the members of such society.

(c) "Consumers' Society" means a society formed with the object of obtaining and distributing goods to or of performing services for its members, as well as to other consumers within the area of operation specified in the bye-laws, and of dividing among its members and customers in a proportion prescribed by the rules or by the bye-laws of such society, the profits accruing from such supply and distribution.

(d) "Processing Society" means a society the object of which is the processing of goods by mechanical or manual process.

(e) "Marketing Society" means a society formed for the purpose of marketing agricultural or other produce and includes amongst its objects, the supply of the requisites of such production.

(f) "Joint Farming Society" means a society in which the object of increasing agricultural production, employment, income and better utilization of resources, land held by members is pooled together and is jointly cultivate by the members on behalf of the society.

(g) "Collective Farming Society" means a society in which with the object of increasing agricultural production land is acquired from outside in the name of the society and is collectively and jointly cultivated by the members themselves on behalf of the society.

(i) "Co-operative Union" means a society which has as its principal object the undertaking of co-operative education, propaganda and training.

(h) Others

Note: If any society classified as above is a federal society it may be classified as apex society.

(2) If the Registrar alters the classification of a society from one class of society to another, or from one sub-class thereof to another, he shall issue the society a copy of his order provided that no such order shall be made without sufficient opportunity being given to the society to express its views in the matter and the views so expressed are taken into consideration by the Registrar.
(3) A society may, in its general body meeting resolve by a two thirds majority to convert itself into a society of a class different from the one to which it belongs. Such resolution shall also include amendments to the bye-laws proposed for adoption by the society on such conversion and a copy of the resolution shall be sent to all members and creditors of the a society.

(4) Any member or creditor may, within a period of one month from the date of receipt by him of the resolution mentioned in sub-rule (3), intimate in writing his intention to withdraw his share or interest in a society.

(5) After the expiry of two months from the date of despatch of the resolution referred in sub-rule (3) to its members and creditors, the society shall convene a general meeting by giving fifteen days notice for considering such resolution. If, at such meeting the said resolution is confirmed by two-thirds of the members present and voting, either with or without changes, the Registrar, on receipt of a copy of such resolution duly certified, and after satisfying himself that the claims or members who desire to withdraw their shares or interest under sub-rule (4) have been met in full register the amendment to the bye-laws and on such registration the conversion shall be deemed to have taken effect.

10. Maintenance of Registers :

(1) The Registrar shall maintain a register of all societies registered or deemed to be registered under the Act in Form C.

(2) The Registrar shall assign for each class or sub-class of societies a code symbol for giving registration number to societies and the societies shall be registered from the dates specified by him.

Registration File

(1) Every society shall keep at its registered office a registration file containing :

(a) registered bye-laws of the societies.
(b) an index of amendment of bye-laws.
(c) all index of amendments to the bye-laws duly entered in the index along with certificates of registration of amendments.
(d) certificate of the Registration.
(e) a copy of the Act.
(f) a copy of these Rules.
(2) The above file shall be open for inspection at all times during working hours to the Registrar or any other officer authorised by him and every member of the society.

12. Amendment of Bye-laws :

(1) Subject to the provisions of this rule and section 11 (1) of the Act, the bye-laws of a society may be amended by passing a resolution at the general meeting of the society held for that purpose.

(2) The society shall give notice of not less than 14 days of the proposed amendments to all the members for their consideration.

(3) An amendment shall be deemed to have been duly Passed if a resolution in that behalf is passed at a general meeting by not less than two-thirds of the members present voting.

(4) After the resolution is passed a copy thereof shall, within a period of two months from the date of the meeting at which the resolution was passed, be furnished to the Registrar along with—

(a) a copy of the relevant bye-laws in force with amendments proposed to be made in pursuance of the resolution together with reasons for such amendments ;

(b) four copies of the text of the amendments, certified by officers duly authorised in this behalf by the committee of a society ;

(c) a copy of notice given to members of the society of the proposal to amend the bye-laws ; and

(d) such other information as may be required by the Registrar.

(5) On receipt of a copy of the resolution and other particulars referred to in sub-rule (4) the Registrar shall examine the amendments proposed by the society and if he is satisfied that amendments are not contrary to the provisions of the Act and these Rules, he may register the amendments and issue to the society a copy of the registered amendments together with a certificate signed by him under sub-section (3) of section 11. Where the Registrar is of the opinion that the proposed amendment may be accepted subject to any modification, he may indicate to a society such modification after explaining in writing the reasons therefor and require the general body to pass a fresh resolution adopting the modified amendment.

(6) Where the Registrar refuses to register the proposed amendments to the bye-laws, he shall issue an order stating the reasons for the refusal and such order shall be sent by registered post to the society.
(7) An appeal against the Registrar's order refusing to register any amendments to the bye-laws of a society shall be made only after a meeting of the general body of the society has reconsidered the matter and has decided to prefer an appeal which shall be signed by an officer of a society authorised in this behalf by the general meeting. Copy of the resolution of the general body shall be attached with the memorandum of appeal.

13. Procedure for direction by Registrar for amendment of bye-laws:

(a) Where it appears to the registrar that an amendment of the bye-laws of a society is necessary, he shall indicate the reasons therefor, and issue a notice calling upon the committee of such society to convene a general meeting to consider such amendment.

(2) The notice referred to in sub-rule (1) shall specify—

(a) the text of the existing bye-law and the amendment proposed to it, or the text of the existing bye-law which is proposed to be deleted; and

(b) the period within which such amendment should be sent to the registrar for registration after getting it passed by the general meeting,

(3) Where a society files an objection to the proposed amendment, such an objection shall be duly considered by the Registrar and if the committee desires to be heard, it shall be given an opportunity of being heard. The Registrar may, after considering the representation of the society, register the amendment with or without any modification as he shall deem fit.

14. Change in name of society:

(1) The name of a society may be changed under Section 14 so however that it does not refer to any cast or religious denomination and is not inconsistent with the objects of a society.

(2) Every change in the name of a society shall be made by an amendment of its bye-laws and shall be notified in the official Gazette.

(3) After the change in the name is approved by the Registrar, the society shall send to the Registrar original certificate of registration for amendment. The Registrar shall return the certificate to the society after duly amending the same.

(4) The Registrar shall enter the new name in the register of societies maintained by him.
15. Change of Liability:

(1) An amendment to the bye-laws of a society to change the form and extend of its liability shall be made by passing a resolution in that behalf at a general meeting of the society. Thirty days notice in writing of such meeting shall be given to all its members together with copies of the resolution proposed to be moved at the meeting. After the resolution is duly passed, a copy thereof shall be sent to the Registrar within thirty days of its passing.

(2) The notice to be given by a society under sub-section (3) of Section 15 shall be sent by post under certificate of posting to the address of each of its members and creditors as recorded in the books of the society. A copy of such notice shall be exhibited on the notice board of the society and a copy shall also be sent to the Registrar for exhibition on the notice board in his office, and, thereupon, the notice under sub section (3) of Section 15 shall be deemed to have been duly given to all its members and creditors, notwithstanding that any of them has not received the notice for any reason whatsoever.

(3) For the purpose of determining the claims of a member under clause (b) of sub-section (4) of Section 15 the value of the shares of a member in the society shall be ascertained as follows:

(a) In the case of a society with unlimited liability, the value of the share shall be the actual amount received by a society in respect of such share.

(b) In the case of a society with limited liability, the value of the share shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet, provided that it shall not exceed the actual amount received by a society in respect of such share.

(4) Any member or creditor desiring to exercise his option under sub-section (2) of section 15 shall inform a society accordingly in writing and when he does not purpose to withdraw his entire shares, deposits or loans, the member or creditor shall clearly indicate in writing the extent of his withdrawal. A society shall examine and draw up a scheme for orderly payment of all claims in an equitable manner including shares. The scheme may also provide for settlement of claims by mutual agreement. Where the Registrar does not approve the scheme on the ground of impracticability or undesirability, the resolution passed by a society under sub-rule (1) shall be ineffective and the form and extent of liability of a society shall not be deemed to be changed in accordance with resolution passed aforesaid.
After the Registrar approves the scheme, a society shall make payments to members and creditors as provided in clause (b) of sub-section (4) of section 15 make a report to that effect to the Registrar and furnish the Registrar with a proposal to amend the bye laws of a society duly passed in that behalf. On receipt of the proposal, the Registrar shall register amendment in accordance with the provisions of section 15.

16. Amalgamation, transfer of assets and liabilities or division of societies :

(1) Every society desiring to effect amalgamation, transfer of assets and liabilities or division shall make an application to the Registrar in that behalf giving full details about such amalgamation, transfer or division as the case may be.

(2) On receipt of such application the Registrar may, after examining the details furnished in the application and other particulars which he may call upon the society to furnish, give his approval to the proposal, if he is satisfied that the proposal is in the interest of the society.

(3) After the receipt of Registrar's approval under sub-rule (2), the society shall convene a special general meeting by giving 15 days notice to all its members and pass a resolution for such amalgamation, transfer or division, as the case may be, by two-thirds majority and the resolution so passed shall contain all the details as provided in sub-section (3) of section 16.

(4) The society shall on complying with all the requirements of sub-sections (4), (5) and (6) of section 16 of the Act, submit a report to the Registrar of such compliance and request him to give effect to its decision for amalgamation, transfer or division, as the case may be, by registering the resulting new society, if any, and cancelling the registration of the societies which have been amalgamated or whose whole of the assets and liabilities have been transferred.

(5) On receipt of the report from the society under sub-rule (4) the Registrar shall, after satisfying himself that the society has complied with all the requirements of section 16, register the amalgamated or divide society/societies and cancel the registration of the societies which have been amalgamated or divided or whose whole of the assets and liabilities have been transferred.
17. Direction by Registrar for amalgamation and reorganisation of societies:

(1) Before issuing any order under sub-section (1) of section 17 providing for amalgamation or reorganisation of any society, the Registrar shall prepare a draft scheme in respect of such amalgamation or reorganisation, stating in particular the manner in which the new committee or committees of the society or societies resulting from such amalgamation or reorganisation shall be constituted and the bye-laws which such society or societies shall follow. The Registrar shall simultaneously send a copy of such order and notice, by registered post to such society or societies.

Every society receiving a copy of an order and notice shall exhibit it on its notice board calling for objections or suggestions, if any, to the scheme from the members, depositors, employees, creditors or other persons concerned within 15 days from the date the notice is put on the notice board.

The society or societies concerned shall submit to the Registrar such objections, or suggestions together with its own suggestions or objections, if any, within a period of two months from the date of which a copy of the draft aforesaid was received by it.

(2) The Registrar shall also expeditiously send a copy of such order to the financing bank of which such society or societies may be member or members.

(3) The Registrar shall consider all such suggestions and objections and make the modification in the draft order as it may seem to be desirable in the light of those suggestions and objections and then issue a final order under subsection (1) of section 17.
18. Conditions to be complied with for admission for membership, etc.

No person shall be admitted as a member of a society unless—

(i) he has applied in writing in the form, if any, prescribed by a society or in the form, if any, specified by the Registrar for membership;

(ii) in the case of societies other than primary agricultural credit societies, his application is approved by the committee of a societies and the case of nominal member by an officer of a society authorised in that behalf by the committee;

(iii) he has fulfilled all other conditions laid down in the Act and these Rules and the bye-laws of the society;

(iv) in the case of a firm, company or body corporate a society registered under the Societies Registration Act, 1860, the application for membership is accompanied by a resolution authorising it to apply for such membership.

19. Disqualification for membership:

(1) If any question as to whether a member has incurred any of the disqualifications referred to in sub-section (1) of section 21 arises, it shall be referred to the Registrar and his decision thereon shall be final and binding on all concerned.

(2) A member who ceases to be a member of a society under sub-section (2) of section 21 shall not be entitled to exercise rights of membership or incur liability as member with effect from the date mentioned in the said sub-section; but shall be entitled to the payment within six months from the date mentioned in the said sub-section of the paid-up value of the shares registered in his name and deposits, if any, made by him with the society.
20- Procedure for admission of joint members and minors and persons of unsound mind inheriting share or interest of deceased member:

(1) A society may admit joint members provided they make a declaration in writing that the person whose name stands first in the share certificate shall have the right to vote and all the liabilities will be borne jointly and severally by them as provided in the bye-laws.

(2) Where a minor or a person of unsound mind inherits the shares or interest of deceased member of a society such minor or person of unsound mind may be admitted as member of the society duly represented by his guardian. The members so admitted will enjoy such rights and bear such liabilities through such legal representatives or guardians as are laid down in the bye-laws of the society.

21. Withdrawal of membership:

(1) Subject to the provisions of the Act, these Rules and bye-laws of a society, a member may withdraw from a society after giving three months notice to the society of his intention to resign from the society.

(2) No resignation of a member shall be accepted by a society unless the member has paid in full his dues, if any to the society and has also cleared his liability to the society, if any, as surety to any other member or otherwise.

(3) Any member, whose resignation has been accepted by a society; or any heir or legal representative of a deceased member; may demand refund of share capital held by such member or deceased member and the society shall, subject to the provisions of the bye-laws of the society, refund the amount within six months from the date of acceptance by the society of the resignation or the date of demand made by the heir or legal representative of a deceased member, as the case may be.

(4) In all such cases where share capital is to be refunded, valuation of shares to be refunded shall be made in accordance with the provisions contained in rule 22.

22. Valuation of share:

(1) Where a member of a society resigns or ceases to be a member thereof, the sum representing the value of his share or interest in a society to be paid to him or his nominee heir of legal representative, or a person claiming on his behalf, shall be ascertained in the following manner, namely:—
(i) In the case of a society with unlimited liability, it shall be the actual amount received by a society in respect of such share or interest;

(ii) In the case of a society with limited liability, it shall be the amount arrived at by a valuation based on the financial position of the society as shown in the last audited balance sheet.

Provided that the amount so ascertained shall not exceed the actual amount received by a society in respect of such share or interest.

(2) Where a person is allotted a share by a society, the payment required to be made therefor shall not exceed the face value of a share notwithstanding anything contained in the bye-laws of a society.

(3) When a share is transferred by a member to another person duly admitted as a member of a society, the transferee shall not be required to pay anything in excess of the value of the share determined in accordance with the provision in sub-rule (1).

23. **Procedure for transfer of share**:

(1) No transfer of shares in a society shall be effective unless—

(a) it is made in accordance with the provisions of the bye-laws;

(b) a clear fifteen days notice in writing is given to the society indicating therein the name of the proposed transferee, his consent, his application for membership, where necessary, and the value proposed to be paid by the transferee;

(c) all liabilities of the transfer or due to the society are discharged; and

(d) the transfer is registered in the books of the society.

(2) Any charge in favour of a society on the shares so transferred will continue unless discharged otherwise.

24. **Nomination of persons**:

(1) For the purpose of transfer of his share or interest under sub-section (1) of section 28 a member of a society may, by a document signed by him nominate a person or persons to whom in the event of his death, his share or interest in the society shall be transferred. Such document shall be deposited with the society during the member's life time.

(2) The nomination made under sub-rule (1) may be revoked or varied by the member.
(3) A nomination made by a member shall not be valid and shall not in the event of the death of the member, have effect unless—

(a) it is made in writing and is signed by the member in the presence of two witnesses attesting the same; and

(b) it is recorded in the books of the society kept for the purpose.

(4) Where a member of a society has not made any nomination, the society shall, on the member’s death, by a notice exhibited at the office of the society, invite claims or objections for the proposed transfer of the share or interest within the time specified in the notice.

(5) After taking into consideration the claim or objections received in reply to the notice or otherwise and after making such inquiries as the committee considers proper in the circumstances prevailing, the committee shall decide as to the person who in its opinion is the heir or the legal representative of a deceased member and proceed to take action under section 28.

25. Registration of nominations:

The name and address of every person nominated for the purposes of sub-section (1) of section 28 and any revocation or variation of such nomination shall be entered in the register of members prescribed under rule 38.

26. Supply of copies of documents by societies and fees therefor:

A member of a society requiring a copy of any of the following documents namely, the bye-laws, last audited annual balance sheet, profit and loss account, a list of members of the committee of the society, register of members, minutes of general meetings or committee meetings and those portions of the books and records in which his transactions with the society have been recorded, may apply to the society for the same. Every such application shall be accompanied by a deposit of such amount as may be decided by the committee, towards the cost of preparing the copies. On receipt of the deposit the society shall issue a receipt for the copies duly certified in the manner prescribed in rule 40.

27. Expulsion of members:

Any member who has been persistently defaulting in payment of his dues or has been failing to comply with the provision of the bye-laws in any manner or who, in the opinion of the committee, has brought disrepute to the society or has done other acts detrimental to the interest or proper working
of a society may, by a resolution passed by a majority of not less than three-fourths of the members entitled to vote who are present at the general meeting held for the purpose, be expelled from the society.

28. Procedure for expulsion of members:

(1) Where any member of a society purposes to bring a resolution for expulsion of any other member, he shall give a written notice thereof, to the chairman of a society. On receipt of such notice or when the committee itself decides to bring in such resolution, the consideration of such resolution shall be included in the agenda for the next general meeting and a notice thereof shall be given to the member against whom such resolution is proposed to be brought, calling upon him to be present at the general meeting to be held, on a date to be specified in the notice (which shall not be less than one month from the date of such notice) and to show cause against expulsion to the general body members. After hearing the member, if present, or after taking into consideration any written representation which he might have sent, the general body of members shall proceed to consider the resolution.

(2) When a resolution is passed in accordance with sub-rule (1), it shall be sent to the Registrar for his consideration and approval. The Registrar, may, after making such inquiries as he may deem fit, give his approval and communicate the same to the society and the member concerned. The resolution of the society shall become effective from the date of such approval.

29. Inspection of the documents in the office of the Registrar and the scale of fees for supply of copies of documents:

A member of a society or any member of the public may inspect the following documents in the office of the Registrar free of charge and may obtain certified copies thereof on payment of the following fees:

(I) Application for registration of a society 20 each
(ii) Certificate of registration 20 each
(iii) Bye-laws of societies 20 per 200 words part thereof,
(iv) Amendment of bye-laws of a society 20 —do—
(v) Order of cancellation of the registration of a society 20 —do—
(vi) Audit memorandum of a society 20 —do—
CHAPTER IV
MANAGEMENT OF SOCIETIES

30. Prohibition against being interested in contracts, etc:

No officer of a society shall have any interest, directly or indirectly otherwise than as such officer—

(a) in any contract made with or by a society or

(b) in any property sold or purchased by a society; or

(c) in any other transaction of a society except as loan taken from a society, or the provision of residential accommodation by a society to any paid employee of a society.

(2) No officer of a society shall purchase, directly or indirectly, any property of a member of the society sold for the recovery of his dues to the society.

31. Manner of election of Committees:

Notwithstanding anything contained in these Rules or bye-laws and without prejudice to the generality of the powers of the Government under sub-section (1) of section 34, election of members of the committees of different types of societies shall be conducted in the manner as may be specified by the Registrar by a general or special order.

32. First General Meeting:

(1) Within three months from the date of registration of a society, the chief promoter thereof shall convene, under intimation to the Registrar, the first general meeting of all persons who had joined in the application for
registration of that society. Where the chief promoter fails to convene a meeting as aforesaid, it shall be convened by any person authorised in that behalf by the Registrar. The Registrar or any other person duly authorised by him in this behalf may attend such meeting.

