<table>
<thead>
<tr>
<th>GAZETTE NO</th>
<th>DEPARTMENT</th>
<th>NOTIFICATION NO</th>
<th>SUBJECT MATTER</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Legislative</td>
<td>I/L.L/78- 16.01.78</td>
<td>Sikkim Land (Requisition and Acquisition) Act, 1977.</td>
</tr>
<tr>
<td>4</td>
<td>Home</td>
<td>-------------------</td>
<td>Sikkim Land (Requisition and Acquisition) Amendment Ordinance, 1978.</td>
</tr>
<tr>
<td>5</td>
<td>Excise</td>
<td>1036/LR(s)- 12.01.78</td>
<td>Sikkim Excise (Abkari _ Amendmnt Ordinance, 1978.</td>
</tr>
<tr>
<td>7</td>
<td>Finance</td>
<td>2077/H/78- 25.01.78</td>
<td>Republication of Ministry of Law, Justice and Company Affairs No. 1 dated 16.01.78</td>
</tr>
<tr>
<td>8</td>
<td>Home</td>
<td>18/3/77/HP- 25.01.78</td>
<td>Declared the places to be police stations with the local areas specified against each of them as their jurisdictions.</td>
</tr>
<tr>
<td>9</td>
<td>Legislative</td>
<td>27.2.78</td>
<td>Summon to meet Legislative Assembly of Sikkim on 22.03.1978.</td>
</tr>
<tr>
<td>10</td>
<td>Home</td>
<td>11(62)II/77- 10.02.78</td>
<td>High Denomination Bank Notes (Demonetisation) (Removal of /Difficulties) Order.</td>
</tr>
<tr>
<td>11</td>
<td>Home</td>
<td>-------------------</td>
<td>Requisitioning and Acquisition of Immovable property (Amendment) Act, 1977.</td>
</tr>
<tr>
<td>12</td>
<td>Home</td>
<td>40/H- 9.02.78</td>
<td>Republication of Election Commission of India Not.No. 56/78 dated 25.01.78</td>
</tr>
<tr>
<td>13</td>
<td>Home</td>
<td>41/H- 9.02.78</td>
<td>Republication of Election Commission of India Not.No. 56/78(I)dated 25.01.78</td>
</tr>
<tr>
<td>14</td>
<td>Home</td>
<td>42/H- 9.02.78</td>
<td>Republication of Election Commission of India Not. No. 56/78-2 dated 28.01.78</td>
</tr>
<tr>
<td>15</td>
<td>Home</td>
<td>43/H- 9.02.78</td>
<td>Republication of Election Commission of India Not. No. 56/78-3 dated 2.02.78</td>
</tr>
<tr>
<td>16</td>
<td>Home</td>
<td>44/H- 13.02.78</td>
<td>Republication of Election Commission of India Not. No. 56/78/-ol.IV dated 4.02.78</td>
</tr>
<tr>
<td>18</td>
<td>Legislative</td>
<td>1/D/77-78- 20.02.78</td>
<td>Sikkim Legislative Assembly Members Removal of Disqualification Act, 1978</td>
</tr>
<tr>
<td>21</td>
<td>Labour</td>
<td>1/D/77-78- 20.02.78</td>
<td>10 days holidays allowed for the labourers engaged on Muster Roll by Govt. Deptt.</td>
</tr>
<tr>
<td>22</td>
<td>Home</td>
<td>12/Home- 7.03.78</td>
<td>Republication of Ministry of Agriculture and Irrigation Deptt. Not. No. 12018/12/76/-LRD dated 10.1.78</td>
</tr>
<tr>
<td>25</td>
<td>Local Self Govt.</td>
<td>-------------------</td>
<td>Gangtok Municipal Corporation (Amendment) Act, 1978 Bill No. 6 of 1978</td>
</tr>
<tr>
<td>Page</td>
<td>Category</td>
<td>Bill No.</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>31</td>
<td>Labour</td>
<td>2/DL- 8.03.78</td>
<td>Offer of all facilities enumerated in the workmen's Compensation Act, 1923.</td>
</tr>
<tr>
<td>32</td>
<td>Election</td>
<td>88/85/H- 14.03.78</td>
<td>Declaration made by the Returning Officers under Section 66 of the Representation of the People Act, 1951.</td>
</tr>
<tr>
<td>47</td>
<td>Establishment</td>
<td>3/Gen/Est. -10.04.78</td>
<td>Grant an interim relief in the form of Additional Dearness Allowance at the rate of Rs. 30/- per month to the non-gazetted employes.</td>
</tr>
<tr>
<td>48</td>
<td>Motor Vehicle</td>
<td>8/MV–22.03.78</td>
<td>Inspecto of Motor Vehicle Depttt.is empowered to check Certificate of fitnes, route permits, taxes, overloading and driving licences and lunch prosecution against the defaulers and offenders.</td>
</tr>
<tr>
<td>49</td>
<td>Legislative</td>
<td>1/62/SLAS/78–79–5.04.78</td>
<td>Nominated Shri Sonpom Lucksom as the Chairman of the Public Accounts Committee.</td>
</tr>
<tr>
<td>50</td>
<td>Legislative</td>
<td>1/70/SLAS/78–79–5.04.78</td>
<td>Appoinment of Chairman for Public Account Committee.</td>
</tr>
<tr>
<td>51</td>
<td>Legislative</td>
<td>1/140/SLAS/78–79–504.78</td>
<td>Constituted Estimates Committee.</td>
</tr>
<tr>
<td>54</td>
<td>Home</td>
<td>2(2)-Home/78–11.03.78</td>
<td>Sikkim Livestock Development Corporation shall continue to be looked after bu the Hon'ble</td>
</tr>
<tr>
<td>No.</td>
<td>Department</td>
<td>Number</td>
<td>Date</td>
</tr>
<tr>
<td>-----</td>
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</tr>
<tr>
<td>56</td>
<td>Home</td>
<td>45/H-19.04.78</td>
<td>Price of electoral rolls fixed at Rs. 2/-</td>
</tr>
<tr>
<td>58</td>
<td>Finance</td>
<td>1/Fin-3.04.78</td>
<td>Sanction new scheme of Family Pension for SikkimGovt. employees.</td>
</tr>
<tr>
<td>59</td>
<td>Legislative</td>
<td>102/SLG-1978/66-26.04.78</td>
<td>Prorogue the Legislative Assembly of Sikkim which was summoned to meet on 22.03.78.</td>
</tr>
<tr>
<td>60</td>
<td>Establishment</td>
<td>23/Gen/Est-27.04.78</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Establishment</td>
<td>95/Gen/Est-27.04.78</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Home</td>
<td>1(47)77-Acctts/H-1.05.78</td>
<td>Sikkim Ministers, Speaker, Deputy Speaker and Members Travelling Allowance (Amendment) Rules, 1978.</td>
</tr>
<tr>
<td>64</td>
<td>LR</td>
<td>89/LR(S)-1.05.78</td>
<td>Rate of Land Compensation for east District.</td>
</tr>
<tr>
<td>65</td>
<td>LR</td>
<td>96/LR(S)-1.05.78</td>
<td>Date of enforcement of (Sikkim Requisition and acquisition) Act, 1977W.E.F.22.04.78</td>
</tr>
<tr>
<td>66</td>
<td>LR</td>
<td>97/LR(S)-1.05.78</td>
<td>Authorizes the District Collectors to exercise on behalf of the State Govt.</td>
</tr>
<tr>
<td>67</td>
<td>Legislative</td>
<td>13/LL/-6.05.78</td>
<td>Sikkim Land (Requisition and Acquisition) Amendment Act, 1978.</td>
</tr>
<tr>
<td>68</td>
<td>Home</td>
<td>6(11)-H/76-5.5.78</td>
<td>Governor pleased to delete Clause 3 of Not. 36/H dated 6.8.78.</td>
</tr>
<tr>
<td>69</td>
<td>LSG</td>
<td>2/LSG-24.4.78</td>
<td>State Govt. entrusts Gangtok Municipal Corporation with the duty of Collecting the tolls from the owners of goods and fees from vendors.</td>
</tr>
<tr>
<td>70</td>
<td>Home</td>
<td>46/H-11.5.78</td>
<td>Manipur Hills Union was recognized State Party in the State of Manipur and the Symbol &quot;Lion&quot; was reserved for that party.</td>
</tr>
<tr>
<td>71</td>
<td>Home</td>
<td>45/H/-15.5.78</td>
<td>Govt. of Sikkim resolved to constitute a State Level Co-ordination Committee.</td>
</tr>
<tr>
<td>72</td>
<td>Home</td>
<td>51(8)-H/77/53-19.5.78</td>
<td>Governor is pleased to appoint Shri Anup Deb as Govt. Advocate.</td>
</tr>
<tr>
<td>73</td>
<td>Labour</td>
<td>3/DL-20.5.78</td>
<td>Govt. of Sikkim fix the maximum load to be carried manually by one adult male.</td>
</tr>
<tr>
<td>75</td>
<td>LR</td>
<td>LA(1)182/LR(S)-17.5.78</td>
<td>Land is needed for &quot;Key Location Plan&quot; in the block of Bhusuk, Paham, Namong and Naitam, Elaka Pam-Singtam, District Gangtok.</td>
</tr>
<tr>
<td>76</td>
<td>LR</td>
<td>LA(2)183/LR(S)-17.5.78</td>
<td>Land is needed for &quot;Key Location Plan&quot; in the block of Bhusuk, Paham, Namong and Naitam, Elaka Pam-Singtam, District Gangtok.</td>
</tr>
<tr>
<td>77</td>
<td>LR</td>
<td>LA(3)190/LR(S)-19.5.78</td>
<td>Land is needed for Key Location Plan of Army at Bhusuk, Pam, a portion of Namong and Naitam block East District.</td>
</tr>
<tr>
<td>79</td>
<td>Home</td>
<td>47/H-6.6.78</td>
<td>Republication of Election Commission of India Not. NO. 56/31/78 dated 19.5.78.</td>
</tr>
<tr>
<td>80</td>
<td>Home</td>
<td>6(11)-H/76-3.6.78</td>
<td>&quot;August 6, 1978&quot; appearing in Not.No.6(11)-H/76 dated 5.5.78 read &quot;August 6, 1976&quot;.</td>
</tr>
<tr>
<td>No.</td>
<td>Ministry</td>
<td>Reference</td>
<td>Date</td>
</tr>
<tr>
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<td>------------</td>
</tr>
<tr>
<td>81</td>
<td>Home</td>
<td>756/H/78-8.6.78</td>
<td>Governor of Sikkim pleased to order the postings/transfers of Secretaries who shall take charge of the Departments noted against their names.</td>
</tr>
<tr>
<td>82</td>
<td>Home</td>
<td>43(13)-H/77-8.12.77</td>
<td>Govt. of Sikkim have decided to provide liberal incentives to new entrepreneurs for setting up Small Scale Industries in the state of Sikkim.</td>
</tr>
<tr>
<td>83</td>
<td>Home</td>
<td>48/H-14.6.78</td>
<td>Govt. of Sikkim nominates Shri R.K. Gupta, as the Chief Electoral Officer for the state of Sikkim.</td>
</tr>
<tr>
<td>85</td>
<td>Home</td>
<td>6(44)-LL/78-17.6.78</td>
<td>Sikkim Govt. appoints the 1st day of July, 1978 as the date on which the Sikkim Civil Courts Act, 1978 shall come into force.</td>
</tr>
<tr>
<td>86</td>
<td>LR</td>
<td>3/LR-22.6.78</td>
<td>Sikkim Govt. appoints the 22nd day of June, 1978 as the date on which the said Act shall come into force in the whole of Sikkim.</td>
</tr>
<tr>
<td>87</td>
<td>LR</td>
<td>4/LR-22.6.78</td>
<td>State Govt. authorises the Sistric Collectors to perform the functions of the Competent Authority.</td>
</tr>
<tr>
<td>88</td>
<td>LR</td>
<td>5/LR-22.6.78</td>
<td>No person shall be entitled to hold any agricultural land in excess of the ceiling limit w.e.f 22.6.1978.</td>
</tr>
<tr>
<td>89</td>
<td>Cooperation</td>
<td>6/Coop-21.6.78</td>
<td>Governor of Sikkim is pleased to order the enforcement of the Sikkim Cooperative Societies Act, 1978.</td>
</tr>
<tr>
<td>91</td>
<td>LR</td>
<td>L&amp;A(1)383/LR(S)-28.6.78</td>
<td>Land is needed for the Union in the blocks of Bhusuk, Pam, Namong and Naitam Elaka Pam-Singtam, East District.</td>
</tr>
<tr>
<td>92</td>
<td>Home</td>
<td>10(9)-H/77-5.7.78</td>
<td>State Govt. constitutes a Committee under the Chairmanship of the Chief Secretary to Govt.</td>
</tr>
<tr>
<td>93</td>
<td>Home</td>
<td>18(3)-H/75-6.7.78</td>
<td>Constitution (Sikkim) Scheduled Castes Order, 1978.</td>
</tr>
<tr>
<td>94</td>
<td>LR</td>
<td>422/LR(S)-10.7.78</td>
<td>For the words or figures &quot;by Not. No. 20/1/66-Uud, dated 4.5.1955 issued by the Govt. of India in the ministry of Home.</td>
</tr>
<tr>
<td>96</td>
<td>IT&amp;ST</td>
<td>492-500/IT&amp;ST-5.7.78</td>
<td>Republication of the West Bengal Govt. Not. No. 3058-FT dated 26.6.78.</td>
</tr>
<tr>
<td>98</td>
<td>Home</td>
<td>5(5)-H/77-20.7.78</td>
<td>State Govt. prohibits strikes in the given essential services.</td>
</tr>
<tr>
<td>99</td>
<td>Home</td>
<td>5(5)-H/77-28.7.78</td>
<td>State Govt. declare the service connected with the State Bank of Sikkim as an essential service.</td>
</tr>
<tr>
<td>100</td>
<td>Home</td>
<td>5(5)-H/77-28.7.78</td>
<td>State Govt. prohibits strikes in the essential service connected with the State Bank of Sikkim.</td>
</tr>
<tr>
<td>101</td>
<td>Home</td>
<td>5(5)-H/77-28.7.78</td>
<td>Shri. T.P Dorji, is vested with First Class Magisterial powers within the District where he is posted.</td>
</tr>
</tbody>
</table>
State Govt. empowers the Joint Director Survey and Settlement Deptt., with power.

State Govt. authorises the Attestation Officers of Survey and Settlement Department, to function of Revenue Officers

State Govt. declares that the record of rights, already prepared immediately before the commencement of the Sikkim Agriculture Land Ceiling and Reforms Act, 1977 shall be deemed to be record of rights prepared and published.

Governor of Sikkim is pleased to nominate ex-post-facto the officers as Govt. nominees on the Board of Directors of Sikkim Wood Industries, Bageykhola, Singtam.

Land is needed for "Key Location Plan" in the block of Bhusuk, Paham, Namong and Naitam, Elaka Pam-Singtam, District Gangtok.

Land is needed for "Key Location Plan" in the block of Bhusuk, Paham, Namong and Naitam, Elaka Pam-Singtam, District Gangtok.


State Govt. derocognises the said Association and orders the cancellation of its registration.

Reservation and Allotment Order, 1968.

Notice Regarding House to House Enumeration of Electors for Intensive Revision of Electoral Rolls of 32 Assembly Constituency in the State of Sikkim.

Publication of Not.No.56/78(1)-II dated 5.8.78 as published in the Gazette of India, Part II, section 3(ii) dated 5.8.78.


Governor of Sikkim summon the Legislative Assembly of Sikkim to meet on 19.9.78.


State Govt. extends the period of duration of the said Act for a further period of one year.

Constitute a State Coordination Committee.


<table>
<thead>
<tr>
<th>No.</th>
<th>Ministry/Office</th>
<th>File/Order No.</th>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>126</td>
<td>Home</td>
<td>The Constitution (Amendment), Act 1977.</td>
<td>7(16)-H/78- 16.6.78</td>
<td>Governor of Sikkim is pleased to adopt the Sikkim Govt. Service Rules.</td>
</tr>
<tr>
<td>133</td>
<td>Home</td>
<td>Govt. of Sikkim directs the further amendments shall be made in its No NO. 429/SKM/75 dated 26.9.78.</td>
<td>54/H- 11.9.78</td>
<td>The Constitution (Amendment), Act 1977.</td>
</tr>
<tr>
<td>142</td>
<td>Home</td>
<td>Election Commission makes the amendments to its Not.No. 56/78(1) dated 25.01.1978.</td>
<td>16(2)-H/78- 26.10.78</td>
<td>The Constitution (Amendment), Act 1977.</td>
</tr>
<tr>
<td>143</td>
<td>Home</td>
<td>State Govt. appoints the 26 day of October 78 as the date on which the said Act shall come into force.</td>
<td>7(20)H/78- 17.10.78</td>
<td>The Constitution (Amendment), Act 1977.</td>
</tr>
<tr>
<td>144</td>
<td>Home</td>
<td>State Govt. abolished the Anti-Corruption Branch of the State Police.</td>
<td>16(2)-H/78- 26.10.78</td>
<td>The Constitution (Amendment), Act 1977.</td>
</tr>
<tr>
<td>145</td>
<td>LR</td>
<td>Land is needed for the establishment of Army in the block of Lunrap Elakha Lachen District North.</td>
<td>LA(4)863(29)/LR(S)- 7.11.78</td>
<td>The Constitution (Amendment), Act 1977.</td>
</tr>
<tr>
<td>146</td>
<td>LR</td>
<td>Land is needed for the establishment of Army in the block of Lunrap Elakha Lachen District North.</td>
<td>LA(4)864(17)/LR(S)- 7.11.78</td>
<td>The Constitution (Amendment), Act 1977.</td>
</tr>
<tr>
<td>147</td>
<td>LR</td>
<td>Land is needed for the establishment of Army in the block of Thumbuk Elakha Lachen District North.</td>
<td>LA(4)865(16)/LR(S)- 7.11.78</td>
<td>The Constitution (Amendment), Act 1977.</td>
</tr>
<tr>
<td>148</td>
<td>LR</td>
<td>Land is needed for the establishment of Army in the block of Charpen Elakha Lachen District North.</td>
<td>LA(4)866(14)/LR(S)- 7.11.78</td>
<td>The Constitution (Amendment), Act 1977.</td>
</tr>
</tbody>
</table>
Land is needed for the establishment of Army in the block of Pagang Elakha Chungthang District North.

Land is needed for the establishment of Army in the block of Pabong Chungthang Elakha Chungthang District North.

Land is needed for the establishment of Army in the block of Theng Elakha Chungthang District North.

Land is needed for the establishment of Army in the block of Lachung Elakha Lachung District North.

Land is needed for the establishment of Army in the block of Deorali Shimpher Elakha Chungthang District North.

Land is needed for the establishment of Army in the block of Charten Elakha Lachen District North.

Land is needed for the establishment of Army in the block of Kalapather Elakha Chungthang District North.

Land is needed for the establishment of Army in the block of Thangu Elakha Lachen District North.

Land is needed for the establishment of Army in the block of Chunghang Elakha Chungthang District North.

Land is needed for the establishment of Army in the block of Chunghang Elakha Chungthang District North.
168 LR LA(4)880(6)/LR(S)- 7.11.78 Land is needed for the establishment of Army in the block of Pegang Elakha Chungthang District North.

169 LR LA(4)881(24)/LR(S)- 7.11.78 Land is needed for the establishment of Armu in the block of Chungthang Elakha Chungthang District North.

170 Home 16(2)-H/78- 25.11.78 Governor of Sikkim is pleased to authorise the Police Officers in the Sikkim Vigilance Police Force not below the rank of Inspector of Police.

171 Home 16(2)-h/78- 25.11.78 Governor of Sikkim is pleased to specify the following to be the offences and classes of offences which may be investigated by the Sikkim Vigilence Police.

172 LR LA(4)882(13)/LR(S)- 7.11.78 Land is needed for the establishment of Army in the block of Thangu Gumpa Elakha Lachen District North.

173 LR LA(4)883(26)/LR(S)- 7.11.78 Land is needed for the establishment of Army in the block of Chuptakang Elakha Lachen District North.

174 Home 16(2)-H/78- 28.11.78 State Govt. declares the office of the Sikkim Vigilance Police Force at Gangtok to be a Police Station.


176 LR LA(4)886(28)/LR(S)- 7.11.78 Land is needed for the establishment of Army in the block of Charten Elakha Lachen District North.


178 LR LA(4)887(25)/LR(S)- 7.11.78 Land is needed for the establishment of Army in the block of Toong Elakha Chungthang District North.

179 LR LA(4)889(23)/LR(S)- 7.11.78 Land is needed for the establishment of Armu in the block of Nimphuchlten Elakha Lachung District North.

180 LR LA(4)890(19)/LR(S)- 7.11.78 Land is needed for the establishment of Army in the block of Pegong Elakha Chungthang District North.

181 LR 21/LR- 11.12.78 State Govt. constitutes the Tribunal for hearing of appeals under section 13 of the Sikkim Agriculture and Ceiling nad Reforms Act, 1977 and appoints Shri P.S. Subba as the sole member of the Tribunal.

182 LR LA(4)891(18)/LR(S)- 7.11.78 Land is needed for he establishment of Army in the Block of Payong Elakha Chungthang District North.

183 LR LA(4)892(21)/LR(S)- 7.11.78 Land is needed for the establishment of Army in the block of Zeema Elakha Lachen District North.
<table>
<thead>
<tr>
<th>No.</th>
<th>Department</th>
<th>No.</th>
<th>Land is needed for the establishment of Army in the block of Namnusa Elakha Lachung District North.</th>
</tr>
</thead>
<tbody>
<tr>
<td>185</td>
<td>LR</td>
<td>LA(4)893(22)/LR(S)-7.11.78</td>
<td></td>
</tr>
<tr>
<td>186</td>
<td>LR</td>
<td>LA(4)894(35)/LR(S)-7.11.78</td>
<td>Land is needed for the establishment of Army in the block of Bichhu Elakha Lachen District North.</td>
</tr>
<tr>
<td>187</td>
<td>LR</td>
<td>LA(4)895(11)A/LR(S)-7.11.78</td>
<td>Land is needed of the establishment of Army in the block of Aritar Elakha Rhenock District North.</td>
</tr>
<tr>
<td>188</td>
<td>Home</td>
<td>16(2)-H/78-19.12.78</td>
<td>Governor of Sikkim is pleased to amend the Governor of Sikkim (Allocation or Business) Rules.</td>
</tr>
<tr>
<td>189</td>
<td>LR</td>
<td>LA(4)896(12)/LR(S)-7.11.78</td>
<td>Land is needed for the establishment of Army in the block of Dalopchan Elakha Rongli District East.</td>
</tr>
</tbody>
</table>
In exercise of the powers conferred by Section 6 of the Wild Life (Protection) Act, 1972, the State Government of Sikkim have approved the formation of Wild Life Advisory board consisting of the following members:

1. Minister-in-charge Forest ... ... Chairman
2. Shri R.B. Rai, MLA ... ... Member
3. Shri Tasa Tangay, MLA ... ... Member
4. Shri N.B. Rai, MLA ... ... Member
5. Chief Conservator of Forests ... ... Ex-Officio Member
6. Shri A. Bose, Asst. Director WLP Eastern Region, Calcutta ... ... Nominee of the Director
7. Shri Tashi Namgyal, AIGP ... ... Member
8. Shri Sonam Wangyal, Yuksam ... ... Member
9. Shri J.P. Tshering, D.C. North ... ... Member
10. Shri Johnson Isaacs, T.N.A. ... ... Member
11. Chief Wild Life Warden ... ... Ex-Officio Member Secretary

Non-Official members if the Wild Life Advisory Board shall be paid an honorarium of Rs. 50/- (Rupees fifty) only per day for the number of days they attend the Board meeting plus the actual expenditure incurred for attending the meeting of the Board.
The following two notifications issued by the government of India, Ministry of Home Affairs are republished for general information:-

1. Notification no. F. 11013/9/77-SKM, dated the 12th December, 1977 relating to the Commissions of Inquiry Act, 1952: and

S.O. the following notification made by the President of India on the 5th December, 1977 is published for general information:-

In exercise of the powers conferred by clause (n) of article 371F of the Constitution, the President hereby extends to the State of Sikkim, with immediate effect, the commissions of Inquiry Act, 1952 (60 of 1952), subject to the modification that any reference in the said Act to a law not in force in the State of Sikkim shall be construed as a reference to the corresponding law, if any, in force in that State.

NEELAM SANJIVA REDDY
President
(F. 11013/9/77-SKM)
NOTIFICATION

In exercise of the powers conferred by Section 12 of the commissions of Inquiry Act, 1952 (60 of 1952), the Central government hereby directs that the Commissions of Inquiry (Central) Rules, 1972, shall extend to and come into force in the state of Sikkim with effect on and from the date of publication of this Notification in the Official Gazette.

Sd/- P.K. KATHPALIA
Joint Secretary to the Govt. of India.

By Order

M.P. PRADHAN
Chief Secretary
Government of Sikkim
The following Act of the Sikkim Legislative Assembly having received the assent of the President of the 11th day of January, 1978 is hereby published for general information.

SIKKIM AT NO. 1 OF 1978


AN ACT

To provide for the requisition and speedy acquisition of land for certain purposes.

WHEREAS it is expedient to provide for the requisition and speedy acquisition of land for public purposes as defined hereafter;

Be it enacted by the Legislature of Sikkim in the Twenty-eight year of the Republic of India as follows:

1. (1) This Act may be called the Sikkim Land (requisition and Acquisition) Act, 1977.

(2) It extends to the whole of Sikkim

(3) It shall come into force on such date as the State Government may by notification appoint.

2. In this Act, unless there is anything repugnant in the subject or context,-

(1) “Collector” means the Collector of the district where the land is situated and includes any other officer specially empowered by the State Government to perform the functions of a Collector under this Act;

(2) “Court” means a principal Civil Court of original jurisdiction and includes the Court of any Additional District Judge and also the Court of a Civil Judge whom the State Government may appoint, by name of by virtue of his office, to perform all or any of the functions of the Court under this Act within such local limits, if any, as may be specified and in the case of a Civil Judge, upto the limits of the pecuniary jurisdiction with which he is vested for the time being;

(3) “Cultivator” means a person who cultivates the land of another
| Power to requisition | 3. (1) If the State Government is of the opinion that it is necessary so to do for any public purpose, the State Government may, by order in writing, requisition any land and may make such further orders as appear to it to be necessary or expedient in connection with the requisitioning:

Provided no land used for the purpose of religious worship or used by and educational of charitable institution shall be requisitioned under this Section.

(2) A Collector, when authorized by the State Government in this behalf may exercise within his jurisdiction the powers conferred by sub-section (1).

(3) An order under sub-section (1) or sub-section (2) shall be served in the manner prescribed on the owner of the land and where the land is in the occupation of an occupier, not being the owner of the land also on such occupier.