(2) At the first general meeting the following business shall be transacted:

(a) election of a president of the meeting;
(b) admission of new members;
(c) receiving a statement of accounts and reporting all transactions entered into by the promoter up to 14 days before the meeting;
(d) constitution of a provisional committee until regular elections are held under the bye-laws. The provisional committee shall have the same powers and functions as the committee elected in accordance with the bye-laws;
(e) fixing the limit up to which funds may be borrowed;
(f) any other matter which has been specifically mentioned in the bye-laws.

133. General Meetings:

(1) The secretary or in his absence any other person authorised in this behalf by the bye-laws by giving not less than 14 days notice in writing, shall convene the General Meeting of the members of the society every year in accordance with the bye-laws and the General Meeting shall transact such business in such manner as may be laid down in the bye-laws.

34. Constitution of the representative general body:

(1) A society with limited liability (including the State Co-operative Bank) may, if its area of operation extends to the whole of the State of Sikkim provide in its bye-laws for the constitution of a representative general body.

(2) Where a society so provides in its bye-laws to constitute a representative general body, it shall, with the permission of the Registrar, divide its members into different groups, on a territorial or other basis.

(3) The bye-laws of such society may specify the number or proportion of the members of the representative general body, their election and their voting rights. The members of the representative general body shall represent each group referred to above and shall be elected.
(a) by all the members of the society;

(b) by only that particular group of members of a society to which such representatives belong.

(4) The members who are elected to represent each such group shall be called 'delegates' A delegate shall hold office and attend general meetings of the representative general body till fresh delegates are elected in their places.

Provided that a delegate shall continue for a term of not more than 3 years after which fresh delegates will be elected.

(5) Each delegate shall have one vote.

(6) A member shall cease to be a delegate if he—

(a) ceases to be a member of the society,

(b) resigns his office as delegate.

(7) A causal vacancy in the office of the delegate in any area or group shall be filled by election by members in the area or group concerned and the new delegate so elected shall continue in office for the remaining period of the representative general body.

Provided that failure to fill any casual vacancy shall not invalidate the proceedings in the general meeting.

(8) Notwithstanding anything contained in this rule (a) the state Co-operative Bank shall hold its general meetings by convoking delegates of sections or categories, as the case may be, instead of summoning of all members in person, on the following basis, viz. :

(a) 4 nominees of the Government;

(b) 1 delegate representing each society;

(c) 1 delegate of bank defined in the Act;

(d) for all other members 1 delegate for every 25 members ( fractions being neglected ).

(9) A federal society may summon its general meetings by convoking representatives as per its bye laws as approved by the Registrar.

Provided that in respect of any federal society the delegates of individual members on the committee or Board of Directors, as the case may be, shall not at any time exceed i of the number of representatives of societies ( fractions to be neglected ) admitted to membership on the 30th June of the preceding year, whichever is less.
35. Closing of accounts:

Every society shall maintain accounts and books for the purpose of recording business transacted by it and close them every year on the 30th June by the 15th July. Each closing entry in the cash book in each ledger account shall be signed by the president/chairman, the secretary and the treasurer or any other approved member of a society authorised by its managing committee. The closing balances which are thus authenticated shall be carried forward to the following year commencing on the 1st July.

36. Annual statements of accounts:

(1) Within four five days of the close of every co-operative year or within such extended period as may be allowed by the Registrar, in the case of any society or class of societies, the committee of every society shall prepare annual statements of accounts showing:—

   (i) receipts and payments during the previous co-operative year in Form D.
   (ii) the profit and loss account for the year, in Form E, and
   (iii) the balance sheet as at the close of the year in Form F.

Provided that it shall be open to the Registrar to permit a society or class of societies to adopt such other form as he may deem fit.

(2) Copies of the balance sheet and profit and loss account to be presented at the annual general meeting and a copy of the report of the committee shall be circulated amongst the members of the general body and also fixed on the notice board of a society at least fourteen days before the date of the annual general meeting and shall be submitted to the Registrar within 15 days of their adoption by the general body.

37. Supersession of the committee:

(1) Before making any order for supersession of the committee of a society under sub section (1) of Section 39; the Registrar shall consult the federal society or the State Co-operative Bank to which the society is affiliated and give an opportunity to the committee concerned to show cause, within fifteen days from the date of issue of notice, why such an order shall not be made.

(2) Immediately after the new committee is elected or an administrator or administrators appointed, the committee in whose place such appointment is made and officers of the society shall hand over the new committee or the administrator or administrators, as the case may be, the charge of property, documents and accounts of a society.
38. Accounts and other books to be maintained by societies:

Every society shall maintain the following accounts and books:

(i) a register of members in Form G.
(ii) register of shares,
(iii) a register of bonds, where necessary,
(iv) minute book recording proceedings of general meetings,
(v) minute book recording proceedings of committee meetings,
(vi) cash book,
(vii) general ledger and personal ledgers,
(viii) stock register, where necessary,
(ix) property register, where necessary,
(x) register of audit objections and their rectifications,
(xi) liability register, where necessary.
(xii) such other accounts and books as may be necessary and as specified by the Registrar from time to time.

39. Power of Registrar to direct accounts and books to be written up:

The Registrar may, by an order in writing, direct any society to get any or all of the accounts and books required to be maintained by it under rule 38 written up to such date, in such form and within such time as he may direct. In case the society fails to do so, the Registrar may depute an officer subordinate to him to write up the accounts and books. In such case it shall be competent for the Registrar to determine, with reference to the time involved in the work and the emoluments of the officer deputed to do so, the charges which the society shall pay to the Government and direct its recovery from the society.

40. Certifying copies of entries in books:

For the purpose specified in sub-section (1) of section 51 and rule 26 copies of any document or entry in a book of a society shall be certified—

(i) by the president or secretary or any other officer authorised by the committee in this behalf;
(ii) where an order has been passed under section 39 dissolving a committee and appointing an administrator, by the administrator;

(iii) where an order has been passed under sub-section (1) of section 76 appointing a liquidator of a society, by the liquidator.

41. Preservation and destruction of books and records, etc.:

The books and records of a society shall be preserved as per Schedule 1. A list of records destroyed from time to time shall be prepared and kept by the secretary.

42. Qualifications of paid staff:

(1) In the following kinds of societies, appointment of paid staff shall be subject to such directions as the Registrar may from time to time issue in regard to their technical and educational qualifications, in regard to their minimum number and their pay and allowances and security deposit; namely:

(i) State Co-operative bank
(ii) Credit resource societies
(iii) Consumers societies
(iv) Agricultural society
(v) Producers’ societies

(2) No society of the class referred to in sub-rule (1) shall appoint any person as its paid officer or servant in any category of service unless he possesses the qualifications prescribed by the Registrar from time to time. No society shall retain in its service any paid officer or servant if he does not acquire the qualifications within such time as the Registrar may direct. The Registrar may, for special reason to be recorded in writing, relax in regard to any paid officer or servant the provisions of this rule in regard to qualifications, etc.

(3) Except with the previous approval of the Registrar no relative of any member of the committee or the secretary/treasurer of a society or a member of the committee of financing bank to which a society is indebted shall be appointed as its paid staff.

Provided that nothing contained in this sub-rule shall apply to the paid staff of any society who are appointed prior to the coming into force of these Rules.
CHAPTER V
RIGHTS AND PRIVILEGES OF SOCIETIES

43. Form of Declaration to be made by Members Borrowing Loans:

(1) A declaration required to be made under sub-section (1) of section 43, shall be in Form H.

(2) A register of such declarations shall be kept by the society in Form I.

(3) A charge on any immovable property created by a member in favour of a society for amounts borrowed or to be borrowed by him, from time to time shall, subject to the provisions of sub-section (2) of section 43 continue in force till all the sums secured by such declaration are fully repaid to the society.

(4) If a member commits default in repayment of the principal or payment of interest and other charges to a society, which payment and repayment are secured by a charge under section 43, the society may, for the purpose of recovering the said sums—

(a) dispose off in the manner prescribed, either in whole or in part, the property charged and recover the sums due to it; or

(b) take possession of such property in the manner prescribed and let out the same to such person or person on such rental as the society may deem fit or use the property itself for its business purposes on rental basis and appropriate the rents towards the repayment of the principal and payment of interest and other charges due to itself.

Provided that where the society lets out the property or otherwise uses the property itself, the member to whom the said property belongs or any person claiming through him shall not be entitled to recovery possession of the property until all sums due to the society are fully adjusted from the rents of the said property or otherwise. Upon such adjustment the lease granted by the society in respect of the said property shall be deemed to have been determined and the Lessee shall, notwithstanding anything contained in the lease deed, hand over vacant possession of the property to the member or any person claiming through him on a written requisition from the society in that behalf.
44. Restrictions on Borrowing by Society with Limited Liability:

No society shall receive deposits or borrow with or without security by way of loans or advances or overdrafts from members or non-members in excess of the maximum amount fixed in its bye-laws subject to the approval of the Registrar.

Provided always that the Registrar may at any time reduce such maximum so fixed and impose such conditions as he may deem fit, subject to which the society may receive deposits or borrow money.

45. Issue of Bonds:

(1) Any society, which is authorised under its bye-laws to raise funds by the issue of bonds may, with the prior approval of the Registrar, frame regulations governing the issue and management of such bonds.

(2) The total amount of bonds issued at any time together with the other liabilities incurred by the society, shall not exceed the maximum amount which the society can borrow under the provision of rule 44.

46. Bonds Redemption Fund:

Every society which raises resources by issue of bonds shall constitute and maintain a Bonds redemption Fund in such manner as may be specified by the Registrar from time to time.

47. Maintenance of Liquid Resources and Distribution of Assets:

Every society which obtains any portion of its working capital by deposits, shall:

(i) maintain such liquid resources in such form as may be specified from time to time by the Registrar, and

(ii) utilise only such portion of its working capital in lending business and distribute its assets in accordance with such standards as may be specified from time to time by the Registrar.

48. Restrictions on Loans to be granted by societies:

(i) No society shall make a loan to:

(a) any person who is not a member;
(b) any member on the security of its own shares;
(c) any member on the suretyship of a non-member.
Provided that the Registrar may for special reasons permit a society to make loans to a member on the suretyship of non-members.

(2) Every society shall, while granting loans against security of movable or immoveable property, maintain such margin as the Registrar may, by general or special order, direct from time to time with reference to different commodities, securities or classes of societies.

(3) It shall be lawful for a society to grant loans without taking security of movable or immovable property if the purpose for which the loans given is considered production worthy or credit-worthy and reasonably expected that the loans will be repaid by the loanes. The Registrar may issue direction to the societies to ensure that credit-worthy purposes indicated above receive finance from the societies without any difficulties on the one hand, and without being detrimental to the financial interest of the societies on the other.

(4) Except with the general or special permission of the Registrar, the loan advanced to a member by a society, or to a society by the financing bank shall be subject to such conditions as may be laid down by the Registrar, with the approval of the financing bank, including the maximum amount to be advanced and period of repayment, both in regard to total advances to members and societies as also against different types of securities.

(5) No society shall carry on transactions on credit or sanction trade credit to its members or to non-members except in accordance with the general directions that may be issued by the Registrar in that behalf.

(6) In the matter of grant of loans to societies by the State Co-operative Bank or to members by primary co-operative societies the Registrar may lay down, in consultation with the financing bank, the procedure regarding receiving applications, assessing credit needs, making inquiries in respect of the production programme for which such loan is required and the procedure for finally sanctioning the loan as also the rates of finance to be followed from year to year and the nature of inquiries to be made for the purpose of financing of different crops and imposition of certain conditions regarding proper utilisation of loan and sale of agricultural produce through specified co-operative organisation, before such finance is granted.

(7) The Registrar may by general or special order prohibit or regulate grant of loans by the financing bank or a society where such grant is considered neither in the interest of the society nor in the interest of the development of co-operative movement on sound lines.
49. **Conditions to be complied with by members applying for Loans**:

(1) Every member of a society applying for a loan from the society shall be required to hold shares in "such manner and in such proportion to the amount of loan applied for by him as may be specified in the bye-laws of the society.

(2) Subject to such maximum limit as may be specified in the bye-laws, the loan to a member by a resource society, and the period of its repayment shall be in accordance with the instructions as may, from time to time, be issued by the Registrar. Provided that a loan in excess of the maximum prescribed in the bye-laws may be granted to a member with the previous sanction of the Registrar.

150. **Credit Limits by non-credit societies**:

(1) No society whose objects do not include grant of loan or financial accommodation to its member shall grant loans or sanction credit to any member without the sanction of the Registrar.

Provided that if any of the objects of a society relate to supply of goods or services required by its members for manufacture or trade or production purposes, its bye-laws may provide for supply of goods or provision of services on credit against sufficient security and on condition that the cost of the goods supplied or services provided shall be recoverable from the amount of the sale proceeds of the agricultural produce or other goods produced or manufactured by the members.

(2) A consumer society may, notwithstanding what is contained in sub-rule (1), sell goods on credit to its members and others customers upto the extent of deposits received from them.

51. **Manner of recalling of Loans**:

(1) Notwithstanding anything contained in an agreement or document with its member, the committee of a society shall be entitled, after giving a week's notice to such member, to recall the entire loan amount immediately, when it is satisfied that the loan given has not been applied for the purpose for which it was given or there has been breach of any of the conditions for grant of such loan.

(2) Notwithstanding anything contained in any agreement or document, the Registrar may, after making such inquiries as he may deem necessary and after satisfying himself that a loan granted by a society has not been utilised for the purpose for which it has been granted, and in consultation with the financing bank, direct a society to recover the loan. The directions issued by the Registrar in this respect shall be complied with by the society.
52. Directives by Registrar for the successful conduct of business:

The Registrar may, from time to time, issue such directives as he considers necessary for the successful conduct of the business of a society or class of societies.

53. Loans and subsidies by Government:

(1) Loans and subsidies to a society or class of societies may be granted by Government subject to such terms and conditions as may be stipulated by it.

(2) An application by a society for a loan or subsidy or both from a Government Department or a Government sponsored agency shall be made through the Registrar. While forwarding the application, the Registrar shall record, his opinion regarding the eligibility of the society for the said loan or subsidy or both, its financial position and the desirability of sanctioning to the society the said loan or subsidy or both.

(3) A society receiving Government loan or subsidy or a society in which a share or shares have been subscribed or liability by way of guarantee has been undertaken by the Government, shall furnish such information and submit such returns as the sanctioning authority or the Registrar may from time to time require.

CHAPTER VI

PROPERTIES AND FUNDS OF SOCIETIES

54. Distribution of profits:

(1) No society shall declare any dividend or bonus to its members—

(a) unless the audit of its accounts is completed and an audit certificate is issued specifying the net profits available for distribution among the members;

(b) without the prior approval of the general body; and

(c) in excess of nine per cent per annum on the paid up share capital.

(2) The dividend or bonus shall be paid to the members within three months from the date of declaration by the general body.

Provided that no dividend as declared by the general body shall be paid to a member who is in default in payment of any sums due to the society and the society shall be entitled to appropriate the dividend of such member towards such sums in default.

(3) Notwithstanding any thing contained in these Rules and the bye-laws, the Registrar may by a general or special order direct
that any society or class of societies shall not pay any dividend or shall pay dividend at a reduced rate for such period or periods as he may specify in the order.

(4) In the case of the State Co-operative Bank, not less than 10 per cent of net profits after contribution to the reserve fund under the provision to section 57, shall be credited to the Agricultural Stabilization Fund to be utilized for enabling the borrowers to make postponement of repayment of loans on account of famine, drought or such other unforeseen causes. Any subsidy for the purpose given by the Government shall also be credited to this Stabilization Fund.

(5) Any distribution of the remaining balance of profits under section 57 and after the distribution of dividend under sub-rule (1) shall be in accordance with the bye-laws of the society regarding such distribution. It shall be in proportion to the wages earned by each member in the case of a producer's society and to the amount of goods purchased by each member or where it is so provided in the bye-laws, by each member or customer in the case of a consumers' society. It shall also be in proportion to the amount of rent paid by each member in the case of a Housing Society, may be in proportion to the goods obtained or sold through the society by each member, or to the loans borrowed from and the deposits made with the society by each member.

55. Co-operative Education Fund:

(1) The Registrar shall constitute and maintain with the State Co-operative Bank a Fund to be known as "Co-operative Education Fund" and administer it subject to such regulations as he may frame with the prior approval of the State Government.

(2) Every society shall make an annual contribution to the Co-operative Education Fund as calculated at two per cent of its net profits during the year subject to a maximum of Rs. 2500. Such contribution shall be made within 3 months from the date on which the accounts are duly audited and certified in accordance with the provisions of the Act and these Rules.

56. Objects and Investment of Reserve Fund:

(1) A reserve fund maintained by a society shall belong to the society and shall be utilised to meet unforeseen losses. No member shall have any claim to a share in it.

(2) A society shall invest or deposit its reserve fund in one or more of the modes mentioned in Section 60.

(3) A society may subject to the approval of the Registrar and subject to such conditions as he may impose, use in its business—

   (i) upto one-forth of its reserve fund, if the owned capital is less than the borrowed capital;
(ii) upto one-half of its reserve fund, if the owned capital is equal to or exceeds the borrowed capital;

(iii) the entire reserve fund, if there is no borrowed capital;

(4) No society shall draw upon, pledge or otherwise employ the reserve fund, except with the previous sanction in writing of the Registrar.

57. Writing off of Debts and other sums due:

No society shall write off in whole or in part any debt or other sums due to it without the previous sanction of the Registrar.

58. Restrictions on transactions with non-members:

On the application of a society, or of a member of any society or of his own motion, when it appears to the Registrar that it is necessary in the interest of the working of any particular society, to regulate or restrict transactions of such society with any non-member, the Registrar may, after giving an opportunity to the society of being heard, issue such directions as he may consider necessary, regulating or restricting such transactions.

CHAPTER VII

AUDIT, INQUIRY, INSPECTION AND SURCHARGE

59. Procedure for appointment of Auditors and for conducting Audit:

(1) The audit of a society shall be conducted by any of the Departmental Auditor appointed by the Registrar or by a certified auditor approved by the Registrar from time to time on such terms and conditions as he deems fit.

Explanation:

(i) For purpose of this Chapter, audit shall include annual or periodical audit, continuous or concurrent audit and test or super audit and re-audit.

(ii) For purposes of this rule, "a certified auditor" includes:—

(a) a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949,

(b) a person who holds a Government diploma in co-operative accounts or a Government diploma in co-operation and accountancy, or

(c) a person who has served as an auditor in the Co-operation Department of any State Government or under the Registrar and whose name has been included by the Registrar in the panel of certified auditors maintained and published by him in the official Gazette at least once in every year.
(2) The audit under sub-section (1) of section 64 shall in all cases extend back to the last date of the previous audit and shall be carried out up to the last date of the co-operative year immediately preceding the audit or where the Registrar so directs in the case of any particular society or class of societies such other date as may be specified by the Registrar.

(3) Unless the Registrar directs otherwise, the audit of a society shall be conducted in the registered office of the society.

(4) Previous intimation shall be given to the society before the audit is commenced.

(5) The officers and employees of the society shall give the audit officers all assistance necessary for the completion of the audit and for this purpose, prepare such statements and take such action with regard to the verification or examination of its accounts as he may require.

(6) (i) The audit report shall state:—

(a) whether or not the audit officer has obtained all the information and explanations which he required;
(b) whether or not in his opinion the balance sheet and the profit and loss accounts referred to in the report are drawn up in conformity with the law;
(c) whether or not such balance sheet exhibits a true and correct account of the state of affairs of the society according to the best of his information and the explanations given to him and as shown by the books of the society;
(d) whether, in his opinion, books and accounts have been kept by the society as required under the Act, the Rules and the bye-laws;
(e) whether there has been any material impropriety or irregularity in the expenditure or in the realisation of money due to the society; and
(f) whether any net profits are available for distribution amongst the members.

(ii) Where any of the matters referred to in sub-clauses (a), (b), (c) or (d) of sub-clause (i) of clause (6) is answered in the negative or in the affirmative with any remarks, the report shall state the reason for such answer with facts and figures, in support of such reasons.

(7) The audit report shall also contain schedules with full particulars of:—

(i) all transactions which appear to be contrary to the provisions of the Act, the Rules or the bye-laws of the society;
(ii) all sums which brought to have been but have not been brought into account by the society;
(iii) any material impropriety or irregularity in the expenditure or in the realisation of money due to the society;
(iv) an estimate of the overdues of the society and its proportion to demand;
(v) any money or property belonging to the society which appears to the auditor to be bad or doubtful debt; and
(vi) any other matters specified by the Registrar in this behalf.

(8) The summary of audit report as prepared by the auditor shall be read out in the annual general meeting next following audit. The audit report together with its accompaniments shall be open to inspection by any member of the society. The Registrar may, however, direct that any portion of the audit report which appears to him to be of objectionable nature or not justified by facts shall be expunged and the portion so expunged shall not form part of the audit report.

(9) If the result of the audit held under the last preceding rules discloses any defects in the working of a society, the society shall, within three months from the date of audit report, explain to the Registrar the defects or the irregularities pointed out by the auditor, and take steps to rectify the defects and remedy irregularities, and report to the Registrar in Form J the action taken by it thereon. This compliance report shall continue to be submitted at such intervals as the Registrar may direct, till all the defects are rectified or irregularities remedied to the satisfaction of the Registrar. The Registrar may also make an order directing the society or the officers of the society to take such action as may be specified in the order to remedy the defects, within the time specified therein.

60. Audit Fee:

(1) A society shall pay on or before the 31 March of each year, an audit fee at such rates as may be fixed by the Registrar with the prior approval of the Government.

(2) The Registrar shall have power to increase the prescribed audit fee in special cases, for reasons to be recorded in writing.

(3) The Registrar may, at his discretion, remit either wholly or in part the audit fee payable by any society.

61. Procedure for the conduct of inquiry and inspection:

(1) An order authorising inquiry under section 66 or inspection under section 67 shall, among other things, contain the following:

(a) the name of the person authorised to conduct the inquiry inspection;
(b) the name of the society whose affairs are to be inquired into or whose books are to be inspected;
(c) the specific point or points on which the inquiry or inspection is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Registrar;
(d) cost of inquiry;
(e) any other matter relating to the inquiry or inspection.

(2) A copy of every order authorising inquiry under section 66 or inspection under section 67 shall be supplied to the financing bank.

(3) If the inquiry or inspection cannot be completed within the time specified in the order referred to in sub-rule (1) the person conducting the inquiry or inspection shall submit an interim report stating the reasons for failure to complete the inquiry or inspection and the Registrar, if he is satisfied, grant such extension of time for the completion of the inquiry or inspection as he may deem necessary or he may withdraw the inquiry or inspection from the officer to whom it is entrusted and hold the inquiry or inspection himself or entrust it to such other person as he may deem fit.

(4) On receipt of the order referred to in sub-rule (1) the person authorised to conduct the inquiry or inspection shall proceed to examine the relevant books of account and other documents in possession of the society or any of its officers, members, agents or servants and obtain such information or explanation from any such officers, members, agents or servants of the society in regard to the transaction and working of the society as he may deem necessary for conduct of such inquiry or inspection.

(5) The person authorised to conduct the inquiry or inspection shall submit his report to the Registrar, on all the points mentioned in the order referred to in sub-rule (1). The report shall contain his findings and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his inquiry or inspection. He shall also specify in his report the cost of the inquiry or inspection together with reasons and recommend the Registrar the manner in which the entire cost or a part thereof may be apportioned, amongst the parties specified in section 68. The Registrar shall pass such orders thereon as may be considered just after giving a reasonable opportunity of being heard to the parties concerned.

(6) If the result of any inquiry held under section 66 or an inspection made under section 67 discloses any defects in the working of the society, the Registrar may bring such defects to the notice of the society and if the society is a member of the financing bank, to the notice of that bank. The society shall submit a rectification report in Form J and shall continue to submit such rectification reports to the Registrar till all the defects are
rectified or the irregularities are remedied to the satisfaction of the Registrar.

(7) The Registrar may also make an order, directing the society or its officers or the financing bank to take such action, as may be specified, in the order to remedy the defects within the time specified therein.

62. Procedure for assessing damages against delinquent promoters, etc under section 70:

(1) On receipt of the report made by the auditor, or person authorised to make inquiry under section 66 or inspection under section 67, or by the liquidator or otherwise, the Registrar or any person authorised by him may make such further inquiries as he may deem necessary regarding the extent to which the person who has taken any part in the organisation or management of a society or any deceased, past or present officer of the society has misapplied or retained, or become liable or accountable, for any money or property of the society, or has committed misfeasance or breach of trust in relation to the society.

(2) On the completion of the further enquiries, if any, under sub-rule (1), the Registrar or the person authorised by him shall issue a notice to the person or persons concerned furnishing him or them with particulars of the acts of misapplication, retention, misfeasance or breach of trust and the extent of his or their liability involved therein and calling upon him or them to show cause within fifteen days of the date of issue of the notice as to why he or they should not reimburse the society or action should not be taken against him or them under law.

(3) On receipt of the explanations referred to in sub-rule (2), the Registrar or the person authorised by him, if he is satisfied that there are reasonable grounds for holding the person or persons liable, shall frame charges.

(4) The person or persons so charged shall be afforded sufficient opportunity to submit in writing his or their statements in defence and produce such documentary or oral evidence as he or they may like to produce in his or their defence. The Registrar or the person authorised by him may, in his sole discretion permit production of any other documentary or oral evidence, if considered necessary, subsequently.

(5) The Registrar or the person authorised by him, shall thereafter record the evidence led by the society or the liquidator or the person or persons concerned and take on record the document proved by them and shall thereafter fix a date for hearing arguments of the parties.
(6) On the day fixed for hearing under sub-rule (5), Registrar or the person authorised by him, shall hear the arguments and may pass his final order on the same day or on any day fixed by him within twenty days from the date on which the hearing was completed. On the day so fixed, the Registrar or the person authorised by him, as the case may be, shall make his final order either ordering repayment of the money or return of the property to the society together with interest at such rate as may be specified by him or to contribute such amount to the assets of the society by way of compensation in regard to misapplication, retention, misfeasance or breach of trust as may be determined or may reject the claim submitted on behalf of the society.

(7) The Registrar or the person authorised by him, may also provide in his order for payment of the costs of the proceedings under this rule or any part of such cost as he thinks just.

(8) The Registrar or the person authorised by him shall furnish a copy of his order, under sub-rule (6) to the parties concerned within ten days of the date on which he makes his final order.

CHAPTER VIII
SETTLEMENT OF DISPUTES

63. Procedure for referring the disputes:

(1) Where a party to a dispute referred in sub section (1) of section 72 desires to have the dispute determined in accordance with the said section, the party shall apply to the Registrar in writing in Form K stating interalia
(i) all the facts constituting the cause of action, (ii) names and addresses of the parties concerned, (iii) facts showing that the subject matter of dispute is not barred by limitation, (iv) relief claimed in terms of money or otherwise. The application shall be duly verified by the applicant.

(2) A party referring the dispute under sub-section (1) of section 72 shall pay a fee of Rs. 2 which shall be deposited in advance in the financing bank to the credit of "the Registrar-Settlement and Execution Expenses Fund", and attach to the application the original pay-in-slip for the deposit before it is delivered in the office of the Registrar personally, or before sending it by registered post along with as many copies of the application as there are parties on the opposite side. The receipt of the application shall be duly acknowledged by the Registrar.
(3) On receipt of the application, the Registrar shall enter it in a register in Form Land allot case No. on the application. Thereafter the Registrar shall issue summons or notice of at least fifteen days to all parties for a preliminary hearing of the application. Each of the parties shall be supplied with a copy of the application along with this notice.

(4) On the date fixed for the preliminary hearing the Registrar shall, after hearing the parties, if any present, determine the maintainability of the application and his findings on the following:

(i) whether there is a dispute,
(ii) whether the dispute comes within the purview of sub-section (1) of section 72,
(iii) whether the dispute is between the parties mentioned in clauses (a), (b), (c), and (d), (e) and (f) of sub-section (1) of section 72.
(iv) whether the dispute is within time according to sub-section (4) of section 72.

If the Registrar is satisfied that the application is maintainable, he shall by order admit the application for decision of the dispute in accordance with the provisions of the Act and Rules.

(5) The Registrar shall thereafter, require claimant to deposit the arbitration fee in the manner and according to the scales of fees prescribed in Rule 67 and shall upon such payment by the claimant, refer the application along with his orders thereon for arbitration.

(6) The Registrar or the arbitrator, as the case may be, shall have power to appoint or remove a guardian for the party to the dispute who is a minor or who by reason of unsound mind or mental infirmity, is incapable of protecting his interest.

(7) The arbitrator shall fix the date, hour and the place of hearing of the dispute.

(8) The arbitrator may issue summons or notices at least fifteen days before the date fixed for the hearing of the dispute requiring—

(i) the attendance of the parties concerned and of witnesses; and
(ii) the production of all books and documents relating to the matter in dispute.

(9) Summons or notices may be served—

(a) by giving or tendering them to the person concerned; or
(b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some audit member of his family; or
(c) by sending it by registered post; or
(d) if none of the means aforesaid are available by affixing it in some conspicuous part of his last known place of abode or business.

(10) Service of summons or notice on the secretary or principal executive officer by whatever designation known, of a society shall be regarded as service on that society.

(11) Where the serving officer delivers a copy of the summons personally to the person summoned or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered in token of acknowledgement of service endorsed on the original summons.

(12) The serving officer shall in all cases, in which the summons have been served under sub-rule (11) make an endorsement on, or annex to, the original summons, a return stating the time when and the manner in which the summons was served and the name and address of the person, if any, identifying the person concerned and witnessing the delivery or tender of the summons.

(13) The sufficiency of proof of service of the summons or notice shall be decided by the authority which issued the same.

(14) In case any party to the dispute, who is duly summoned absents himself at the hearing the dispute may be decided ex-parte.

64. Award or decision:

(1) The Registrar, the arbitrator or other person deciding the dispute shall record a brief note of the evidence of the parties and witnesses who attend, and upon the evidence so recorded and after consideration of any documentary evidence produced by either party shall make an award in accordance with justice, equality, and good conscience; he shall record his award in writing, sign and date it and shall communicate it to the parties.

(2) The award shall contain the number of reference, the names and description of the parties and particulars of the disputes and shall specify clearly the relief granted, the amount decreed, the future interest allowed, if any, and the costs awarded.

(3) If no award made immediately upon the conclusion of the hearing of the parties, the arbitrator shall fix the date and place of delivery of the award and shall, except for reasons to be recorded in writing, deliver the award on the date so fixed.
(4) The award shall be communicated to the parties by—
   (a) pronouncement of the award in the presence of the parties to the dispute; or
   (b) registered post to any party which may be absent on such date.

(5) The arbitrator shall have power to order the expenses of determining a dispute or the cost of either party, to be paid by such parties or parties to the dispute as he may think fit.

Provided that the expenses or the costs so awarded shall not exceed 2 per cent of the awarded amount over the arbitration fee deposited by the claimant with the Registrar.

(6) The original records of the dispute and the proceedings before the arbitrator shall be delivered to the Registrar by the arbitrator, after the decision or award has been delivered.

(7) Any document or record tendered by a party may on application be returned to the party after the disposal of the appeal, if any, or after the period of appeal.

(8) A copy of the decision or award shall, on application be given to a party by the Registrar duly certified on payment of the prescribed fee.

65. Withdrawal of a reference by the Registrar:

On an application by any party to the arbitration proceedings pending before an arbitrator, the Registrar may for reasons to be recorded in writing withdraw the reference from the arbitrator appointed and may decide the dispute himself and give an award in the manner provided in rule 64 or entrust the reference for decision to another arbitrator.

66. Appointment of persons as arbitrator:

(1) For the purpose of clause (c) of sub-section (1) of section 73, the Registrar may appoint any person who fulfils such qualification as may be specified by the Registrar to perform the duties of the arbitrator for dispute for a period to be specified in the order, which shall not ordinarily exceed one year but may be extended by the Registrar by further special order for further periods not exceeding one year at a time.

(2) For purposes of sub-rule (1) of rule 66, the Registrar may appoint an arbitrator from:—
   (a) Officers of any department of Government; or
   (b) Officers, paid-staff or members of any society;
   (c) Members of Metropolitan Council and local bodies;
   (d) Certified Accountants.
67. Arbitration Fee:

(1) The Registrar shall have power to require the person referring a dispute under sub-section (1) of section 72 to deposit in advance with the financing bank to the credit of "Settlement and Execution Expenses Fund" a fee at the rate specified in the Table below, which may be revised by the Registrar from time to time.

TABLE A
(Schedule of fee for an arbitration)

(1) In respect of disputes relating to claims of money referred to under section 72.

(i) (a) in case of claim below Rs. 100 Rs. 10
(b) in case of claims 21 per cent of the for Rs. 100 or above claims subject to minimum Rs. 10 and maximum Rs. 500

(ii) In case of dispute of non-monetary nature .................
a fee of not less than Rs. 100 and not more than Rs 500 in each case, as may be considered reasonable by the Registrar.

(2) The arbitrator may be paid out of the fee recovered under sub-rule (1), such fee as the Registrar may think proper.

(3) No fee shall be payable to an arbitrator till the dispute referred to him is finally decided.

(4) The Registrar may, in his discretion remit the whole or any part of the fees collected under sub-rule (1).

(5) All fees deposited in the financing bank to the credit of "Settlement and Execution Expenses Fund" shall be administered by the Registrar in accordance with the Regulations contained in Schedule II.

68. Appearance of profession practitioners etc, :

In the proceedings under Rule 64, any party to the dispute may take the assistance of any other person to represent the case on his behalf, but may not engage a legal practitioner for the purpose. If a legal practitioner is a member of a society and represents the society in these proceedings, the other party to the dispute shall have a right to be represented by a legal practitioner.
CHAPTER IX
WINDING UP OF SOCIETIES

69. Procedure for Issue of Winding up order :

(1) Before passing an order under section 75 the Registrar shall give an opportunity to the society to show cause against the proposed order. The show cause notice shall be sent to the president of the society at its registered address by registered post acknowledgement due. The notice shall state the grounds on which the order under section 75 is proposed to be made.

(2) After considering the reply from the society, if any, which shall be supported by the resolution of its committee, or if no reply is received by the Registrar within fifteen days of the service of the notice under sub-rule (1), he shall proceed to pass the order for winding up the society.

(3) The order passed under section 75 and sub-section (1) of section 76 shall be communicated to the President of the society in the manner specified under sub-section (4) of section 75 at the registered address of the society. The communication will be complete as soon as the letter containing the order is posted.

(4) The order referred to in sub-rule (3) shall also be published in the official Gazette.

(5) The order referred to in sub-rule (3) shall take effect from the date of order notwithstanding whether or not it is published in the official Gazette and shall operate in favour of all creditors, contributors, debtors and any person having custody, possession and control over any asset or record of the society.

70. Appointment of a Liquidator

(1) Where a liquidator is appointed under sub-section (1) of section 76, the Registrar may limit or restrict his power by order appointing him or by subsequent order but, otherwise, he shall have the same powers as a liquidator as given in the Act.

(2) The Registrar may remove the liquidator at any time without assigning any reasons and may appointed another liquidator. The liquidator on his removal shall hand over all the property, documents, record etc. relating to the society under liquidation to his successor. A charge report to be signed by the relieving and relieving liquidators shall be drawn and a copy of the same duly signed shall be forwarded to the Registrar.
The liquidator shall be described as the liquidator of particular society in respect of which he acts and not by his individual name.

71. Procedure to be followed by the Liquidator:

(1) The liquidator shall, as soon as the order of winding up of a society takes effect, publish by such means as he may think proper, a notice requiring all claims against the society to be submitted to him within one month of the publication of the notice.

All liabilities recorded in the account books of a society shall be deemed ipso facto to have been duly submitted to him under this sub-rule.

(2) The liquidator may fix time within which the creditors are to prove their debts or claims. If no claim is made within two months of the order of winding up, the liquidator may refuse to entertain such claims.

(3) The liquidators soon after his appointment shall take charge of the books of accounts and other documents of the society and all its assets. There shall be prepared immediately on the relevant date a statement as to the affairs of the society containing the following particulars:

(a) the assets of the society stating separately the cash balance in hand and at bank, if any, and the negotiable securities, if any, held by the society;

(b) its debts and liabilities;

(c) the names and addresses and occupation of its creditors stating separately the amount of secured and unsecured debts and in the case of secured debts, particulars of the securities given;

(d) the debts due to the society and the names, residences and occupations of the persons from whom they are due and amount due; and

(e) Such other information as may be required by the Registrar.

(4) The statement required to be prepared under sub-rule (3) shall be made on the basis of the records of the society, audit reports, and on the basis of the statements made by the members of the committee at the relevant date or by the person who is at that date, the Manager, Secretary or Treasurer or other officer of the society. The liquidator shall examine them on oath. This statement shall be submitted by the liquidator to the Registrar within twenty one days of the date of his appointment or within such extended time not exceeding three months from the date of the said order.
(5) The liquidator shall, after settling the assets and liabilities of the society as they stood on the date on which the order for winding up is made, proceed next to determine the contribution to be made by each of its members or by the estates of deceased members or nominees, heirs or legal representatives of the deceased members or by any officers or former officers to the assets of the society under clauses (b) and (c) of sub-section (2) of section 77. Should necessity arise, he may make a subsidiary order regarding such contributions and the order shall be enforceable in the same manner as the original order.

(6) As soon as practicable after orders under sub-rule (5) have been passed, the liquidator shall settle a list of contributors with power to rectify the membership register in pursuance of any order which may be passed by the arbitrator or the Registrar in accordance with the provisions of the Act and Rules and shall cause the assets to be collected.

(7) In settling the list referred to in sub-rule (6), the liquidator shall distinguish between those who are contributors in their own right and those who are contributors as representatives of or liable for the debts of others.

(8) The liquidator may at any time after his appointment require any contributor for the time being on the list of contributors, any trustee, banker, agent or officer of the society to pay, deliver surrender or transfer forthwith to the liquidator any money, property or books or paper in his hands to which the society is prima-facie entitled.

(9) No contributor for the time being on the list shall be allowed by way of set off any money claimed to be due to him or to the estate he represents, from the society in respect of any independent dealing or contract with the society.