(4) If any person fails to comply with a order made under sub-section (1) or sub-section (2), the Collector or any other person authorized by him in writing in this behalf shall execute the order in such manner as he considers expedient and may,-

(a) if he is a Magistrate, enforce the delivery of possession of the land in respect of which the order has been made, to himself, or

(b) if he is not a Magistrate, apply to a Magistrate and such Magistrate shall enforce the delivery of possession of such land to him.

| Acquisition of Land | 4. (1) Where any land has been requisitioned under section 3, for any public purpose, the State Government may use or deal with such Land for such public purpose or any other public purpose.

(2) The State Government may acquire any land requisitioned under section 3, by notification to the effect that such land is required to be acquired for any public purpose.

(3) where such a notification is published, the land requisitioned under Section 3 shall, on and from the beginning of the day on which the notification is published, vest absolutely in the State Government free from all incumbrances and the period of Requisition of such land shall end forthwith.

| Notice to persons Interested. | 5. (1) After the publication of a notification under sub-section (2) of Section 4, the collector shall cause public notice to be given at Convenient places on or near the land acquired stating that the State Government has acquired the land and that claims to the amount payable for the acquisition of such land may be made to him.
(2) Such public notices shall state the particulars of the land so acquired and shall require all persons interested in the land to appear personally or by agent before the Collector at such place and on such date and at such time as may be mentioned therein, not being earlier than fifteen days after the publication of such notice and to state in writing and signed by such person or his agent the nature and particulars of their claims to the amount payable for the acquisition of such land.

(3) The Collector shall also serve notice in the manner prescribed on the occupier, if any, of such land and on all such persons known or believed to be interested therein or to be entitled to act for such occupier or person so interested, as reside or have agents authorized to receive service on their behalf, within the district within which the land is situated.

(4) In case any person so interested resides elsewhere, and has no Such agent, the notice shall be sent to him by registered post to his last known residence, address or place of business.

6. (1) Where any land requisitioned under Section 3 is not acquired and is to be released from requisition, the State Government may, after making such inquiry as it considers necessary, specify, by order in writing who appears to it to be entitled to the possession of such land.

(2) The delivery of possession of such land to the person specified in the order made under sub-section (1) shall be a full discharge of any liability of the State Government for any claim for any amount payable for requisition or other claim in respect of such land for any period after the date of delivery, but shall not prejudice any right in respect of such land which any other person may be entitled by due process of law to enforce against the person to whom possession of the land is so delivered.

(3) Where the person specified in the order made under sub-section (1) cannot be found or is not readily traceable or has no agent or other person empowered to accept delivery on his behalf, the State Government shall publish a notification declaring that such land is released from requisition and shall cause a copy of such notification to be affixed on some conspicuous part of the land.

(4) On the publication of such a notification under sub-section (3), the land specified in such notification shall cease to be subject to requisition on and from the date of such publication and shall be deemed to have been delivered to the person specified in the order made under sub-section (1) and the State Government shall not be liable to pay any amount or other Claims in respect of such land for any period after the said date.

7. (1) Whenever any land is acquired under Section 4, there shall be
Acquisition. Paid to every person interested an amount which shall be
Determined by the Collector in the manner and in accordance
with the principles of Section 23 of the Land Acquisition Act,
1894, so far as they may be applicable;

Provided that the market value referred to in clause first of
Sub-section (1) of Section 23 of the said Act shall, in respect
of any land acquired under this Act, be deemed to be the price
which such land would have fetched in the open market if it
had remained in the same state and condition as it was on the
date of the order of requisition under Section 3 and been sold
on the date of the publication of the notification referred to in
sub-section (2) of Section 4.

(2) When the amount has been determined under sub-section (1)
the Collector shall, in accordance with the provisions of
Section 11 of the Land Acquisition Act, 1894, so far as they
may be applicable, make an award under his hand of-

(i) the true area of the land;
(ii) the amount determined as payable for the land; and
(iii) the apportionment of the said amount among all the
persons known or believed or be interested, of whom, or of
whose claims, he has information, whether or not they have
respectively appeared before him:

Provided that interest at the rate of six per centum per
Annum on the amount under the award from the date of the
Publication of the notification under sub-section (2) of section 4
Until payment shall be included:

(3) (a) such award shall be filed in the office of the Collector
and shall, except as hereinafter provided, be final and
conclusive evidence, as between the Collector and the persons
interested in the land, whether they have respectively appeared
before the collector or not, of the true area and value of the land
and the apportionment of the amount among the persons
interested;

(b) the Collector shall give, in the prescribed manner,
 immediate notice of his award to such of the persons interested in
the land as are not present personally or by their representatives
when the award is made;

(c) Upon an award being made under the foregoing provisions,
the Collector shall proceed to make payment in accordance with
the provisions contained in Sections 31 to 33 of the Land
Acquisition Act, 1894, so far as they may be applicable.

Amount payable for
requisition. 8. (1) Where any land is requisitioned under Section 3, there shall
be paid to every person interested an amount in respect of –
(a) the requisition of such land; and
(b) any damage done during the period of such requisition to such land other than what may have been sustained by reasonable user thereof or by natural causes.

(2) The principles to be followed in determining the amount payable under sub-section (1) shall be as follows, namely:-

(a) Where the collector an the person interested do not agree as to the amount or where the person interested cannot be traced or does not appear before the Collector when called upon to be present for the purpose of the determination of the amount, such amount shall be determined in the manner prescribed as appears reasonable to the Collector having regard to the facts and circumstances of the case and the collector shall make an award ordering payment of the amount so determined and shall give in the prescribed manner immediate notice of his award to such of the persons interested in the land as are not present personally or by their representatives when the award is made.

Reference to Court.  9.  (1) The Collector shall, in every case, where any person Interested being aggrieved by an award made under sub-section (2) of Section 7 or clause (b) or sub-section (2) of Section 8, makes an application requiring the matter to be referred to the Court, refer the matter for the decision of the Court.

(2) The application shall state the grounds on which objection to the award is taken and shall be made-
(a) If the applicant was present or represented before the Collector at the time when the award was made. Within six weeks from the date of making of the award;
(b) in other cases, within six weeks of the receipt of the notice from the collector under clause (b) of sub-section (3) of Section 7 or clause (b) of sub-section (2) of section 8, as the case may be, or clause (b) of sub-section (2) of Section 8, as the case may be, or within six months from the date of the making of the award by the Collector whichever period shall first expire.

(3) the provisions contained in Sections 19 to 22 and Sections 25 to 28 of the Land Acquisition act, 1894, so far as they may be applicable and the principles set out in sub-section (1) and sub-section (2) of section 7 and clause (b) of sub-section (2) of Section 8 f this Act so far as they may be applicable, shall apply in respect of any reference made to the court under sub-section (1).

(4) No person who has received any amount under the award otherwise than under protest shall be entitled to make any application under sub-section (1).
10. (1) Notwithstanding anything contained anywhere in this Act or any other law for the time being in force, if any land which is being cultivated by any cultivator is requisitioned or acquired under this Act, the cultivator shall be paid an amount determined in accordance with the principles set out in sub-section (2) out of the amount payable for the requisition or the acquisition of the land, as the case may be, to the person interested in such land.

(2) The amount to be paid to the cultivator under sub-section (1) shall be determined according to the following principles, namely:

(a) if the cultivator has been cultivating the land for a period of more than five years but not more than ten years on the date of the requisition or the acquisition of the land, as the case may be, fifteen per cent of the amount payable for the requisition or the acquisition of such land as the case may be;

(b) if the cultivator is cultivating the land for more than ten years but not more than fifteen years on the date of the requisition or the acquisition of the land as the case may be, twenty percent for the amount payable for the requisition or the case may be, twenty five per cent the amount payable for the requisition or the acquisition of the land, as the case may be.

11. The provisions of the Code of Civil Procedure, 1908, relating to appeals shall apply to an award made by the Court on a reference under section 9, if such award were an original decree passed by the Court in exercise of its civil jurisdiction.

12. The State Government may, with a view to requisitioning or acquiring any land or for the purpose of determination by the Collector of the amount payable under this Act, by order,

(a) require any person to furnish to such authority as may be specified in the order, such information in his possession relating to land as may be specified;

(b) authorize any person-

(i) to enter upon and survey and take levels of any land in such locality;

(ii) to dig or bore into the sub-soil;

(iii) to do all other acts necessary to ascertain whether the land is adapted for such purposes;

(iv) to set out the boundaries of the land proposed to be taken and the intended line of the work (if any) proposed to be made thereon;

(v) to make such levels, boundaries and line by placing marks an cutting trenches;

(vi) and, where otherwise the survey cannot be completed and the levels taken and the boundaries and line marked, to cut down and clear away any part of the standing crop, fence or jungle;

Provided that no person shall enter into any building or upon Any enclosed court or garden attached to a dwelling-house (unless with the consent of the occupier thereof) without
previously giving such occupier at least seven days’ notice in writing of his intention to do so.

13. If the State Government is of the opinion that it is necessary to requisition or acquire any land for any of the public purposes as defined and specified in clause (7) of Section 2, all such requisition and acquisition shall be made under and in accordance with the provisions of this Act and the rules made thereunder and not under any other law inconsistent with provision of this Act and the rules made thereunder.

14. If any person contravenes any order made under this Act, he 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.

15. Save as otherwise provided in this Act, no decision or order or award made in exercise of any power conferred by or under this Act shall be called in question in any Court.

16. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer of the State Government or any other person for anything or for any damage cause or likely to be caused by anything, which is in good faith done or intended to be done in pursuance of this Act or any order made thereunder.

17. No award or agreement made under this Act shall be chargeable with any Stamp Duty, and no person claiming under any such award or agreement shall be liable to pay any fee for a copy thereof.

18. (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 powers, such rules may provide for all or any of the following matters, namely:-

(a) the manner of service of orders on the owner or occupier of land under sub-section (3) of Section 3;

(b) the manner of service of notice on the persons referred to in sub-section (3) of Section 5;

(c) the manner of service of notice of award under clause (b) of sub-section (3) of Section 7;

(d) the manner of determination of and of giving notice of the award to the persons interested under clause (b) of sub-section (2) of Section 8.

19. The provisions of the Sikkim Public Security (Requisitioning and Acquisition of Immoveable Property) Rules, 1962, and any other Law shall cease to apply and have any effect to any matter for which provision is made in this Act.

By Order of the Governor.

M.P. PRADHAN,
Chief Secretary to the Government of Sikkim
F16 (12) LL/77
WHEREAS it is expedient to expedite the Sikkim Land (Requisition and Acquisition) Act, 1977 (Act No. 1 of 1978) in the manner hereinafter appearing;

AND

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

AND

WHEREAS previous instructions from the President have been received;

NOW, THEREFORE, in exercise of the powers conferred by Article 213 of the Constitution of India, the Governor is pleased to make and promulgate the following Ordinance:-

Short Title  1. This Ordinance may be called the Sikkim Land (Requisition and Acquisition) Amendment Ordinance, 1978.

Amendment in the Sikkim Land (Requisition & Acquisition) Act, 1977 (Act 1 of 1978.)  2. On and from the date of promulgation of this Ordinance, the provisions of the Sikkim Land (Requisition and Acquisition) Act, 1977 (Act No. 1 of 1978) (hereinafter referred to as “the Act”) shall stand amended in the manner as appearing hereinafter:-

(a) For sub-section (2) of Section 4 of the Act, the following shall be substituted:-

“(2) If the State is of opinion that it is necessary to acquire for a public purpose any land requisitioned under Section 3, it may acquire for a publishing a notification to the effect that such land by publishing a notification to the effect that such land is required to be acquired for such purpose and that the State
Government has decided to acquire such land;

Provided that before issuing such notification, the State Govt. shall call upon the person interested or other person who, in the opinion of the State Govt. may be interested in such property to show cause why the property shall not be acquired and after considering the cause, if any, shown by the person interested in the land and after giving the party an opportunity of being heard, the State Government may pass such order as it deems fit.”

(b) For Section 8 of the Act, the following shall be substituted :- “8. (1) Where any land is requisitioned under Section 3, there shall be paid to the person interested in respect of the requisitioning of the land an amount, if any, as may be fixed by agreement between the Collector and the person interested and approved by the State Government in the manner prescribed and the collector shall make an award ordering payment of such amount;

(2) Where the collector and the person interested do not agree as to the amount or where the agreement arrived at by and between them is not approved by the State Government or where the person interested cannot be traced or does not appear before the Collector when called upon to be present for the purpose of the determination of the amount, the amount payable for the requisitioning of the land shall consist of –

(a) a recurring payment, in respect of the period of requisition, of a sum which would have been payable for the use and occupation of the land, if it had been taken on lease for that period; and

(b) sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the following:-

(i) pecuniary loss due to requisitioning;

(ii) expenses on account of vacating the requisitioned land;

(iii) expenses on account of reoccupying the land upon release from requisitioning; and

(iv) damage (other than normal wear and tear or due to natural causes) caused to the land during the period of requisition, including the expenses that may have to be incurred for restoring the property to the condition in which it was at the time of requisition;

and the Collector shall make an award ordering payment of the amount so determined and shall give in the prescribed manner immediate notice of his award to the person interested in the land if he is not present personally or by his representative when the land if he made. (c) In sub-section (1) and in sub-section (3) of Section 9 and in clause (d) of sub-section (2) of Section 18 of the Act, the words bracket, and letters “Clause (b) of “ shall be deleted. (d) In Section 13 of the Act, for the words bracket and figure “Clause (7)”, the words, bracket and figure “ Clause (9) shall be substituted.

Sd/- (B.B. LAL)
GOVERNOR OF SIKKIM
ORDINANCE NO. 1 OF 1978


WHEREAS it is expedient to amend the Sikkim Excise (Abkari) Act, 1971 in the manner hereinafter appearing:

AND 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 power conferred by Article 213 of the Constitution of India, the Governor is pleased to promulgate the following ordinance:-

1. (i) This Ordinance may be called the Sikkim Excise (Abkari) Amendment Ordinance, 1978.

   (ii) This shall come into force at once.

2. In the Sikkim Excise (Abkari) Act, 1971, the following amendments shall be made:

   (i) For the expression “Executive Excise Officer” wherever it occurs, the expression “Commissioner of Excise” shall be substituted.

   (ii) For sub-section (c) of Section 1 of the Sikkim Excise (Abkari) Act, 1971, the following sub-section shall be and shall always be deemed to have been substituted:

       “(c) It shall come into force at once.

3. All acts done and actions taken (including notifications issued, appointments made, rules and regulations framed, taxes, fees and fine imposed, expenses incurred, licence, permit and pass granted, seized and cancelled and orders passed) under the Sikkim Excise (Abkari) Act, 1971, shall be deemed to have been done and taken under the Sikkim Excise (Abkari) Act, 1971, as amended by this Ordinance.

-(B.B. LAL)

GOVERNOR OF SIKKIM
PART 1
PRELIMINARY

In exercise of the powers conferred by Section 55 of the Land Acquisition Act, 1894 (1 of 1894) the State Government hereby makes the following rules:-

1. Short title
   (1) These rules may be called the Land Acquisition Rules, 1977.
   (2) These rules shall apply to acquisition of land for public purpose as stipulated under Section 3 (f) of the Act.

2. Definitions:

   In these rules unless the context otherwise requires:
   (a) “Act” means the Land acquisition Act, 1984.
   (b) “Collector” means the collector of the District with in whose jurisdiction the land is situated or any other officer empowered by the State Government to perform the functions of a Collector under the Act.
   (c) “Form” means a form appended to these Rules.
   (d) “Government” means the government of Sikkim or the Central Government as the case may be;
   (e) “Section” means a Section of the Act.

3. Application for acquisition of land:
Application for acquisition of land for public purposes shall be in Form A. The following documents shall accompany the application to the collector for acquisition of land:

(i) A draft notification under section 4 specifying the names of the district and block and approximate area and purpose for which the land is proposed to be acquired.
(ii) A plan of the land proposed for acquisition giving its dimensions.
(iii) A certificate to the effect that administrative sanction to the project for which land is acquired had been obtained and the provision for funds has been made on the budget.
(iv) A detailed list of buildings, trees etc. including the estimated compensation which may be paid for each item in the opinion of the acquiring body.
(v) A certified copy of the resolution passed by a local body in the case of acquisition for the body.
(vi) A certificate by a company that the land proposed for acquisition is the minimum required for their purposes.
(vii) A draft agreement under Section 41 of the Act (to be submitted by a company only).

4. Forwarding case to Government:

While forwarding case to government for issue of notification under Section 4 of the Act, the collector shall furnish the notification, and pass orders in form B. Except in cases of government Departments, the collector should ensure that at least two-thirds of estimated compensation of land and a sum equal to 2½% thereon towards cost of acquisition are deposited before he sends recommendation for a notification under Section 4 to the State Government.

5. The notification under Section 4 (1) shall be in land acquisition form I or form II as the case may be.

6. Issue of notice:

Immediately after the publication of the notification under sub-section (1) of section 4, the Collector of the District shall, as required by the said sub-section, cause a notice stating that the land is needed, or is likely to be needed for a public purpose, specifying the purpose and requiring all persons interested in that land to lodge before the Collector, before the date specified in the notification mentioning the said date which should not be earlier than 15 days and not later than 30 days form the date of publication of Notification under Section (1) a statement, in writing of their objections, if any, to the proposed acquisition of the land or any land in the locality, to be published at convenient places in the locality where the land proposed for acquisition is situated and copies thereof affixed in his office and in the nearest Police Station forwarding a copy to the Mondal of the Block or any local authority in which the land is situated. A copy of the land to be notice may also be caused to be served individually, on every person known or believed to be interested in the acquired. The form of such notice will be as in L.A. Form III.

7. Statement of Objections

The statement of objections shall mention how the objector is interested in the land and set out the grounds of objection.

8. Hearing of Objections:

(1) If a statement of objection is filed after the date specified in the notification under Section 4 of by a person who is not interested in the land, it shall be summarily rejected.

(2) If any objection is received from a person interested in the land on or before the date specified in the notification under Section 4 the Collector shall fix a date for hearing the objections and give notice thereof to the objectors as well as to the department, company or other public body acquiring the land. Copies of objections shall also be forwarded to the concerning government Department/Agency/Company or other public bodies. The Government department/Agency/company or other public bodies may file on or
before the date fixed by the District Collector a statement by way of answer to the objections and may also
depute a representative to attend the enquiry.

(3) On the date fixed for enquiry or any other date to which the enquiry may be adjourned by the
district Collector, the District Collector shall hear the objector or his advocate or Pleader and the
representative, if any, of the department, company or other public body and record any evidence that may be
produced by them.

9. District Collector to report to Government:

On completion of his enquiry, the district collector shall as far as possible before the expiry of six
weeks from the last date of filing objections submit his report and recommendation as to each objection,
whether admissible or in admissible, for the orders of government under subsection (2) of Section 5-A. The
collector shall also forward along-with his report all connected papers and a draft of declaration as required
under Section 6.

10. Consideration of objection and issue of final notification :-

On a consideration of objections and the Collector’s report thereon, if the Government decides:-

(a) That the land should be acquired, the Government shall make a declaration under Section 6 that
the land is needed for public purposes or for a company as in Land Acquisition Form IV of V as the case
may be.

(b) That all or any, land possession whereof has not been taken should not be acquired, a notification
canceling the notification issued under Section 4 shall be published by the Government in Land Acquisition
form VI.

11. Notice under Section 9:

(1) The notice to be issued under section 9 shall contain the full particulars of the lands to be
acquired. The District Collector shall cause public notices to be given at public places calling upon all the
persons interested in the land to appear before him either in person or by agent, on a date specified in the
notice (such date not being less than fifteen days from the date of service of the notice). The District
Collector shall also serve similar notices on the occupier, if any; of such land on all the persons who have
an interest therein.

(2) The notice under sub-rule (1) shall contain the particulars of the land needed and shall be in Land
Acquisition Form VII.

12. Manners of service of notice:

(1) The notice under Section 9 shall be published at convenient places in the locality where the land
to be acquired is situated and copies thereof shall be fixed in the office of the District collector or any other
officer appointed to perform the Functions of the District Collector under the Act and also copies thereof
shall be forwarded to Panchayat of Block within which the land is situated.

(2) Individual notices shall also be served on all persons known or believed to be interested in the
land or who are entitled to act for persons so interested and who normally reside within the revenue block of
the district in which the land is situated.

(3) The statement under Section 9 shall be as required in Land Acquisition Form VII.
(4) A special notice to occupiers of land to be taken up and other persons interested in it shall be issued in Land Acquisition Form VIII.

13. The statement under Section 9 shall be in Land Acquisition Form IX.

14. **Power to require and enforce making of statement as to names and interest:**

Where the Collector requires any person to make or deliver to him a statement containing the name of every other person having any interest in the land or any part thereof, he shall issue a notice as in Land Acquisition Form X.

15. **Determination of Compensation (Section 11):**

(a) **Land:** The award of compensation should be made on the basis of the market value of the land as at the date of publication of notification under Section 4(1) of the Act and the restrictions impose by Section 24 (seventhly) also become operative from that date. The market value of the land should preferably be determined by scanning the sale deeds of similar type of land in the locality immediately before the notification under Section 4(1).

In case where market value cannot be determined on the principle aforesaid the principle of capitalization of the net annual profit should be adopted for determining the amount of compensation payable for a property. The net annual profit represents interest on capital invested. The rate of interest shall, however, be notified by the Government from time to time.

(b) **Trees:** The award shall include value of trees also but care has to be taken not to pay the value of trees twice, e.g. when the value of the produce of the trees has already been included in the rent which forms the basis of award. The land owner is entitled to compensation for the value of the produce of the trees and such compensation should be awarded to him unless, as said above, it has already been included in the rent which forms the basis of the award. The market value of fruit trees, bamboos or other folder trees, at ten times the annual value of fruit/fodder leaves, shall be tendered as compensation.

The owner may, however, be given the option of a cutting and removing the trees but on such option being exercised, no compensation for trees shall be awarded.

(c) **Houses:** The rental of houses should be calculated wherever possible on the actual three years rental preceding the award and the rental value shall ordinarily be 10 times the annual average of such rental. Where it is not possible to determine the annual rental the calculation shall be based upon an estimate of the cost of materials and re-building, the former being deducted if made over to the owner. In case of thatched houses or other which could be removed without serious damage, the owners may be allowed to remove them but expenses required for such removal will be paid to them.

(d) **Other Structures:** (Tanks, fencing walls etc.)- The cost of reconstruction shall ordinarily be tendered as compensation provided.

(i) that if any of the structures has been out of use compensation shall be allowed on the present value of the material only.

(ii) that if any of the structures is out of repair or damaged deduction shall be made on that account.

(e) **Irrigation and water supply channel:**

As far as possible the irrigation and water supply channel preferably by kept intact. If this is not possible and a new construction has to be made, the entire cost of construction shall be estimated and tendered as compensation. If there is no possibility of providing any irrigation channel and the
irrigation facility in respect of any holding is lessened, compensation shall be tendered to the affected land owners at 100 times of the difference of Land Revenue between the irrigated and unirrigated revenue rates on the land.

(f) **Capitalized value of land revenue** : the capitalized value of land revenue is the aggregate land revenue of a certain number of years payable by an acquiring body to the State Government to compensate it for the loss in land revenue, as a result of its remission, in cases of compulsory acquisition. The multiple to calculate the aggregate land revenue shall be forty. When the land revenue is not assessed, it shall be calculated at the average rate of Land revenue per acre of a similar land in the locality.

16. **Necessary ingredients of an award** : An award framed under Section 11 should contain the following informations:-

(a) Name of the acquiring body.
(b) Details of notification issued for acquisition of Land i.e. number and date of notifications under section 4 and 6 of the Act.
(c) Details of land under acquisition i.e. area, plot number, block, Elaka etc.
(d) Details of issue and service of notice under Section 9.
(e) Detailed discussion of claims field and orders passed.
(f) A brief narration of various kinds of land and the rates applied for calculating compensation for each kind of land.
(g) Amount of compensation paid for crops, if any.
(h) Method of calculating compensation for trees, wells, buildings etc.
(i) Whether the whole or part of land under acquisition has been treated as potential building site, if so, detailed discussion of reasons for arriving at the amount proposed to be awarded.
(j) Interest, if any, to be paid under Section 34.
(k) Capitalized value of land revenue, if any, to be realized from the acquiring body.
(l) Cost of acquisition (Establishment charges) at the rate of 2 1/2 % of the award to be realized from the acquiring body.
(m) Original estimates and reasons for market variations, if any, when compared with the amount awarded.
(n) Total amount of compensation to be awarded and details of apportionment, if any.

All award orders with relevant statements should be prepared in duplicate and one copy thereof should be sent to the Secretary, Land Revenue Department, in the state Government, within a week of their announcement.

17. In order to avoid future litigation and safeguard the interests of government and other acquiring bodies involved in major acquisition cases, the collector should obtain previous approval of the Secretary, Land Revenue before announcing an award relating to a particular case when the amount of the award exceeds Rs. 25, 000.00. The relevant land acquisition file should invariably be sent to the Secretary, Land Revenue Department, to enable him to judge the contents of the proposed award.

18. **Collector to give notice of award (Section 12)**: The Collector shall give notice in L.A. Form XI of his award to such of the persons interested who are not present personally or by their representatives when the award is made.

19. **Payment of compensation by the Collector** :

(a) All payment of compensation should be made by the Collector himself or by the Officer duly authorized by the State Government to perform the duties of a Collector.

(b) Payment should be made on the date fixed for the attendance of the landowners or cultivators to receive compensation.
(c) In case of petty payments, if the payees do not apply for a reference to Court under Section 18 of the Act, the compensation awarded to them may be remitted by Money order duly deducting the money order fees therefrom.

20. On account payment:

(1) where, in the opinion of the Collector, there is likely to be delay in making of award under Section 11, and possession of land has been taken Section 17, the Collector shall, not later than the expiry of six months from the date of taking of possession make “on account” payment to the persons interested upto two-thirds of the amount determined or likely to be determined as compensation. But no “on account” payment exceeding Rs. 15,000/- shall be made without the prior approval of the Secretary, Land Revenue Department.

(2) The “on account” payment referred to above shall be deemed to be part of the compensation payment under the Act and shall be adjusted against the same.

(3) In cases where a reference has been made under Section 18, above provisions shall apply subject to the modification that the “on account” payment tendered shall be of so much of the compensation amount as is not on dispute.

21. Taking over possession of land (Section 16):

(1) Notice for taking over possession may be given in L.A. Form XII.

(2) Possession will be taken over by the Collector who will subsequently hand over possession to the acquiring body.

(3) Where possession is to be taken over under Section 17, sanction of Government should be applied for at the time of sending up the declaration under Section 6. The following conditions must be fulfilled in cases in which possession is taken under Section 17 (1).