(10) All funds in charge of the liquidator shall be deposited in the financing bank in a current account to be opened in the name of the society under liquidation which shall be operated upon by the liquidator. All funds received by him and relating to the society under liquidation shall be deposited by him in this account within 24 hours of their receipt. All payment on account of the society shall be made by cheques drawn by the liquidator in favour of the payee. The liquidator may keep with him a cash balance of Rs. 20 to meet petty expenses on liquidation proceedings.

(12) Any order passed by the liquidator under clauses (b) and (c) of sub-section (2) of section 77 shall be submitted by him to the Registrar for his approval. The Registrar may confirm or modify such order or refer it back to the liquidator for further enquiry or action.
Any person falsely claiming himself as the creditor or the contributory of society shall be guilty of the offence under section 182 of the Indian Penal Code (Act XIV of 1860) and shall on the application of the liquidator be punished accordingly.

72. Application of Assets of the Society:

Subject to the provisions of rule 73 the assets of the society shall be applied in order of priority indicated below:

(i) Pro-rata payment of all outside liabilities

(ii) Pro-rata payment of loans and deposits of members

(iii) Pro-rata refund of share capital

(iv) Pro-rata payment of dividend on the shares at the rate not exceeding nine per cent per annum for the period of liquidation.

73. Preferential Payments:

(1) In the winding up proceedings, there shall be paid in priority to all other debts and liabilities of the society under liquidation:

(a) All government dues, all revenues, taxes, cesses and rates due from the society to the Central / State Government or to the local authority at the relevant date and having become due and payable within two years next before that date.

(b) All wages or salaries of any employee in respect of services rendered to the society and due for a period not exceeding two months within the twelve months next before the relevant date subject to maximum of Rs. 500.

(c) The debts mentioned in the clauses (a) and (b) shall rank equally amongst themselves and be paid in full unless the assets are insufficient to them in which case they shall abate in equal portion.

(2) Subject to retention of such sums as may be necessary for the costs and expenses of the winding up, the foreign debts mentioned in sub-rule (1) shall be discharged forthwith to the extent the assets are sufficient to meet them.

74. Interest on amount due from a society under liquidation:

The creditor of a society under liquidation may apply to the liquidator for payment of interest on any debts due to him from the society up to the
date of order of the Registrar for winding up. The rate at which the interest may be paid shall be, in the case of the financing bank, the contract rate and in any other case, the rate which may be fixed by the Registrar which shall not exceed the contract rate. Provided that if any surplus assets remain after all the liabilities including the liabilities on share have been paid off, further interest at rate not exceeding contract rate may be by the Registrar to the creditors from the date mentioned above till the date of repayment of the principal.

75. Liability due to claimant whose whereabouts not known:

The amount representing the undischarged liabilities of the society due to creditors whose whereabouts are not known or who could not be paid for any reason whatsoever shall be deposited in the name of the Registrar with the financing bank for being paid to the creditor as and when claimed by him but within a period of three years for the date of winding up order; thereafter, the amount shall be treated as surplus amount and shall be utilized in the manner mentioned in rule 81. The Registrar may, under special circumstances, pay the liabilities claimed even after the stipulated period of three years.

76. Maintenance of accounts and submission of reports by the Liquidator:

(1) The liquidator shall keep such books and accounts as may be laid down by the Registrar or audit officer.

(2) The liquidator shall prepare as at the close of each half year an account of his receipts and payments as a liquidator. A senior auditor shall be appointed by the Registrar as the audit officer who shall audit these accounts on behalf of the Registrar. When accounts are audited by the audit officer, one copy shall kept by the audit officer and the other returned to the liquidator with his report. The liquidator shall produce for purposes of audit all vouchers and accounts and shall furnish such information as may be required by the audit officer. The liquidator shall rectify all irregularities and defects pointed out by audit officer to satisfaction and shall submit to him a rectification report.

(3) No audit fee shall be charged for audit of the account under this rule.

77. Services of Legal Practitioner:

Whenever it is considered necessary by the liquidator to defend or to institute any legal proceedings for and on behalf of the society under
liquidation, he shall approach the Registrar who shall after considering all the facts and circumstances of the case, provide the services of the legal practitioner at the cost of the society under liquidation. If the Registrar or the Government has been impleaded in such proceedings the cost of defending them by the Registrar or the Government shall also be paid out of the Funds of the society. If no funds are available with the liquidator arrangements shall be made at Government expenses but the cost of such arrangements shall be ultimately recovered from the contributories and paid to the Government as preferential debt under clause (a) of sub-rule (1) of rule 73.

78. Action against the delinquent promoters or members of the committee:

The liquidator shall make a report to the Registrar for purpose of taking action under section 70, where, in his opinion, any fraud has been committed in relation to the society by any person in the promotion, organisation, registration or management of the society under liquidation since its registration or any deficiency in the assets of the society has been caused by the breach of trust, or wilful negligence or by retaining any money or other property belonging to the society. This report shall be submitted to the Registrar as soon as practicable after preparation of the statement referred to in sub-rule (3) of rule 71. On receipt of this report, the Registrar shall proceed to take action under Section 70.

79. Effect of winding up order on Antecedent Transactions:

(1) Any transfer of shares in a society under liquidation made within six months next before the relevant date except transfer to the deceased members' heirs or nominee, shall be void and not binding upon the liquidator notwithstanding anything contained in the Act, Rules or the bye-laws of society.

(2) Where a society has been ordered to be wound up, no member shall alienate his property, movable or immovable, from the date of the order of winding up and until after the expiry of 15 days from the date of such order takes effect. Any alienation of the property made by a member in contravention of this section is voidable at the option of the liquidator.

Provided that the provisions of this section shall not apply to any member who furnishes adequate security to the satisfaction of the liquidator.
80. Termination of Liquidation Proceedings:

(1) The winding up proceedings of a society shall be completed within one year from the date of the order of the winding up, unless the period is extended by the Registrar.

Provided that the Registrar shall not grant extension for a period exceeding six months at a time and three years in the aggregate, and shall immediately after the expiry of one year or such extended period, as the case may be, deem that the liquidation proceedings have been terminated if there are no amounts due to the Government or the financial bank by the society and pass an order terminating the liquidation proceedings.

Explanation

In the case of society which is under liquidation at the time of commencement of the Act, the order for winding up of the society shall be deemed for the purpose of this rule to have been passed on the date of such commencement.

(2) Notwithstanding anything contained in the foregoing sub-rule the Registrar shall terminate the liquidation proceedings on receipt of the final report from the liquidation. The final report of the liquidator shall state that the liquidation proceedings of the society have been closed and how the winding up has been conducted and the property and the claims of the society have been disposed and shall include a statement showing a summary of the account of the winding up including the cost of liquidation, the amount (if any) standing to the credit of the society in liquidation after paying off its liabilities including the share or interest of members, and suggest how the surplus should be utilised.

(3) The liquidator before submitting the final report to the Registrar under Sub-Rule (2) may call a meeting of general body of the society and place the report before it.

81. Disposal of Surplus Assets:

The surplus assets, as shown in the final report of the liquidator of a society which has been wound up, may either be divided by the Registrar, with the previous sanction of the Government amongst its members in such manner as may be specified or be devoted to any object or objects provided in the bye-laws of the society. Where the surplus is not so divided amongst the members and the society has no such bye-laws, the surplus shall vest in the Registrar, who shall hold it in-trust and shall transfer it to the reserve fund of a new society registered with a similar object, and serving more or less an area which the society to which the surplus belonged was serving if considered feasible and advisable by the Registrar:
Provided that, where no such society exists or is registered within three years of the cancellation of registration of the society whose surplus is vested in the Registrar, or where the Registrar does not think it desirable and feasible to do so he may distribute the surplus in the manner he thinks, best, among any or all of the following:

(a) an object of public utility and of local interest as may be recommended by the members in general meeting;

(b) the financing bank or a federal society with similar objects to which the society of which registration has been cancelled, was eligible for affiliation; and

(c) any charitable purpose as defined in Section 2 of the Charitable Endowments Act, 1890.

82. Relevant Date:

The expression "relevant date" as appearing in this Chapter shall mean the date of order of winding up made under sub-section (1) of section 75.

83. Disposal of Record:

All the books and records of a society whose registration has been cancelled may be destroyed under the orders of the Registrar after the expiry of a period of three years from the date of cancellation.

84. Final Order of Cancellation:

The order made by the Registrar under sub-section (1) of section 79 also be published in the official Gazette.
CHAPTER X
EXECUTION OF AWARDS, DECREES, ORDERS
AND DECISIONS

PART—I
ENFORCEMENT OF CHARGE

85. Application under Section 80:

(1) Every application under Section 80 shall be made in Form M and shall be signed by a person authorised by the committee of a society. It shall be accompanied by an inventory of the property to be sold containing a reasonably accurate description of the same.

(2) No application under sub-rule (1) shall be entertained unless the society making the application deposits the necessary fee for expenses of sale of the property which shall be 5 per cent of the outstanding debt or demand of the society against the defaulter in respect of which the application is made irrespective of the fact whether that much amount is recovered or not by sale of the property subject to charge.

(3) On receipt of the application referred to in sub-rule (1) the Registrar or any other officer authorised by him in this behalf in writing (hereinafter referred to as the Sales Officer) shall, if he is satisfied that the particulars set forth in the application are correct, prepare a demand notice in duplicate in Form N, and serve or cause to be served on the member, past member, or the nominee, heir or legal representative of the deceased member, if he is present, or upon some adult male member of his family or upon his authorised agent, or when such service cannot be effected, shall affix or cause to be affixed a copy of the demand notice on some conspicuous part of his residence or place where the property subject to charge is kept. If the member or past member or nominee, heir or legal representative of the deceased member, fails to pay the debt or outstanding demand within the period specified in the notice the Sales Officer shall proceed to sell property.

(4) The provisions of Part III of this Chapter shall, in so far as they are not repugnant to the subject to context, apply to the sale of the property or interest in the property as if the society which made the application is a decree holder and the member, past member or the nominee heir or legal representative of the deceased member, is a defaulter judgement debtor.
PART—II

EXECUTION OF DECISION, AWARD OR ORDER
BY THE COLLECTOR ACCORDING TO THE
PROVISIONS OF LAND REVENUE CODE

86. Procedure for Execution by the Collector:

(1) Where any decision, award or order providing for the recovery of money is executable by the Collector under clause (a) of section 81, it shall be executed by a Revenue Officer empowered by the Collector by general or special order to do so (hereinafter referred to as the "Recovery Officer"), in accordance with the provisions of the Act for the time being in force in the State of Sikkim relating to recovery of land revenue, the rules, orders or regulations issued thereunder from time to time (hereinafter referred to as the "Land Revenue Code").

(2) When any decree holder desires to have the decree executed through in Collector under clause (a) of section 81, he shall apply to the Registrar in Form O for the issue of a certificate for the recovery of the decretal amount as arrears of land revenue. The application shall be delivered in the office of the Registrar personally and a receipt obtained or sent by registered post.

(3) Soon after the receipt of the above application, the Registrar shall call for the original record of arbitration and shall check up the contents of the application with reference to original record. If he is satisfied about the correctness and genuineness of the application, he or any officer authorised by him shall issue the certificate in Form P to the decree-holder.

(4) Soon after the issue of the certificate referred to in sub-rule (3) the decree holder shall apply in Form Q to the Recovery Officer delivered in person and a receipt obtained or send by registered post. The application shall be accompanied by:

(a) a Certified copy of the award;

(b) original certificate is issued by the Registrar under sub-rule (3);

(c) receipted pay-in-slip for deposit of execution fee in the financing bank.

(5) If the application mentioned in sub-rule (4) is complete in all respects and is accompanied by all the documents, the same shall be entered in the Demand Register and given a distinctive case number and shall be dealt with by the Recovery Officer as if it is a suit filed by the decree-holder.
against the judgement-debtor. This case number shall be quoted in all processes issued in the case from time to time. He shall thereafter issue various process for the recovery of the decretal amount according to the Land Revenue Code.

(6) The decree holder shall deposit in the "Settlement and Execution Expenses Fund" an initial lump sum fee of Rs. 25/- for issue of process in the execution case. Thereafter, a fee of 5 per cent shall be charged on all sums recovered by the Recovery Officer from the judgement debtor which shall be credited to the aforesaid Fund.

87. Accounting Procedure:

(1) All amounts recovered from the judgement debtors by the Recovery Officer shall first be deposited in the current account to be kept in his official designation in the financing bank which shall be operated by him. The payment to decree-holder of all amounts recovered on his behalf during the course of execution proceedings shall be made by the Recovery Officer by crossed cheque drawn on the above current account against the deposits relating to the decree holder after deducting the recovery fee of 5 per cent on the gross amount recovered.

(2) The Recovery Officer shall keep separate personal ledger account of each decree holder in which all the relevant details of recoveries made with names of defaulters from whom made, payments made to decree-holder from time to time and expenses recovered shall be entered. Individual entries in these ledgers shall be attested by the Recovery Officer in token of its correctness.

(3) A cash book shall be kept in which all recoveries and deposits made in the bank through the bailiffs and all payments made through the bank shall be entered in chronological order on rendition of accounts by each bailiff at least once in a week. The entries in the cash book and those in the personal ledger accounts shall be interlinked by giving corresponding ledger folio numbers.

(4) A separate account of receipt and issue of receipt books shall be kept by the Recovery Officer. The receipt books shall remain in the personal safe custody of the Recovery Officer.

(5) Each bailiff shall deposit the amount recoved by him in the financing bank in the current account of Recovery Officer. Each bailiff shall render to the Accountant appointed by the Recovery officer a true and full account of all receipts and deposits made by him which shall be entered in the cash book with full clarity and all the entries made in the cash book shall there be attested by the Recovery Officer. Any unusual delay
in deposit of the amount in the financing bank by any bailiff shall be brought to the personal notice of the Recovery Officer by the Accountant.

(6) The Recovery Officer shall be responsible for the maintenance of true and correct accounts of the recoveries and deposits. He shall also act as the controlling office in respect of the staff maintained and paid out of the "Settlement and Execution Expenses Fund" in accordance with the regulations of the Fund.

88. Mode of payment of Decretal Amount:

(1) All money payable under the certified award shall be paid as follows:

(a) with the Recovery Officer or with any person authorised by him against official receipt;

(b) out of the court to the decree-holder where any payment is made under clause (a), notice of payment shall be made by the Recovery Officer to the decree-holder.

(2) Where any money payable under an award under execution is paid by the judgement debtor to the decree-holder or the award is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, the decree-holder shall satisfy payment or adjustment to Recovery Officer and he shall record such payment or adjustment in the personal ledger account maintained by him.

(3) The judgement debtor may also inform the Recovery Officer of payments or adjustments and apply to him to issue a notice in Form R to the decree holder to show cause on a day to be fixed by the Recovery Officer why such payment or adjustment should not be recorded in the personal ledger account of the decree holder as having been paid or adjusted in the execution proceedings, and if after service of such notice, the decree holder fails to show cause the Recovery Officer may record the payment or adjustment in the above manner. A payment or adjustment which has not so been recorded as aforesaid, shall not be recognised by the Recovery Officer executing the award.

89. Cost of Execution:

The Recovery Officer executing the award may recover from the judgement-debtor in addition to the decratal amount, the cost of execution as arrears of land revenue and pay the same in the decree-holder.
90. Transfer of Decrees:

Where any property to be sold in realization of any decree is situated outside the State of Sikkim, the decree shall be forwarded for execution in accordance with the provisions of the Revenue Recovery Act, 1880 to the Collector of that District where the property of judgement-debtor/defaulter is situated.

PART-III
EXECUTION OF DECISION; AWARD OF ORDER
BY THE REGISTRAR

91. Procedure in Execution:

(1) Where any decree-holder desires to have the decree executed under provisions of clause (b) of section 81, he shall apply to the Registrar or the officer authorised by the Registrar in this behalf by a special or general order (hereinafter referred to the "Recovery Officer"), in Form S which shall be signed by the decree holder. The decree-holder shall indicate whether he desires to proceed against the person of the defaulter or against his movable or immovable property or both and shall state in what way he wants the assistance of the Registrar according to the Act and Rules.

(2) On receipt of the application referred to in sub-rule (1), the Recovery Officer shall call for original record and shall verify the correctness and genuineness of the particulars set forth in the application with the records.

(3) The Recovery Officer shall, on being satisfied about the correctness and genuineness of the application received by him, order execution of the decree:

(a) by delivery of any property specifically decreed;
(b) by attachment and sale or sale without attachment of any property;
(c) by arrest and detention of person;

(4) Where in the proceedings under clause (b) of section 81, any person requires the issue of any process or objects to any process or objects to any process issued or proposed to be issued or requires the adjournment of any proceedings, he shall pay the fee as fixed in Schedule II which may be revised by the Registrar from time to time. Thereafter the Recovery Officer shall issue processes.
(5) The provisions of Sections 36 to 74, 135, 135A and Order XXI in the First Schedule of the Code of Civil Procedure, 1908 shall mutatis mutandis apply to the executions ordered under clause (b) of Section 81 and the Registrar or the Recovery Officer as the case may be shall be deemed to be the executions court for the purposes of those sections.

(6) Without prejudice to the generality of the foregoing sub-rule, a demand notice stating therein the relief claimed by the decree-holder shall be prepared in duplicate in Form T by the Recovery Officer who shall send it to the defaulter together with a copy of the application filed by the decree holder and obtain the signature of the defaulter on the duplicate in token of his having received the demand notice with the copy of the application.

92. Order in which proceedings shall be taken :

Unless the decree-holder has indicated under sub-rule (4) of rule 91 the order in which the property of the defaulter shall be proceeded against, the execution shall ordinarily be taken in the following manner, namely :

(i) Movable property of the defaulter shall be first proceeded against; but nothing in the clause shall preclude the immovable property being proceeded against simultaneously in case of necessity.

(ii) If there is no movable property, or if the sale proceeds of the movable property, or properties attached and sold are insufficient to meet infull the demand of the decree-holder, the immovable property mortgaged to the decree-holder or other immovable property belonging to the defaulter, may be proceeded against.

93. Rules for seizure and sale of movable property :

In the seizure and sale of movable property the following rules shall be observed :

(i) The Recovery Officer shall, after giving previous notice to the decree-holder, proceed to the village where the defaulter resides or the property to be distrained is situated and serve the demand upon the defaulter in Form U. If the demand together with the interest and all expenses is not at once paid, the Recovery Officer shall make the distress and shall immediately deliver to the defaulter a list of inventory of the property distrained
and an intimation of the place, day and hour at which the distrained property will be brought to sale if the amounts due are not previously discharged. If the defaulter is absent, the Recovery Officer shall serve the demand notice on some adult member of his family, or on his authorised agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall fix the list of the property attached on the usual place of residence of the defaulter endorsing thereon the place where the property may be lodged or kept and an intimation of the place, day and hour of sale if the amounts due are not previously discharged.

(ii) After the distress is made, the Recovery Officer may arrange for the custody of the property attached with the decree-holder or otherwise.

(iii) If the Recovery Officer requires the decree-holder to undertake the custody of the property, he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the decree-holder. If the attached property is livestock, the decree-holder shall be responsible for providing the necessary food therefor.

(iv) The Recovery Officer may, at the instance of the defaulter or of any person claiming and interest in such property, leave it in the village or place where it was attached, in the charge of such defaulter or person if he enters into a bond in Form V with one or more sureties of the production of the property at the place of sale when called for.

(v) The distress shall be made after sunrise and before sunset and not any other time.

(vi) The distress levied shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.

(vii) If crops attached are standing crops belonging to a defaulter the Recovery Officer may cause them to be sold when fit for reaping or gathering or at his option may cause them to be reaped or gathered in due season and stored in proper place until sold. In the latter case, the expenses of reaping or gathering and storing such crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

(viii) The Recovery Officer shall not work the bullocks or cattle, or make use of the goods or effects distrained, and he shall provide the necessary food for the cattle or the livestock distrained until the same are sold and the expenses incidental thereto shall be defrayed by
the owner upon his redeeming the property, or from proceeds of the sale, in the event of its being sold.

(ix) The Recovery Officer may force upon any stable, cow, house, granary, godown, out house or other building and he may also enter any dwelling house, the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of attaching property belonging to a defaulter and lodged therein, provided always that it shall not be lawful for the Recovery Officer to break open or enter any apartment in such dwelling house appropriated for the occupation of women except as hereinafter provided.

(x) Where the Recovery Officer may have reason to support that the property of a defaulter is lodged within a dwelling house the outer door of which may be shut, or within any apartment appropriate to women which, by the usage of the country, are considered private, the Recovery Officer shall represent the fact to the officer-in-charge in the nearest police station. On such representation, the officer-in-charge of the said station shall send a Police Officer to the spot in the presence of whom the Recovery Officer may force open the outer door of such dwelling house in like manner as he may break open the door of any other room within the house. The Recovery Officer may also in the presence of the Police Officer, after due notice given for the removal of women and, after furnishing means for their removal in suitable manner (if they be women of rank who according to the customs of the country cannot appear in public) enter the rooms for the purpose of distraining the property of the defaulter, if any, deposited therein but such property, if found, shall be immediately removed from such rooms, after which they shall be left free to the former occupants.

(xi) The Recovery Officer shall on the day previous to and on the day of sale cause proclamation in Form W as also by beat of drum in the village in which the defaulter resides and in such other place or places as the Registrar may consider necessary to give the publicity to the time and place of sale of the property distrained.

(xii) No sale shall take place until after the expiration of the period of fifteen days from the date on which the sale notice has been served or affixed in the manner specified in clause (i), provided that where the property seized is subject to speedy and natural decay, or where the expenses of keeping it in custody are likely to exceed its value; the Recovery Officer may sell it at any time before the expiry of the said period of fifteen days unless the amount due is sooner paid.

(xiii) At the appointed time, the property shall be put up in one or more
lost as the Recovery Officer may consider advisable and shall be disposed
of to the highest bidder.

Provided it shall be open to the Recovery Officer to decline to accept
the highest bid where the price offered appears to be unduly low or
for other sufficient reason:

Provided further, that the Registrar or the Recovery Officer may, in his
discretion, adjourn the sale to a specified day and hour, recording his
reasons for such adjournment.

(xiv) Where the property is sold for more than the amount due, the
excess amount, after reducing the interest and the expenses of process
and the other charges shall be paid to the defaulter.

(xv) The property shall be paid for in cash at the time of sale or as
soon thereafter as the officer holding the sale shall appoint and permit on
such terms and conditions, as he may deem fit to impose and the purchaser
shall not be permitted to carry away any part of the property until he has
paid for it in full.

(xvi) Where the purchaser fails in the payment of the purchaser
money, any counter deposit made by the purchaser shall be forfeited and
credited towards the sale proceeds and the property shall be resold.

(xvii) Where it is proved to the satisfaction of any civil court of
competent jurisdiction that any property which has been distrained under
these Rules has been forcibly or clandestinely removed by any person, the
court may order forthwith such property to be restored to the recovery
Officer.

(xviii) Where prior to the day fixed for sale, the defaulter or any
person acting on his behalf or any person claiming an interest in the
property attached, pays the full amount due, including interest and other
costs incurred in attaching the property, the Recovery Officer shall
cancel the order of attachment and release the property forthwith.

(xix) No member of the committee of a society for Recovery of whose
dues the sale is being made, shall without the express permission of the
Registrar bid either directly or indirectly for the purchase of the property
which is subject to charge under section 42.

(xx) No officer or other person having a duty to perform in connection
with any sale shall, whether directly or indirectly bid for, acquire or
attempt to bid or acquire any interest in the property sold.

(xxi) Where the property is sold, of which actual seizure has been
made, it shall be delivered to the purchaser. Where the property sold in the possession of any person, delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him delivering possession of the property possession to any other person except the purchaser.

94. Attachment of salary or allowances of public officer or of servant of a Railway Administration or Local Authority or Firm:

Where the movable property to be attached is the salary or allowance or wages of a public officer or of a servant of railway administration or local authority or a firm, or company, the Recovery Officer may issue an order in Form X directing the officer or other person responsible to disburse the salary, that the amount shown in the order shall, subject to the provisions of section 60 of the Code of Civil Procedure, 1908, be withheld from the salary or allowance or wages either in one lumpsum or by monthly instalments as the Recovery Officer may direct and upon service of the order, the officer or other person responsible to disburse such salary or allowance or wage shall withhold and remit to the Recovery Officer, the requisite amount.

95. Attachment of Decree:

(1) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of mortgage or charge, the attachment shall be made—

(a) if the decree sought to be attached was passed by the Registrar or by any person to whom a dispute was referred by the Registrar under Section 73 by an order of the Registrar on the application made by the Recovery Officer in this behalf;

(b) if the decree sought to be attached was passed by a Court and has not been sent for execution to any other Court by the issue to such Court of a notice by Recovery Officer, requesting such Court, to stay the execution of its decree unless and until—

(i) the Recovery Officer cancels the notice, or
(ii) the holder of the decree sought to be executed by the or the judgement-debtor there of applies to the Court receiving such notice to execute its own decree; and
(c) if the decree sought to be attached is pending execution in a Court which did not pass the same, by the Recovery Officer seeking to attach such decree in execution by sending notice referred to in clause (b) to such Court, whereupon the provisions of that clause shall apply in the same manner as if such Court had passed the decree and the said notice had been sent to it in pursuance of the said clause.

(2) Where the Registrar makes an order under clause (a) of sub-rule (1) or when a Court receives a notice under clause (b) or (c) of the said sub-rule, the Registrar of the Court shall, on the application of decree-holder who has got the decree attached or his defaulter proceed to execute the decree and apply the net proceeds in satisfaction of the decree being executed by the Recovery Officer.

(3) The holder of decree sought to be executed by the attachment of another decree of the nature specified in sub-rule (1) shall be deemed to be the representative of the holder of the attached decree to be entitled to execute such attached decree in any manner lawful for the holder thereof.

(4) The holder of decree attached under this rule shall give the Court the Recovery Officer executing the decree such information and aid as may responsibly be required.

(5) On the application of the holder of a decree sought to be executed by the attachment of another decree, the Recovery Officer shall give notice of the order of attachment to the Judgement-debtor bound by the decree attached, and no payment or adjustment of the attached decree made by the judgement-debtor after receipt of notice thereof, shall be recognised so long as the attachment remains in force.

96. Attachment of debt, share and other property not in possession of defaulter:

(1) Where the movable property to be attached is—

(a) a debt due to the defaulter in question,

(b) a share in capital of a corporation or a deposit invested therein, or

(c) other movable property not in the possession of the defaulter except property deposited in or in the custody of any Civil Court, the attachment shall be made by a written order signed by the Recovery Officer prohibiting:

(i) in the case of the debt, the creditor from recovering the
debt and the debtors from making payment thereof until further order of the Recovery Officer;

(ii) in the case of the share or deposit, the person in whose name the share or the deposit may be standing from transferring the share or deposit or receiving any dividend on the shares, the deposit or interest on the deposit;

(iii) in the case of the other movable property except as aforesaid, the person in possession of it from giving it over to the defaulter.

(2) A copy of such order shall be sent in the case of the debt, to the debtor, in the case of the share or deposit, to the proper officer of the corporation and in the case of the other movable property, (except as aforesaid), to the person in possession of such property. As soon as the debt referred to in clause (a) of sub-rule (1) or the deposit referred to the clause (b) of that sub-rule matures, the Recovery Officer may direct the person concerned to pay the amount to him. Where the share is not withdrawable, the Recovery Officer shall arrange for its sale through a broker. Where the share is withdrawable its value shall be paid to the Recovery Officer as soon as it becomes payable. In the case of the other movable property referred to in clause (c) of sub-rule (1) the person concerned shall place it in the hands of the Recovery Officer, as soon as it becomes deliverable to the defaulter.

(3) A debtor prohibited under clause (a) of sub-rule (1) may pay the amount of his debt to the Recovery Officer and such payment shall discharge him as effectually as payment to the party entitled to receive the same.

97. Procedure in attachment and sale of Immovable Property:

In the attachment and sale or sale without attachment of immovable property the following procedure shall be observed:

(i) The application presented under rule 91 shall contain a description of the immovable property to be proceeded against, sufficient for its identification and in case such property can be identified by boundaries or numbers in record of settlement or survey, the specification of such boundaries or numbers and the specification of the defaulters share or interest in such property to the best of knowledge and belief of the decree holder and so far as he has been able to ascertain it.
(ii) The demand notice issued by the Registrar under sub-rule (6) or rule 91 shall contain the name of the defaulter, the amount due including the expenses, if any, and the time allowed for payment and in case of non-payment, the particulars of the properties to be attached and sold or to be sold without attachment as the case may be. After receiving the demand notice, the Recovery Officer shall serve or cause to be served a copy of the demand notice upon the defaulter or upon some adult male member of his family at his usual place or residence or upon his authorised agent, or if such personal service is not possible shall fix a copy thereof on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be.

Provided that where the Recovery Officer is satisfied that a defaulter with intent to defeat or delay the execution proceedings against him is about to dispose of the whole or any part of his property, the demand notice issued by the Registrar under sub-rule (5) of rule 91 shall not allow any time to the defaulter for the payment of the amount due by him and the property of the defaulter shall be attached forthwith.

(iii) If the defaulter fails to pay the amount specified in the demand notice within the time allowed, the Recovery Officer shall proceed to attach and shall or sell without attachment, as the case may be, the immovable property noted in the application for execution in the manner hereinafter specified.

(iv) Where the attachment of immovable property is required before sale, the Recovery Officer shall, if possible, cause a notice of attachment to be served on the defaulter personally. Where the personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulter's last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some place on or adjacent to such property and at such other place or places as the Registrar or the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that unless the amount due with interest and expenses be paid within the date therein mentioned the property will
be brought to sale. A copy of the notice shall be sent to
the decree-holder. Where the Recovery Officer so directs,
the attachment shall also be notified by advertisement in
a local newspaper.

(v) Proclamation of sale shall be published by affixing a notice
in the office of the Registrar at least thirty days before the
date fixed for the sale. Such proclamation shall state
the decree-holder and the defaulter the time and place
of sale and also shall specify as fairly and accurately as
possible:

(a) the property to be sold;
(b) any encumbrance to which the property is liable;
(c) the amount for the recovery of which the sale is
ordered; and
(d) every other matter which the Recovery Officer considers
material for a purchaser to know in order to judge the
nature and value of the property.

(vi) When any immovable property is sold under these Rules,
the sale shall be subject to the prior encumbrances on
the property, if any. The decree-holder shall, when the amount
for the realisation of which the sale is held, exceeds Rs. 100,
furnish to the Recovery Officer within such time as may be
fixed by him or by the Registrar an encumbrance certified
from the Registration department for a period of not less
than twelve years prior to the date of attachment of the
property sought to be sold. The time for production of the
encumbrance certificate may be extended at the discretion of
the Recovery Officer or the Registrar. The sale shall be by
public auction to the highest bidder, provided that it shall
be open to the Recovery Officer to decline to accept the
highest bid where the price offered appears to be unduly
low or for other reasons and provided also that the
Recovery Officer may in his discretion, adjourn the sale to a
specified day and hour, recording his reasons for such
adjournment. Where a sale is so adjourned for a longer
period than seven days, a fresh notice shall be issued unless
the defaulter consents to waive it. The sale shall be held
after the expiry of not less than thirty days calculated from
the date on which notice of the proclamation was affixed in
the office of the Registrar and the place of sale shall be the
village where the the property to be sold is situated or such
adjoining prominent place of public resort as may be fixed by the Recovery Officer.

(vii) A sum of money equal to 25 per cent of the bid shall be deposited by the auction purchaser with the Recovery Officer as soon as his bid is accepted and in default of such deposit, the property shall forthwith be resold.

(viii) The remainder of the purchase money and the amount required for the general stamp for the certificate of sale shall be paid within fifteen days from the date of sale.

Provided that the time for payment of the cost of the stamp, may, for good and sufficient reasons, be extended at the discretion of the Recovery Officer upto thirty days from the date of sale

Provided further that, in calculating the amount to be paid under this clause, the purchaser shall have the advantage of any set-off to which he may be entitled.

(ix) In default of payment within the period mentioned in clause (viii), the deposit may, if the Registrar thinks fit, after defraying the expenses of the sale be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

(x) Every resale of immovable property in default of payment of the amounts mentioned in clause (viii) within the period allowed for such payment shall be made after the issue of fresh proclamation in the manner and for the period here in before specified for the sale.

(xi) Where a decree-holder purchases the property, the purchase money and the amount due on the decree shall be set off against one another and the Recovery Officer shall enter satisfaction of the decree in whole or in part accordingly. Any surplus of the proceeds of the sale after meeting decretal amount, expenses of sale and the other incidental costs or charges shall be paid to the defaulter.

(xii) Where prior to the date fixed for sale the defaulter or any person acting on his behalf or any person claiming an interest in the property sought to be sold tenders payment of the full amount due together with interest and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Recovery Officer shall forthwith release the property after cancelling the order of attachment, if any.
98. Application to set aside sale on deposit:

(1) Where immovable property has been sold by the Recovery Officer, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with the Recovery Officer—

(a) for payment to the purchaser, a sum equal to 2 per cent of the purchase money, and

(b) for payment to the decree-holder, the amount of arrears specified in the proclamation of sale together with interest thereon and the expenses to attachment, if any, and sale and other costs due in respect of such amount less any amount which may since the date of such proclamation have been received by such decree holder.

(2) If such deposit and application are made within thirty days from the date of sale, the Registrar shall pass an order setting aside the sale and shall repay to the purchaser the purchase money so far as it has been deposited, together with the 2 per cent deposited by the applicant.

Provided that if more persons than one have made deposit and application under this rule, the application of the first depositor to the Recovery Officer shall be accepted.

99. Application to set aside sale on ground of irregularity of fraud:

(1) At any time within thirty days from the date of the sale of immovable property, the decree-holder or any person entitled to share in a rateable distribution of the asset or where interests are affected by the sale, may apply to the Registrar to set aside the sale, on the ground of a material irregularity of mistake or fraud in publishing or conducting the sale.

Provided that no sale shall be set aside on the ground aforesaid unless the Registrar is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake of fraud.

(2) If the application is allowed, the Registrar shall set aside the sale and may direct a fresh one,

100. Sale when to become absolute:

(1) On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made under rule 98 or 99 or if such application has been made and rejected, the Registrar shall make an order confirming the sale.
Provided that if he shall have reason to believe that the sale ought to be set aside notwithstanding that no such application has been made on grounds other than those alleged in any application which has been made and rejected, he may after recording his reasons in writing set aside the sale.

(2) Whenever the sale of any immovable property is not so confirmed or is set aside the deposit or the purchaser money, as the case may be, shall be returned to the purchaser.

(3) After the confirmation of any such sale, the Recovery Officer shall grant a certificate of sale to the purchaser, specifying therein the property sold and the name of the purchaser at the auction and bearing Recovery Officer's seal and signature.

(4) Such certificate shall be conclusive evidence of the fact of the purchase and no proof of the sale or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

101. Delivery of possession

Where the purchaser of immovable property under the foregoing rules is resisted or prevented by any person other than the defaulter claiming to be in lawful possession of the property, from the obtaining possession of the immovable property purchased, any court of competent jurisdiction on an application and production of the certificate of sale shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the immovable property purchased has been decreed to the purchaser by a decision of the court.

102. Sale of Immovable property to be proportionate to the amount due:

The Recovery Officer may sell the whole or any portion of the immovable property of a defaulter in discharge of money due provided always that so far as may be practicable, no large portion of the immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of attachment, if any, and sale.
103. Private alienation of property after attachment to be void:

Where an attachment has been made under these Rules, any transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any debt, dividend or other moneys contrary to such attachment shall be void as against all claims enforceable under attachment.

Explanation:

For the purposes of this rule, claims enforceable under an attachment include claims for the rateable distribution of assets.

104. Receipts for Payment of amount due:

Every person making a payment towards any money due for the recovery of which application has been made under these Rules shall be entitled to a receipt for the amount signed by the Recovery Officer or other Officer empowered by the Registrar. Such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

105. Investigation of claims and objections to attachment of property:

(1) Where any claim is preferred, on any objection is made to the attachment of any property under these Rules on the ground that the property is not liable to such attachment, the Recovery Officer shall investigate the claim or objection and dispose it if on merits.

(2) Where the property to which the claim or objection relates, has been advertised for sale, the Recovery Officer may postpone the sale pending the investigations of the claim or objection.

106. Determination of attachment:

Where any property had been attached in execution of a decree, but by reason of the decree-holder's default, the Recovery Officer is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.
107. Attachment in execution of decree of civil courts rateable distribution of assets:

Where assets are held by the Recovery Officer and before realisation of such assets, demand notices in pursuance of applications for execution of decree against the same defaulter have been received from more than one decree-holder and the decree-holders have not obtained satisfaction, the assets after deducting the cost of realisation, shall be rateably distributed by the Recovery Officer among all such decree-holders in the manner provided in section 73 of the Code of Civil Procedure, 1908.

108. Attachment before judgement:

(1) Attached of property prior to award or decree shall be made in the manner provided in the foregoing rules of this Chapter.

(2) Attachment made under sub-rule (1) shall not affect the rights existing prior to such attachment, of those who are not parties to the proceedings in which the attachment was made, nor bar any person whose a decree against the person whose property is attached from applying for the sale of property under attachment in execution of his decree.

(3) Where property is under attachment by virtue of the provisions of this rule and a decree is subsequently passed against the person whose property is attached, it shall not be necessary to file and application for reattachment of the property.

109. Arrest and detention:

(1) A judgement debtor may be arrest in execution of a decree at any hour and on any day, shall as soon as practicable, be brought before the Recovery Officer and his detention may be in the civil prison or in the Central Jail.

(a) Provided that for the purpose of making an arrest under this rule, no dwelling house shall be entered after sunset and before sunrise;

(b) no outer door of a dwelling house shall be broken open unless such dwelling house is in the occupancy of the judgement-debtor and he refuses or in any way prevents access there to, but when the officer authorised to make the arrest has duly gained access to any dwelling house he may break open the door of any room in which he has reason to believe that the judgement-debtor would be found;

(c) if the room is in the actual occupancy of a woman who is not the judgement debtor and who according to the country does not appear in
public, the officer authorised to make the arrest shall give notice to her that she is at liberty to withdraw, and after allowing a reasonable time for her to withdraw, and giving her reasonable facility for withdrawing, may enter the room for the purpose of making the arrest; and

(d) Where the decree in execution whereof the judgement debtor is arrested, is a decree for the payment of money and the judgement debtor pays the amount of the decree and the costs of the arrest to the officer arresting him, such officer shall at once release him.