(a) The declaration under Section 4 must have been published.
(b) The land must have been demarcated under Section 8.
(c) The land must be required for permanent acquisition.
(d) The orders of Government for taking possession must have been obtained.
(e) Compensation for immediate damage must be assessed and offered.
(f) The land must be “waste or arable”. The expression “arable land” does not include orchards, homesteads, tanks, land under tea or land laid out in permanent crops.
(g) Fifteen days must have expired after publication of the notice under Section 9 (1).

4. Possession over land should not be taken where there is any possibility of withdrawal from land acquisition proceedings because Government can withdraw from the acquisition of land under Section 48 only before possession is taken.

22. Reference (Section 18) – (1) An application for reference may be made by any person interested.
(2) Reference is not to cover more than one award.
(3) Form of reference under Section 18 should be drawn up in L.A. Form XIII and that under Section 30 in LA Form XIV.
(4) The collector should be careful to record all requisite particulars. He should defend the case exactly as he would in a Government suit. Where the proceedings have been undertaken on behalf of a local authority or company, the collector should immediately send to the court, in order that arrangement may be made by them, if necessary, to supplement the action taken by the Collector to defend the case.
23. Cost of service of notice (Section 20):

The cost of service of notice prescribed in Section 20 is chargeable to the parties interested and not to Government. When the Collector makes a reference under Section 30 he should in the first instance pay the process fee and remit them to the Civil Court with the reference, and the Government pleader/counsel should apply to the Court to deduct cost from the compensation payable to the parties.

24. Correction in land records about land acquired and reduction and remission of land revenue

While calculating reduction or remission of land revenue on account of land acquired for public purpose the amounts should be rounded off to the nearest five paise. The list drawn up should be forwarded to the District collector concerned for making proper entries in the land records of the land acquired and reduction or remission of land revenue granted in each case. Suspension of land revenue should be ordered from the date of taking possession over the land acquired for public purpose.

25. Temporary occupation of land: (Section 35)- the acquisition of land under Section 35 of the Act in every case will be regarded as a sort of lease without a premium. For the occupation and use of the land the Collector shall pay such compensation, either in a gross sum of money or by periodical payment as shall be agreed upon in writing between him and the owner. The notice to owners of land shall be given in land Acquisition Form XV.

By Order.

P.T. Wangdi,
Secretary,
Land Revenue Department
Government of Sikkim
FORM A
(RULE 3)

Form of application for acquisition of land for public purpose:

1. Name of public body, institution
   or Department of Government applying for acquisition of land

2. Name of the block and district
   where the land is situate

3. Further details regarding exact location
   (e.g. Khasra plot No., boundaries)

4. Area proposed for acquisition

5. Object of acquisition

6. Amount provided in the budget for the cost of acquisition

7. Particulars of the existence on the land for any religious or monumental
   buildings, tomb, graveyards etc.

8. Whether required permanently or temporarily. If the latter, state
   the approximate period of acquisition

9. Whether possession wanted immediately?
   If so, state reasons

10. Enclosures:
    (See notes)

Date:______________________________ signature of the applicant and address.

Note: The collector should see that an applicant encloses the following documents with his application.

(1) A draft notification under Section 4.
(2) A plan of the land proposed for acquisition.
(3) A certificate to the effect that administrative sanction of the project for which land is
    Acquired has been obtained and that provision of funds have been made in the budget.
(4) A detailed list of buildings, trees etc. including the estimated compensation which may be
    paid for each item in the opinion of the acquiring body.
(5) A certified copy the resolution passed by a local body in the case of acquisition of land for
    that body.
(6) A certificate that the land proposed for acquisition is the minimum required for the purpose.
(7) A draft agreement under Section 41 of the act (in case of a company only).
FORM B
(RULE – 4)

COLLECTOR’S CERTIFICATE AND ORDER

1. Certified that I have had enquiries made into the application for the acquisition of land for……………..
2. It is/is not necessary to acquire the land for the object stated in the application for the following reasons:
3. The amount of estimated compensation payable for the land is Rs……………….. A sum of Rs……………… Has already been deposited by the applicant in the following manner :
4. (a) If the land is acquired the estimated reduction in the revenue will be as follows:-
   Block, names of landholders- Reduction in revenue.
   (b) The capitalized value of the land revenue will be Rs………………………
5. Purchase by private contract is not desirable/ practicable for the following reasons:
6. There are no religious monumental buildings, toms, graveyards on the land proposed to be acquired.
7. The land proposed to be acquired is not under cultivation/ is under cultivation but another plot or uncultivated land which may equally serve the purpose is/ is not available within a radius of half a mile of the land proposed to be acquired.
   ( If another plot of land is available which can equally serve the purpose, please state reasons in favour of the acquisition of the land proposed or give the modified proposal)
8. Objections are/are not likely to be received.
9. I have considered the application for acquisition and satisfied myself that the acquisition may be allowed to proceed. There is no other proposal for the acquisition of this land, and a notification under Section 4 may issue or a reference may be made to Government for the issue of the necessary notification.

OR

In my opinion it is not desirable to proceed with the acquisition for the following reasons and a reference may be made accordingly to Government:-

Date: ______________________

Place_________________________                                ……………………………..

Collector.

L.A. FORM I.

Form of notification under Section 4, Land Acquisition Act, 1894 (Act I of 1894) for Land which can be specified.
(to be used when land is required for any purpose other than a purpose of the Central Government).

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……………………. In the block of ..........................
District, measuring more or less…………………………………………………………… acres, bounded on the (here specify the boundaries)………………………………………… is likely to be need for the aforesaid public purpose at the public expense within the aforesaid block………………….
This notification is made, under the provision of Section 4 of Act I of 1894 to all to whom to may

concern.

A plan of the land may be inspected in the office of the ………………………………

In exercise of the powers conferred by the aforesaid section 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 do 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,

files an objection in writing before the Collector

Dated: ________________

Secretary,

Land Revenue Department,

Government of Sikkim,

L.A. FORM - II

Form of notification under Section 4 of the Land Acquisition Act, 1894 (1 of 1894), for land which can

specified.

(to be used when land is required for a purpose of the Central Government)

Whereas the function of the Central Government under the land Acquisition Act, 1894 (1 of 1894),
in relation to the acquisition of the land for the purposes 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 the Ministry of Home Affairs under clause (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 pf the union, namely for________________________ in the block of

______________________________ ELaka__________________ District___________________ it is hereby

notified that a piece of land comprising cadastral plots_______________________ and measuring , more or

less,________________________ acres, bounded on the (here specify the

boundaries)______________________________ is likely to be needed for the aforesaid public purpose at

he public expense within the aforesaid block of____________________ .

This notification is made, under the provision 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____________________________

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

workman 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 of____________________________

Date ________________ Secretary

Land Revenue Department
L.A. FORM III.

Whereas it appears to governor that land whose particulars are given below, is likely to be needed for a public purpose for…………………………………………… in block ………………………………
Elaka………………………… District………………………………. And whereas a notification under Section 4 of the Land Acquisition Act, 1894 has been issued on the……………………………… by the State Government, it is hereby notified that all persons interested in the above land should lodge before the undersigned by the………………………………………… day of……………………19…………………………………… a statement in writing of their objections, if any, to the proposed acquisition of the land.

Date ______________________ Particulars of land and boundary.

…………………………………… Collector.

L.A. FORM IV.

Form of Declaration under Section 6, Act I of 1894.
( to be used when land is required for any purpose other than a purpose of the Central Government).

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely, for……………………………… block of……………………………… ELaka………….. District……………………. It is hereby declared that a piece of land comprising cadastral plots …………………………… Measuring more or less…………………… acres bounded on the (here specify the boundaries)………………………… is needed for the aforesaid public purpose at the public expense within the aforesaid block of…………………………

The declaration is made, under the provisions of Section 6 of Act of 1894, to all whom it may concern.

A place of the land may be inspected in the office of the Collector………………………….

Date: __________________________

SECRETARY,
LAND REVENUE DEPARTMENT,
GOVERNMENT OF SIKKIM
L.A. FORM V

Form of Declaration under Section of 6 of the Land Acquisition Act 1894 (I of 1894).
(to be used when land is required for a purpose of the Central Government).

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. 20/1/55 Judl. Dated the 14th May, 1955 issued by the Government of India in the 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 a public purpose, being a purpose of the Union, namely for Rs. ..................................in the block of .....................Elaka........ District.............................. It is hereby declared that a piece of land comprising cadastral plots..................................... measuring more or less.................................... acres, bounded on (here specify the boundaries).............................................. Is needed for the aforesaid public purpose a the public expense within the aforesaid block of..............................................

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 ............................

Date : _______________________

SECRETARY,
LAND REVENUE DEPARTMENT,
GOVERNMENT OF SIKKIM

L.A. FORM V

Whereas the land whose description is given below was likely to be needed for public purpose and a notification to that effect had been made in the official Gazette No.......................... dated........ Under Section 4 of the Land Acquisition Act, 1894 and whereas it has subsequently been revealed that the land is not required for public purpose and that possession over the land has not been taken over by the Collector, District......................... The notification made earlier under Section 4 of the Land Acquisition Act 1894 is hereby cancelled.

Description of the Land:

Khasra No........................................
Block........................................
District........................................
Boundaries......................................

SECRETARY,
LAND REVENUE DEPARTMENT,
GOVERNMENT OF SIKKIM
L.A. FORM VII

Form for General Notice to be published under clause (1) and (2) Section 9 Act I of 1894, for land to be taken up.

Notice is hereby given that …………………………….. acres, more or less of land situated in or near the block of……………………….. described below, and recently marked out and measured, are about to be taken by government for a (here specify the purpose), under Act I of 1894, in accordance with a declaration No…………………………… dated…………… published in the Government Gazette of the………………….. All persons interested in this land are hereby called upon to appear personally or by agent on the (enter a date not less than fifteen days from the date of publication of the notice) at the office of……………………….. at………………….. to state the nature of their interest in the land and the amount and particulars of their claims to compensation for the same, and their objections, if any, to the measurements made under Section 8 of the Act.

BOUNDARIES

NORTH
SOUTH
EAST
WEST
DATE: __________________________                                   ……………………………………
Collector

L.A. FORM VII

Form of special Notice to be issued under clauses (3) and (4), Section 9 Act I of 1894 to occupiers of the land to be taken up and other persons known or believed to be interested in it, or to be entitled to act foe persons so interested.

Notice is hereby given………………………….. acres, more or less, of land situate in or near the block of……………………….. described below and recently marked out and measured are about to be taken by Government for a (here specify the purpose), under I pf 1894 in accordance with declaration No…………………….. dated…………………… If you have any interest in this land or are entitled to act for persons so interested you are hereby called upon to appear personally or by agent on the (enter a date not less than fifteen days from the date of the publication of the notice) at the office of the undersigned at……………………….. to state the nature of such interest in the land, and the amount and particulars of any claim you may wish to prefer for the same, and your objections, if any, to the measurements made under Section 8 of the Act.

BOUNDARIES

DATE : __________________________                                                    ………………………..
Collector

*published in the Government Gazette of the…………………………………………………..
L.A. FORM IX.

(Form of statement under Section 9 of the Land Acquisition Act, 1894).

To

The District Collector,
L.A. Case No……………………………………..
Re : Acquisition of land for………………………………..
Statement of claim by…………………………………………………….

The claimant states as follows :

1. That he is the Proprietor/Co-proprietor/ mortgagee/Tenant of the land proposed of be acquired in the above case.
2. That he accepts the areas given in the notice or, that the land proposed to be acquired in the above case within the boundaries mentioned in the notice is by measurement……………………. And not………………………………… as stated in the notice.
3. That his claimant would claim Rs…………….. per………………………of the land and Rs………………………….. for the building standing thereon
4. That he would claim Rs………………… For damage (if any) sustained on severance of the land and Rs………………….. For the crops and trees (if any) standing thereon.
5. That he would claim Rs………………….. for the crops and trees (if any) sustained on severance of the land acquired in the above case from his other land.
6. Whether competent to alienate land by private sale.
7. Total amount claimed under separate heads.
8. Whether the area given on the notice is accepted or not.
   Documents should be filed in support of those statements, if any, exist and if the area is disputed a map showing the boundaries claimed, the measurement and the area.
9. Claim by tenant holding under a lease or by tenant with occupancy right.
   1. Name of the Claimant and shares.
   2. Name of co-sharer and shares.
   3. Full description of lease.
   4. Rent or profits derived from the land by the claimant during the past three years.
   5. Whether the premises is used for residential or business purposes. If the latter the nature of business and the annual profits from it.
   6. Total amount claimed under separate heads.
   7. Description and value of any Fixtures owned by the claimant
   8. Details of any mortgage or charge on the lease.
   9. whether competent to alienate the right under the lease
L.A. FORM X.

Form of requisition under Section 10, Act I of 1894, to be added when necessary to Notice in Form 9.

You are hereby required to make or deliver to the undersigned at (here specify the place) on (here specify the date not earlier than 15 days from the date of requisition) a statement containing, so far as may be practicable, the name of every person possessing any interest in the land, or any part thereof, referred to in the notice of …………………………………………………… Served on you, as co-proprietor, mortgagee, tenant or otherwise and of the nature of such interest and if the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the settlement.

Date : ____________________________                      ..................................................

Collector
L.A. FORM XI.

Notice under Section 12 (2) of Act I of 1894.

Project________________________________
Number of case _________________________

To

________________________________________
________________________________________
_________________________________________

Notice is hereby given that in the above case, in which you have been treated as a person interested an award was mad by me on the………………………. 19…………….. under Section 11 of Act I of 1894. The sum payable to you is Rs……………………………….. If you are willing to accept payment, you should appear before me personally or by a duly authorized agent on or before……………………………………….. Interest will not be payable in the case of failure to appear.

DATE:__________________________                                          ……………………………………

Collector
District…………………………..

L.A. FORM XII.

Notice for taking over possession.
Take notice that the marginally noted property has been acquired by the State Government under the Land Acquisition Act, I 0f 1894 for………………………….. as per notification in the Sikkim Gazette dated……………………………….. page…………………… and that to the …………………….. who has received instructions in the matter. If you fail to do so, the………………………………….. will be addressed to enforce the surrender of the property to the department under Section 47 of the Land Acquisition Act.

Date:__________________________ 19_______                                          ……………………………………

Collector
L.A. FORM XIII.

Reference to the Court under Section 18, Act I of 1894.

Whereas, A.B. son of………………………………… has not accepted the award made by me under Section 11 of the Act I of 1894, a copy of which is hereto annexed, and has required by the accompanying application that the matter be referred to the Court, I hereby make reference to the Court of the………………………………………. Name of project: 

Notification……………………………………………. Dated……………………..

Declaration No…………………………………………, Dated…………………….

Published at page………………………………… part of the Sikkim Gazette of the

Situation and extent of the land in acres and decimals, the number of fields plots on the map, the name of the block and the number of mile plan, if any. Particulars of trees, buildings or standing crops, if any.

Name and addresses of persons found to be interested in the land and nature of each person’s interest. Amount awarded for damages and paid or tendered under Section 5 and 17.

Compensation awarded under Section 11, for land, for trees, houses, etc. For crops and huts

Total Rs.

Grounds on which the amount of compensation was determined.

Nature of the objection taken to the award.

Schedule under Section 19 (2) of the Act, giving particulars of notices served.

<table>
<thead>
<tr>
<th>Description of Notice</th>
<th>Date</th>
<th>Name of person</th>
<th>When Served</th>
<th>How served</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice under Section 9 (3) and 10 of the Act Notice under Section 12 (2) of the Act.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DATE :___________________________________________________ Collector.

FORM XIV

Reference to the Court under Section 30, Act I of 1894.

Whereas a dispute exists between the parties interested (between A and B) as to the apportionment of the compensation (or of a portion of the compensation) settled by me in the award made under section 11 of the I of 1894, of which a copy is hereto annexed, I hereby refer such dispute for decision to the court of

Name of Project……………………………………………………

Number and date of notification and declaration under which the land has been acquired.

Situation and extent of the land in acres and decimals, the number of field plots on the map, the name of the block, and the number of mile, plan, if any.

Names and address of the persons interested in the land, and the nature of their respective interests.

Amount of compensation awarded under Section 11.

Particulars of the dispute.

DATE:___________________________________________________ Collector
FORM XV
Form of notice to be issued under clause 2 of Section 35, Act I, 1894 to the persons interested in the land to be occupied and used temporarily.

Notice is hereby given that…………………………………………. Acres, more or less land situated in the block……………………………………………………………………….. Elaka ……………………… District……………………………………………… bounded as below and recently marked out, are required for temporary occupation and use under clause 1 of Section 35 of Act I, of 1894 in accordance with Government order No………………….. dated………………….. For a period of…………………………………………. For (here specify the purpose) If you have any interest in the land or are entitled to act for persons so interested, you are hereby called upon to appear personally or by agent on the (enter the date fixed)……………………………………. At the office of…………………………………… at………………………to state the nature of your interest in the land and the amount and particulars of any claim for compensation which you may wish to prefer. If you fail to put in and appearance as required above, compensation will be awarded exparte and the land will be entered upon and occupied for the purpose specified above.

NORTH
EAST
SOUTH
WEST

DATE:____________________

Collector

BOUNDARY:

..................................................
..................................................

..................................................
..................................................

..................................................
..................................................
1. Short title and Commencement.

(i) These rules may be called the Delegation of Financial Power Rules, 1977.
(ii) They shall come into force on the date of publication in the Sikkim Gazette.

2. Powers to relax.

Notwithstanding anything contained in these rules, the Govt. may be general or special order relax any provision of these rules.

3. Definitions.

In these rules, unless the context otherwise requires:-
(a) “Appropriation” means the assignment to meet specified expenditure, of funds included in a primary unit of appropriation.
(b) “Department of the Government” means a Department of the State Government as notified from time to time.
(c) “Finance Department” means the Finance Department of the State Government.
(d) “Head of Department” means an authority specifically declared as such by the Government.
(e) “Non-recurring expenditure” means expenditure other than recurring expenditure.
(f) “Primary unit of Appropriation” means a primary unit of appropriation referred to in rule 8.
(g) “Public Work” means Civil works including electricity and irrigation, embankment and drainage works.
(h) “Re-appropriation” means the transfer of funds from one primary unit if appropriation to another such unit.
(i) “Recurring Expenditure” means the expenditure which is incurred at periodical intervals and
(j) “Subordinate Authority” means a Department of the State Government or any other authority subordinate to the Government.

4. General conditions for the exercise of power.
The following general conditions should be observed in the exercise of powers to sanction expenditure.

(a) It is a primary condition of the exercise of all financial powers that public revenues should be spent only on legitimate public expenditure.

(b) A subordinate authority may sanction expenditure of advances of public money in those cases only in which it is authorized to do so.

(c) No authority to which powers are delegated shall sanction without previous consent of the finance Department any expenditure which involves the introduction of a new principle or practice likely to lead to increased or recurring expenditure in future.

5. Sanction of new schemes.

(i) All specific schemes started after the coming into force of these rules and extension of schemes which are already in operation whether within the Plan or in the Non-Plan require the sanction of the Finance Department. For the purpose of obtaining concurrence of the Finance Department full details of the scheme should be furnished with the information indicated in Schedule I to these rules, in respect of scheme costing Rs. 5 lakhs or more.

In respect of other schemes the proposal should obtain sufficient details to enable the Finance Department to exercise proper scrutiny.

6. Residuary financial power

The financial powers which have not been delegated to a subordinate authority shall vest in the Finance Department.

7. Provision of funds by Legislature.

Demand s for Grants and Appropriations for charged expenditure are presented to the legislative Assembly in behalf of the departments of the Government. After Demands have been voted and the necessary Appropriation Act passed by the Legislative Assembly the amounts so authorized become available to the Department of authority concerned for appropriation to meet sanctioned expenditure.

8. Primary Units of Appropriation or detailed Heads.

(1) A Grant or Appropriation for charged expenditure id distributed by detailed heads or objects of expenditure under which it shall be accounted for broadly under Revenue & Capital Major Heads. Each such detailed head constitutes a primary unit of appropriation. The primary unit may include provision for both voted and charged expenditure & in that case the amount of each is shown separately.

(2) Primary units of appropriation shall be some or all of the following :-

1. Salaries.
2. Wages.
3. Travel Expenses.
4. Office Expenses.
5. Payments for professional and special services.
7. Publications
8. Advertising, Sales and Publicity Expenses.
10. Scholarships and Stipends.
11. Hospitality Expenses/Sumptuary Allowances etc.
12. Secret service Expenditure
13. Major Works
14. Minor Works
15. Machinery and Equipment/Tools and Plant
9. **Appropriation and Re-appropriations-General restrictions.**

(1) Funds shall not be appropriated or re-appropriated to meet expenditure not sanctioned by an authority competent to sanction it.

(2) Funds provided for charged expenditure shall not be appropriated or re-appropriated to meet votable expenditure and funds provided for voted expenditure shall not be appropriated or re-appropriated to meet charged expenditure.

(3) No re-appropriation shall be made from one Grant or Appropriation for charged expenditure to another Grant or Appropriation for charged expenditure.

(4) Funds shall not be appropriated or re-appropriated to meet expenditure on a new service not contemplated in the budget as approved by the Legislative Assembly.

10. **Creation of posts.**

   In all cases consultation of the Establishment and Finance Department will be necessary for creation of posts whether permanent or temporary except where there are specific delegations to authorities for creation of posts before submission of such proposals to the Cabinet.

11. **Matters relating to conditions of service.**

   All proposals for issue of rules or orders relating to scales of pay, formula of fixation of pay, special pay or grant of any special allowance etc. should be referred to the Finance Department by or through the Establishment Department.

12. **Powers of subordinate authorities.**

   Subject to the provision of these rules the various subordinate authorities shall have the powers specified in Schedule II for incurring contingent expenditure including expenditure on the purchase of stores. Specific delegation in the case of certain Departments is contained in Schedule III to these rules. All these powers shall be exercised subject to budget provision.

23. **Communication of financial sanctions.**

   Rules, orders and other sanctions which require the prior approved of the Finance Department may be issued by the Department concerned direct, provided that the concurrence of the F.D. has been obtained. The draft rule, order or sanction may be shown to the Finance Department at the discretion of the Head if the Department concerned. A sentence to the following effect should be included in such order:
This order/Memo/Letter issues with the concurrence of the Finance Department vide File No.______________________________

Dated______________________________

The sanction order should be addressed to the Director of State Audit/Pay and Accounts Officer, Government of Sikkim and copies among others endorsed to the A.G. Sikkim and the finance Department duly signed in ink:

In the case of Plan scheme a copy shall be endorsed to Planning and Development Department also. The Director of State Audit/Pay and Accounts Officer should entertain a bill only if it is accompanied by a copy of sanction order signed in ink:

14. **Redelegation**

Save with the concurrence of the Finance department no powers delegated under these rules shall be redelegated to any other subordinate authority.

15. **Repeal and Savings.**

(1) With effect from date of coming into force of these rules all notification, rules and orders delegating financial powers to the various heads of departments shall stand revoked to the extent specific provision have been made in these rules.

(2) The delegations contained in these rules are subject to the business rules of the Government and the powers delegated here in can be exercised by the officers concerned subject to such special or general orders that may be given by the Minister-in-charge of the respective departments.

By Order.

M.P. PRADHAN
Secretary,
Finance Department
Government of Sikkim.
SCHEDULE I

Details to be furnished to Finance Department for consideration of proposals relating to new schemes.

NOTE : - This form should be used for schemes, the estimated expenditure on which is Rs. 5 lakhs or above. It need not be used for schemes costing less, but substantially the same in formation should be supplied for these schemes also.

Government of Sikkim

........................................... Department.

Subject:-

1. A concise statement of the proposal and full justification for it.

2. (a) IS the proposal in respect of “New Service”? 
    (b) Has the proposal or any part of it been already considered by the Finance Department and if so, what is the decision taken?

3. Expenditure involved in the proposal.

<table>
<thead>
<tr>
<th>Expenditure</th>
<th>Non-Recurring</th>
<th>Recurring</th>
<th>Budget Provision</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) During the first year</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>(ii) During the subsequent years (year wise)</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td>(iii) Total expenditure in the schemes.</td>
<td>..</td>
<td>..</td>
<td>..</td>
</tr>
</tbody>
</table>

4. State briefly the estimated yield on the project and the economic implication, indicating anticipated receipts

5. Is the proposal included in the State plan? If so, state (a) the amount included for the schemes in the plan (b) if the schemes or the total provision envisaged in the plan has been modified indicate the extent of modification and reason for same. Also state whether the Planning & Development Department have concurred in the modifications. Extracts o the views of the Planning & Development should be enclosed.

6. Is any foreign exchange involved? If so, state (a) items of expenditure involving foreign exchange ; (b) expenditure on foreign experts ; and (c) whether clearance of the Government of India has been obtained.

7. Purchase of plant, equipments and stores :- State the procedure to be adopted for purchasing stores, plant machinery, etc, and whether any departure is necessary or proposed from the normal procedure prescribed for such purchases, with reasons.
8. Is any collaboration, technical and financial, with foreign Government or Firms contemplated? If so, furnish details.

9. Extent of financial assistance, if any, the source from which it is expected or assured and the nature of assistance, whether grants, or loan or supply of machineries, vehicles, etc. (Copy of the correspondence providing the assistance should be enclosed.)

10. Is the expenditure within the committed ceiling?

11. Supplementary information, if any.

* Please attach:

(i) A statement indicating the number of posts as well as the pay scales under various categories required.
(a) In the first year of the scheme, and
(b) Eventually, when the scheme is in full operation together with the basis (work standards) adopted for staffing, if any

(ii) A statement showing expenditure on building and other work, indicating the basis on which it has been estimated and also the phasing of the works year by year: and

(iii) A statement showing expenditure on stores, equipment, etc. giving details of equipments or stores costing above Rs. 10,000/-

N.B.: - Where estimate for buildings, equipment and other stores have been worked out on the basis of current costs, any increases that are likely or expected should be indicated.
## SCHEDULE II

<table>
<thead>
<tr>
<th>Items of expenditure</th>
<th>Heads of Offices</th>
<th>Heads of Departments</th>
<th>General conditions if any and Remarks.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Wages</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Staff paid from Contingencies</td>
<td>___</td>
<td>Full Power</td>
<td>On a daily wage not exceeding Rs. 10/-</td>
</tr>
<tr>
<td>2. Office Expenses</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Electric &amp; Water Charges</td>
<td>Full Power</td>
<td>Full Power</td>
<td></td>
</tr>
<tr>
<td>(b) Repairs &amp; Maintenance (including expenditure on POL) on staff cars</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Full power in respect of POL up to the prescribed limit p.m. subject to such restriction</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) Repairs up to Rs. 5000/- per vehicle p.a. &amp; not exceeding Rs. 1000/- at a time by inviting Sealed quotation from atleast 3 firms and entrust the work only to the firm that has quoted the lowest.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) Repairs &amp; maintenance of office furniture</td>
<td>Rs. 150/- at a time</td>
<td>Rs. 250/- at a time</td>
<td></td>
</tr>
<tr>
<td>(d) Purchase of furniture, fixtures and fittings</td>
<td>-</td>
<td></td>
<td>Rs. 1000/- at a time &amp; not exceeding Rs. 5000/-p.a</td>
</tr>
<tr>
<td>(e) Repairs and maintenance of type writers, duplicator &amp; other office machines</td>
<td>-</td>
<td></td>
<td>Full Power</td>
</tr>
<tr>
<td>(f) Postage &amp; Telegrams</td>
<td>-</td>
<td></td>
<td>Full Power</td>
</tr>
<tr>
<td>(g) Telephone charges</td>
<td>-</td>
<td></td>
<td>Full Power</td>
</tr>
<tr>
<td>(h) Purchase of type-writers, duplicators &amp; other</td>
<td>Full Power</td>
<td></td>
<td>Subject to specific budget provision</td>
</tr>
</tbody>
</table>
office machines.

(i) Refreshments served in inter-departmental meetings, Conferences etc. | Upto Rs. 25/- on any one occasion and not exceeding Rs. 500/- p.a. | Upto Rs. 50/- on any one occasion and not exceeding Rs. 1000/- p.a. | Subject to such restriction as the Govt. may specify.

(j) Crockery & cutlery | - | Full Power upto Rs. 1000/- p.a.

(k) Printing work done at Government Press | - | Full Power

(l) Purchase of stationery locally | Upto Rs. 50 at a time | Full Power | Subject to such restriction or scale as may be prescribed by the Govt.

(m) Petty repairs to non residential Govt. Buildings | Upto maximum of Rs. 1000/- p.a. in a year.

(n) Hot & Cold Weather charges | - | Full Power

(o) Liveries & umbrellas to peons | - | Full Power | The scale and supply shall be governed by Rules on Liveries.

3. Payment for professional & Special Services.

(a) Remuneration for holding exam; paper setting, evaluation, superintending, invigilation. | - | Full Power | As per rates prescribed by Govt.

(b) Charges for experts | - | Full Power | As per rates prescribed by Govt.

(c) Fees to advocates | --- | Full Power | Subject to concurrence of the Law Deptt.

4. Rents, Rates & Taxes

(a) Rent for private building for office accommodation. | - | Upto Rs. 500/- p.m. | The rent should be got fixed from the S.P. W.D under prescribed norm.

(b) Municipal rates & Taxes on non-residential buildings | Full Power | Full Power | ---

5. Advertising, Sales & Publicity expenses.
(a) Exhibition & Fairs

(b) Advertisement charges

6. Scholarship & Stipends

7. Machinery/Equipment

Scientific/Mathematical & Survey instruments

Rs. 2000/-per institution or Office per annum


(For functional purposes)

(eg. Ambulance, Vans, Buses Trucks, Pickups, Mobile Vans of hospital, Bulldozers, Tractors etc.

Repair & maintenance

(tyres & tubes etc.)


(For functional purposes)

(eg. Ambulance, Vans, Buses Trucks, Pickups, Mobile Vans of hospital, Bulldozers, Tractors etc.

Repair & maintenance

(tyres & tubes etc.)

9. Other contingent expenditure of the Department not covered by the above items.

Recurring

Rs. 150/- (Rupees One hundred fifty)

Rs. 1500/- (Rupees one thousand five hundred) only in each case.

Non-recurring

Upto Rs. 500/- (Rupees five hundred) only in each case.

Upto Rs. 7000/- (Rupees seven thousand only in each case.

(a) Full Power for POL Subject to norms and conditions laid down by the Govt.

(b) Upto Rs. 5000/- per vehicle in a year (for repairs) by inviting sealed quotations from at least 3 firms and entrust the work only to the firm that has quoted the lowest.

In consultation with S.N.T. in works cost in goner Rs. 100/-

Subject to prescribed norms & orders of the Government. The grant of scholarship or the stipend should have been approved by the Government.

Subject to the participation having been approved by the Development Commissioner/or the Finance Department.

Subject to prescribed norms & orders of the Government. The grant of scholarship or the stipend should have been approved by the Government.
### Schedule III

**Specific Delegation**

<table>
<thead>
<tr>
<th>Items of Expenditure</th>
<th>Authority to whom Delegated.</th>
<th>Extent of delegation</th>
<th>General Conditions if any and Remarks.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

#### Agriculture Department.

- Procurement of fertilizers, Director of Agriculture
- Seeds, insecticides and planting materials.

- **Agriculture Department.**

- Procurement of fertilizers, Director of Agriculture
- Seeds, insecticides and planting materials.

- **Animal Husbandry Department**

  1. Procurement of feed, seeds, implements etc.
     - Director of Animal Husbandry
     - Full Power
     - Subject to the prescribed purchase procedure.

  2. Surgical instruments, oxygen gas & X-Ray Films
     - Full Power
     - Subject to norms & scale fixed by the Govt and the prescribed purchase procedure

  3. Medicines, drugs, serum vaccine
     - Full Power

#### Health Deptt.

1. Procurement of medicines, drugs serum & vaccine service
   - Director of Health
   - Full Power
   - ”

2. Surgical instruments, oxygen, X-Ray Films etc.
   - Full Power
   - ”

3. Bedding
   - Full Power
   - -do-

4. Diet charges in hospitals
   - Full Power
   - -do-
### Sikkim Nationalized Transport

1. Procurement of POL & spare parts.  
   **General Manager** Full Power  
   Provided purchases are made from Govt. or public sector & other autonomous Govt. Institutions.

2. Expenditure of usual nature  
   **General Manager** Upto Rs. 5000/- for recurring item in each case subject to maximum of Rs. 30,000/- p.m.

3. Expenditure on purchase of emergent parts and store only.  
   **D.G. M. (M)** Upto Rs. 50/- in each case without inviting quotations subject to maximum of Rs. 1000/- p.m.

   **A.M. Es. at Rangpo and Jorethang** Upto Rs. 25/- only in each case without inviting quotations subject to maximum of Rs. 200/- p.m.

### FOREST

To accord financial sanction to a administratively approved estimate in respect of a work to be executed by the Forest Deptt.  
**C.C. F.** Up to the amount of relevant administrative approval for the work accorded by higher competent authority provided the financial sanction is based on lowest competitive tender

### S.P.W.D. & Irrigation

1. To accord Financial sanction to a administratively approved estimate in respect of a work to be executed by S.P.W.D. & Irrigation  
   **Chief Engineer** Full Power  
   Upto the amount of the relevant administrative approval for the work accorded by the competent authority provided that in the case of civil work estimated to cost Rs. 1 lakh or more and Irrigation works estimated to cost Rs. 50,000/- or more the finan

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To accord financial sanction to a sanctioned estimate in respect of a work to be executed by power Department.  
Chief Engineer/Secretary, Power  Full Power  Upto the amount of the relevant administrative approval for the work accorded by the competent authority provided that the financial sanction is based on lowest competitive tender.
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Rural Works