(2) The Government may, by notification in the Official Gazette, declare that any person or class of persons whose arrest might be attended with danger or inconvenience to the public shall not be liable to arrest in execution of a decree otherwise than in accordance with such procedure as may be prescribed by it in this behalf.

(3) A judgement-debtor, who is arrested under this rule, makes an application before the Recovery Officer expressing his intention to apply within one month before a court of competent jurisdiction to be declared an insolvent and furnishes two sureties to the satisfaction of the Recovery Officer to ensure his appearance before the Recovery Officer whenever required, may be released.

(4) In case a judgement debtor who is released under Sub-rule (3) fails to apply for insolvency within one month or fails to appear before the Recovery Officer, the Recovery Officer may proceed to arrest and detain the sureties in the civil prison as though the sureties themselves are the judgement-debtors.

110. Prohibition of arrest or detention of women in execution of decree for money:

Notwithstanding anything in this Part, the Recovery Officer shall not order the arrest or detention in the civil prison of a woman in execution of a decree for the payment of money.

111. Detention and release:

(1) Every person detained in the civil prison in execution of a decree shall be so detained:

(a) where the decree is for the payment of a sum of money exceeding fifty rupees, for a period of six months, and
(b) in any other case, of a period of six weeks. Provided that he shall be released from such detention before the expiration of the said period of six months or six weeks as the case may be.

(i) on the amount mentioned in the warrant for his detention being paid to the Recovery Officer,
(ii) on the decree against him being otherwise fully satisfied, or
(iii) on the request of the person, on whose application he has been so detained and if the Recovery Officer is fully satisfied that the decree was satisfied.
(iv) on the omission of the person, on whose application he has been so detained, to pay subsistence allowance.

Provided also that he shall not be released from such detention without the order of the Recovery Officer.

(2) A judgement debtor released from detention under this rule shall not merely by reason of his release be discharged from his debt, but he shall not liable to be rearrested under the decree in execution of which he has detained in the civil prison.

PART—IV
GENERAL

112. **Procedure for recovery of sums due to Government** :

The provisions of Part III shall apply in regard to the recovery of any sum due to the Government from a society or from an officer, former officer, member or past or deceased member of a society in pursuance of a demand issued by the Registrar or by any authority competent to issue such demand including any costs awarded to the Government in proceedings under the Act is if the Government were a decree holder and the society or officer, former officer, member or past or deceased member of a society, as the case may be, was a defaulter, subject to the following modifications namely :

(1) The Registrar may, be his own motion, take any steps which he may deem suitable in the matter of
such recovery in accordance with the provisions of these Rules and without any application having been made to him in that behalf under these Rules.

(2) It shall not be necessary to deposit any sum by way of costs as required by these Rules.

(3) It shall not be necessary for the Recovery Officer to give the decree-holder previous notice.

(4) It shall not be necessary to send a copy of the attachment notice to the decree-holder.

(5) It shall not be necessary to give notice of the proclamation of sale to the decree-holder.

113. Recovery Officer not to go behind the decree and the certificate :

The Recovery Officer shall not go behind the decree or the certificate issued by the Registrar. He shall not alter it nor shall entertain any objection as to validity or legality or correctness of the decree or the certificate under execution.

Provided that a decree passed against a person who was dead at the time of passing the decree without bringing his legal representative on the record shall not be executed.

Provided further that where terms of a decree are ambiguous it will be competent for the Recovery Officer to ascertain its precise terms first before issuing any process for execution.

114. Questions relating to execution, discharge or satisfaction :

(1) All questions arising between the parties to the arbitration proceedings in which award was made or amount certified to be recovered as arrears of land revenue and relating to execution, discharge or satisfaction of the decision, award or order under execution shall be determined by the Recovery Officer, execution the decree, award, decision or order.

(2) Where a question arises as to whether a person is, or is not the legal representative of a party, such question shall be decided by the Recovery Officer, for the purposes of execution, discharge or satisfaction of the decree, award, decision or order under execution.
115. Limitation for execution:

A decree-holder may make an application or applications in succession for execution of his decree. The Recovery Officer shall not refuse execution unless the application is barred by article 136 of the Indian Limitation Act, 1963.

116. Execution by society under liquidation:

(1) The liquidator shall take necessary action to get executed the decree in favour of a society in respect of which he has been appointed the liquidator, in accordance with the provisions of this Chapter.

(2) Any order issued by the liquidator against any contributory shall be executed in the manner prescribed in rules 86 to 90 provided that he shall not be required to deposit the execution charges along with the application for execution.

117. Assistance and information:

A decree-holder applying to execute a decree shall give the Registrar and the Recovery Officer such information and aid as may reasonably required.

CHAPTER IX

APPEALS AND REVISIONS

118. Procedure regarding appeals and application for revision:

(1) An appeal under sub-section (2) of section 98 or an application for revision under section 99 shall be either presented in person or sent by registered post to the appellate or revising authority.

(2) The appeal or the application for revision shall be in the form of a memorandum and shall be accompanied by the original or certified copy of the order appealed from or sought to be revised.

(3) Every appeal or application for revision shall—

(a) Specify the name and address of the appellant or applicant and also the name and address of the respondents, as the case may be;
(b) state by whom the order appealed from or sought to be revised was made;

(c) set forth concisely and under distinct heads, the grounds of objection to the order appealed from or sought to be revised together with a memorandum of evidence;

(d) state precisely the relief which the appellant or the applicant claims; and

(e) give the date of the order appealed from or sought to be revised.

(4) Where an appeal under sub-section (2) of section 98 is preferred after the said expiry of sixty days specified in sub-section (2) of the said section, it shall be accompanied by a petition supported by an affidavit setting forth the facts on which the appellant relies to satisfy the appellate authority that he had sufficient cause for not preferring the appeal within the said period of sixty days.

(5) On receipt of the appeal or the application for revision, the appellate or revising authority shall as soon as possible examine it and ensure that—

(a) the person presenting the appeal or the application has the locus stand to do so;

(b) it is made within the prescribed time limit; and

(c) it conforms to all the provisions of the Act and these Rules.

(6) The appellate or revising authority may call upon the appellant or the applicant for revision to remedy the defects, if any, or furnish such additional information as may be necessary, within a period of fifteen days of the receipt of the notice to do so.

If the appellant or the applicant for revision fails to remedy the defects or furnish the additional information called for within the said period, the appeal or the revision petition may be dismissed.

(7) The appellate or the revising authority may before passing orders on the application may call for and obtain from the parties connected with the appeal or revision such further information as is necessary with reference to the examination of the records of enquiry of proceeding.

(8) In the proceedings before the appellate or revising authority, legal practitioners shall be entitled to appear to represent the parties.
(9) The appellate or revising authority shall on the basis of the enquiry conducted and with reference to the records examined pass such order on the appeal or on the application for revision as may seem just and reasonable.

(10) Every order of the appellate or revising authority shall be in writing and it shall be communicated to the appellant or applicant, to such other parties as in the opinion of that authority are likely to be affected by the decision or order and to the officer concerned against whose order the appeal or the application for revision was made.

CHAPTER XII
MISCELLANEOUS

119. Forms of process:

The forms of various process to be issued by any authority in exercise of its powers under sub-section (1) of section 118 shall be those given in Schedule III and may be modified or altered by such authority according to exigency.

120. Public documents:

(1) The following documents shall be treated as public documents—

(a) The Registration Register.
(b) The registration certificate of a society.
(c) The registration bye-laws of a society including registered amendments.
(d) Any order cancelling the registration of a society.
(e) Annual accounts of a society as audited by the Registrar.
(f) Any decision of the Registrar or award of the Arbitrator.

(2) Without prejudice to the provisions of sections 123, 124, 128 and 131 of the Indian Evidence Act, 1872, all the public documents shall be open to inspection by any member of the public on payment of a fee of Re 1/- for each occasion for any lawful purpose,

121. Special rule:

(1) Notwithstanding anything contained in these Rules, the procedure laid down in sub-rule (2) shall apply to a society in which either shares have been subscribed by the Government or liability by way of guarantee
for borrowing exceeding fifty per cent of the working capital of the society has been undertaken by the Government.

Provided that it shall not be incumbent upon such a society to follow the procedure laid down in clauses (i) and (ii) of sub-rule 2 if its working capital does not exceed Rs. 1,00,000 or it does not have another society as its member.

(2) (i) Notice of all general body meetings shall be given to the Registrar. The Registrar may, of his own motion or on a reference made to him, declare the proceedings of the general meetings as invalid, if he is satisfied that the meeting was held without proper notice or without all the members receiving the notice for the meeting if the meeting was not conducted at the appropriate place and time.

(ii) No matter shall, except with the permission or direction or directions of the Registrar be considered either in a meeting of a general body or committee or in a meeting of any smaller body set up under the bye-laws and without the agenda of the meeting being circulated to all members at least fifteen clear days in the case of smaller body thereof and seven days in advance in other cases.

(iii) Should a difference of opinion in respect of any matter arise between a nominated member of the committee and other members thereof, the opinion of the nominated member shall be recorded in the minutes of the proceedings of the meeting and the proceedings shall also be got signed by the nominated member. The chairman, shall as soon as possible, make a reference to the Government on the difference of opinion and seek its decision in the matter. If no such reference is made within seven days of the date of the meeting, the Registrar may, on receipt of a report from a nominated member make a reference to the Government for obtaining its decision which shall be final on the issue on which difference of opinion was so recorded.

(3) In a society in which shares have been subscribed by the Government, the Registrar may, after such inquiry as he may deem fit and after giving the person concerned a reasonable opportunity of showing cause, remove any member of the committee who has been guilty of any act or omission resulting in financial loss of the society.

122. Power to exempt from Rules:

The Government may, by general or special order, exempt any society or any class of societies from any of the provisions of these Rules or may direct that such provisions shall apply to such society or class of societies with such modifications and/or conditions as may be specified in the order.
123. Financing bank to render banking services:

(1) The financing bank shall render free of charge such banking services to the Registrar as he may require to carry out the purposes of the Act and the Rules.

(2) Without prejudice to the generality of the foregoing sub-rule (1) the financing bank shall render following banking services to the Registrar, namely:

(a) maintenance of "Audit Fee Recovery Fund" in which all receipts and payments on account of audit fee leviable under the Rules shall be recorded.

(b) maintenance of "Settlement and Execution Expenses Fee Fund" in which receipts relating to the fees leviable under Rules for settlement of disputes and execution of decrees, and the payments from the Fund shall be recorded;

(c) current account to be opened in the name of societies under liquidation to be operated upon by the liquidator;

(d) current account of the Recovery Officer for temporary credit of dues on account of and payment to decree-holder;

(e) current account of the Registrar relating to surplus funds of society whose registration has been cancelled. This account shall be called "Registrar Co-operative Societies Liquidation Account";

(f) "Registrar Co-operative Societies Suspense Account" for keeping account of unclaimed amounts from the assets of the society under liquidation; and

(g) Suspense Accounts of Societies under Registration.

(3) All the above Funds shall be administered by the Registrar in accordance with the Regulations contained in Schedule II.

(4) The financing bank shall have no claim to the amount standing to the credit of the above accounts and funds from time to time. The Registrar may, however, allow in his discretion some service charges.

(5) The financing bank shall issue pass books separately for each funds and account shall supply the information of the transactions as may be required by the Registrar.

(6) The provisions of these Rule shall apply to all funds held by the financing bank at the commencement of these Rules relating to deposits held by it under the above heads.
124. Removal of Doubts:

If any doubt arises as to the interpretation of any of the provisions of these Rules, the matter may be referred to the Government for decision.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

FORM ‘A’

[ Rule 3 (1) ]

Application for registration of a Co-operative Society under the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978)

To

The Registrar of Co-operative Societies

Government of Sikkim

Gangtok

Sir,

I/We, the undersigned being eligible to become members, apply for the registration of a co-operative society with..............

..............................liability under the title of..............................

..................................having its registered office at..............................

taluk:...................District:..............................................and its bye-laws.

2. We are enclosing four copies of the said bye-laws duly signed by us together with the following documents:

(a) a certificate from financing bank as required in sub-rule (i) of rule 3;

(b) a list of persons who have contributed to the share capital together with the amount contributed by each of them and the entrance fee paid by them;

(c) a scheme showing the details explaining as to the economic soundness of the society;

(d) a copy of resolution authorising a member of the society to sign the application on behalf of the society (in case the applicant is itself a registered society);

(e) A resolution (of the firm, company, society registered under the Societies Registration Act, 1860, public trust or local authority as the case may be) duly authorising a person to sign the application on its behalf.

(f) the name and address of the Chief Promoter to whom correspondence regarding registration or other matter may be addressed.

3. We also declare that the information given above, including that in the enclosures, is correct to the best of our knowledge and belief.
Signature :

1. Chief Promoter
2. 
3. 
4. 
5. 
6. 
7. 
8. 
9. 
10.

Note :—

(a) where all the applicants are individuals, not less than ten who have attained the age of maturity and are of sound mind and each being a member of a different family should attest the application and the bye-laws,

(b) where the applicant is a society, the application and the bye-laws should be signed by a member duly authorised in this behalf by every such society, and

(c) where the applicants comprise of societies and individuals, by a member duly authorised in this behalf by every such society and ten other members, or where there are less than ten other members, by all of them.
## Sikkim Co-operative Societies Rules, 1981
### Form 'B'
(Rule 4)

Register of applications for registration received in the office of the Registrar/Additional/Joint/Deputy/Assistant Registrar.

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the proposed society</th>
<th>Place, village, and District</th>
<th>Date of receipt</th>
<th>Date of acknowledgement</th>
<th>How received (by post/hand delivery)</th>
<th>No. and date on which additional information is called</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
</tr>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Prescribed day by which information is called

<table>
<thead>
<tr>
<th>Date on which information received</th>
<th>No. and date of the report, if any, sent to the Government if the Society is not registered</th>
<th>No. and date of registration</th>
<th>Order under which registration is refused</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
<tr>
<td>Registered Sr. No.</td>
<td>Full name and address of the society</td>
<td>Area of operation</td>
<td>Date of Registration</td>
</tr>
<tr>
<td>-------------------</td>
<td>--------------------------------------</td>
<td>-------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form 'D'
(See Rule No. 36)

Name of the Co-operative Society
Address:
Registration No. _______________
Receipt and Expenditure Account for the year ending 30 June 19
(from 1.7.19.........to 30.6.19.........)

<table>
<thead>
<tr>
<th>Receipts</th>
<th>Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Loans and deposits by members</td>
<td>1. Share capital withdrawn</td>
</tr>
<tr>
<td>3. Loans and deposits from non-members</td>
<td>2. Members deposits withdrawn</td>
</tr>
<tr>
<td>4. Loans and deposits from Primary Societies</td>
<td>3. Loans repaid to Government</td>
</tr>
<tr>
<td>5. Loans and deposits from Government</td>
<td>4. Loans repaid to Central Societies</td>
</tr>
<tr>
<td>6. Loans and deposits from Central Societies</td>
<td>5. Loans repaid to other societies</td>
</tr>
<tr>
<td>7. Loans and deposits repaid by members</td>
<td>6. Loans repaid to non-members</td>
</tr>
<tr>
<td>8. Loans and deposits repaid by banks and Societies :</td>
<td>7. Loans granted to members (individuals)</td>
</tr>
<tr>
<td>(a) Banks</td>
<td>(a) Central Societies</td>
</tr>
<tr>
<td>(b) Other Societies</td>
<td>(b) Other Societies</td>
</tr>
<tr>
<td>9. Interest received</td>
<td>8. Loans granted to bank and societies :</td>
</tr>
<tr>
<td>10. Sale of goods to :</td>
<td>(a) Central Societies</td>
</tr>
<tr>
<td>(a) Members</td>
<td>(b) Other Societies</td>
</tr>
<tr>
<td>(b) Non-members</td>
<td>9. Interest paid on loans and deposits</td>
</tr>
<tr>
<td>11. Other Income</td>
<td>10. Dividend and bonus paid</td>
</tr>
<tr>
<td>Total</td>
<td>11. Stock bought</td>
</tr>
<tr>
<td>Opening balance cash in hand</td>
<td>12. Purchase of :</td>
</tr>
<tr>
<td>cash in bank</td>
<td>(a) Members' Products</td>
</tr>
<tr>
<td>Grand Total</td>
<td>(b) Non-members' Products</td>
</tr>
</tbody>
</table>

| Total | 13. Establishment and contingent charges |
| 15. carried to Reserve Fund |
| Closing balance cash in hand | |
| cash in Bank | |
| Grand Total | |
### SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

**FORM 'E'**

(See Rule 36)

---

**PROFIT AND LOSS ACCOUNT**

for the year ending the 30th June 1981

<table>
<thead>
<tr>
<th>Last year's figures</th>
<th>Expenditure</th>
<th>This year's figures</th>
<th>Last year's figures</th>
<th>Income</th>
<th>This year's figures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rs. P.</td>
<td></td>
<td>Rs. P.</td>
<td>Rs. P.</td>
<td></td>
<td>Rs. P.</td>
</tr>
<tr>
<td>1. Interest</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Paid</td>
<td>Rs.</td>
<td>Rs. P.</td>
<td>Interest received</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Payable</td>
<td>Rs.</td>
<td></td>
<td>(a) On loans and advances</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Bank charges</td>
<td></td>
<td></td>
<td>(b) On investment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. Salaries &amp; allowance of staff</td>
<td></td>
<td></td>
<td>2. Dividend received on shares</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Contribution to staff Provident Fund</td>
<td></td>
<td></td>
<td>3. Commission</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Salary &amp; allowance of Managing Director</td>
<td></td>
<td></td>
<td>4. Miscellaneous income</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Attendance fees and Travelling expenses of Directors and Committee members</td>
<td></td>
<td></td>
<td>(a) Share transfer fees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Travelling expenses of staff</td>
<td></td>
<td></td>
<td>(b) Rent</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Rent, rates and taxes</td>
<td></td>
<td></td>
<td>(c) Rebate on interest</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9. Postage, telegram and telephone charge</td>
<td></td>
<td></td>
<td>(d) Sale of forms</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Printing &amp; Stationery</td>
<td></td>
<td></td>
<td>(e) Other items</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Land income and expenditure accounts</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Contd..*
<table>
<thead>
<tr>
<th></th>
<th>Rs.</th>
<th>P.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>2</td>
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<td>5</td>
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<tr>
<td>6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

11. Audits fees  
12. (Contingencies) General expenses  
13. Bad debts written off or provisions made for bad debts  
14. Depreciation on fixed assets  
15. Land income and expenditure account  
16. Other items  
17. Net profit carried to Balance Sheet.

Note: In the case of marketing societies, consumers' societies and similar other societies which have undertaken trading activities, the Profit and Loss Account, shall be divided into two parts showing separately the Trading Account and the Profit and Loss Account. In case of producer societies, processing societies, forest labourers societies and other societies which have undertaken production activities, the manufacturing account shall also be prepared in addition.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
FORM 'F'
( RULE 36 )

Balance sheet of Co-operative Society Ltd., as on 30th June, 19...