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To accord financial sanction to a sanctioned estimate in respect of a work to be executed by Rural Works Department.  
Chief Engineer/Secretary, Rural Works  Full Power  Upto the amount of the relevant administrative approval for the work accorded by the competent authority provided that in the case of rural works estimated to cost Rs. 10,000/- or more the financial sanction is based on lowest competitive tender.
```
The following ordinance promulgated by the President in the 16th January, 1978 is hereby published for general information:-

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
( Legislatve Department)
New Delhi, the 16th January, 1978/Pausa 26, 1899 (Saka)

THE HIGH DENOMINATION BANK NOTES
(DEMONETISATION) ORDINANCE, 1978

Promulgated by the President in the Twenty-eight Year of the Republic of India.
An Ordinance to provide in the public interest for the demonetization of certain high denomination bank notes and for matters connected therewith or incidental thereto.
Whereas the availability of high denomination bank notes facilities the illicit transfer of money for financing transactions which are harmful to the national economy or which are for illegal purposes and it is therefore necessary in the public interest to demonetize high denomination bank notes;
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 (10 of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

1. (1) This Ordinance may be called the High Denomination Bank Notes (Demonetization) Ordinance, 1978.
   (2) It extend to the whole of India.
   (3) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires:-
   (a) “bank” means-
      (i) a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949; 10 of 1949.
      (ii) the State Bank of India constituted under the the State Bank of India Act, 1955; 23 of 1955.
(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959; 38 of 1959.
(iv) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition of Transfer of Undertakings) Act, 1970 5 of 1970.
(v) a regional rural bank established under sub-section (1) of section 3 of the Regional Rural Bank Act, 1976; 21 of 1976
(vi) a co-operative bank as defined in section 2 of the Reserve Bank of India Act, 1934, 2 of 1934.

(b) “bank notes” means the bank notes issued by the Reserve Bank of India under section 22 of the Reserve Bank of India Act, 1934; 2 of 1934

(c) “distinctive number” in relation to a high denomination bank note means the number including the alphabetical and numerical prefixes appearing on the face of the note;
(d) “high denomination bank note” means a bank note of the denomination value of one thousand rupees or ten thousand rupees, issued by the Reserve Bank;
(e) “public sector bank” means a bank referred to in sub-clause (ii), (iii), or (iv) of clause (a);
(f) “Reserve Bank” means the Reserve Bank of India constituted under the Reserve Bank of India Act, 1934; 2 of 1934
(g) “Schedule bank” means the public sector bank of any other bank, being a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 2 of 1934
(h) “State Bank” means the State Bank of India constituted under the State Bank of India Act, 1955 23 of 1955.

High denomination bank notes to cease to be legal tender
3. On the expiry to the 16th day of January, 1978, all high denomination bank notes shall, notwithstanding anything contained in section 26 of the Reserve Bank of India Act, 1934, cease to be legal tender in payment or on account at any place. 2 of 1934.

4. Save as provided by or under this Ordinance, no person shall, after the 16th day of January, 1978, transfer to the possession from another person any high denomination bank note. Prohibition of transfer and receipt of high denomination bank notes.

5. (1) Every band and Government treasury shall prepare and send to the Reserve Bank in the manner provided in this section a return showing separately under each denominational value the total value of high denomination bank notes of that value held by it at the close of business on the 16th day of January, 1978 and the distinctive numbers of high denomination bank notes of that value;

Provided that a band or a Government treasury in which the currency chest of the Issue Department of the Reserve Bank has been established shall also submit a separate return Declaration of high denomination bank notes by banks and Govt. Treasuries.
showing separately under each denominational value the total value of high denomination bank notes held in such currency chest at the close of business on the 16th day of January, 1978, and the distinctive numbers of high denomination bank notes of that value.

(2) Every such return shall be prepared and presented as provided in sub-section (3) in triplicate and shall be signed by the Manager of the bank or other person in charge of the bank or the Government treasury.

(3) Every return under sub-section (1) shall be presented for forwarding to the Reserve Bank to the Manager of the sub-office, office or branch of the Reserve Bank at the places specified under sub-section (2) of section 7, or to the District Magistrate, or to the Sub-Divisional Magistrate or, if such Manager or Magistrate is not available to the senior-most Revenue or Police Officer available not later than 3.00 p.m. on the 17th day of January, 1978:
Provided that if it is not feasible to present the return to any such person as aforesaid, it may be presented by handing two copies thereof not later than 3.00 p.m. on the 17th day of January, 1978 to a telegraph office, one copy for dispatch by Express telegram to the Reserve Bank at Bombay at the expense of the bank or the Government treasury as the case may be, and the other copy for return to the person presenting it in the manner provided in sub-section (4), and by dispatching the third copy required by sub-section (2) by registered post on the same day to the Reserve Bank at Bombay.

(4) The officer to whom the return is presented shall give back to the person presenting it one copy thereof under his signature and seal of office in acknowledgement of receipt on which shall also be recorded the time and date of receipt, and such officer shall without delay forward one copy of the return to the Reserve Bank at Bombay.

(5) The Manager or other person in charge of every bank or Government treasury shall, immediately after the preparation of the returns required to be submitted under this section, cause the high denomination bank notes mentioned therein to be kept in a separate receptacle and seal the same with his seal and of the officers having custody of such receptacle.

Exchange of high denomination bank notes held by banks and Govt. treasuries.

6. (1) A bank other than a public sector bank may obtain from the Reserve Bank or a public sector bank an equivalent amount in exchange for the high denomination bank notes declared by it in the return referred to in section 5 by credit to an account maintained with the Reserve Bank or a public sector bank or in Bank notes.

(2) A public sector bank may obtain from the Reserve bank an
equivalent amount in exchange for the high denomination bank notes declared by it in the return referred to in section 5 or the high denomination bank notes received by it in exchange under sub-section (1) by credit to an account with the Reserve Bank or in bank notes.

(3) A Government treasury may obtain from the Reserve Bank an equivalent amount in exchange for the high denomination bank notes declared by it in the return referred to in section 5 in bank notes or by credit to Government account.

(4) Notwithstanding anything contained in sub-sections (1) (2) and (3), where the return referred to in section 5 in presented in the manner provided in the proviso to sub-section (3) of that section, the exchange referred to in this section may be effected only by the Reserve Bank at Bombay.

(5) Every application for the exchange of high denomination bank notes under this section shall be accompanied by the copy of the return received under sub-section (4) of section 5 which contains the distinctive numbers of such bank notes.

Exchange of High denomination bank notes held by other persons.

7. (1) Notwithstanding anything to the contrary contained in the Reserve Bank of India Act, 1934, any high denomination bank note owned by a person other than a bank or Government Treasury may be exchanged after the 16th day of January, 1978, only on tender of the note---

(a) Where the high denomination bank note is owned by an individual, by the individual himself; or where the individual is absent from India, by the individual concerned or some person duly authorized by him in this behalf; or where the individual is mentally incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;

(b) Where the high denomination bank note is owned by a Hindu undivided family, by the karta, and where the karta is absent from India or is mentally incapacitated from attending to his affairs, by any other adult member of his family;

(c) Where the high denomination bank note is owned by a company, by the managing director thereof, or where for any unavoidable reason such managing director is not able to tender the note, or where there is no managing director, by any director thereof;

(d) Where the high denomination bank note forms part of the assets of a firm by the managing partner thereof, or where for any unavoidable reason such partner is not able to tender the note or where there is no managing partner as such, by any partner of not being a minor;

(e) Where the high denomination bank note is owned by any other association of persons, by any member of the association or the principal officer thereof; and
(f) where the high denomination bank note is owned by any other person, by that person or by some person competent to act on his behalf;

(2) Every person desiring to tender for exchange a high denomination bank note under this section shall prepare in the form set out in the Schedule three copies of a declaration signed by him giving in full the particulars required by that form and shall, not later than the 19th day of 1978, deliver such copies in person together with the high denomination bank notes he desires to exchange-----

(a) to either of the officers of the Reserve Bank at Bombay or to the sub-office, office or office branch, as the case may be, of that bank at Ahmedabad, Bangalore, Bhubaneshwar, Calcutta, Guwahati, Hyderabad, Jaipur, Kanpur, Madras, Nagpur, New Delhi, and Patna, or
(b) to the main office or branch of the State Bank at the headquarters of a district; or
(c) to any other office of a public sector bank notified in this behalf by the Reserve Bank;
Provided that if such person resides in a place not within convenient reach of any such office or branch, or if, by person of age, infirmity or illness he is unable to attend thereat, he may forward his high denomination bank notes he desires to exchange together with three copies of the declaration in respect thereof by insured post to the Reserve Bank at Bombay not alter than the 19th day of January, 1978.

(3) Every declaration under this section shall, for the purpose of identifying the person making it, be attested by the manager or other person in charge of the bank, if any, with which he maintains an account, or by a salaried Magistrate or a Justice of the Peace or a police officer not below the rank of an Inspector of Police.

(4) Unless it appears that the declaration has not been complete in all material particulars, the Reserve Bank, the State Bank or any bank notified under clause (c) of sub-section (2), as the case may be, to which an application for exchange of high denomination bank notes is made under this section, shall pay the exchange value of the said notes for credit to a properly introduced account of the owner or the declarant, as the case may be, with any scheduled bank.
Provided that if the owner or declarant, as the case may be, does not have a bank account, the exchange value of the said notes shall be paid only on proper identification and until payment is so made, the amount shall remain in the custody of the Reserve Bank or the bank, as the case may be, to which the high denomination bank notes were tendered.

(5) Where it appears that the declaration has not been completed in all material particulars, the Reserve Bank, the State Bank or the notified bank, as the case may be to which such application as aforesaid is made shall, unless the declarant is able to supply the omission without delay, refuse to accept and pay for bank notes to which the declaration relates, and where it does so refuse, shall return one copy of the declaration to the declarant after entering therein the date on which it is presented and shall refer the matter to the Central Government to which it shall forward a copy of the declaration with a brief statement if the reasons for refusing to pay for the bank notes.
(6) The Central Government may require any declarant referred to in sub-
section (5) to amplify his declaration to such extent and in respect of such
particulars as it thinks fit and may, unless the declarant is able to fully comply
with such requirement, refuse, for reasons to be recorded in writing, to sanction
the exchange of the high denomination bank notes to which the declaration
relates.

(7) The Central Government or any person or authority authorized by it in this
behalf may, by order in writing and for reasons to be recorded therein, extend
in any case or class of cases the period during which the high denomination
bank notes may be tendered for exchange under this section.

Exchange of
notes after the
time limit spe-
cified in section
7.

8. (1) Notwithstanding anything contained in section 7, any person
who fails to apply for exchange of any high denomination bank
notes within the time provided in that section may tender the notes
together with the declaration required under that section to the
Reserve Bank at any of the places specified in clause (a) of sub-
section (20 of that section not later than the 24th day of January, 1978
together with a statement explaining the reasons for his failure to apply within
the said time limit.

(2) The Reserve Bank may, if satisfied after making such inquiries as it may
consider necessary that the reasons for the failure to submit the notes for
exchange within the time provided in section 7 are genuine, pay the value of
the notes in the manner specified in sub-section (4)
of that section.

(3) Any person aggrieved by the refusal of the Reserve Bank to pay the value
of the notes under sub-section (2) may prefer an appeal to the Central
Government within fourteen days of the communication of such refusal to
him.

Closing of banks
and Government
treasuries

9. (1) All banks and Government treasuries shall be closed on the 17th
day of January, 1978 for the transaction of all business except the
preparation and presentation or, as the case may be, receipt of the
returns referred to in section 5.

(2) Subject to the provisions of sub-section (1), the 17th day of
January, 1978 shall for the purposes of the Negotiable
Instruments Act, 1881, be deemed to be a public holiday notified
under that Act.

Penalties.

10. (1) If any bank fails to prepare and present within the time and in
the manner provided by section 5 any return referred to in that section,
or presents any return under that section which is false in any material
particular, the manager or other person in charge of the bank shall,
unless he proves that the failure took place, or the false return was presented,
without his knowledge or that he exercised all due diligence
to prevent the same, be punishable with imprisonment for a term which
may extend to three years or with fine or with both.

(2) Whoever knowingly makes in any declaration under section
7 any statement which is false or only partially true or which he does not believe to be true or contrivances any provision of this Ordinance or the rules made thereunder shall be punishable with imprisonment for a term which may extend to three years or with fine or with both.

(3) An officer of a schedule bank who makes payment out of the amount, being the exchange value of a high denomination note credited under sub-section (4) of section 7 to an account maintained with such bank shall, unless such account is an account which has been opened after proper introduction, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both.

11. (1) No prosecution for an offence punishable under this Special pr Ordinance shall be instituted except with the previous Sanction of the Central Government

2 of 1974. Special pr

(2) Notwithstanding anything in section 29 of the Code of Criminal Procedure, 1973, the court of a Magistrate of the first class or the court of a Metropolitan Magistrate trying an offence punishable under this Ordinance may impose a fine exceeding five thousand rupees.

12. No suit, prosecution or other legal proceeding shall lie against the Government or any officer of the Government or Reserve Bank or any public sector bank or any officer of such bank for anything done or intended to be done in good faith under this Ordinance.

13. If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by notification in the Official Gazette, make any order, not inconsistent with the provisions of this Ordinance, which appears to it to be necessary for the purpose of removing the difficulty:

Provided that every such order shall, as soon as may be after it is made, be laid before each House of Parliament.

14. (1) The Central Government may make rules for giving effect to the provisions of this Ordinance.

(2) Every rule made by the Central Government under this Ordinance 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 if the session immediately following the session or the successive sessions aforesaid, both House 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.
THE SCHEDULE
(See section 7 (2) )
FORM OF DECLARATION
(To be filled in triplicate)

1. Name of the owner of the Bank notes
   (In block letters)
2. Address: Office
   Residence
3. Status, i.e., whether individual, Hindu undivided family, company, firm, etc.
4. (a) Whether assessed to income-tax;
   (b) If so, name of the Income-Tax Circle/Ward/District where
       last assessed;
   (c) Permanent Account Number.
5. If engaged in business, profession or vocation, name in which such
   business is carried on.
6. Principal place of business, profession or vocation, and location
   and style of each branch.
7. In the case of a firm, name and address of each partner.
8. In the case of a partner in a firm, name and address of each firm
   or firm in which he is a partner.
9. In the case of a salaried person, amount of salary per annum.
10. In the case of a Government employee, government Department
    and post held.
11. In the case of a retired Government employee, last post held,
    Government Department under which such post was held and
    Date of retirement.
12. In the case of a retired employee of a non-Government employee,
    particulars of last post held.
13. In the case of any other person, particulars of profession or vocation
    or, as the case may be, former profession or vocation.
14. Particulars of high denomination bank notes tendered
    Denomination
    Number of Notes Distinctive Numbers*               Total Value

    Rs. 1000
    Rs. 5000
    Rs. 10000

    ___________________________
    Rupees
    Rs. (In words)

*Distinctive numbers of bank notes tendered should be furnished indicating alphabetical and numerical
prefixes of the notes. Attach a statements if space is not adequate.

15. Reasons for keeping the amount in cash in notes of such high denominations.
16. When and from what source did the bank notes come into
    profession?
17. If any of the notes tendered represent borrowings, the name
    (s) and address (es) of the persons from whom borrowed and the
    dates on which borrowed.
18. Manner in which payment of value if the bank notes is desired;
    i.e. in cash or payment to bank etc.
19. If payment is to be made into a bank account, full details of the
    bank account.
20. Has any other declaration been made in respect of other bank notes of the owner?
   If so, state full particulars.
21. If the declarant is not the owner of the bank notes, capacity in
   which declaration is signed

   I, _____________________ son/daughter/wife of ______________________ hereby solemnly

   (name in block letters)                         (name of father/husband)

   declare

   that the particulars furnished above are full, true and correct to the best of my knowledge and
   belief. I further declare that the bank notes tendered herewith belong to me.

   To_______________________ and are not held benami.
   name of owner of bank notes
   not filed any other declaration under this
I also solemnly affirm that I have______________________________
Ordinance                    filed another/other declaration (s) as per
____________            particulars attached.

I further declare that I am making this declaration in my capacity as________________________
And that I am competent to make this
designation, etc.       declaration and verify it.

Place:________________    ………………………

Date :________________   (signature and designation)

S E A L

_______________________________________________________________________________

N. SANJIVA REDDY.
   President.

K.K. SUNDARAM
   Secy, to the Govt. of India

BY ORDER

   M.P. Pradhan,
   Chief Secretary,
   Government of Sikkim
In exercise of the powers conferred by clause (s) of sub-section (1) of section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898), the State Government, hereby declares the following places to be police stations with the local areas specified against each of them as their jurisdiction:-

<table>
<thead>
<tr>
<th>Police Station</th>
<th>Jurisdiction</th>
</tr>
</thead>
</table>
| 1. RHENOCK:    | East. Boundary running along W.B. and Bhutan.  
West. Confluence of Parkha Chu and Rangpo Chu running North West and covering villages Tarpin, Rorathang, Dhanukhey, Machung, Phyakkapu, Barapathing, Lataut And Sirichen.  
North. Stretching from Premlakha in the east and covering Phadamchen, Rigongteng and Takuney in the North.  
South. Boundary running along Reshi Chu and Rangpo Chu. |
| 2. PAKYONG:    | East. Running along Western boundaries of P. S. Rhenock touching Bhusuk in the North.  
West. Running along the roro Chu from North to South touching Dikling Chu till it meets Rangpo chu.  
North. Confluence of Roro and Yali Chu.  
South. Running along Rangpo Chu till it meets the Dikling Chu from East to West. |
| 3. RONGPHU:    | East. Running up the spur above Basme and meeting the main range below Dam Lakha.  
West. Tista River.  
South. Running along the Rangpo Chu till it joins the Tista and touches West Bengal Boader. |
| 4. SINGTAM:    | East. Running along the main Ridge of W. Pendam covering Burdang, Ralong Lingzey, Sumin then up the spur of |
Martam running along the main ridge of Martam
Covering Sikik Chandey, tumin, Samdong and Tengtek.
West. Tista River
North. Boundary of Gangtok P.S. ending at Rakdong.
South. Central Pendar.

5. GANGTOK (Rural) ----
   East. Roro Chu
   North. ‘B’ I.
   West. Running along Dikchu Chu touching Western Boundary of P.S. Singtam.
   South. National Highway 31 A ending at Martam.

   (Urban) Within the limits of Gangtok Municipal Corporation.

   West. From Khandosangpu covering villages Sana, Tingketam
   North. Tingum Chu and Ben Chu
   South. From Asangtahng in the West to Kaley Chu in the East covering villages PALum, Bul, and Ramaram.

   West. Rangit River.
   North. Southern boundary of P.S. Namchi
   South. Rangit river and Tista Tiver terminating at Melli.

8. RABONGLA East. Tista River.
    West. Rangit river.
    North. Tsedengang and Sada.
    South. Northern boundary of P.S. Namchi i.e. Tingmo and Ben Chu.

    West. Border of West Bengal
    North. From Bareng in the West running along the main ridge From West to East touching Sageng in the East.
    South. Ramman Chu.

    West. Taldanda in south to Dentam in the North.
    North. Kaluk Chu, joining Rangit River.
    South. Boundary of P.S. Naya Bazar.

11. GYALZING East. Rangit River
    West. Nepal Border
    North. Ratong Glacier.
    South. KAtel Chu.

M.P. PRADHAN
Chief Secretary,
Government of Sikkim
The following order by the governor of Sikkim dated 27th February, 1978 is published for general information.

ORDER

“No. SKM/Gov/114/78- In exercise of the powers conferred on me by Article 174 (1) in Part VI of the Constitution of India, I, B.B. Lal, governor of Sikkim, hereby summon the Legislative Assembly of Sikkim to meet on Wednesday, the 22nd March, 1978 at 11.00 A.M., in the Assembly House in Gangtok.

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

B.B. LAL,
Governor of Sikkim”

By Order

R.K. GUPTA,
Secretary,
Sikkim Legislative Assembly
Ministry of finance (Department of Economic Affairs), New Delhi Notification No9. S.O. 30 (E) dated the 23rd January, 1978 is republished for general information.

S.O. 30 (E) – In exercise of the powers conferred by section 13 of the High Denomination Bank Notes (Demonetization) Ordinance, 1978 (1 of 1978), the Central Government hereby makes the following order, namely:-

1. (1) This Order may be called the high Denomination Bank Notes (Demonetisation) (Removal of Difficulties) Order.
   (2) It shall come into force at once.
2. If any person desiring to tender for exchange a high denomination bank note under sub-section (1) of section 8 of the High Denomination Bank Notes (Demonetisation) Ordinance, 1978 (1 of 1978), resides in a place not within convenient reach if any sub-office, office or branch of the Reserve Bank at the places specified in clause (a) of sub-section 920 of section 7 of the said Ordinance, or if, by reason of age, infirmity or illness, he is unable to attend thereat, he may forward the high denomination bank notes he desires to exchange together with three copies of the declaration required under the said section 7 by insured post to the Reserve Bank at Bombay not later than the 24th day of January, 1978, along-with a statement explaining the reasons for his failure to apply within the time provided in the said section 7.

   (No. E 12/1/78-Cy.)
   K.N. Row Jt. Secy.

By Order

M.P. PRADHAN
Chief Secretary,
Government of Sikkim
The following Act of Parliament received the assent of the President on the 24th December, 1977 and published in Extraordinary Gazette of India, part II section 1, is hereby published for general information.

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ACT, 1977
(Act No. 44 of 1977)

An Act

Further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

Be it enacted by Parliament in the Twenty-eight Year of the Republic of India as follows:

1. This Act may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1977.

2. In the requisitioning and Acquisition of Immovable Property Act, 1952 (hereinafter referred to as the principal Act), after section 25, the following section shall be inserted and shall be deemed to have been inserted with effect on and from 21st day of March, 1977, namely:-

26. (1) Notwithstanding anything contained in this Act, any immovable property requisitioned or purported to have been requisitioned by the Central Government or by any officer or authority to whom powers in this behalf have been delegated by that Government, under the Defense of India Act, 1971, and the rules made thereunder (including any immovable property deemed to have been requisitioned under the said Act, ) which has not been released from such requisition before the appointed day shall,-

(i) if such property was requisitioned on or before 21st day of March, 1977, as from that date, and

(ii) if such property was requisitioned at any time after such date, as from the date of its requisition,

be deemed to have been requisitioned by the competent authority under the provisions of this Act, for the purpose for which such property was held immediately before the appointed day and all the provisions of this Act shall apply accordingly.

Provided that in determining the compensation payable under this Act in respect of any property so deemed to have been requisitioned under
this Act, the sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the matters specified in clause (b) of sub-section (20 of section 8 shall be reduced by the sum or sums, if any, paid on payable in respect of such mater or matters as compensation in respect of such property under the Defence of India Act, 1971, and the rules made thereunder.

(2) Save as otherwise provided in sub-section (10, the provisions 10 of 1897 of the Defence of India Act, 1971, and the rules made thereunder, in so far as those provisions relate to the requisitioning of any such immovable property as id referred to in sub-section (1), shall, as from the 21st March, 1977, cease to operate except as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897, shall apply upon such cesser of operation as if such Cesser were a repeal of an enactment by a Central Act.

Explanation- In this section, “appointed day” means 23rd September, 1977.

Repeal and saving

3. (1) The Requisitioning and Acquisition of immovable Property Ord. 12 of saving (Amendment) Ordinance, 1977, is hereby repealed. 1977

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act.

S.HARIHARA IYER
Joint Secretary to the Govt. of India.

By Order

T.S. GYALTSHEN
Chief Secretary
Government of Sikkim
(No. F. 11 (71) LL/78)

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD
NEW DELHI – 110001.

Dated 25 January, 1978

NOTIFICATION
S.O.- In pursuance of clause (c) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the election symbols (Reservation and Allotment) Order, 1968 and in suppression of its notification No. 56/77-I dated 22 January, 1977 published as S.P. 37 (E) in the Gazette of India, Extraordinary, Part II, Section 3 (ii) dated 22 January, 1977, the Election commission of India hereby specifies in the Table below, the Political parties registered by the commission under the provisions of paragraph 3 of the Symbols Order referred to above and the State or States in which they function:-

<table>
<thead>
<tr>
<th>Name of the registered political party</th>
<th>State/States in which it functions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pradesh, 9. Maharashtra, 10. Punjab</td>
</tr>
<tr>
<td></td>
<td>11. Rajasthan, 12. Tamil Nadu, 13. Uttar Pradesh</td>
</tr>
</tbody>
</table>
3. Akhil Bharatiya Ramrajya Parishad

4. All India Shiromani Babu Jiwan Singh Mazabhi Dal

5. All India Labour Party

6. All India Gorkha League

7. All India Jharkhand Party

8. Bharatiya Rashtrya Jan Congress

9. Bolshevik Party of India

10. Bharter Biplabi Communist Party

11. Bihar Prant Hul Jharkhand

12. Backward classes Mahasbha

13. Biplabi Bangla Congress

14. Chotanagpur Bhumi Rakshak Party

15. Jharkhand Party

16. Janta Paksha Party

17. Jana Congress

18. Muslim Majlis

19. Marxist Forward Bloc

20. National convention of Nagaland

21. Peoples Party of Arunachal

22. Proutist Block of India

23. Punjab Masihi Sabha

24. Progressive Hul Jharkhand Party (Shibu Group)

25. Revolutionary Communist Party of India

26. Rashtriya Majoor Paksha

27. Republican Party of India

28. Republican Party of India (Khobragade)

1. Assam, 2. Gujarat, 3. West Bengal


1. Andra Pradesh, 2. Gujarat, 3. Haryana

29. Socialist Unity Centre of India
5. Orissa, 6. Uttar Pradesh, 7. West Bengal, and 8. Delhi

30. Shiva Sena
Maharashtra

31. Sampoorna Telengena Praja Samiti
Andhra Pradesh

32. Sohit Samaj Dal (Akhil Bharatiya)

33. Tripura State Congress for Democracy
Tripura

34. Tripura Upajati Samiti Juba
Tripura

35. Uttar Pradesh Swatantra Sangram Sainik Parishad

36. U.P. Sikh Pritinidhi Board
Uttar Pradesh

37. Uttar Pradesh Kisan Mazdoor Party
Uttar Pradesh

38. Vedwadi Karmawadi Parishad

39. Workers’ Party of India
West Bengal.

No. 56/78 (1)
Sd/- (S.P. Raje)
Under Secretary

By Order

(D.K. Manavalan)
Chief Electoral Officer, Sikkim.

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD,
NEW DELHI - 110001


NOTIFICATION


(No. 56/78-2)
Sd/-S.P. RAJE
Under Secretary.

By Order

D.K. MANAVALAN
Chief electoral Officer, Sikkim.
S.O. :- whereas by its order dated 2 February 1978 in exercise of the powers conferred on the election commission by Article 324 of the constitution read with rules 5 and 10 of the Conduct of Elections rules, 1961, paragraphs 3, 6, 7, 8 and 18 of the election symbols (reservation and Allotment) Order, 1968, and all other powers enabling it in this behalf the election Commission of India has decided to recognize “Indian National Congress (I)” as a National Party and to reserve the symbol “Hand” to it;

And whereas the symbol “Hand” hitherto included in the list of free symbols for the States of 1. Andhra Pradesh, 2. Haryana, 3. Jammu and Kashmir, 4. Karnataka, 5. Manipur and 6. Sikkim and the Union Territory of Arunachal Pradesh, shall have to be deleted as a consequence of the said order;

Now, therefore, in pursuance of clauses (a) and (d) of sub-paragraph (10 and subparagraph (20 of paragraph 17 of the election Symbols (reservation and Allotment) Order, 1968, the Commission hereby makes the following amendments in its notification No. 56/78, dated 25 January 1978 published as S.O. 40 9E) in the Gazette of India, Extraordinary, Part II, section 3 (ii), dated 25 January 1978, and as amended from time to time, namely:-

In TABLE 1 appended to the said notification the following entries shall be made in columns 1 and 2 :-

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN, ASHOKA ROAD
NEW DELHI

NOTIFICATION

Sikkim Government
Extraordinary
Published by Authority

Election Commission of India Notification No. 56/78-3 dated the 2 February, 1978 as published in an Extraordinary issue of the gazette of India, Part II, Section 3 (ii) dated 3 February, 1978 are republished for general information.
“5. India National congress (I)……………………………… Hand”

IN TABLE 3 of the said notification:-

(i) against item No. 1 Andhra Pradesh, under column 2, the entry “6. Hand” shall be deleted and entries 7 to 16 shall be renumbered as 6 to 15;

(ii) against item No. 5 Haryana under column 2, the entry “4 Hand” shall be deleted and entries 5 to 20 shall be renumbered as 4 to 19;

(iii) against item No. 5 7 Jammu and Kashmir under column 2, the entry “5 Hand” shall be deleted and entries 6 to 15 shall be renumbered as 5 to 14;

(iv) against item No. 8. Karnataka, under column 2, the entry “6 Hand” shall be deleted and entries 7 to 15 shall be renumbered as 6 to 14.

(v) against item No. 12. Manipur, under column 2, for the existing entries “7 Sparrow, 8. Railway Engine and 9 Hand” the entries 7 Sparrow and 8. Railway engine” shall be substituted;

(vi) against item No. 18. Sikkim, under column 2, the entry “ 4 Hand” shall be deleted and entries 5 to 17 shall be renumbered as 4 to 16; and

(vii) against item No. 24. Arunachal Pradesh, under column 2, the entry “5 Hand” shall be deleted and entries 6 to 20 shall be renumbered as 5 to 19.

(No. 56/78-3)

By Order,

Sd/- (S.P. RAJE)

UNDER SECRETARY

BY ORDER

(D.K. Manavalan)
Chief electoral Officer Sikkim
S.O. In pursuance of clause (d0 of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission of India hereby makes the following amendment with immediate effect in its notification No. 56/78, dated 25 January, 1978, published as S.O. 40 (E) in the Gazette of India, Extraordinary, Part II, section 3 (ii), dated 25 January, 1978, and as amended from time to time, namely-

In TABLE 3 of the said notification, against item No. 11. MAHARASHTRA under column 2, for the existing entries “14 Elephant, and 15. Ladder”, the following entries shall be substituted:

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.</td>
<td>Elephant</td>
</tr>
<tr>
<td>15.</td>
<td>Ladder</td>
</tr>
<tr>
<td>16.</td>
<td>Cultivator cutting crop</td>
</tr>
<tr>
<td>17.</td>
<td>Spade and stoker</td>
</tr>
<tr>
<td>18.</td>
<td>Coconut tree bearing fruits</td>
</tr>
<tr>
<td>19.</td>
<td>Cock</td>
</tr>
<tr>
<td>20.</td>
<td>Tiger</td>
</tr>
<tr>
<td>21.</td>
<td>Tractor</td>
</tr>
<tr>
<td>22.</td>
<td>Bucket</td>
</tr>
<tr>
<td>23.</td>
<td>Car</td>
</tr>
<tr>
<td>24.</td>
<td>Hurricane Lamp</td>
</tr>
<tr>
<td>25.</td>
<td>Jug</td>
</tr>
<tr>
<td>26.</td>
<td>Umbrella</td>
</tr>
<tr>
<td>27.</td>
<td>Drum</td>
</tr>
<tr>
<td>28.</td>
<td>Fish</td>
</tr>
<tr>
<td>29.</td>
<td>Woman</td>
</tr>
<tr>
<td>33.</td>
<td>Chair</td>
</tr>
<tr>
<td>34.</td>
<td>Lock and Key</td>
</tr>
<tr>
<td>35.</td>
<td>Cultivator winnowing grain</td>
</tr>
<tr>
<td>36.</td>
<td>Goat</td>
</tr>
<tr>
<td>37.</td>
<td>Flaming Torch</td>
</tr>
<tr>
<td>38.</td>
<td>Deer</td>
</tr>
<tr>
<td>39.</td>
<td>Peacock</td>
</tr>
<tr>
<td>40.</td>
<td>Hand Pump</td>
</tr>
<tr>
<td>41.</td>
<td>Ink Pot and Pen</td>
</tr>
<tr>
<td>42.</td>
<td>Spectacles</td>
</tr>
<tr>
<td>43.</td>
<td>Sewing Machine</td>
</tr>
<tr>
<td>44.</td>
<td>Mug</td>
</tr>
<tr>
<td>45.</td>
<td>Aeroplane</td>
</tr>
<tr>
<td>46.</td>
<td>Eagle about to fly</td>
</tr>
<tr>
<td>47.</td>
<td>Clock</td>
</tr>
<tr>
<td>48.</td>
<td>Two cultivators returning after cutting crop,</td>
</tr>
</tbody>
</table>
30. Charkha
31. Pigeon
32. Lotus,

49. Radio and
50. Basket containing vegetables”

(No. 56/78-47)
Sd/- (S.P. RAJE)
Under Secretary.

By Order,

D.K. MANAVALAN,
Chief Electoral Officer, Sikkim.
S.O. 780 (E) – Whereas the Central Government is of opinion that it is necessary and expedient so to do for maintaining supplies and for securing equitable distribution and availability at fair prices, of pulses, edible oil seeds and edible oils;

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) the Central Government hereby makes the following Order, namely:-

1. Short title, extent and commencement :– (1) This Order may be called the Pulses, Edible Oilseeds and Edible Oils (Storage control) Order, 1977.
(2) It extend to the whole of India.
(3) Clauses 3 and 5 of this Order shall come into force on the 1st day of December, 1977 and the remaining provisions of this Order shall come into force at once.

2. Definition:- In this Order, unless the context otherwise requires:-
(a) “bulk consumer” means a hotel, restaurant, hostel, hospital or halwai;
(b) “Category A City” means a City, included as a Category A City in the Schedule to this Order, having a population of 10 lakhs and more;
(c) “Category B City” means a City included as a Category B City in the Schedule to this Order, having a population of 3 lakhs and more but less than 10 lakhs, or the capital of a State or a Union territory not included in Category A City;
(d) “Category C City” means a city, which is not a Category A City or Category B City;
(e) “commission agent” means a commission agent having in the customary course of business as such agent authority either to sell goods, or to consign goods for the purposes pf sale or to buy goods;
(f) “dealer” means a person engaged in the business of purchase, sale or storage for sale of any pulses edible oilseeds or edible oils, whether or not in conh8nquision withy any other business and includes his representative or agent;
(g) “edible oil” means any oil used for cooking for human consumption and includes hydrogenated vegetable oils;
(h) “Population” means population as ascertained at the 1971 Census;
(i) “primary mandi” in relation to pulses and edible oil seeds means a mandi where the farmers initially sell their produce;
(j) “producer”, means a person carrying on the business of milling an of the pulses or expelling, extracting or manufacturing any edible oils;
(k) “pulses” mans urd, moong, arhar, masoor , lobia, rajmaha, gram including peas or any other dal whether whole or split with or without husk;
(l) “retailer” means a dealer in pulses or in edible oilseeds or in edible oils, who is not a wholesaler;
(m) “State Order” means any order issued by any of the State Governments or any a Union Territory Administration under the provisions of the Essential Commodities Act, 1955 (10 of 1955), and for the time being in force;

(n) “wholesaler” means a dealer in pulses or in edible oilseeds or in edible oils who sells such commodities to other dealers or to bulk consumers.

3. Licensing of dealers – Notwithstanding anything contained in any state order, after the expiration of a period of fifteen days from the coming into force of this clause, no person shall carry on a business as a dealer in pulses or in edible oilseeds or in edible oils except under and in accordance with the terms and condition of license granted under a State Order if the stocks of pulses or edible oilseeds or edible oils in his possession exceed the quantities specified below:

(i) Pulses…………………. 10 quintals for all pulses taken together.
(ii) Edible oils including hydrogenated vegetable oils
     5 quintals for all edible oils including hydrogenated vegetable oils taken together.
(iii) Edible oilseeds including groundnut in shell
     30 quintals of all edible oilseeds.

4. Restriction on possession of pulses, edible oilseeds and edible oils – (i) No dealer shall after a period of fifteen days from the coming into force of this clauses, either by himself or by any person on his behalf, store or have in his possession at any time any pulses, edible oilseeds or edible oils in excess of the quantities specified below:

<table>
<thead>
<tr>
<th>Category of cities</th>