<table>
<thead>
<tr>
<th>Instructions in accordance with which liabilities should be made out</th>
<th>Liabilities</th>
<th>Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Figures for the previous year</td>
<td>Figures for the Current Year</td>
</tr>
<tr>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
</tr>
<tr>
<td>I. Contributed by Government and by co-operative societies</td>
<td>Rs.</td>
<td>Rs.</td>
</tr>
<tr>
<td>and different classes of individual members shall be shown separately. Terms of redemption or conversion of any redeemable preference shares should be mentioned.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. Contributed by Government and by co-operative societies and different classes of individual members shall be shown separately. Terms of redemption or conversion of any redeemable preference shares should be mentioned.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. (a) Statutory Reserve Fund and other reserves and funds shall be shown separately.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(b) Additions and deductions since last Balance-sheet to be shown under each of the specified heads.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Funds in the nature of reserves and funds created out of any profits for specific purposes should be shown separately.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>I. Cash and Bank Balance</th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Cash in hand</td>
<td></td>
</tr>
<tr>
<td>(b) Cash in Bank</td>
<td></td>
</tr>
<tr>
<td>(i) Current Account</td>
<td></td>
</tr>
<tr>
<td>(ii) Savings Bank Account</td>
<td></td>
</tr>
<tr>
<td>(iii) Call Deposit Account</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>I. Investments</th>
<th>Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Government Securities</td>
<td></td>
</tr>
<tr>
<td>(b) Other Trustee Securities</td>
<td></td>
</tr>
<tr>
<td>(c) Non-Trustee Securities</td>
<td></td>
</tr>
<tr>
<td>(d) Shares of other co-operative societies</td>
<td></td>
</tr>
<tr>
<td>(e) Shares or Bonds of Companies registered under the Companies Act.</td>
<td></td>
</tr>
</tbody>
</table>

II. The nature of each investment and the mode of valuation (cost of market value) should be mentioned. If the book value of any security is less than the market value, a remark to that effect should be made against each item.
III. Staff Provident Fund and any other insurance or Bonus Funds maintained for the benefit of the employees should be shown separately.

IV. The nature of the security should be specified in each case where loans have been granted by Government or State Co-operative Bank. A mention thereof should also be made together with the maximum amount of such guarantee loans from (1) Government (2) State Co-operative Bank should be shown separately.

V. Deposits from societies and individuals should be shown separately.

VI. (1) Investment of Staff Provident Fund
   (2) Advances against staff Provident Fund

IV. Loans and advances
   (a) Loans
   (b) Overdrafts.
   (c) Cash credits:
      (i) Against pledge of goods
      (ii) Clean (of which overdue Rs. . . . . .)
   (d) Loans due by managing committee members Rs. . . . . . . . . . , loans due by secretary and other employees Rs. . . .

V. Sundry debtors:
   (1) Credit Sales
   (2) Advances
   Others

VI. Mode of valuation and stock shall be stated and the amount in respect of raw materials, partly finished and finished goods and store required for consumptions should be stated separately. Mode of valuation of works in progress shall be stated.

III Quoted and unquoted securities should be shown separately.

IV In case of banks and other federal societies, Loans due by societies and individual members should be shown separately.
VII. Current liabilities and provisions:
(a) Sundry creditors
(b) Outstanding creditors
   (i) for purchases
   (ii) for expenses including salaries of staff, rent, taxes etc.
(c) Advances, recoveries for the portion for which value has still to be given viz. unexpired subscriptions, premiuims, commissions, etc.

VIII. Unpaid dividends

IX. Interest accrued due but not paid

X. Other liabilities (to be specified)

XL Contingent liabilities which have not been provided for should also be mentioned in the balance sheet by way of a footnote.

VII. Fixed Assets
(a) Lands and Buildings
(b) Lease-holds
(c) Railway siding
(d) Plants and machinery
(e) Loose tools tackles and other equipments.
(f) Deadstock
(g) Furniture & Fittings
(h) Livestock
(i) Vehicle, etc.

VIII. Miscellaneous expenses and losses:
(1) Goodwill
(2) Preliminary expenses
(3) Expenses connected with the issue of shares and bonds
(4) Deferred revenue expenditure.

IX. Other items:
(a) Prepaid expenses
(b) Interest accrued but not due
(c) Other items (to be specified)

X. Profit and loss Accounts...
   Accumulated Losses not written off from the reserve or any other fund.

XI. Current losses.
### Sikkim Co-operative Societies Rules, 1981

**Form ‘G’**

(See Rule 38)

**Register of members**

<table>
<thead>
<tr>
<th>Serial Number</th>
<th>Date of admission</th>
<th>Date of payment of entrance fee</th>
<th>Full name</th>
<th>Address</th>
<th>Occupation</th>
<th>Age on the date of admission</th>
<th>Full name and address of the person nominated by the member under section</th>
<th>Date of nomination</th>
<th>Date of cessation of membership</th>
<th>Reasons for cessation</th>
<th>Remarks</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Particulars of Shares held</th>
<th>Application</th>
<th>Allotment</th>
<th>Amount received on</th>
<th>Total amount received</th>
<th>No. of shares held</th>
<th>Serial No. of shares certificate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1st call</td>
<td>2nd call</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>Cash book folio</th>
<th>Particulars of shares transferred or surrendered</th>
<th>Date Cash book folio or shares transfer register</th>
<th>No. of shares transferred</th>
<th>No. of shares transferred or refunded</th>
<th>Serial No. of shares certificates</th>
<th>Balance</th>
<th>No. of shares held</th>
<th>Serial No. of shares certificate</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
<td>16</td>
<td>17</td>
<td>18</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Declaration Under Section 43-(I)

I, ___________________, son of or wife of (aged ___________ years) residing at ___________________, being desirous of availing myself of financial assistance from the ___________________ society make this declaration as required by Section 43 (1) of the Sikkim Co-operative Societies Act, 1978 that I, ___________________, own / have interest as a tenant in the land of other immovable property specified below, and I hereby create a charge on the said land or other immovable property / interest the rein in favour of the society for securing the financial assistance which the society has granted or may grant and for all future assistance, if any which the society may make to me together with interest and costs and expenses thereon.

<table>
<thead>
<tr>
<th>Name of Village</th>
<th>Name of Taluka</th>
<th>Name of District</th>
<th>Survey No.</th>
<th>Boundaries/Area</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>South North Acres East West Guntha</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessment Rupees Paisa</th>
<th>Approximate Value</th>
<th>Encumbrances, if any Nature Amount</th>
<th>Remarks</th>
</tr>
</thead>
</table>

In witness whereof, I, Shri ___________________ hereunder set my hand this ____________ day of __________ in the year one thousand ______ hundred and ____________

Witnesses ___________________ Signature of declarant ___________________

Signed and delivered by the above named in the presence of:
1. ____________
2. ____________ Attested by ___________________
Forwarded with compliments to the (*) with a request to include the particulars of the charge created under the declaration in the Record of rights and to return the same to the society for its record.

Manager/Agent,

Place __________

Returned with compliments to the Manager/Agent____*
The charge created under the declaration is duly included in the Record of Rights on the __________ day of 19____.

Forwarded with compliments to the ________ with a request to register the particulars of the charge created under the declaration in its records.

Manager/Agent,

Place __________

Returned with compliments to the Manager/Agent____ This charge created under the declaration is duly registered.

* put the name of the financing society/bank.
(*) Put the appropriate authority.

N. B.—Strike out whichever is not applicable. Also put appropriate description of land/property.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

FORM 'I'

(See sub-rule (2) of Rule 43)

Register of Declaration under Section 43(1) of the Sikkim Co-operative Societies Act, 1978.

(Act No. 12 of 1978)

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Date of entry in the register</th>
<th>Name of the member</th>
<th>Date of declaration</th>
<th>Name of village in which land situated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Description of land as per declaration

<table>
<thead>
<tr>
<th>Particulars as per declaration</th>
<th>Share in land</th>
<th>Extent Remarks</th>
<th>Amount of loan supplied/borrowed</th>
<th>Remarks if any</th>
<th>Signatures of Chairman/Officers</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
</tbody>
</table>

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form J

(See sub-rule (9) of Rule 59)

Rectification report on the audit/enquiry Report

<table>
<thead>
<tr>
<th>Name and address of society</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

Period of audit covered: ____________________________ Date of audit: ____________________________

No. and date of communication of audit report/remarks: ____________________________

<table>
<thead>
<tr>
<th>Sr. No. of objection in Audit/enquiry report</th>
<th>Observation made by the Auditor/Enquiry Officer</th>
<th>Explanation of the society</th>
<th>No. and date of the resolution of Committee approving the reply</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[14]
Before Shri ______________ Joint/Deputy/Assistant Registrar Co-operative Societies, Sikkim, Gangtok

Arbitration Case No. _______________ 19

In the matter of reference of dispute under Section 72 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978).

1. Facts showing that the matter in dispute falls within the scope of section 72 (1) and is between the parties mentioned therein.
2. Facts showing that the reference is within time as provided under Section 72(4).
3. Facts constituting the cause of action.
4. Relief either simple or in the alternative which the claimant claims.
5. List of documents to be filed alongwith the claim:
   (i) Copy of the resolution of the managing committee if the society is the claimant,
   (ii) Pay-in-slip for deposit of application fee with the financing bank.

(Claim will be divided in paragraphs consecutively numbered)

Signature, _______________

Claimant through to _______________
Verification form Societies

Verified at Gangtok this __________ day of ______ 19
that the contents of this claim are true to the best of information and knowledge (derived from the record of the society which are believed to be true and kept in the regular course of its business)

For Society __________________________

Claimant __________________________

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form L

[See sub-rule (3) of Rule 67]

Arbitration Cases Register

<table>
<thead>
<tr>
<th>S. No. of the case</th>
<th>Date of institution of the case</th>
<th>Name (s) of claimant</th>
<th>Name (s) of defendants</th>
<th>Nature of claim in brief</th>
<th>Date of Registrar's Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2</td>
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<tr>
<td>6</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Brief decision of Registrar

Sign of Asstt. Registrar

If admitted, date of reference to Arbitrator

Name of Arbitrator

Date of decision by Arbitrator

<table>
<thead>
<tr>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
</tr>
</thead>
</table>

Date of application for issue of certificate for execution

Date on which certificate under section issued

Asstt. Registrar's Signature

<table>
<thead>
<tr>
<th>12</th>
<th>13</th>
<th>14</th>
</tr>
</thead>
</table>
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form M
(See sub-rule (1) of rule 85)

To
The Registrar
Co-operative Societies
Sikkim, Gangtok.


Case No....

__________________________ Claimant Society

___________ Versus

___________ Defaulter

It is now prayed that an order may be made directing aforesaid defaulter to pay aforesaid amount to the claimant society with further interest at______ per cent per annum from the date of this application till realisation and other expenses for the sale as may be addressed by the sales officer, failing which the amount claimed should be paid out of the sales proceeds of the property described in the annexed Schedule in accordance with the provisions of the Act and the Rules.

Dated:-through Claimant Society

I, having been authorised by the Managing Committee of______ Co-operative Society Ltd., by its resolution No.______ dated the______ 19 a copy of which duly certified signed as true copy of the original is enclosed, submit as bnder.

(1) That the defaulter who is a member / past member / deceased member of the claimant society has to owe to it a sum of Rs.______ principal and Rs.______ interest till the date of application on account of______ and that this amount is still outstanding against him in the book of the claimant society.

(2) That the claimant society has acquired a first charge on the property described in the Schedule annexed herewith for repayment of the above mentioned debt/outstanding demand against the defaulter, which belonged to him/formed part of the estate of deceased member in the head of his legal representative.

(3) That the property described in the annexed Schedule is Sealable under Section 80 of the Act.

Verification

Verified that the contents of this application are true to the best of my knowledge and belief and nothing thereon has been concealed or mis represented. Verified at Gangtok this______ day of 19

Signature____________________________ for Claimant Society.
ANNEXURE

Schedule of properties, subject to charge under Section 42 of the Act

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Brief description of the property</th>
<th>Name and address of the person in whose custody, possession or control the property is lying/depot/sited/standing</th>
<th>Place at which the property information is specified</th>
<th>Any other information</th>
</tr>
</thead>
</table>

I declare that what is stated in the above description is true to the best of my knowledge and belief and so far as I have been able to ascertain the interest of the judgement debtor in the property herein specified.

Signature, ________________________

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

FORM 'N'

(See sub-rule (3) of Rule 85)

NOTICE

In the matter of sale of property of the judgement debtor under Section 40 of the Sikkim Co-operative Societies Act, 1978.

Case No. 198

Claimant Society

Versus

Defaulter

Demand for the recovery of a sum of Rs.________________________

Wherers the claimant society has applied to the Registrar for the sale of the property described in the annexed Schedule in payment of a sum of Rs.________________________ as principal, Rs.________________________ as interest upto the date of application, plus further interest at ________________% p.a. till realisation and the cost of these proceedings, claimed to be due by the defaulter to the Claimant Society.
And whereas it is claimed that the claimant has first charge on the property of the defaulter aforesaid.

Now, in pursuance of the provision to section 80 of the Sikkim Co-operative Societies Act, 1978 and the rules thereunder, notice is hereby given to you to appear before the Sales Officer on the ________ day of 19 to show cause why the order under Section 80 of the Act should not be made. Take notice that if you admit the claim or fail to "show cause" against this demand notice on the aforementioned date and time, the amount now claimed by the claimant society should be paid within seven days of receipt of this notice by you with the Sales Officer failing which the property described in the Schedule annexed should be sold and the claim satisfied out of the sale-proceeds of the property according to rules.

Signature

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form O
(See sub-rule (2) of Rule 86)
Application for the issue of Certificate under provision to clause (a) of section 81 of the Sikkim Co-operative Societies Act, 1978.
In the matter of Arbitration case No."

Claimant

Versus

Defendants

To
The Registrar,
Co-operative Societies
Sikkim
Gangtok

Sir,
The claimants have obtained an award against the defendants jointly/severally in the sum of Rs._______as principal Rs._______as interest upto _______ and Rs._______as cost totalling Rs._______with future interest at _______% p. a. on the principal amount till realisation.
2. The amount covered by the award is desired to be recovered as arrears of Land Revenue under clause (a) of section 81 of the Act. A certificate under provision to this clause may be issued to the decree-holder to enable him to apply for the execution of the award through the Collector.

Place____________________ (Full name and address)

Signature____________________ Date

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form 'P'
(See sub-rule (3) of Rule 86)

In the matter of Arbitration Case No.
Decree-holder(s)
Versus
Judgement debtor(s)

Certificate

I hereby certify pursuant to provision to clause (a) of Section 81 of the Sikkim Co-operative Societies Act, 1978 that a sum of Rs._______ principal plus Rs._______ as interest upto_________ and Rs._______ as cost totalling Rs._________ is recoverable from the judgement-debtor above named jointly and severally as arrears of Land Revenue according to the law for the time being in force in the State of Sikkim relating to recovery of land revenue.

Given this_______ day of_______ 19 at Gangtok.

Signature____________________

Seal__________________________
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
FORM 'Q'
(See sub-rule (4) of rule 86 )

In the Court of Recovery Officer, Co-operative Societies, Gangtok :

Recovery Case No. ..................,19

(1) 
(2) 

Decree-holder

Versus

(1) 
(2) 
(3) 

Judgement-debtor.

In the matter of recovery of decertal amount as arrears of land revenue under clause (a) of section 81 of the Sikkim Co-operative Societies Act, 1978.

We/I here apply for the execution of the award details of which are given hereinafter in accordance with the law for the time being in force relating to the recovery of land revenue. We/I undertakete bear all expenses for the execution of this award as may be assesse by the Recovery Officer :-

Details of award

(1) Arbitration Case No. 
(2) Date of award 
(3) Whether any appear preferred against the award 
(4) Payment or adjustment already made if any against the decretal amount 
(5) Amount of award with other monetary reliefs granted in the award

<table>
<thead>
<tr>
<th>Principal</th>
<th>Rs..................</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest</td>
<td>Rs..................</td>
</tr>
<tr>
<td>Cost</td>
<td>Rs..................</td>
</tr>
<tr>
<td>Total</td>
<td>Rs..................</td>
</tr>
<tr>
<td>Future interest at % P. A. from ....till realisation.</td>
<td></td>
</tr>
</tbody>
</table>

(6) Amount certified by the Registrar to be recoverable as arrear of Land Revenue.

<table>
<thead>
<tr>
<th>Principal</th>
<th>Rs..................</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest</td>
<td>Rs..................</td>
</tr>
<tr>
<td>Cost</td>
<td>Rs..................</td>
</tr>
<tr>
<td>Total</td>
<td>Rs..................</td>
</tr>
<tr>
<td>Future interest at % P. A. from ....till realization of principal amount.</td>
<td></td>
</tr>
</tbody>
</table>

/
(7) Previous application, if any, with execution case No...........................and date.......................and results thereof.

(8) Against whom to be executed,

(9) Mode of execution

(1) Where attachment and sale of movable property (Details given in the is required, annexed Schedule).

(2) Where attachment and sale of immovable (Details given in the property annexed Schedule).

(10) Name of the person who would assist the executing officer on behalf of the decree-holder.

We /I declare that whatever is stated above is true to our / my knowledge and belief. We /I also undertake to bear all legal expenses if in pursuance of the execution proceedings any legal proceeding are filed by any person against the Recovery Officer which have our / my authority to defend them on our / my account. We /I also undertake that if execution is made by arrest or Civil imprisonment, we / I shall pay all the charges for subsistence and maintenance allowance for the confinement / imprisonment of the judgement-debtor.

Gangtok
Date

Signature, ..........................
Decree-holder.

SCHEDULE

When attachment and Sale of movable/immovable property is sought.

MOVABLE PROPERTY

Name of articles.  Name and address of the person in whose custody, person or Control.

IMMOVABLE PROPERTY ( Give details below )

We /I declare that what is stated above is true to the best of our / my knowledge and belief.

Signature, ..........................
Decree-holder.

AYS
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
FORM 'R'
(See sub-rule (3) of Rule 88)

Notice to show-cause why a payment or adjustment should not be recorded.

Recovery Case No. ..............

Decree holder

Versus

Judgement-debtor

Whereas the execution of the award in the above named case, the judgement-debtor has applied to the Recovery Officer that a sum of Rs. .............. recoverable under the award has been paid/adjusted to the decree-holder or of Court and that the same should be recorded by the Recovery Officer as having been paid by the judgement-debtor against the award being executed,

Now this notice is given to the decree-holder to appear before the Recovery Officer on, .............. day of .... 198 to show cause why the payment/adjustment aforesaid should not to be recorded as claimed by the judgement-debtor.

If the decree-holders fail in this respect, an ex-parte order is liable to be passed.

Given under the hand the seal this .......... day of .............. 198 .

Recovery Officer

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form 'S'
(See sub-rule (1) of Rule 91)

Application of execution under clause (b) of Section 81 of the Sikkim Co-operative Societies Act, 1978 (Act of 12 1978).

To

The Registrar,
Co-operative Societies,
Sikkim, Gangtok

In the matter of case No. ..............

1. .............. Decree-holder

2. ..............

Versus

1. .............. Judgement-debtor

2. ..............
We/I here by apply under clause (b) of Section 81 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978) for the execution of the decision/award order details of which are given hereinafter and a certified copy of which is enclosed:—

(1) Arbitration case No.
(2) Date of decision/award/order.
(3) Whether appeal preferred.
(4) Relief claimed.
(5) Against whom to be executed
   (Full names and addresses to be given)
(6) Mode of execution:
   (i) If execution is to be made by attachment or sale of movable or immovable property of the judgement-debtor, give full details and the names of persons in whose possession and custody
   (ii) If by arrest and detention (specify the place where the judgement-debtor shall be found).
   (iii) Name of the person who would assist the executing officer.