<th>Stock limits in qtls.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the case of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wholesaler</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retailer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(i) Pulses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category ‘A’ cities</td>
<td>1000</td>
<td>50</td>
</tr>
<tr>
<td>Category ‘B’ cities</td>
<td>750</td>
<td>40</td>
</tr>
<tr>
<td>Category ‘C’ cities</td>
<td>400</td>
<td>30</td>
</tr>
<tr>
<td>(ii) Edible oilseeds Including groundnut in shell</td>
<td>1500</td>
<td>100</td>
</tr>
<tr>
<td>Category ‘A’ cities</td>
<td>1000</td>
<td>75</td>
</tr>
<tr>
<td>Category ‘B’ cities</td>
<td>500</td>
<td>50</td>
</tr>
<tr>
<td>Category ‘C’ cities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii) Edible oils including hydrogenated vegetable oils</td>
<td>800</td>
<td>25</td>
</tr>
<tr>
<td>Category ‘A’ cities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category ‘B’ cities</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category ‘C’ cities</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Provided that the stock limits specified for a wholesaler in Category A Cities shall apply to a wholesaler in such primary mandis situated in other categories of cities as the State Government may, having regard to the location of such mandis or other relevant factors from time to time, specify.

Provided further, that no producer of pulses, shall store have in his possession at any time unmilled pulses in excess of one-twelfth of the quantity of pulses used by him in the year ending on the 31st day of October, 1977 and he shall not hold the finished stock, namely, milled pulses, in a quantity exceeding one-twenty-fourth of his production in the year ending 31st day of October, 1977.
Provided also that no producer of edible oils, other than mustard oil shall store or have in his possession at any time edible oilseeds in excess of one-eighth of the oilseeds used by him in the year ending on the 31st day of October, 1977 and he shall not hold the finished stock of oil, in a quantity exceeding one-twelfth of his production during the year ending 31st day of October, 1977.

Provided also that no producer of mustard oil shall store or have in his possession at any time mustard seeds in excess one-twelfth of the mustard seed used by him in the year ending on the 31st day of October, 1977.

Provided also that nothing in this clause shall apply to:

(a) the storage or possession of edible oilseeds and edible oils imported from abroad;
(b) to a commission agent who does not retain any consignment of pulses or edible oilseeds received by him for a period exceeding fifteen days from the date of its receipt.

2. Every dealer referred to in sub-clause (1) shall, immediately on the expiry of the period specified in that sub-clause, give intimation to the Collector regarding the stocks of any pulses, edible oilseeds or edible oils left with him or any other person in his behalf in excess of the stocks prescribed in sub-clause and such clause stocks shall not be disposed of by the dealer or other person except in accordance with the directions of the Collector.

5. Returns _ Every dealer referred to in clause 3, and every producer who holds in excess of the stock limits of pulses or edible oil-seeds or edible oils specified for a retailer in clause 4 shall furnish a fortnightly return to such authority and in such manner as may be specified by the State governments in this behalf by notification in the Official Gazette in respect of such stocks of pulses edible oilseeds and edible oils held by him.

6. State Orders to apply – The provisions of the State Orders relating to storage of pulses, edible oilseeds or edible oils shall apply in respect of any matter for which no provisions has been specifically made in this Order.

7. Order not to apply in certain cases – Nothing in this Order shall apply -
(i) to a Corporation or a company owned or controlled by the Central Government or a State Government, or
(ii) to any Central level or State level cooperative society, engaged in the production, procurement, sales, purchases or distribution of pulses, edible oils.

8. Repeal and saving – the pulses and Edible Oils (Storage Control) Order, 1977, is hereby repealed: Provided that such repeal shall not affect-
(a) the previous operation of the said Order or anything duly done or suffered thereunder; or
(b) any right, privilege, obligation or liability acquired, accrued or incurred under the said Order; or
(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said Order; or
(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or remedy may aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty forfeiture or punishment may be imposed as if the said Order has not been repealed.
## Schedule

(See Clause 2 (B) and (C))

<table>
<thead>
<tr>
<th>Category ‘A’ cities (Having a population of 10,000 &amp; above)</th>
<th>Category ‘B’ cities (Having a population of 3,000,000 and more but less than 10,000,000 and capital cities of States and Union Territories other than Category ‘A’ cities)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Calcutta</td>
<td>1. Nagpur</td>
</tr>
<tr>
<td>2. Greater Bombay</td>
<td>2. Coimbatore</td>
</tr>
<tr>
<td>3. Delhi</td>
<td>3. Madurai</td>
</tr>
<tr>
<td>5. Madras</td>
<td>5. Varanasi</td>
</tr>
<tr>
<td>6. Bangalore</td>
<td>6. Indore</td>
</tr>
<tr>
<td>7. Ahmedabad</td>
<td>7. Jabalpur</td>
</tr>
<tr>
<td>8. Kanpur</td>
<td>8. Allahbad</td>
</tr>
<tr>
<td>11. Tiruchirapali</td>
<td>12. Amritsar</td>
</tr>
<tr>
<td>15. Dhanbad</td>
<td>16. Salem</td>
</tr>
<tr>
<td>17. Gwalior</td>
<td>18. Ludhiana</td>
</tr>
<tr>
<td>21. Hubli-Dharwar</td>
<td>22. Meerut</td>
</tr>
<tr>
<td>23. Visakhapatnam</td>
<td>24. Mysore</td>
</tr>
<tr>
<td>27. Bareilly</td>
<td>28. Jodhpur</td>
</tr>
<tr>
<td>29. Rajkot</td>
<td>30. The capital cities of States and Union Territories other than Category ‘A’ cities.</td>
</tr>
</tbody>
</table>

(No. 26 (16)/77-ECR)

T. BALAKRISHNAN, Jt. Secretary

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BY ORDER

T. GYALTSEN
Chief Secretary,
Government of Sikkim.
BILL NO. 1 OF 1978
THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS REMOVAL OF DISQUALIFICATIONS BILL, 1978
A BILL

To declare that certain offices are not to disqualify the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the State of Sikkim.

WHEREAS it is expedient to declare that certain officers are not to disqualify the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the State of Sikkim.

It is hereby enacted in the Twenty-ninth Year of the Republic of India by the Legislature of Sikkim, as follows:-

Short title. 1. (1) This Act may be called the Sikkim Legislative Assembly Members Removal of Disqualifications Act, 1978.
(2) It shall be deemed to have come into force on the 3rd day of November, 1977

Definitions. 2. In this Act, unless the context otherwise requires, -
(a) “Compensatory allowance” means any sum of money payable to the holder of an office by way of daily allowance, conveyance allowance, house rent allowance or traveling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.
(b) “Legislative Assembly” means the Legislative Assembly of the State of Sikkim.
(c) “non-statutory body” means any body or persons other than a statutory body.
(d) “State Government” means the Government of the State of Sikkim.
(e) “Statutory body” means any Corporation, Committee, Commission, Council, Board or other body of persons whether incorporated or not, established by or under any law for the time being in force:

Certain Offices Not to disqualify 3. It is declared that none of the following offices under the Government of India or the state government, shall disqualify or be deemed ever to have Disqualified the holder thereof for being chosen as or for being, a member Of the Legislative Assembly namely:-
(a) the office of the Minister if the State or the Deputy Minister, either for the union or for the State of Sikkim;
(b) the office of a member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948, or the Reserve and Auxiliary Air forces Act, 1952;
(c) any office in the Home Guard constituted by or under any law for the time being in force under the authority if the State government;
(d) the office if the Chairman or a member of the syndicate, Senate, Executive Council or court of a University or any Committee, by whatever name called, of any educational institution receiving aid out of the State funds;
(e) the office of the chairman or a member of the Committee of management of a C0-operative society nominated or appointed by the State Government under any law relating to c-operative societies for the time being in force in the state of Sikkim;
(f) the office of the chairman or a member of the Labour Commission appointed by the State Government;
(g) the office of the Chairman or a member if the pay commission appointed by the State Government;
(h) the office of the chairman or a member of the Board of directors of the State Trading Corporation;
(i) the office of the chairman or a member of the Board of directors of the State Bank of Sikkim;
(j) the office of the Chairman or a member of the State Electricity Advisory Board or the State Electricity Board appointed by the State Government;
(k) the office of the chairman or a member of the Sikkim Khadi and Village Industries Board appointed by the State Government;
(l) the office of the Chairman or an ember of the Board of the Sikkim Nationalized Transport appointed by the State Government;
(m) the office of the Chairman or a member of the Board of Directors of the Sikkim Mining Corporation appointed by the State Government;
(n) the office of the Chairman or a member of the Board of Directors of the Sikkim Mining corporation appointed by the State Government;
(o) the office of the Chairman or a member of the Schedule Caste Welfare Board appointed by the State Government;
(p) the office of the Block Mandal appointed by the State government;
(q) the office of the Chairman, Deputy Chairman or a member or Secretary or any committee, Commission, Corporation or similar other authorities constituted by the government of India or the State Government or any other authority in respect of any public matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance or any residential accommodation or any arrangement for conveyance to facilitate the performance of the function of such office.
Explanation:- For the purpose of this Act, the office of the chairman, Deputy Chairman or Secretary shall include every office that description, by whatever name called

Repeal 4. The Sikkim Legislature Assembly Members Removal of disqualifications Ordinance, 1977, is hereby repealed.

STATEMENT OF OBJECTIVES AND REASONS

Under sub-clause (a) of clause (i) of Article 191 of the constitution of India, the Legislature of a State is to declare that offices of profit shall not disqualify their holders for being chosen as and for being, a member of the Legislative Assembly of a State. There being no such law made for the Legislative Assembly of Sikkim Members Removal of Disqualifications Ordinance, 1977 had been promulgated by the governor of Sikkim, on the 3rd November, 1977. The Bill seeks to replace the said Ordinance by a Act of the Legislature. The Bill has been framed with the above objects in view.

B.P. Dahal
Minister-in-charge,
Legislative Department
BILL NO. 2 OF 1978

THE SIKKIM EXCISE (ABKARI) AMENDMENT BILL, 1978

A BILL

to amend the Sikkim Excise (Abkari) Act, 1971.

WHEREAS it is expedient to amend the Sikkim Excise (Abkari) Amendment Act, 1971 in the manner hereinafter appearing;

It is hereby enacted as follows:-

1. (1) This Act may be called the Sikkim Excise (Abkari) Amendment Act, 1978.

   (2) It shall come into force at once.


   (i) for the expression “Executive Excise Officer”, wherever it occurs, the expression “Commissioner of Excise” shall be substituted.

   (ii) for sub-section (c) of Section 1, the following sub-section shall be and shall always be deemed to have been substituted:—

   “(c) it shall come into force at once.”

3. All acts done and actions taken including notifications issued, appointments made, rules and regulations framed, taxes, fees and fines imposed, expenses incurred, licence, permit and pass granted, seized or cancelled and orders passed under the Sikkim Excise (Abkari) Act, 1971, shall be deemed to have been done and taken under the Sikkim Excise (Abkari) Act, 1971, as amended by this Act.

4. The Sikkim Excise (Abkari) Amendment Ordinance, 1978, is hereby repealed.

STATEMENT OF OBJECTIVES AND REASONS.

The Bill seeks to place the Sikkim Excise (Abkari) Amendment Ordinance, 1978, Ordinance 1 of 1978, promulgated by the Sikkim Excise (Abkari) Act, 1971 by substituting a new expression for the expression “Executive Excise Officer”: and a new sub-section for the existing sub-section (c) of Section 1.

This Bill has been framed with the above object in view.

DORJEE TSHERING
Minister-in-Charge
Department of Excise (Abkari)
BILL NO. 3 OF 1978

THE SIKKIM ESSENTIAL SERVICES MAINTENANCE BILL, 1978

A BILL

to make provisions for the maintenance of certain essential services and the normal life of the community

WHEREAS it is expedient to make provisions for the maintenance of certain essential services and the normal life of the community.

It is hereby enacted in the Twenty-ninth Year of the Republic of India by the Legislature of Sikkim, as follows:-

1. (1) This Act may be called the Sikkim Essential Services Maintenance Act, 1978.
   (2) It shall remain in force for a period of three from the date of its commencement.

2. In this Act, unless the context otherwise requires:-
   (a) “Essential Service” means-
      (i) any service connected with the supply of water;
      (ii) any service connected with any department of the State Government or any local authority relating to procurement, storage, distribution and supply of food and other essential commodities;
      (iii) any service connected with the supply of electricity;
      (iv) any service connected with medical aid, treatment or administration of hospitals, dispensaries and other similar establishments or institutions;
      (v) any service connected with any department of the State Government or any local authority or other organization or institution relating to fire-service, extinguishment or control of fire, or conservancy or drainage or sanitation;
      (vi) any transport service for the carriage of passenger or goods;
      (vii) any service connected with the loading, unloading or storage of goods;
      (viii) any other service which the State Government, being of opinion that strikes therein would prejudicially affect the maintenance of any public service, the public safety or the maintenance of supplies and service necessary for the life of the community, may, by notification in the official Gazette declare to be an essential service for the purpose of this Act.

(b) “Strike” means the cessation of work by persons employed in any essential service acting in combination or a consorted refusal or a refusal under common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes-
(a) refusal to work over time where such work is necessary for the maintenance of any essential service;
(b) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

Power to prohibit Strikes in essential Services

3  (1) If the State Government is satisfied that in the public interest it is necessary or expedient so to do it may be general or special order, prohibit strikes in any essential service specified in the Order.
(2) An Order under sub-section (1) shall be published in the Official Gazette or in such manner as the State Government considers best calculated to bring to the notice of the persons to be affected by the Order and shall remain in force for a period of six months only from the date of the Order unless any shorter period is specified therein.
(3) Upon the issue of an Order under sub-section (1),-
(a) no persons employed in any essential service to which the Order relates shall go or remain on strike;
(b) any strike declared or commence, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

Punishment. 4. Any person,-
(a) who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in, any such strike, or
(b) who instigates, or incites other persons to take part in, or otherwise acts in furtherance of a strike which is illegal under this Act, or
(c) who knowingly expends or supplies any money in furtherance or support of strike which is illegal under this Act, or
(d) who, by the use of force or show of force or otherwise, prevents or attempts any other person employed in any essential service, specified in the Order issued under sub-section (1) of Section 3, from performing his duties under such employment, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Offence to be cognizable and non-bailable 5. Any offences under this Act shall be cognizable and non-bailable.

Repeal 6. The Sikkim Essential Services Maintenance Ordinance, 1977, is hereby Repealed.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to replace the Sikkim Essential Services Maintenance ordinance, 1977, by a temporary Act. While it has been and shall always be the endeavor of the Government to provide comprehensive and positive arrangements for the consideration of the legitimate problems, grievances and demands of its employees, it has, nevertheless, been found to be necessary that there should be some power vested in the Government to prohibit strikes in essential services so that such services which are essential to the normal life of the community may be maintained.
The Bill is only an enabling measure. It defines “Essential Service” which inter-alia includes any service declared as such by notification by the State Government. The Bill authorizes the State Government to prohibit strikes in Essential Services and declares prohibited strikes to be illegal and provides for penalties for persons participating in such strikes to be illegal and provides for penalties for persons participating in such strikes as well as for persons instigating and financing such strikes.

KAZI LHENDUP DORJEE KHANGSARPA

Chief Minister
Member-in-charge
It is hereby notified that the workers of industrial Units/Establishment and such other labourers engaged on Mustar Roll by Government Department shall henceforth be allowed 10 paid holidays in a year. Of the 10 paid holidays, the following occasions shall be common to all:

1. Republic day - 1 day (26th January)
2. Martyr’s day - 1 day (4th April)
3. May day - 1 day (1st May)
4. Independence day - 1 day (15th August)
5. Gandhi Jayanti - 1 day (2nd October)

The remaining 5 days festival holidays shall be availed of by the workers at their option with due intimation to the Management.

By Order

J. DORJEE,
Secretary,
Labour Department
No. 12/Home. The Government of India, Ministry of Agriculture and Irrigation (Department of Agriculture), New Delhi notification no. 12018/12/76-LRD dated 10\(^{th}\) January, 1978 is republished for general information:-

In exercise of the powers conferred by clause (1) of article 258 of the Constitution of India and of all other powers enabling him in this behalf, the President hereby entrusts to the government of the State of Sikkim, with Central Government under-

(i) the Land Acquisition Act, 1894 (91 of 1894), except the function exercisable by the Central Government under the proviso to sub-section (1) of Section 55 of the said Act; and
(ii) the Land Acquisition (companies) rules, 1963, in relation to the acquisition of land for the purposes of the Union in the State of Sikkim, subject to the following conditions, namely:-
(a) that in the exercise of such functions, the Government of the State of Sikkim shall comply with such general and special directions as the Central government may, from time to time, issue; and
(b) that notwithstanding the entrustment, the central Government may itself exercise any of the said functions should it deem fit to do so in any case.

(F. No. 12018/12/76-LRD)
(R.K. RATH)
Joint Secretary to the Government of India

T.S. GYALTSHEN,
Chief Secretary
Government of Sikkim
A Bill to consolidate and amend the law relating to co-operative societies in the State of Sikkim.

WHEREAS it is expedient to further facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual and among persons with common economic needs and to bring about improvement in agriculture and industry through better methods if production, better business and better living and for that purpose to mend and consolidate the law relating to co-operative societies in the state of Sikkim.

Be it enacted by the State Legislature in the……………28…………year
of the republic of India as follows:

Chapter I
Preliminary

1. (i) this Act may be called the Sikkim Co-operative societies Act, 1978.
(ii) It extend to the whole of the State of Sikkim.
(iii) It shall come into force on such date as the Government may, by notification in the official Gazette appoint.

In this act, unless the context otherwise requires.

2. (a) ‘Agricultural Refinance and Development Corporation’ means the Agricultural Refinance and Development Corporation constituted under the Agricultural Refinance and Development Corporation Act, 1963.

(b) ‘Bank’ includes
(i) A banking company as defined in section 5 of the Banking Regulation Act, 1949.
(ii) State Bank of India constituted under the State Bank of India Act, 1955.
(iv) Any other banking institution notified by the Central Government.
under section 51 of the Banking Regulation Act, 1949.

(c) ‘Bye laws’ means the registered bye-laws for the time being in force, and includes registered amendments of such bye-laws.

(d) ‘Committee’ means the governing body of a society, by whatever name called, to which the management of the affairs of the society is entrusted.

(e) ‘Co-operative year’ means the period beginning from 1st July or the date of commencement of business or the date of registration and ending the 30th June for the purpose of drawing up the balance sheets of registered societies.


(g) ‘Federal society’ means a society other than state co-operative bank, (a) not less than five members of which are themselves societies; and (b) in which the voting rights are so regulated that the members which are societies have not less than three fourths of the total number of votes in the general meeting of such society.

(h) ‘Government’ means the State Government of Sikkim.


(j) ‘Member’ means person joining in the application for registration of a society and a person admitted to membership after such registration in accordance with this Act, the rules and the bye-laws and shall include a nominal member and the Government when it subscribes to the share capital of a society.

(k) ‘Nominal member’ means a person admitted to membership as such after registration in accordance with the bye-laws.


(m) ‘Officer’ means the president, vice-president, chairman, vice chairman, managing director, secretary, manager, member of committee, treasurer, liquidator, administrator and includes any other persons empowered under the rules of the bye-laws to give directions in regard to the business of society.

(n) ‘Prescribed’ means prescribed in the rules.

(o) ‘Primary agricultural credit society’ shall have the meaning assigned to it in clause (cii) of Section 2 of the Reserve Bank of India Act, 1934 and includes a Farmers Service society or Large sized Multipurpose Society.

(p) ‘Registrar’ means a person appointed to perform the functions of the Registrar of Co-operative societies under this Act and includes any person appointed to assist the Registrar in exercise of all or any of his powers under this Act.

(q) ‘Reserve Bank’ means the Reserve Bank of India constituted under the reserve Bank of India Act, 1934.

(r) ‘Rules’ means the rules made under this Act.

(s) ‘Society’ means a co-operative society registered or deemed to be registered under this Act.

(t) ‘Society with limited liability’ means a society the liability of whose members is limited by its bye-laws to the amount, if any, unpaid on the shares individually held by them or to such amount as they may individually undertake to contribute to the assets of
the society, in the event of its being wound up.
(u) ‘Society with unlimited liability’ means society the joint or several liability of whose members to meet any deficiency in the assets of the society in the event of its being wound up is unlimited.
(v) ‘State Co-operative Bank’ means the ‘Sikkim State Co-operative Bank Ltd.’ registered as a society under this Act.

Chapter II
Registration of Societies

Register
3. (1) The Government may appoint a person to be the Registrar of Co-operative Societies for the State of Sikkim and may appoint other persons to assist him.
(2) The Government may by general or special order confer on any person appointed to assist the Registrar all or any of the powers of the Registrar under this Act.
(3) Every person appointed to assist the Registrar shall exercise the powers conferred on him under sub-section (2) subject to the general guidance, superintendence and control of the Registrar.
(4) The Government may by notification in the Official Gazette and subject to such conditions as it may think fit to impose, confer all or any of the powers of the Registrar under this Act on the State co-operative Bank or any federal society or an officer of such bank or federal society and every such bank or federal society or officer on whom the powers of the Registrar are so conferred shall exercise such powers under the general guidance, superintendence and control of the Registrar.

Societies which may be Registered
4. (1) Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society and the State Co-operative Bank may be registered under this act.
Provided that the Registrar shall not register any society with Unlimited liability.

Conditions of registration
5. (a) No society, other than a federal society, shall be registered under this Act unless it consists of at least ten persons not belonging to the same family who are qualified to be members under this Act and who reside in the area of operation of the society.
Explanation – For the purposes of this Act ‘Family’ means the Husband, wife, sons and unmarried daughters.
(b) The word “limited” shall be the last word in the name of every society with limited liability registered under this Act.

Application for Registration
6. (1) For the purposes of registration, an application shall be made to the Registrar.
(2) The application shall be signed – (a) in the case of a society of which no member is a society by at least ten persons qualified in accordance with the requirements of section 5; and (b) in the case of a society of which a member is a co-
operative society, by a duly authorized person on behalf of such society and where all the members of the society are not societies by ten other members or when there are less than ten other members qualified to do so under section 5 by all of them.

**Power of the Registrar To decide certain questions**

7. Where any question arises whether, for the purpose of this Act, a person resides in the area of operation of a society or not, or whether a society is of the same type as another society or of different type, the question shall be decided by the Registrar whose decision shall be final.

**Registration**

8. (1) If the Registrar is satisfied – (a) that the application complies with the provisions of this Act and the rules; (b) that the objects of the proposed society in accordance with section 4; (c) that the proposed bye-laws are not contrary to the provisions of this Act and the rules; and (d) that the proposed society has reasonable chances of success and that the registration thereof may not have any adverse effect on the development of co-operative movement the Registrar may register the society and its bye-laws.

(2) When the registrar refuses to register a society, he shall communicate within a period of six months from the date of receipt of application as may be prescribed.

**Registration Certificate**

9. Where a society is registered, the Registrar shall issue a certificate of registration signed by him, which shall be conclusive evidence that the society therein mentioned is duly registered under this Act.

**Registered Societies to be bodies corporate**

10. The registration of a society shall render it a body corporate by the name under which it is registered, having perpetual succession and a common seal, and with power to acquire, hold and dispose of property, enter into contracts, institute and defend suits and other legal proceedings and to do all things necessary for the purpose for which it is constituted.

**Amendment of bye-laws of a Society**

11. (1) No amendment of any bye-laws of a society shall be valid unless it is registered under this Act.

(2) Every proposal for such amendment shall be forwarded to the Registrar and if the Registrar is satisfied that the amendment-
(a) is not contrary with to the provisions of this Act and the rules;
(b) does not conflict with Co-operative principles; and
(c) will promote the economic interests of the members of the society, he may register the amendment.

(3) The Register shall forward to the society a copy of the registered Amendment together with a certificate signed by him and such certificate shall be conclusive evidence that the amendment has been duly registered.

(4) Where the Registrar refuses to register an amendment of the bye-laws of a society, he shall communicate the order of refusal together with the reasons thereof, to the society in the manner prescribed.

**Registrar’s power to**

12. Notwithstanding anything contained in section 11, if in the
opinion of Registrar an amendment of the bye-laws of a society is necessary or desirable in the interest of such society or of the Co-operative movement, he may, in such manner as may be prescribed, call upon the society to make any amendment within such time as he may specify. If the society fails to make such an amendment within the time so specified the Registrar may, after giving the society an opportunity of making its representation, register such amendment together with a certificate signed by him, such a certificate shall be conclusive evidence that the amendment has been duly registered; and such an amendment shall have the same effect as an amendment of any bye-laws duly made by the society.

An amendment of the bye-laws of a society shall, unless it is expressed to come into operation on a particular day, come into force on the day on which it is registered.

A society may, by an amendment of its bye-laws, in such manner as may be prescribed, change its name; but such change shall not affect any right or obligation of the society or of its members and any legal proceedings pending may be constituted by or against the society under its new name.

Where a society changes its name, the registrar shall enter the new name on the register of societies in place of the former name and shall amend the certificate of registration accordingly.

No society with limited shall change itself into a Society with Unlimited liability.

Subject to the provision of sub-section (1), a society may change the form and extent of its liability by an amendment of its bye-laws in the manner prescribed.

When a society has amend its bye-laws under sub-section (2), it shall give notice thereof in writing to all its members and creditors and notwithstanding any bye-laws or contract to the contrary any member or creditors shall, within a period of 30 days from the date of service of the notice upon him, have the option to withdraw his shares or deposits or recall the loans, as the case may be.

Any member or creditor who does not exercise his option within the period specified in sub-section (2) shall be deemed to have assented to the change.

An amendment of the bye-laws of a society changing the form or extend of its liability shall not be registered or take effect until either-

(a) the assent thereof of all members and creditors has been obtained or is deemed to have been obtained; or

(b) all claims of members and creditors who exercise the option referred to in sub-section (2) within the period specified therein have been met in full.

A society may, with the previous approval of the Registrar and by a resolution passed by at least a two thirds majority of the members present and voting at a general meeting of each society-

(a) transfer its assets and liabilities in whole or in part to any other society;
(b) divide itself into two or more societies.
(2) Any two or more societies may, with the previous approval of the Registrar and by a resolution passed by at least a two thirds majority of the members present and voting at a general meeting of each society, amalgamate themselves and form a new society.
(3) The resolution of a society under sub-section (1) or sub-section (2) shall contain all particulars or the transfer, division or amalgamation, as the case may be.
(4) When a society has passed any such resolution, it shall give notice hereof in writing to all its members and creditors and notwithstanding any bye-laws or contract to the contrary, any member or creditor shall within a period of thirty days from the date of service of the notice upon him, exercise the option to withdraw his shares or deposits or recall the loans, as the case may be.

(5) Any member or creditor who does not exercise his option within the period specified in sub-section (4) shall be deemed to have assented to the proposals contained in the resolution.

(6) A resolution passed by a society under this section shall not take effect until
(a) the assent thereto of all the members and creditors has been obtained or is deemed to have been obtained; or
(b) all claims of the members and creditors who have exercised the option referred to in sub-section (4) within the period specified therein have been met in full.

(7) Where a resolution passed by a society under this section involves the transfer of any assets and liabilities, the resolution shall, notwithstanding anything contained in any laws for the time being in force, be a sufficient conveyance to vest the assets and liabilities in the transferee without any further assurance.

17. (1) notwithstanding anything contained in this Act, if the Registrar is of the opinion that-

(a) for the purpose of ensuring economic viability of any society or Societies; or
(b) for avoiding overlapping or conflict of jurisdictions of societies in any area; or
(c) in order to secure proper management of any society; or
(d) in the public interest; or
(e) in the interest of the co-operative movement in the State as a whole; or
(f) in the interest of depositors; or
(g) in the interest of the co-operative credit structure in the State as a whole, it is necessary to amalgamate two or more societies or to reorganize any society, he may be order published in the Official Gazette provide for amalgamation of two or more such societies into a single society with limited liability or to reorganize the society.

(2) Such order may also provide for
(a) reduction of the interests or the rights which the members, depositors, creditors, employees and other persons may have in or against any society so to be amalgamated or reorganized to such extent as the Registrar may consider necessary in the interest of such persons.
or for the maintenance of the business of that society having due regard to the proportion of the assets of such society to its liabilities. 
(b) such incidental, consequential and supplemental provisions as may in the opinion of the Registrar be necessary to give effect to the amalgamation of the societies.

(3) No order shall be made under sub-section (1) unless-
(a) a copy of the proposed order has been sent in draft to each of the societies concerned; and
(b) the registrar has considered and made such modification in the draft order as may be seem to him desirable in the light of any suggestions or objections which may be received by him within such period (not being less than fifteen days from the date on which the copy of the proposed order was received by the societies) as the Registrar may fix in that behalf, either from the societies or any members, depositors, creditors, employees or other persons concerned.

(4) Notwithstanding anything contained in this Act or in any other law, or in any contract, award or other instrument for the time being in force, on the issue of an order under sub-section (1), the provisions thereof shall be binding on all societies and their members, past members, depositors, creditors, employees and all other persons having dealings with the concerned societies.

(5) On and from the date from which the amalgamation takes effect, the assets and liabilities of the societies referred to therein shall stand amalgamated or merged with the assets and liabilities of the societies formed out of such amalgamation and the members, creditors and debtors of such societies shall be deemed to be members, creditors and debtors, as the case may be, of the new society or societies as ordered by the Registrar.

(6) Notwithstanding anything contained in any law for the time being in force relating to transfer of properties or registration of documents, an order issued under this section shall be sufficient conveyance to transfer the assets and liabilities of the society or societies covered by any order passed under sub-section (1) of this section.

(7) Any order made by the registrar under this section shall be final and conclusive, and shall not be called in question in any court.

### Liability of resultant Society to be limited

Where the whole of the assets and liabilities of a society are transferred to another society in accordance with the provisions of Section 16 or where a society is directed to be amalgamated under section 17, the liability of the other society, or the new society, as the case may be shall be limited.

### Cancellation of registration certificates of societies in certain cases

(1) Where the whole of the assets and liabilities of a society are transferred to another society in accordance with the provisions of section 16 or section 17, the registration of the society whose assets and liabilities are so transferred, shall stand cancelled and the said society shall be deemed to have been dissolved and shall cease to exist as a corporate body.

(2) Where two or more societies are amalgamated into a new society in accordance with the provisions of section 16 or section 17, the registration of each of the amalgamating societies shall stand cancelled on the registration of the new society and each society shall be deemed to have been dissolved and shall cease to exist as a corporate body.
(3) Where a society divides itself into two or more societies in accordance with the provisions of section 16, the registration of that society shall stand cancelled on the registration of the new societies and that society shall be deemed to have been dissolved and shall cease to exist as a corporate body.

(4) The amalgamation, division or reorganization of societies shall not in any manner whatsoever affect any right or obligation of the amalgamated, divided or reorganized society or societies or render defective any legal proceedings by or against such society or societies and any legal proceeding that might have been commenced or continued by or against such society or societies, as the case may be, before the amalgamation, division or reorganization, may be continued by or against the resulting or the reorganized society or societies.

(5) Where a society has not commenced business within six months of its registration or such further time as may be granted by the Registrar after its registration or has ceased to function if the Registrar is satisfied, after making such inquiry as he think fit, that the society no longer has genuinely as its objects in the interests of the general public to be cancelled, he shall make an order canceling the registration of the society. The society shall form the date of such order of cancellation be deemed to be dissolved and shall cease to exist as a corporate body.

Chapter III

Members of societies and their rights and liabilities

Persons who may become Members

20. (1) no person shall be admitted as a member of a society except the following, namely;
(a) an individual competent to contract under section 11 of the Indian Contract Act, 1872;
(b) any other society;
(c) the Government;
(d) a firm, a company or any other body corporate constituted under any law for the time being in force or a society registered under any law in force relating to Registration of societies or a bank as defined in the Act subject to such terms and conditions as may be laid down by the government by general or special order in this behalf.

(2) any person who is duly qualified for admission as a member under the provisions of this Act and the bye-laws of a primary agricultural credit society, makes an application for membership of such society, shall be deemed to have been admitted as a member of such society from the date of receipt of the application in the office of the society.

Provided that the Registrar may, either on his own motion at any time or on an application by the primary agricultural credit society or any member thereof made within fifteen days from the date of such admission and after giving reasonable opportunity to the society and the member concerned, by order declare such person as not eligible either to become or to continue as a member of such society for the
reasons mentioned therein. Where the order is to be passed on an application of the society or a member thereof it shall be passed within thirty days from the date of receipt of the application by the Registrar.

(3) Any order made by the Registrar under sub-section (2) of this section shall be final and shall not be called in question in any Court.

(4) An application for membership in a society other than a primary agricultural credit society shall be disposed of by the Society within one month from the date of receipt thereof, and the decision of the Society on the application shall be communicated to the applicant within fifteen days from the date of the decision: Provided that if the decision of the Society is not communicated to the applicant within a period of forty five days from the date of the receipt of the application by the Society, the Society shall be deemed to have decided, on the date of expiry of such period, refusing admission to the applicant.

Disqualification for Membership

21. (1) No person shall be eligible for admission as a member of a society, if he

(a) has applied to be adjudicated an insolvent or is an un-discharged insolvent; or

(b) has been sentenced for any offence, other than an offence of a political character or an offence not involving moral turpitude, such sentence not having been reversed or the offence pardoned and a period of five years has not elapsed from the date of expiry of the sentence.

(2) If a member becomes subject to any of the disqualification specified in sub-section (1), he shall be deemed to have ceased to be a member from the date when the disqualification was incurred.

(3) Subject to the general or special orders of the Registrar published in the official Gazette, no individual who is a member of a credit society, shall be eligible for admission as a member of another credit society.

Votes of members

22. Every member of a society shall have one vote in the affairs of the society; provided that-

(a) a nominal member shall not have the right to vote;

(b) a member of a primary agricultural credit society shall have no right to vote in a general meeting if he is in default in payment of any sums due to that society for more than one year; and

(c) where the government is the member of the society each person nominated by the Government on the committee of the society shall have one vote except when the right to vote is to be exercised for election of office bearers of the society.

Manner of exceeding Vote

23. (1) Every member of a society shall exercise his vote in person at a meeting of the society and no member shall be permitted to vote by proxy.

(2) Notwithstanding anything contained in sub-section (1), a to any rules made under this Act, appoint one of its members or partners, as the case may be, to vote on its behalf in the affairs of that society.

Nominal members

24. (1) A society may admit any individual or other person or firm as a nominal member in accordance with its bye-laws.
(2) A nominal member shall not be entitled to any share, in any form whatsoever, in the assets or profits of the society or to become an officer of the society.

(3) A nominal member shall have such privileges and rights of a member and be subject to such liabilities of a member, as may be specified in the bye-laws of the society.

Member not to Exercise Rights till due payment Made

Restrictions on holding of shares

No member if a society shall exercise the rights of a member unless he has made such payments to the society in respect of membership or has acquired such interest in the society, as may be specified in the bye-laws.

In any society, no member other than the Government or any other society shall hold or have claim to more than such portion of the total share capital of the society which exceed one-fifth thereof or Rs. 5,000/- whichever is less.

Provided that the government may by notification in the Official Gazette, specify in respect of any class of societies a higher maximum than one-fifth of the share capital or a higher amount than Rs. 5,000/- as the case may be.

Restriction on transfer of shares or interest

(1) The transfer of a share or interest of a member in the capital of a society shall be subject to the restrictions specified in section 26.

(2) No transfer by a member of his share or interest in a society shall be valid unless-

(a) the member has held such share or interest for not less than one year;

(b) the transfer is made to the society or to a member of the society; and

(c) the transfer is approved by the Committee of the society.

Transfer of interest on death of a member

(1) On the death of a member the society shall transfer the share or interest of the deceased member to the person or persons nominated in accordance with the rules or, if no person has been so nominated, to such person as may appear to the Committee to be the heir or legal representative of the deceased member:

Provided that such nominee, heir or legal representative, as the case may be, is admitted as the member of the society;

Provided further that nothing in this sub-section shall prevent a minor or a person of unsound mind from acquiring by inheritance the share or interest of a deceased member in a society.

(2) Notwithstanding anything contained in sub-section (1) any such nominee, heir, or a legal representative, as the case may be require the society to pay to him the value of the share or interest of the deceased member ascertained in accordance with the Rules.

(3) The society may pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

(4) All transfers and payments made by a society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

Liability of past members and estate of deceased member

(1) subject to the provisions of sub-section (2), the liability of a past member or of the estate of the deceased member of a society for the debts of the society as they existed shall continue for a period of two years-

(a) in the case of a past member, from the date on which he ceased to be a member; and

(b) in the case of a deceased member from the date of his death.
(2) where a society is ordered to be wound up under section 75, the liability of a past member or of the state of a deceased member who ceased to be a member or died within two years immediately preceding the date of the order of winding up, shall continue until the entire liquidation proceedings are completed but such liability shall extend only to the debts of a society as they existed on the date of his ceasing to be a member or death, as the case may be.

Chapter IV
Management of Societies

**Final authority of a society**

30. (1) The final authority of every society shall vest in the general body of members in general meeting:
Provided that in such circumstances as may be prescribed the final authority may vest in the delegates of such members elected in the prescribed manner and assembled in general meeting.

(2) The general meeting shall be summoned and shall exercise its authority in such manner as may be prescribed.

**Management of Society**

31. (1) The management of every society shall vest in a committee constituted in accordance with the bye-laws.

(2) No person shall be eligible to be elected as a member of a committee unless he is a member of the society.

(3) No member of a society shall be eligible for being elected as a member of the committee of that society or of any other society to which such society is affiliated, if such member-
(a) has been adjudged by a competent court to be insolvent or of unsound mind;
(b) is concerned or participates in the profits of any contract with the society;
(c) has been punished with imprisonment for an offence involving moral turpitude;
(d) has been in default in payment of his dues to the society for a continuous period of three months from the due date or any extended period thereof.
(e) carries the business of the same kind carried on by the society.

(4) a member of the committee of a society shall be held within a period of six months after the date fixed for making-up its accounts for the co-operative year under the rules for the time being in force, for the purpose of—(a) approving the programme of the activities of the society prepared by the committee for the ensuing co-operative year;
(b) electing the members of the committee other than members nominated under section 38.
(c) considering the audit report and the annual report;
(d) disposing of the net profits; and
(e) considering any other matter which may be brought forward in accordance with the bye-laws:
Provided that the Registrar may, by general or special order extend he period for holding such meeting for a further period not exceeding three months: Provided further that, if in the opinion of the Registrar no such extension is necessary or such meeting is not called by the society within the extended period, if any, granted by him, he Registrar or any person authorized by him may call such meeting and exercise all powers and functions of an officer of the society authorized to convene such meeting and that meeting shall be deemed to be a general meeting duly called by the society. The Registrar may order that the expenditure incurred in calling such a meeting shall be paid out of the funds of the society or by such persons who in the opinion of the Registrar, were responsible for the refusal or failure to convene the general meeting.

(2) At every annual general meeting of a society, the committee shall lay before the society a statement showing the details of the loans, if any, given to any of the members of the committee during the preceding year.

Special general meeting 33. (1) The committee of a society may, at any time, call a special general meeting of the society and also shall call such meeting within one month after the receipt of a requisition in writing from the Registrar or from such number of members or a proportion of the total number of members, as may be provided in the bye-laws.

(2) If a special general meeting of a society is not called in accordance with the requisition referred to in sub-section (1), the Registrar or any person authorized by him in this behalf shall call such meeting and exercise all powers and functions of an officer of the society who is authorized to convene such special general meeting and that meeting shall be deemed to be a meeting called by the committee, and the Registrar may order that the expenditure incurred in calling such a meeting shall be paid out of the funds of the society or by any such person or persons who in the opinion of the Registrar, were responsible for the refusal or failure to convene the special general meeting.

Election of Members of committee 34. (1) the superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, elections of the members of the committees of such societies or class of societies as may be notified by the state government in the official gazette shall be vested in such returning officers not below the rank of gazetted officers as may be appointed by the Government in this behalf.

(2) The vote at such election shall be by secret ballot.

Term of office of a Committee 35. The term of office of the elected members of the committee shall be such, not exceeding three co-operative year of their election, as may be specified bye-laws of the society.

Provided that the elected members shall continue to hold office till their Successors are elected or nominate under the provisions of the Act or the rules or bye-laws.
Disqualifications to be an officer of a society

36. Notwithstanding anything contained in this Act, a person shall be disqualified for election as, or for being, the president, vice-president, chairman, vice-chairman, Secretary, joint Secretary or treasurer of a committee,-
(a) if he has held any such office on that committee during the preceding two consecutive terms, whether full or part;
(b) if he holds any office on the committee of another society of the same type;
(c) if he holds any such office on the committee of three or more societies of different types including the State Co-operative Bank or a federal society:
Provided that nothing contained in this sub-section shall be deemed to disqualify any such person for election as, or for being, a delegate of a society or a member of another committee.
Explanation 1: Where any person holding any office as aforesaid at the commencement of this Act is again elected to any such office after such commencement, he shall, for the purpose of this sub-section, be deemed to have held that office for one term before such election.
Explanation 2: A person who has ceased to hold any such office as aforesaid continuously for one full term shall again be qualified for election to any of those offices.

Representation of weaker section on the committee

37. On the committee of a primary agricultural credit society or other societies as may be prescribed, not less than one-third of total seats shall be reserved for economically weaker sections of the members who, as land owners or tenants or as both, do not hold more than the prescribed area of agricultural land or who fulfill the prescribed conditions, and if no such persons are elected, the committee shall co-opt the required numbers from amongst the persons entitled to such representation.

Nomination of members to the committee

38. (1) Notwithstanding anything contained in this Act, but subject to the provisions of section 36, where the government has subscribed to the share capital of a society or has assisted directly or indirectly, in the formation or augmentation of the share capital of a society, or has guaranteed the repayment of principal and payment of interest on loans and advances to a society, the government or any other person authorized by it in this behalf shall have the right to nominate members on the committee in the manner prescribed below viz.

(i) where the Government shareholding is not less than one third and not more than two-thirds of the equity the number of government nominees shall not exceed a third of the total number of members of the committee or five whichever is less.

(ii) where the Government holds more than two-thirds of the total equity, the number of government nominees shall not exceed one-half of the total number of members of the committee or five whichever is less.
Provided that in the case of societies registered after the commencement of this Act, the government may have the power to nominate the initial committee for a period of 3 years or such extended period as may be decided by the Government.
(2) A person nominated under sub-section (1) shall hold office during the pleasure of the Government.

39. Supersession of committee

(1) If, in the opinion of the Registrar, the committee of any society persistently makes default or is negligent in the performance of the duties imposed on it by this Act or the rules or the bye-laws, or commits any act which is prejudicial to the interest of the society, or its members, or the cooperative movement in the state, or willfully disobeys of fails to comply with any lawful order or directions issued under this Act or the rules, the Registrar may, after giving the committee an opportunity to state its objections, if any, by order in writing, remove the committee; and
   (a) order fresh election of the committee, or
   (b) appoint one or more administrators who need not be members of the society, to manage the affairs of the society for a period not exceeding one year specified in the order, which period may at the discretion of the Registrar be extended from time to time, so, however, that the aggregate period does not exceed three years.

(2) The Registrar may fix any remuneration for the administrator, as he may think fit. Such remuneration shall be paid out of the funds of the society.

(3) The administrator shall, subject to the control of the Registrar and to such instructions as he may from time to time issue, exercise all or any of the powers of the committee or of any officer of the society and take all such actions as may be required in the interest of the society.

(4) The administrator or administrators shall, before the expiry of his or their term of office, take all steps to constitute a new committee in accordance with the bye-laws of the society.

(5) Before taking any action under sub-section (1) in respect of a society, the Registrar shall consult the State Co-operative Bank to which it is indebted.

40. Securing possession of records etc.

(1) (a) If the records, registers, documents or the books of accounts of a society are likely to be tampered with or destroyed and the funds, securities and other properties of a society are likely to be misappropriated or misapplied; or
   (b) If the committee of a society is reconstituted at a general meeting of the society or the committee of a society is removed by the Registrar under section 39 or if the society is ordered to be wound up under section 75 and the outgoing members of the committee refused to hand over charge of the records and properties of the society to those having or entitled to receive such charge the Registrar or any other person authorized by him in this behalf may apply to the magistrate, within whose jurisdiction the society functions, for securing the records and property of the society.

(2) On receipt of an application under sub-section (1), the magistrate may, by a warrant, authorize any police officer not below the rank of sub Inspector to enter and search any place where the records and the property are kept or are believed to be kept and to seize such records and properties; and the records and properties so seized shall be handed over to the new committee or administrators of the society or the liquidator, as the case may be.
Acts of societies not to be invalidated by certain defects

41. No act of a society or of any committee or of any officer shall be deemed to be invalid by reason only of the existence of any defect in procedure followed or in the constitution of the society or of the committee or in the appointment or election of an officer or on the ground that such officer was disqualified for his appointment.

Chapter V

Rights and privileges of societies

First charge of a society on certain moveable assets of member for the amount

42. (1) Notwithstanding anything contained in any other law for the time being in force but subject to any claim of the Government in respect of land revenue or any sum recoverable as land revenue or as public demand, any claim, any debt or other amount due to a society by any member including a past or deceased member shall be a first charge upon the crops or other due by him agricultural produce, cattle, fodder for cattle, agricultural or industrial implements or machinery, raw materials for manufacture and any finished products manufactured from such raw materials owned by or belonging to such member as the case may be.

(2) Such charge shall be available even as against any amount recoverable by the Government as if it were an arrear of land revenue subsequent to the incurring of the debt or the liability for the other amount due to the society referred to in sub-section (1).

(3) No person shall transfer any property which is subject to such charge except with the previous permission in writing of the society which holds the charge and any transfer, without such permission shall, notwithstanding anything contained in any law for the time being in force, be void.

(4) The charge under this section shall not be available against the following articles of such member:
(a) the necessary wearing apparel, cooking vessels, beds and bedding and such personal ornaments of a woman as in accordance with religious usage cannot be parted with by her;
(b) ploughs, implements of husbandry, one pair of ploughing cattle, such manure and seed grains stocked by him, as may be necessary for the due cultivation of his lands in the ensuing year.

Charge on the immovable property of a member for the loans borrowed

43. (1) Notwithstanding anything contained in this Act or in any other law for the time being in force, but subject to any claim of the Government in respect of land revenue, whether prior on time or subsequent, any member of a society, owning any land or having interest in any land or other immovable property as a tenant, making an application for financial assistance from the society shall make a declaration in the form prescribed creating a charge in favour of the society on such land or interest or such portion thereof as may be specified in the declaration, as security for the payment of the loan to be granted to him by the society from time to time subject to such maximum as may be determined by the society together with the interest on such amount of the loans.
(2) Such declaration may be varied or cancelled at any time by the member with the consent of the society in whose favour it is made.

(3) Subject to the provisions of sub-section (1) and to the claim of any person in whose favour a charge has been made or any part thereof or any interest therein shall be sold or otherwise transferred until the entire amount of the loan or advance taken by the member from the society together with interest therein shall be sold or otherwise transferred until the entire amount of the loan or advance taken by the member from the society together with interest thereon is paid to the society; and any transaction in contravention of this sub-section shall be void.

Provided that if a part of the amount borrowed by a member is paid, the society may on application from the member release from the charge such part of the land or interest therein as it may deem proper, having due regard to the security or the balance of the amount remaining outstanding from the member.

Priority of mortgage over certain claims

A mortgage executed in favour of a primary agricultural credit society of the State co-operative Bank shall have priority over any claim of the Govt. arising from a loan granted subsequent to the execution of the mortgage.

Registration of charge and mortgage in favour of societies

(1) Notwithstanding anything contained in the Indian Registration Act, 1908 a declaration made under sub-section (1) of section 43 or a variation or cancellation made under sub-section (2) of section 43 or a mortgage executed by a member in favour of a primary agricultural credit society or State Co-operative Bank; as the case may be, in respect of financial assistance given by that society shall be deemed to have been duly registered in accordance with the provisions of that Act with effect from the date of such declaration, variation, cancellation or mortgage, as the case may be, provided that the society sends to the Sub-Registrar within the local limits of whose jurisdiction the whole or any part of the property charged or mortgaged is situated within thirty days from the date of such declaration, variation, cancellation or mortgage, as the case may be, by registered post acknowledgement due, a copy of the document making such declaration, variation, cancellation or mortgage duly certified to be a true copy by an officer of the society authorized to sign on its behalf.

(2) the sub-Registrar receiving the declaration in respect of a charge or variation or a mortgage referred to in sub-section (1) shall, as immediately as practicable in receipt thereof, record in a register to be maintained in this behalf, the fact of the receipt of such declaration, variation or mortgage for registration.

Noting of charge or mortgage created in the Record of Rights

Whenever a charge or a mortgage or land or interest therein is created in favour of a society or is discharged by a society the society shall give intimation to such revenue official as may be designated in this behalf by the Government of the particulars of the charge or mortgage in its favour or discharge thereof. The revenue official shall make a note of the particulars of charge or mortgage or discharge thereof in the Record of Rights.

Provided that the absence of an entry in the record of rights on the basis of such declaration or a defective entry passed in the record in respect
thereof shall not affect the validity of the charge or mortgage or discharge thereof.

Registration to constitute notice 47 A. The Registration in the records of the Sub-Registrar or the recording in the record of rights of a such change or variation made under section 43 shall constitute sufficient notice of such change or variation to any person dealing with the property subject thereto.

Restrictions on disposal of property charged or mortgaged to a society 47. (1) Notwithstanding anything contained in any law for the time being in force, a member who has availed himself of financial assistance from a society by creating a charge or mortgage on land or interest therein, shall not so long as the financial assistance continues to be outstanding, lease, transfer or create any encumbrance on such land or interest therein without prior permission in writing of the society in whose favour which charge or mortgage is created.

(2) Any lease or transfer o encumbrance created in contravention of this section shall be void.

(3) Nothing contained in any law relating to ceiling on agricultural holding shall apply to the acquisition of land by a society charged or mortgaged to it as security by for loan.

Charge and set off of shares or Interest of a member 48. A society shall have a charge upon the share or contribution or interest in the capital and in the deposit of a member or past member or deceased member and upon any dividend, or profits payable to a member or past member or the estate of a deceased member, in respect of any debt or outstanding demand owing to the society, and may set off any sum credited or payable to a member or past member or the estate of deceased member in or towards payment of any such debt.

Shares, interest, etc not liable to attachment 49. Subject to the provisions of section 48 the share or contribution or interest of a member to past member or deceased member in the capital of a society shall not be liable to attachment or sale under any decree or order of any court in respect of any debt or liability incurred by such member and any receiver appointed under any law relating to insolvency for the time being in force shall not be entitled to or have any claim on such share or contribution or interest.

Register of members 50. Every society shall keep and maintain a register or list of members or shares of the society which shall be prime facie evidence of the following particulars entered therein:

(a) the date on which any person entered in such register or list became a member;
(b) the date on which any such person ceased to be a member.

Admissibility of copy of entry as evidence 51. (1) A copy of any entry in the books of a society which are maintained in the ordinary course of business shall, if certified in the manner as may be prescribed, be received in any suit or legal proceedings as prime facie evidence of the existence of such entry, and shall be admitted as evidence of the matters, transactions and accounts therein recorded in every case to the same extent as he original entry.

(2) No officer of a society and no officer in whose office the books of a society are deposited after liquidation shall in any legal proceedings to which the society or the liquidator is not a party, be compelled to produce any of the
society’s books or documents the contents of which can be proved under this section, or to appear as a witness to prove the matters, transactions and accounts therein recorded, except under order of the court, tribunal or the arbitrator made for special cause.

Exemption from compulsory registration of instruments

52. No provision relating to registration of documents contained in any law for the time being in force shall apply to-

(1) any instrument relating to shares in a society notwithstanding that the Assets of the society consist in whole or in part of immovable property; or
(2) any debenture or bond issued by any such society and not creating, declaring assigning, limiting or extinguishing any right, title or interest to or in immovable property, except in so far as it entitles the holder thereof to the security afforded by a registered instrument whereby the society has mortgage conveyed, or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures or bonds; or
(3) any endorsement upon or transfer of any debenture or bond issued by any such society.

Exemption from certain taxes fees and duties

53. (1) The Government may, by notification in the Official Gazette, remit in respect of any class of societies-

(a) the stamp duty chargeable under any law for the time being in force in respect of any instrument executed by or on behalf or a society or by an officer or member thereof and relating to the business of such society or any class of such instruments or in respect of any award or order made under this Act, in case where, but for such remission the society, officer or member as the case may be, would be liable to pay such stamp duty;
(b) any fee payable under any law for the time being in force relating to the registration of documents or court fee.

(2) The Government may, by notification, exempt any class of societies from -
(a) land revenue;
(b) taxes on agricultural income;
(c) taxes on sale or purchase of goods; and
(d) taxes on professions.

Deduction from salary to meet society’s claim in certain cases

54. (1) Notwithstanding anything contained in any law for the time being in force, a member of a society may execute an agreement in favour of the society providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer, such amount as may be specified in the agreement and to pay the amount so deducted to the society in satisfaction of any debt or other demand owing by the member to the society.

(2) On the execution of such agreement, the employer shall, if so required by the society by a requisition in writing and so long the society does not intimate that the whole of such debt or demand has been paid, made the deduction in accordance with the agreement and pay the amount to deducted to the society within seven days of such deduction. Such payment
shall be valid discharge of the employer of his liability to pay the amount so deducted and paid to the society.

(3) If after the receipt of a requisition made under sub-section (2), the employer at any time fails to deduct the amount specified in the requisition from the salary or wages payable to the member concerned or makes default in remitting to the society the amount so deducted, the society shall be entitled to recover any such amount from the employer as arrears of land revenue.

(4) Nothing contained in this section shall apply to establishments under the Railway administration operating any railway as defined in clause (20) of article 366 of the Constitution.

State aid to societies 55. (1) Notwithstanding anything contained in any law for the time being in force, the Government may-

(a) subscribe to the share capital of a society.
(b) give loans or make advances to societies;
(c) guarantee the repayment of principal and payment of interest on debentures or bonds issued by a society;
(d) guarantee the repayment of share capital of a society and dividends thereon at such rates as may be specified by the Government.
(e) guarantee the repayment of principal and payment of interest on loans and advances.
(f) give financial assistance in any other form, including subsidies, to any society.

Registrar’s power to determine terms of employment in societies 56. (1) The registrar may from time to time frame rules governing the terms of employment and working conditions of officers and employees in a society including the State Co-operative Bank or a class of societies and the society or the class of societies to which such terms of employment and of working conditions are applicable shall comply with the order that may be issued by the Registrar in this behalf.

Provided that while prescribing the remuneration of the officers and other employees of the State Co-operative Bank, the Registrar shall have due regard to the salary structure of the employees of the Government and the local authorities of comparable level and status in the State.

(2) Where a dispute regarding terms of employment, working conditions and disciplinary action taken by a society, arises between a society and its employees, the registrar or any officer appointed by him shall decide the dispute and his decision shall be binding on the society and its employees.

Chapter VI

Properties and funds of societies

Funds not to be Divided by way of profit 57. No part of the funds of a society shall be divided by way of bonus or dividend or otherwise among its members:

Provided that after at least one-fourth of the net profit in the year has been transferred to the reserve fund, payments from the remainder of such profits and from any profits of past years, if any, available may be made to the
members by way of dividend or bonus to such extent and subject to such conditions as may be prescribed by the rules or bye-laws.

Contribution to charitable purpose 58. A society may, with the sanction of the Registrar and after one-fourth of the net profits of the year has been transferred to the reserve fund contribute an amount not exceeding five per cent of the remaining net profits to any purpose connected with the development of co-operative movement or charitable purpose as defined in section 20 of the charitable Endowments Act, 1890.

Contribution to Co-operative Education Fund 59. A society shall, out of its net profits in any year, contribute such portion of the profits not exceeding five per cent as may be prescribed to the Co-operative Education fund constituted under the rules.

Investment of funds 60. (1) A society may invest or deposit its fund-
(a) in the post office savings bank; or
(b) in any of the securities specified in section 20 of the Indian Trusts Act, 1882;
(c) in the shares or debentures or securities of any other society; or
(d) with the financing bank; or
(e) with any society or bank carrying on the business of banking as may be approved by the Registrar; or
(f) in the bonds issued by itself; or
(g) in any other mode permitted by the rules or by the Registrar.

Restrictions on loans 61. (1) A society shall not make a loan to any person other than a member:
Provided that with the general or special sanction of the Registrar a society may make loan to another society.
Provided further that a society may make such loans as may be specified in the bye-laws to any of its paid employees.

(2) notwithstanding anything contained in sub-section (1), a society may make loan depositor on the security of his deposit.

Restrictions on borrowings 62. A society shall receive deposits and loans only to such extent and under such conditions as may be prescribed as may be specified in the bye-laws.

Restrictions on other transactions with non-members 63. Save as provided in sections 61 and 62 the transactions of a society with any person other than a member shall be subject to such prohibitions or restrictions, as may be prescribed.

Chapter VII
Audit, Inquiry, Inspection and Surcharge

Audit 64. (1) The Registrar shall audit or cause to be audited by a person authorized by him in general or special order in writing in this behalf, the accounts of every society at least once in each co-operative year.

(2) The audit under sub-section (1) shall include an examination of overdue debt, if any, the verification of the cash balance and securities, and a valuation of the assets and liabilities of the society.

(3) The person auditing the accounts of a society shall have free access to the
books, accounts, papers, vouchers, stock and other property of such society shall be allowed to verify its cash balance and securities.

(4) The directors, managers, administrators and other officers of the society shall furnish to the person auditing the accounts of a society all such information as to the society’s transactions and working as such person may require.

(5) The Registrar or the person authorized by him under sub-section (1) to audit the accounts of a society shall have power where necessary-
(a) to summon at the time of his audit any officer, agent, servant or member of the society, past or present, who he has reason to believe can give valuable information in regard to transactions of the society or the management of its affairs; and
(b) to require the production of any book or document relating to the affairs of, or any cash securities belonging to the society by any officer, agent, servant or member in possession of such books, documents, cash or securities and in the event of serious irregularities discovered during audit, to take them into custody.

(6) If at the time of audit the accounts of a society are not complete, the registrar or the person authorized by him under sub-section (1) to audit may cause the accounts to be written up at the expense of the society.

(7) Audit fee, if any, due from any society shall be recoverable in the same manner as is provided in section 85.

**Inspection of societies**

The Registrar, or any person authorized by general or special order in this behalf by him, may inspect a society. For the purpose of inspection, the Registrar or the person so authorized by him shall at all times have access to all books, accounts, papers, vouchers, securities, stock and other property of the society and may, in the event of serious irregularities discovered during inspection, take them into custody and shall have power to verify the cash balance of the society and to call a committee meeting or a general meeting as he may deem necessary in the circumstances. Every officer or a member of the society shall furnish such information with regard to the working of the society as the registrar or the person making such inspection may require.

**Inquiry by Registrar**

(1) The Registrar may of his own motion or on application of a majority of the members of the committee or of not less than one-third of the members of the society, hold an inquiry or direct a person authorized by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a society.

(2) The Registrar or the person authorized by him under sub-section (1) shall have the following powers, namely:
(a) he shall at all times have, for purpose of examination, free access to the books, accounts, cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible for the custody of any such books, accounts documents securities, cash or other properties to produce the same, at any place specified by him.;
(b) he may, notwithstanding any rule or bye-laws specifying the period of notice for a general meeting of the society, require the officers of the society to consider such matters, as may be directed by him; and where the officers of
the society refuse or fail to call such a meeting he shall have power to call it himself;

(c) he may summon any person who is reasonably believed by him to have any knowledge of the affairs of the society to appear before him at any place at the headquarters of the society or any branch thereof and may examine such person on oath.

(3) Any meeting called under clause (b) of sub-section (2) shall have all the powers of general meeting called under the bye-laws of the society and its proceeding shall be regulated by such bye-laws.

(4) The Registrar shall communicate a brief summary of the report of the inquiry to the society, the State Co-operative Bank or a federal society to which the society is affiliated and to the person or authority, if any, at whose instance the inquiry is made.

Inspection of Books of Indebted Societies

67. (1) The Registrar shall, on the application of a creditor of a society, inspect or direct some person authorized by him by order in writing in this behalf to inspect the books of the society:

Provided that no such inspection shall be made unless the applicant
(a) satisfies the registrar that the debt is a sum then due and that he was demanded payment thereof and has not received satisfaction within a reasonable time; and
(b) deposits with the registrar such-sum as security for the cost of proposed inspection as the Registrar may require.

(2) The Registrar shall communicate the result of any such inspection to the creditor.

Costs of inquiry

68. Where an inquiry is held under section 66, or an inspection is made under Section 67, the Registrar may apportion the costs, or such of the costs, as he may think fit, between the society, the members or creditors demanding an inquiry or inspection, and the; officers or former officers an the members or past members of the society as the case may be:

Provided, however, that-
(a) no order of the apportionment of the costs, shall be made under this section unless he society or the person liable to pay the costs thereunder has had a reasonable opportunity of being heard; and
(b) the Registrar shall state in writing the manner in which the costs are apportioned.

Recovery of costs

69. Any sum awarded by way of costs under section 68 may be recovered, on application to a magistrate having jurisdiction in the place where the person from whom the money is claimable, actually and voluntarily resides or carries on business, and such magistrate shall recover the same as if it were a fine imposed by himself.