Verified at Gangtok this............ day of.............198 that the above statements are true to the best of my knowledge and belief. I undertake to bear all expense in execution of the decision/award/order.

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form T
(See sub-rule (6) of Rule 91)

In the matter of execution proceedings under clause (b) of Section 81 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978).

(1) Demand Notice

Whereas the decree-holder applied to the Registrar, under clause (b) of Section 81 of the Sikkim Co-operative Societies Act 1978 (Act No. 12 of 1978) for the execution of the award/order given in case No...(Certified copy of which is enclosed).

And whereas the judgement-debtor named above is required to comply with the decision/award/order mentioned above and has not so far complied with the same.

Now, in exercise of my powers, I call upon the judgement-debtor to appear before me on............ at............ in my office to show cause why the decision/award order aforesaid should not be executed according to the provisions of the Code of Civil Procedure, 1908 (Act No. V of 1908) by attachment of his property by arrest or detention of the judgement-debtor.

Given under my seal and signature this............ day of............198.

Signature

Seal
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981
Form U
(See sub-rule (1) of Rule 93)

Before Shri, Recovery Officer, Officer of the Registrar,
Co-operative Societies, Sikkim, Gangtok.

Execution Case No._______

Decree-holder.

Versus

Judgement-debtor.

Warrant of attachment of movable property in execution of the decree.

To

The Bailiff, ______________________________________

Whereas the judgement-debtor above named was ordered by decree dated the
passed by____________________________

the amount in the margin and whereas the said sum of Rs._________has not been paid.

Decretal Amount Rs. P. These are to command you to attach the movable property of
(i) Principal the said judgement-debtor as set forth in Schedule here into
(ii) Interest annexed or which shall be pointed out to you by the decree­
(iii) Costs holder or his representative or agent, and unless the said jud­
(iv) Cost of execution gement debtor shall pay to you the said sum of Rs._______
(v) Further interest together with Rs._______ the cost of this attachment to
hold the same until further orders from the Recovery Officer.

You are further commanded to return this warrant on or before the____________
day of______19 with an endorsement certifying the day on which and the
manner in which it has been executed or why it has not been executed.

Given under had and the seal this_______day of_____________19.

Seal
Recovery Officer.

Schedule

Description of property

Seal
In whose custody.
Recovery Officer.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

FORM 'V'
(See clause (IV) of Rule 93)

Form of Bond with sureties for the production of the property at the place of sale in execution of decree.

Decree holder

Versus

Judgement-debtor

Execution Case No._____________________

Know all men by these presents, that we (1)__________________S/o____________ resident of________________(Judgement-debtor) (2)________________S/o____________ resident of________________(Surety No. 1) and (3)________________________S/o________________________(Surety No. 2) are jointly and severally bound to the Recovery Officer in the above mentioned execution case in the sum of Rs.________________ to be paid to the said Recovery Officer or his successor in office for the time being. For which payment to be made we bind ourselves, and each of us, in the whole, we and each of our heirs, executors and administrators jointly and severally these presents.

Dated this day of _______________ 19 signed and delivered to the said Recovery Officer at Sikkim, Gangtok.

Witness:

(1) Signature

(Name and address)

(2) Signature

(Name and address)

(1) (Name and address)

Judgement-debtor

(Name and address)

Sign Surety (1)

(3) (Name and address)

Sign. Surety (2)
Whereas in the above execution case the property given in the attached schedule has been attached by the order of the Recovery Officer in the above execution case and whereas the said property has been attached and left in the charge of the judgement-debtor above named and whereas the said judgement-debtor is required and undertaken to produce the said property at the place, date and time of the sale when called for by the order of Recovery Officer.

Now the condition of the obligation is such that if the above bounded judgement-debtor produces the said property in saleable and good condition on the date and place as may be specified by the order of the Recovery Officer, then this obligation shall be void, otherwise it shall remain in full price and virtue.

Signed and delivered by the above bounded in the presence of witnesses this ______ day of _______ 198

(1) Sign. (1)
(2) Sign. (2)
Sign. (3)

STKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form 'W'

(See clause (XI) of Rule 93)

Execution Case No. __________

Decree-holder

Versus

Judgement-debtor

Proclamation for sale

Notice is hereby given under clause (XI) of Rule 93 of the Sikkim Co-operative Societies Rules, 1981 that an order has been passed by the Recovery Officer for the sale of the attached property mentioned in the annexed Schedule in satisfaction of the claim of the decree-holder in Arbitration Case No. ___________ mentioned in the margin. The sale will be by public auction ___________ and the property will be put to sale in lots. The sale will be of ReUef claimed ___________ the property of the judgement-debtor

In the absence of an order for postponement, the sale will be held by (Bailiff) at (time) on date at (place) for the amount of the relief claimed and specified in the margin and the cost of attachment or sale being tendered or paid before the knowing down of a lot, the sale will be stopped.
At the sale the public generally are invited to bid either personally or by duty authorised agents.

Given under my hand and seal this________day of________19

Recovery Officer.

Schedule

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Form X
(See rule 94)

Order to attach Salary of Public Officer or Servant of Railway or Local Authority.

Execution Case No.____________

Decree-holder

Versus

Judgement-debtor

To

Where____________________(Judgement-debtor) is a (Office of the Judgement-debtor) receiving his salary and allowances at your hand or on your account and whereas_____________decree-holder in the said case has applied to the Recovery Officer of the attachment of the salary and allowances of said Shri_____________to the extent of Rs._____________(decretal amount) due to him under the decree, you are hereby required to withhold the said sum of Rs.______from the salary and allowances of the said Shri, in monthly instalments of Rs._____________and to remit the said sum or monthly instalments to me.

Given under my hand and seal of the Court this________day of__________________19

Recovery Officer
[ 29 ]

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Schedule I

( Rule 41 )

Preservation and Destruction of Account Books and Registers

TO BE RETAINED PERMANENTLY

2. General Ledger.
3. Loan Ledger.
   (a) Short term loan
   (b) Long-term loan
4. Ledger of shares or Share Registers.
5. Ledger for fixed deposits.
7. Ledger for Provident deposits.
8. Ledger for investments.
9. Ledger for Provident Fund.
10. Ledger for Societies Reserve Fund.
11. Ledger for Societies Charity Fund.
12. Ledger for Audit Fee.
13. Ledger for dividend.
14. Share Transfer Register.
15. Call Register of Shares.
17. Acquitance Roll.
18. Register for issuing cheque book.
19. Register for issuing pass books.
20. Register of specimen signatures of depositors and their nominees.
21. Register of members.
   (a) Register of nominal Share-holders.
   (b) Register of ordinary Share-holders.
22. Register of directors.
23. Minute Book.
24. Register of officers and their services.
25. Register of organisations.
26. Register of liquidated societies.
27. Register of office bearers of affiliated societies and their specimen signatures.
28. Audit Notes and audit statements.
29. Register of Pronotes.
30. Catalogue (library).
31. Register of letters received.
32. Register of letters issued.
33. Lists of record destroyed from time to time.
[ 30 ]

TO BE RETAINED FOR 6 YEARS

1. Register of disputed cases.
2. Register of Court Fees.
3. Ledger for suspense deposits.
4. Ledger for temporary deposits.
5. Register of Bills of Contingent Register.
6. Collection Register.
7. Register of assessment of normal credit of members.
10. Office Order books.
11. Receipt Books (containing counterfoils)
12. Vouchers.

TO BE RETAINED FOR 3 YEARS

1. Budget estimates.
2. Returns and Statements.
4. Register of inspection of affiliated societies.
5. Register of Rectification Reports.
6. Register of Property and debt statements.

TO BE RETAINED FOR 2 YEARS

1. Casual Leave Register.
2. Attendance Register.
3. Register of payment of travelling allowance.
4. Register of noting dates of withdrawal of deposits.

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1981

Schedule II

[ Rule 67 (5) ]

Regulations regarding the Recoveries and Deposits of fees for the Services to be rendered by the Registrar to the Co-operative Societies and their members.

1. Short-title and application

   (1) These regulations may be called the Fee Recovery and deposit Regulations, 1979.

   (2) These regulations shall apply to all the Co-operative Societies registered or deemed to be registered under the Sikkim Co-operative Societies Act, 1978 and the members, past members, heirs, legal representatives, nominees of the deceased members, agents and servants of the Co-operative Society, and staff paid out of this fund defined under Regulations No. 3.
2. Definition

Words and expressions defined in the Act and the Rules and used in these Regulations shall have the meanings assigned to them in the Act.

3. Creation of "Settlement and Execution Expenses Fund"

(1) The Registrar shall create a fund entitled “Settlements and Execution Expenses Fund” (hereinafter called the fund) which shall be administered and operated by him. All fees realisable under the rules on reference of disputes to the Registrar under section 72 and proceedings under section 80 and 81 shall be paid into this fund and all expenditure on the pay and allowances of bailiffs, process servers and other staff required to man the execution, agency and payment of fees to arbitrators and other contingent expenditure relating to reference of disputes under Section 72 proceedings under section 80 and 81 shall be defrayed out of this Fund.

4. Staff paid out of the Fund

The Registrar may appoint any number of bailiffs and other categories of staff required to maintain an efficient agency of recovery of dues of co-operative societies and its members, past members, their agents and servants. Registrar will be competent to prescribe their qualifications, conditions of service, the target of recovery to be achieved by them and the scale of their salary and allowances. Registrar shall be the appointing and disciplinary authority for such staff. The powers of disciplinary authority may, however, be delegated by him to any officer subordinate to him. When the disciplinary authority is not the Registrar himself, all appeals against the orders of the disciplinary authority shall lie to him and his decision in appeals shall be final. When the disciplinary authority is the Registrar himself, the appeal shall lie to another officer to be appointed by the Government.

(2) The service of staff paid out of the fund and under the Registrar shall not be Government service. However any person appointed and paid out of this Fund shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(3) Any person appointed and paid out of this Fund shall have to enter into an agreement on non-judicial stamp payable by him which shall be his contract of service.

5. Operation of Fund

(1) The Fund shall be kept in the Sikkim State Cooperative Bank Ltd. All payments from this Fund shall be made by cheques which may be signed by any officer who may be authorised by the Registrar.

(2) Payment into the Fund can be made by any body who desires to make the payment. The said Bank shall accept the deposits from any person and credit the same to this Fund.

(3) The State Co-operative Bank shall supply to the Registrar or any officer authorised by him the monthly details of all deposits into and payments from this Fund and the balance standing at the end of each month.

6. Maintenance of other Account by the Bank

The Sikkim State Co-operative Bank shall maintain any other accounts as may be directed by the Registrar in connection with securing the purposes of the Act and the Rules. These accounts shall be operated by the Registrar or any other office authorised by him.
7. Creation of Audit Fee Fund

(1) The Registrar shall create fund called the "Audit Fee Fund" which shall be administered by the Assistant Registrar (Audit) and maintained with the Sikkim State Co-operative Bank Ltd.

(2) All the Cooperative Societies shall deposit audit fee in this fund as may be assessed against them from time to time.

(3) The bank shall submit a statement every month to the Assistant Registrar (Audit) in the following form so as to reach him by 5th of every month following the month to which the statement relates:

Date of deposit. Name of the Society. Amount deposited.

(4) On receipt of the above statement, Assistant Registrar (Audit) shall record the payments in relevant accounts of the Society and draw a cheque for the amount representing the total of all the amounts shown in the above monthly statement in favour of the Registrar, Co-operative Societies and send it to the Cashier of his office for deposit into Government Account.

Arbitration

To

Societies for

No.

material

by a
Form 1 Summon in arbitration proceedings to the defendant to answer claim.

Form 2 Summon to legal representative to be added when defendant dies during pendency of arbitration proceedings.

Form 3 Summons for attendance/production of record in any enquiry/inspection/arbitration/liquidation.

Form 4 Proclamation requiring attendance/production of record.

Form 5 Warrant of attachment of property.

Form 6 Warrant of Arrest,

Form 7 Warrant of Committal to Civil Imprisonment.

Form 8 Order of release from Civil Imprisonment.

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1982

Form I

Summons for disposal of claim under Section 72 of the Sikkim Co-operative Societies Act, 1978.

Arbitration Case No. Versus Defendent

To

Whereas a dispute under Section 72 of the Sikkim Cooperative Societies Act, 1978 (Act No. 12 of 1978) has been referred against you for__________, a copy of which is enclosed, you are hereby summoned to appear before me (Designation of the Officer) in room No._________on_________(Date) at_________(Time) to answer all material questions relating to the dispute. You may be accompanied by a person able to answer all such questions. As the date fixed for
your appearance is appointed for the final disposal of the suit you
must be prepared to produce on that day all the witnesses upon whose
evidence and all the documents upon which you intend to rely in
support of your defence.

Take notice that, in default of your appearance on the day before
mentioned the matter will be heard and determined in your absence.

Given under my hand and seal this____________________
day of_____________________________198

Signature
( Seal of Office )

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1982
Form 2
Summon to legal representative of a deceased defendant.
Arbitration Case No.

Versus

Claimant

Defendent

To,

Whereas the claimant referred a dispute for decision under Section
72 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978)
against the defendant and whereas the claimant has referred to me
that while the dispute is pending, the defendant has since deceased
and made an application alleging that you are the legal representative
of the said_____________________________deceased, and desiring that you
be made the defendant in his stead.

You are hereby summoned to attend the proceedings pending
before me on___________________(date) at___________________
(time) at___________________(place) to defend the said proceedings and
in default of your appearance, the said dispute will be heard and
determined in your absence.

Given under my hand and seal this____________________day
of__________________198

Signature
( Seal of Office )

Claimant

Defendent
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1982

Form 3

Summons to Witness

In the matter of Enquiry under Section 66 / inspection under Section 67/Arbitration proceedings under Section 72/Liquidation proceedings under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978) (in names of the societies/names of parties).

To

Whereas your attendance is required in the enquiry/Inspection Liquidation/Arbitration proceedings pending before me.

Now in exercise of my powers under Section 108 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978) you are hereby required personally to appear before me on the (date) at__________ (time) at______________ (Place) and to bring with you the record and documents mentioned in the annexed list. If you fail to comply with this order without lawful excuse, you will be subject to consequences of non-attendance laid down in section 32 and rule 12 of order XVI of the Code of Civil Procedure 1908.

Given under my hand and seal this_________day of_______ 19

Signature
(Seal of office)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1982

Form 4

Proclamation Requiring Attendance

Whereas an Enquiry under Section 66/Inspection under Section 6 Arbitration under Section 72/Liquidation under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978) is pending.

And whereas it has been made to appear before me that the summoned issued to Shri__________________________to appear before me and to produce documents could not be served upon him in the manner prescribed by law, and whereas it appears that the evidence and record/documents required of him are material and he absconds and keeps out of way for purposes of evading the service of the summons, this proclamation is issued requiring the attendance and production of record before me on________________________(date) at__________ (time) at_________(Place)_________________and from
day to day until he shall have to depart and if the aforesaid person fails to attend or attends but fails to produce the required record on the date and hour aforesaid, he will be dealt with according to law.

Given under my hand and seal this ___________ day of ___________ 19 .

Signature
( Seal of Office)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1982
Form 5

Warrant of attachment of witness (order 16 rule 10 Code of Civil Procedure, 1908).

In the matter of

To

The Bailiff ______________ Whereas Shri _______________ has not, after the expiration of the period limited in the proclamation issued for his attendance/production of record, appeared/produced record before me, you are hereby directed to hold under attachment the property belonging to the said Shri _______________ to the value of _______________ and to submit a return accompanied with an inventory of within _______________ days.

Given under my hand and seal this _________________ day of _______________ 19

Signature
( Seal of Office)
Warrant of Committal

(Under Order 16 rule 10 of Code of Civil Procedure, 1908)

In the matter of Enquiry under Section 66 / Inspection under Section 67 / Arbitration under section 72 / Liquidation under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act No. 12 of 1978).

Whereas Shri ______________________ has been duly served with a summons but failed to attend or attended but failed to produce the record / absconds and keeps out of the way for purpose of avoiding service of the Summons:

You are hereby ordered to arrest and bring the said Shri ____________ before me.

You are further ordered to return this warrant on or before the __________ day of ___________ 19 with an endorsement certifying the day on and the manner in which it has been executed or the reasons why it has not been executed.

Given under my hand and seal this ______ day of __________

__________________________ 19

Signature
(Seal of Office)
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1982

Form 7

Warrant of Committal

( Under Order 16 of code of Civil Procedure, 1908 )

In the matter of Enquiry under Section 66 / Inspection under Section 67 / Arbitration under Section 72 / Liquidation under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act, No. 12 of 1978)

To The Officer-in-Charge of Jail at____________________Whereas Shri ___________________ whose attendance for evidence / production of record which is material in the proceedings pending before me has been arrested and brought before me in custody and whereas said Shri ___________________ failed to produce documents and his evidence cannot be taken, and whereas said Shri ___________________ has been called upon to give security to my satisfaction for his appearance/production of record/documents on ________________ day of ________________ 198 which he has failed to do ;

This is to require you to receive the said Shri ___________________ into your custody in Civil Prison until further orders from me.

Given under my hand and seal this______________ day of ________

_________________ 198

Signature

( Seal of Office )
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1982
FORM 8

Release order under Section__________ of the____________ Act
In the Court of________________________________________
District____________________
Case No._________Year____________________19__________

The Superintendent of Jail.

Name of Judgement-Debtor____________________________________ son of
Shri__________________________ Caste_____________ Village/Tehsil__________

Whereas the above named who was sent to the civil imprisonment
for non-payment of dues by this Court on_____________ has made
the payment or has given surety and has asked for exemption from
payment for_________days, as such he may not be kept under
your custody now.

Therefore, you are hereby ordered to release the said person on
receipt of this order.

Given under my hand and seal of this Court day of
____________________19

Signature
Collector Grade I/II
( Seal of Office)
In exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India, Governor of Sikkim is hereby pleased to make the following rules further to amend the Government of (Allocation of Business) Rules, 1975 namely;

These rules may be called the Government of Sikkim (Allocation of Business) Amendment Rules, 1981.

(i) After entry 14 under 'Home Department' the following shall be added, namely
"Advocate General.
Government Advocates and Public Prosecutors.
Fixation to fees of Officers and engagement of lawyers and payment of fees.
Matters relating to Citizenship and Tibetan Refugees."

(ii) Under the heading '24. Law Department' the following subjects shall be substituted, namely;
"Acts;
Matters of litigations, appeals etc. and legal questions which are specially referred to it.
Bills, non-official scrutiny of.
Generally to assist other departments in all matters of a legal nature that may be referred to it.
Legal aid to the poor - Legal Aid and Advice Board Government Bills - Drafting and scrutiny.
Legal and Legislative Publications such as Codes Manuals, other than Departmental Manuals Legislation.
Legislature - Rules of procedure and standing orders - Scrutiny of.
Notification, agreement and all conveyance - Scrutiny of.
Subsidiary legislation.
Law Commission"

BY ORDER OF THE GOVERNOR

J. T. DENSAPA.