Surcharge

70. (1) Where in the course of an audit, inquiry, inspection or the winding up of a society, it is found that any person, who is or was entrusted with the organization or management of such society or who is or has at any time been an officer or an employee of the society, has made any payment contrary to this Act, the rules or the bye-laws or has caused any deficiency in the assets of the society by breach of trust or willful default or negligence or has misappropriated or fraudulently retained any money or other property
belonging to such society, the Registrar may, of his own motion or on the application of the committee, liquidator or any creditor, inquire himself or cause an inquiry to be made by any person authorized by him by an order in writing in this behalf.

(2) Where an inquiry is made under sub-section (1), the Registrar or the person authorized by him may, after giving the person concerned an opportunity of being heard, make an order, requiring him to repay or restore the money or property or any part thereof, with interest at such rate, or to pay contribution and costs or compensation to such extent, as the registrar or the person authorized by him may consider just and proper.

71. Suspension of officer or employee of society

(1) Where in the course of an audit under section 64 or an inquiry under section 66 or an inspection under section 65 or section 67, it is brought to the notice of the Registrar that a paid officer or employee of the society has committed or has been otherwise responsible for misappropriation, breach of trust or other offence, in relation to the society, the Registrar may, if he is satisfied that there is prima facie evidence against such paid officer or employee and the suspension of such paid officer or employee is necessary in the interest of the society, direct the committee of the society, pending the investigation and disposal of the matter, to place or cause to be paled such paid officer or employee under suspension from such date and for such period as may be specified by him.

(2) On receipt of a direction from the Registrar under sub-section (1), the committee of the registered society shall, notwithstanding any provision to the contrary in the bye-laws, place or cause to be placed such paid officer or employee under suspension forthwith.

(3) The Registrar may direct the committee to extend from time to time, the period of suspension and the paid officer or employee suspended shall not be reinstated except with the previous sanction of the registrar.

Chapter VIII
Settlement of Disputes

72. Disputes which may be referred to arbitration

(1) Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management or the business of a society arises:—
(a) among members, past members and persons claiming through members, past members and deceased members, or
(b) between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or employee of the society past or present, or
(c) between the society or its committee and past any past committee, any officer, agent or employee, or any past officer, past agent or past employee or the nominee, heirs or legal representatives or any deceased officer, deceased agent, or deceased employee of the society, or
(d) between the society and any other society, between a society and liquidator or another society or between the liquidator of one society and the liquidator of another society, or
(e) between the society and a person other than member of the society who has been granted a loan by the society or with whom the society has or had business transaction or any other person claiming through such a person; or
(f) between the society and a creditor of the society such disputes shall be referred to the Registrar for decision and no court shall have jurisdiction to entertain any suit or other proceedings in respect of such dispute.

(2). For the purposes of sub-section (1), the following shall be deemed to be disputes touching the constitution, management or the business of a society, namely:-

(a) a claim by the society for any debt or deemed due to it from a member or the nominee, heirs or legal representatives of a deceased member, whether such debt or demand be admitted or not;

(b) a claim by a surety against the principal debtor where the society has recovered from the surety any amount in respect of any debt or demand due to it from the principal debtor as a result of the default of the principal debtor whether such debt or demand is admitted or not;

(c) any dispute arising in connection with the election of any officer of a society;

(d) a claim by a society against a member, past member or the nominee, heir or legal representative of a deceased member for delivery of possession to the society of land or other immovable property resumed by it for breach of the conditions of assignment or allotment of such land or other immovable property.

(3) If any question arises whether a dispute referred to the Registrar under this section is or is not a dispute touching the constitution, management or the business of a society, the decision thereon of the Registrar shall be final and shall not be called in question in any court.

(4) (a) Notwithstanding anything contained in any law for the time being in force providing for any period of limitation for suits and other proceedings but subject to the specific provisions made in this Act, the period of limitation within which the dispute shall be referred to the Registrar under sub-section (1) shall -

(i) when the dispute relates to the recovery of any sum including interest thereon due to a society by a member thereof, be computed from the date on which such member dies or ceases to be a member of the society;

(ii) save as otherwise provided in sub-clause (iii), when the dispute relates to any act or omission on the part of any of the parties referred to in clause (b) or clause (c) of sub-section (1), be six years from the date on which the act or omission with reference to which the dispute arose, took place;

(iii) when the dispute relates to a society which has been ordered to be wound up under section 75 be or in respect of which an administrator has been appointed under section 39 be six years from the date of the order issued under section 75 or section 39 as the case may be;

(iv) when the dispute is in respect of an election of an officer of a society other than a society referred to in sub-section (10 of section 34, be one month from the date of the declaration of the result of the election.
(b) the period of limitation in the case of any other dispute except those mentioned in the foregoing clause which are required to be referred to the Registrar under the last preceding section shall be regulated by the provisions of the law for the time being in force providing for any period of limitation for suits and other proceedings, as if the dispute was a suit and the Registrar, a civil court.

(c) Notwithstanding anything contained in clauses (a) and (b) the Registrar may admit a dispute after the expiry of the period of limitation, if the applicant satisfies the Registrar that he had sufficient cause for not referring the dispute within such period and the dispute so admitted shall be dispute which shall not be barred on the ground that the period of limitation has expired.

Reference of dispute to arbitration 73. (1) The Registrar may, on receipt of the reference of dispute under section 72 –
(a) decide the dispute himself, or
(b) transfer it for disposal to any person who has been invested by Government with powers of the Registrar in that behalf, or
(c) refer it for disposal to one or more arbitrators to be appointed by the Registrar.

(2) Where the reference relates to any dispute involving immovable property the Registrar or such person or arbitrator, may order that any person be joined as a party who has acquired any interest in such property subsequent to the acquisition of interest therein by a party to the reference and any decision that may be passed on the reference by the Registrar or the person or the arbitrator aforesaid, shall be binding on the party so joined as if he were an original party to the reference.

(3) The Registrar may withdraw any reference transferred under clause (b) of sub-section (1) or referred under clause (c) of that sub-section and decide it himself or refer the same to another arbitrator or such another person for decision.

(4) The Registrar or such person or arbitrator to whom a dispute is referred for decision under this section may, pending the decision of the dispute, make such interlocutory orders as he may deem necessary in the interest of justice.

(5) The Registrar or such person shall decide the dispute or the arbitrator shall pass an award, in accordance with the provisions of the Act and the rules and the bye-laws.

Power of State Co-operative Bank to proceed 74. (1) If a society is unable to pay its debts to the State Co-operative Bank by reason of its members committing default in the payment of the moneys due by them, the State Co-operative Bank may direct the committee of such a Society to proceed against such members under section 72 and if the committee fails to do so within a period of ninety days from the date of receipt of such direction, the State Co-operative Bank itself may proceed against such members in which case the provisions of this Act, the rules or the bye-laws shall apply as if all reference to the society or its committee in the said provisions were references to the State Co-operative Bank.

(2) where the State Co-operative Bank has obtained a decision or award against a society in respect of moneys due to it from the society, the State Co-
operative Bank may proceed to recover such moneys firstly from the assets of this society and secondly from the members to the extent of their debts due to the society.

### Chapter IX

**Winding up of societies**

| Winding up of Societies | 75. | (1) If the Registrar, after an inquiry has been held under section 66 or an inspection has been made under section 67, or on receipt of an application made by not less than three-fourths of the members of a society, is of opinion that the society ought to be wound up, he may in consultation with the State Co-operative Bank issue an order directing it to be wound up.

(2) The Registrar may, of his own motion, make an order directing the winding up of a society-

(a) where it is a condition of the registration of the society that the society shall consist of at least ten members and the number of members has become less than ten, or

(b) Where the society has not commenced working within six months of its registration or such further time as may be granted by the Registrar or has ceased to function in accordance with co-operative principles.

(3) The Registrar may cancel an order for the winding up of society, at any time, in any case, where, in his opinion, the society should continue to exist.

(4) A copy of such order shall be communicated by registered post to the societies and to the State Co-operative Bank of which the society is a member.

| Liquidator | 76. | (1) Where the Registrar has made an order under section 75 for the winding up of a society, the Registrar may appoint a liquidator for the purpose and fix his remuneration and may remove such person and appoint another in his place.

Provided that it shall not be necessary to appoint any liquidator for winding up of a society which has not commenced working or has share capital and members deposits not exceeding five hundred rupees.

(2) A liquidator shall, on appointment, take into his custody or under his control all the property, effects and actionable claims to which the society is or appears to be entitled and all books, record and other documents pertaining to the business of the society and shall take such steps as he may deem necessary or expedient, to prevent loss or deterioration of, or damage, to, such property, effects and claims. He may carry on the business of the society so far as may be necessary with the previous approval of the Registrar.

(3) Where an appeal is preferred under section 98, an order of winding up of a society made under section 75 shall not operate thereafter until the order is confirmed in appeal:

Provided that the liquidator shall continue to have custody or control of the property, effects and actionable claims mentioned in sub-section (2) and have authority to take the steps referred to in that sub-section.
(4) Where an order of winding up of a society is set aside in appeal, the property, effects and actionable claims of the society shall re vest in the society.

Powers of Liquidator

77. (1) Subject to any rules made in this behalf, the whole of the assets of a society, in respect of which an order for winding up has been made, shall vest in the liquidator appointed under section 76 from the date on which the order takes effect and the liquidator shall have power to realize such assets by sale or otherwise.

(2) such liquidator shall also have power, subject to the control of the Registrar-
(a) to institute and defend suits and other legal proceedings on behalf of the society in the name of his office;
(b) to determine from time to time the contribution (including debts due and costs of liquidation) to be made or remaining to be made by the members of past members or by the estates or nominees, heirs or legal representatives of deceased members by or any officers or former officers, to the assets of the society;
(c) to investigate all claims against the society and subject to the provisions of this Act, to decide questions of priority arising between claimants;
(d) to pay claims against the society including interest up to the date of winding up according to their respective priorities, if any, in full or ratably, as the assets of the society may permit; the surplus, if any, remaining after payment of the claims being applied in payment of interest form the date of such order of winding up at a rate fixed by him but not exceeding the contract rate in any case;
(e) to determine by what and in what proportions the cost of the liquidation are to be borne;
(f) to determine whether any person is a member, past member or nominee of deceased member;
(g) to give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society;
(h) to carry on the business of the society so far as may be necessary for the beneficial winding up of the same;
(i) to make any compromise or arrangement with creditors or persons claiming to be creditors or having or alleging to have any claim, presently or future, whereby the society;
(j) to make any compromise or arrangement with any person between whom and the society there exists any dispute and to refer any such dispute to arbitration;
(k) after consulting the members of the society to dispose of the surplus if any, remaining after paying the claims against the society in the manner prescribed; and
(l) to compromise all calls of liabilities to calls and debts and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent, subsisting or supposed to subsist between the society and a contributory or alleged contributor or other debtor or person and all questions in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt for claim and give a complete discharge in respect thereof.
(3) When the affairs of a society have been wound up, the liquidator shall make a report to the Registrar and deposit the records of the society in such place as the Registrar may direct.

Priority of contributions assessed by liquidator

Notwithstanding anything contained in any law relating to insolvency as may for the time being in force, the contribution assessed by a liquidator shall rank in order of priority next to debt due to the Government or to any local authority in solvency proceedings.

Powers of Registrar to cancel registration of a co-operative Society

(1) The Registrar may, after considering the report of the liquidator made to him under sub-section (3) of section 77 order the registration of the society to be cancelled.

(2) An order passed under sub-section (1) shall be communicated by registered post to the president of the society and to the federal society, if any, and to the State Co-operative Bank, of which the society was a member.

Chapter X
Execution of awards, decrees, orders and decisions

Enforcement of Charge

Notwithstanding anything contained in Chapter VII or any other law for the time being in force, but without prejudice to any other mode of recovery provided in this Act, the Registrar or any person subordinate to him empowered by the Registrar in this behalf may, on the application of a society, make an order directing the payment of any debt or outstanding demand due to the society by any member or past or deceased member, by sale of the property or any interest therein which is subject to a charge under section 42:

Provided that no order shall be made under this section unless the member, past member or the nominee, him or legal representative of the deceased member, has been served with a notice in the manner prescribed and has failed to pay the debt or outstanding demand within the time specified in the notice which shall not be less than thirty days.

Execution of orders, etc.

Every decision, award or order duly passed by the Registrar or arbitrator under section 32, section 33, section 70, section 73, section 80 or section 98 shall, if not carried out –

(a) where the decision, award or order provides for the recovery of money, be executed according to the law for the time being in force relating to the recovery of the land revenues:

Provided that an application for the recovery of any sum in the manner aforesaid accompanied by a certificate signed by the Registrar or any person subordinate to him and empowered by the Registrar in this behalf shall be made to the competent revenue authority that may be prescribed within twelve years from the date of the order; and

(b) in any other case be executed by the Registrar or any person subordinate to him and empowered by the Registrar in this behalf by attachment and sale or sale without attachment or any property of the person or society against whom the order, decision or award has been obtained or passed.
Execution of orders liquidator 82. The orders of the liquidator under section 77 shall be executed in accordance with the Act and the rules for the time being in force for the recovery of arrears of land revenue.

Attachment before award 83. Where the Registrar is satisfied that a party to any reference made him under section 72 with intent to defeat or delay the execution of any decision that may be passed thereon is about to –

(a) dispose of the whole or any part of the property; or
(b) remove the whole or any part of the property from the local limits of the jurisdiction of the Registrar, the Registrar may, unless adequate security is furnished, direct attachment of the said property or such part thereof as he thinks necessary. Such attachment shall have the same effect as if made by a competent civil court.

Provided that the powers of the registrar under this section shall not be delegated to any officer below such rank as may be prescribed.

Provided further that immovable property shall not be sold in execution of a decree unless such property has been previously attached.

Provided further that where the decree has been obtained on the basis of a mortgage of such property, it shall not be necessary to attach it.

Registrar or person 84. The Registrar or any person empowered by him in this behalf shall be deemed, when exercising any powers under this Act for the recovery of any amount by attachment and sale or by sale without attachment of any property, when passing any orders on any application made to him for such recovery to be a civil court for the purposes of any law relating to limitation.

Recovery of sums due 85. (1) All sums due from a society, or from an officer or member or past member of a society as such, to government, including any costs awarded to Government under any provision of this Act, may, on a certificate issued by the Registrar in this behalf, be recovered in the same manner as arrears of land revenue.

(2) Sums due from a society to government and recoverable under subsection (1), may be recovered, firstly from the property of the society; secondly, in case of a society the liability if the members of which is limited, from the members, past members or the estates of deceased members subject to the limit of their liability and thirdly, in the case of other societies, from the members, past members or the estates of the deceased members:

Provided that the liability of past members and the estates of deceased members shall in all cases be subject to the provisions of section 29.

Chapter XI
State Co-operative Bank

Applicability of chapter 86. Notwithstanding anything contained to the contrary in this Act or rules, the provisions of this Chapter shall apply to the State Co-operative Bank that may be registered in the State under this Act.

Registration of State Co-operative Bank 87. Notwithstanding anything contained in this Act, a society shall not be registered as the State Co-operative Bank unless the application for registration thereof is signed by a least to persons of whom one shall be the
Government and the rest shall consist of not less than 5 societies.

It shall be lawful for the state Co-operative Bank to carry on all or any of the following business viz.:-

1. to do banking business as defined in Clause (b) of section 5 and section 6 (i) read with section 56 of the Banking Regulation Act, 1949 or any other law for the time being in force and in general to carry on and discharge such functions and business as are usually undertaken by banks or bankers;

2. to serve as an apex bank for the co-operative societies and to provide all types of financial accommodation, including short, medium and long-term loans for all kinds of economic activities including agriculture and allied activities, industry, trade and commerce, to co-operative societies as well as to other persons including firms, companies or other corporate bodies;

3. to act as an agent of the Reserve Bank in the matter of operating currency chests on such terms and conditions as may be mutually agreed upon; and

4. to open branches, pay offices or regional offices in any part of the State of Sikkim or outside Sikkim with the previous sanction of the Registrar.

The Government shall contribute not less than 51 percent of the total issued capital of the State Co-operative Bank.

The Committee of the State Co-operative Bank shall consist of 9 members of whom 3 shall be nominated by the Government, 3 shall be representative of societies, 2 shall be representatives of members other than societies to be elected or nominated as per the bye-laws of the Bank, and one Managing Director to be appointed by the government in consultation with the Reserve Bank.

Provided that the initial committee shall be entirely nominated by the Government for period of 3 years or such other extended period as may be decided by the Government.

The State Co-operative Bank may at any time, acquire in whole or in part the business of the State Bank of Sikkim, established under the State Bank of Sikkim Proclamation, 1968, as may be provided by Central Government by law.

(1) The State co-operative Bank may, with the prior approval of the Government, and subject to such terms and conditions as the Government may deem fit to impose, borrow money by issue of bonds.

(2) The bonds shall be in the form of promissory note and shall not be repayable before the expiry of five years from the date of issue thereof.

Provided that the committee may repay the amount due under the bonds at any time before the date so fixed, after issue of notice in such manner as the committee may direct in that behalf to the holders of the bonds.

(1) The principal of, and interest on, the bonds issued under section 92 shall subject to such maximum amount as may be fixed by the Government and subject to such conditions as the Government may think fit to impose, carry the guarantee of the Government.
(2) The Government may, subject to the provisions of any Act in that regard, increase the maximum amount of any guarantee given under sub-section (1).

(3) The Government may, after consulting the Committee, -
(a) by notification in the Official Gazette, and
(b) by notice of not less than fourteen days in such of the important newspapers in the State and in other States of India, as the Government may select in this behalf, withdraw any guarantee given by them or reduce the maximum amount thereof or modify the conditions, subject to which it was given.

Provided that the withdrawal, reduction or modification of any guarantee under this sub-section shall not in any way affect the guarantee carried by any bond issued prior to the date on which such withdrawal, reduction or modification takes effect.

**Other Guarantee by Government**

Where the State co-operative Bank or the primary agricultural credit society has given a long-term loan to member for the improvement of any land in excess of the amount of the loan to which such member would be entitled, on the basis of the value of the land as determined in accordance with the approval of the Registrar, the government may guarantee for a specified period the repayment of the loan to the extent of the excess.

**Right of primary agricultural credit society or the State Co-operative Bank to pay prior debts to mortgagor**

(1) Where a mortgage is executed in favour of a primary agricultural credit society or the State co-operative Bank for payment of prior debts of the mortgagor, the society or the bank may, notwithstanding anything in any law for the time being in force relating to the transfer of properties by notice in writing require any person to whom any such debt is due, to receive payment of such debt or part thereof from the bank at its registered office within such period as may be specified in the notice.

(2) Where any such person fails to receive such notice or such payment, such debt, or part thereof as, the case may be, shall cease to carry interest from expiration of the period specified in the notice.

Provided that where there is a dispute as regards the amount of any such debt; the person to whom such debt is due shall be bound to receive payment of the amount offered by the primary agricultural credit society or the State Co-operative Bank, as the case may, be towards the debt but such receipt shall not prejudice the right, if any, of such person to recover the balance claimed by him.

**Power of the State Co-operative Bank to Supervise**

The State Co-operative Bank may maintain general supervision over or inspect societies affiliated to or financed by it and take up the management of the societies on such terms and conditions as may be approved by the Registrar.

**Allotment of shares And voting rights Of the members of the state Co-operative Bank**

(i) subject to the provisions of Section 89 allotment of shares to members of the State Co-operative Bank shall be governed by the provisions of its by-laws as approved by the Registrar.

(2) the voting rights of members shall be proportionate to the shares held by each member.
Notwithstanding anything contained in this Act, in the case of an insured co-operative bank—

(1) an order for the winding up, or an order sanctioning a scheme of Compromise or arrangement or of amalgamation or reconstruction (including division or re-organization), of the bank may be made only With the previous sanction in writing of the reserve Bank.

(2) an order for the winding up of the bank shall be made by the Registrar if so required by the Reserve Bank in the circumstances referred to in section 13 D of the Deposit Insurance Corporation Act, 1961;

(3) If so required by the Reserve Bank in the public interest or for preventing the affairs of the bank being conducted in a manner detrimental to the interests of the depositors or for securing the proper management of the bank; an order shall be made for the supersession (removal) of the committee or other managing body (by whatever name called) of the bank and the appointment of an administrator therefor for such period or periods, not exceeding five years in the aggregate, as may from time to time be specified by the Reserve Bank and the administrator so appointed shall, after the expiry of his term of office, continue on office until the day immediately preceding the date of the first meeting of the new committee;

(4) no appeal, revision or review shall lie or be permissible against an order such as is referred to in clauses (1), (2) or (3) made with the previous sanction shall not be liable to be called in question in any manner;

(5) the liquidator of the insured co-operative bank or transferee bank, as the case may be, shall be under an obligation to reply to the Deposit Insurance Corporation in the circumstances, to the extent and in the manner referred to in section 21 of that Act.

**Explanation**

(i) for the purposes of this section “a co-operative bank” means a bank as Has been defined in the Deposit Insurance Corporation Act, 1961.

(ii) “Insured co-operative bank” means a society which is an insured bank under the provisions of the Deposit Insurance Corporation Act, 1961.

(iii) “Transferee bank” in relation to an insured co-operative bank means a co-operative bank—

(a) with which such insured co-operative bank is amalgamated, or

(b) to which the assets and liabilities of such insured co-operative bank are transferred, or

(c) into which such insured co-operative bank is divided or converted under the provisions of this Act.
Chapter XIII
Appeals and Revision

Appeals 98. An appeal shall lie under this section against –
(a) an order of the Registrar made under sub-section (2) of section 8 refusing to register a society;
(b) an order of the registrar made under sub-section (4) of section 11 refusing to register an amendment of the bye-laws of a co-operative society;
(c) a decision of a society other than a primary agricultural credit society, refusing to admit any person as a member of the society who is otherwise duly qualified for membership under the bye-laws of that society;
(d) a decision of a society expelling any of its members;
(e) an order of the Registrar removing the committee of a society made under section 39;
(f) an order made by the Registrar under section 68 apportioning the cost of an enquiry held under section 66 or an inspection made under section 67;
(g) any order of surcharge under section 70;
(h) any decision or award made under section 73;
(i) an order made by the registrar under section 75 directing the winding up of a society.
(j) any order made by the liquidator of a society in exercise of the powers conferred on him by section 77;
(k) any order made under section 83;
(2) (a) An appeal against any decision or order under sub-section (1), excepting those mentioned in clauses (c) and (d), shall be made to the Government within sixty days from the date of the decision or the order; and
(b) the appeal against any decision of a society mentioned in clauses (c) and (d) of sub-section (1) shall be made to the Registrar within sixty days from the date of such decision.
(3) No appeal shall lie under this section from any decision or order made by the Registrar in appeal.
(4) The government or he registrar, to whom an appeal is made under sub-section (2) may call for and examine the record relating to the matter appealed, for the purpose of satisfying itself or himself as to the legality or propriety of any decision or order passed and if in any case it appears to the Government or the Registrar, as the case may be, that any such decision or should be modified, annulled or reversed the Government or the Registrar, as the case may be, may pass such order thereon as it and he may deem fit.

Revision 99. Subject to the provisions of section 97, the Government may, so or on the application of a party to a reference call for and examine the record of any proceedings in which no appeal lies to the government under section 98 for the purpose of satisfying itself as to the legality and propriety if any decision or order should be modified, annulled or reversed, it may pass such order thereon as it may deem fit.

Interlocutory orders 100. Where an appeal is made under section 98 or where the Government calls for the record of a case under section 99, the appellate authority for the
Government as the case may be, may, in order to meet the ends of justice make such interlocutory order, including an order of stay, pending the decision of the appeal or revisions as such authority or Government may deem fit.

Chapter XIV
Offences and Penalties

Offences 101. (1) No person, other than a society, shall carry on business under any name or title or which the word “co-operative” or its equivalent in any Indian language, is part, without the sanction of the Government.

(2) Any person carrying on any trade or business in contravention of sub-section (1) shall be punished with a fine which may extend to two hundred rupees and in the case of a continuing offence with a fine of rupees 25 for each day on which the offence is continuing after conviction thereof.

(3) Any member or past member or the nominee, heir or legal representative of a deceased member of a society who contravenes the provisions of section 42 by disposing of any property in respect of which the society is entitled to have a first charge under that section or do any other act to the prejudice of such claim, shall be punishable with fine which may extend to two hundred rupees.

(4) the committee of a society or an officer or member thereof willfully making a false return or furnishing false information or any person willfully or without any reasonable excuse disobeying any summons, requisition or lawful written order issued under the provisions of this Act or willfully does not furnish any information required from him by a person authorized in this behalf under the provisions of this Act, shall be punishable with fine which may extend to two hundred rupees.

(5) Any employer, who without sufficient cause, fails to deduct or fails to pay to a society the amount deducted by him under sub-section (2) of section 54 within a period of seven days from the date on which such deduction made is made shall be punishable with fine which extend to five hundred rupees on which the offence continues after conviction thereof.

(6) If default is made in complying with provisions of section 28, sub-section (1) of section 33, section 57, section 60, section 61, section 62, the society and every officer or member of committee of the society who is default shall be punishable with fine which may extend to two hundred rupees.

(7) If any person -
(i) after ceasing to be a member under sub-section (2) of section 21 acts as a member; or
(ii) exercise the rights of member in contravention of the provisions of section 25 shall be punishable with fine may extend to two hundred rupees.

(8) If any person collecting the share money for a society in formation dies not deposit the same in the State Co-operative Bank within fourteen days of its receipt, he shall be punishable with fine which may extend to five hundred rupees.
If any person collecting the share money for a society in formation does not make use of the funds so raised for conducting any trade or business in the name of the society to be registered or otherwise, he shall be punishable with fine which may extend to five hundred rupees.

If any officer or member of a society misappropriates or unauthorisedly or illegally keeps any money belonging to that society he shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

Where an offence under sub-section (1) or sub-section (4) of section 101 has been 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 or the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment provided in the aforesaid sub-section he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Provided further that if it is proved that the offence has been committed by 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 a body corporate, and includes affirm or other association of individuals; and

(b) “director” in relation to firm means a partner of the firm.

(1) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.
(2) No prosecution shall be instituted under this Act without the previous sanction of the Registrar and such sanction shall not be given -
(i) without giving to the person concerned an opportunity to represent his case;
(ii) if the Registrar is satisfied that the person concerned acted in good faith.

Chapter XV
Miscellaneous

Every society shall have an address registered in-accordance with the rules to which all notices and communications may be sent and shall send to the Registrar notice of any change thereof within thirty days of the change.

Every society shall keep a copy of this Act, the rules and its bye-laws open to inspection free of charge at all reasonable times at the registered address of the society.

Every order, decision or award made or given by the registrar, or any officer
nced

Procedure for settlement of disputes and power of the Registrar or any other person to whom a dispute is referred or an appeal is made for decision

107. (1) The Registrar or any other person whom a dispute is referred for decision or an appeal is made against any order or decision made under this Act, shall hear the dispute or the appeal in the manner prescribed, and shall have power to summon and enforce attendance of witness including the parties interested or any of them and to compel the production of documents by the same means and as far as possible in the same manner, as is provided at in the case of a civil court by the Code of Civil Procedure, 1908.

(2) Except with the permission of the Registrar or any other person deciding a dispute, as the case may be, no party shall be represented at the hearing of a dispute by a legal practitioner.

(3) (a) If the Registrar or any other person to whom a dispute is referred is satisfied that a person, whether he be a member of the society or not, has acquired any interest in the property of a person who is a party to a dispute he may order that the person who has acquired the interest in the property may join as a party to the dispute; and any decision order or award that may be passed by the Registrar or his nominee or any other person shall be binding on the party so joined in the same manner as if he were an original party to the dispute.

(b) where a dispute has been instituted in the name of a wrong person, or where all the defendants have not been included the Registrar or any other person to whom a dispute is referred for decision under section 72 may at any stage of the hearing of the dispute, if satisfied that the mistake was may at any stage of the hearing of the dispute, if satisfied that the mistake was bonafide, order substitution of parties upon such terms as he may think just.

(c) The Registrar or any other person to whom a dispute is referred to decision under section 72, may at any stage of the proceedings, either upon or without the application of any party, and on such terms as he may appear to the Registrar or any other person deciding a dispute, as the case may be, to be just, order the removal of the name of any party improperly included in the dispute and substitution of the name of any person who ought to have been included in the dispute, as the case may be, to be necessary for effectually and completely adjudicating upon and setting all the question involved in the dispute.

(d) Any person who is a party to the dispute and entitled to more than one relief in respect of the same cause of action may claim all or any or any of such relief’s; but if he omits to claim for all such relief, he shall not forward a claim for any relief so omitted, except with the leave of the registrar or any other person to whom a dispute is referred for decision.

Powers of civil court

108. (1) In exercising the function conferred by or under this Act, the Government, the Registrar, the arbitrator or any other person deciding a dispute and the liquidator or an auditor of a society shall have all the powers of a civil court, while trying a suit, under the Code of Civil Procedure, 1908, in respect of the following matters namely:-

(a) summoning and enforcing the attendance of any person and examining him on oath.

(b) Requiring the discovery and production of any document;
(c) Proof of facts by affidavits; and  
(d) Issuing commissions for examination of witness.  

(2) In the case of any affidavit, any other person deciding a dispute or the liquidator, or the auditor as the case may be, may administer the oath to the deponent.

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<tr>
<td>109.</td>
<td>Bar of Jurisdiction</td>
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<td>(1) Save as provided in this Act, no civil or revenue court shall have any jurisdiction in respect of –</td>
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<td>(a) the registration of a society or bye-laws or of an amendment of a bye-laws;</td>
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<td>(b) the removal of a committee;</td>
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<td>(c) any dispute required under section 72 to be referred to the Registrar; or</td>
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<td>(2) While a society is being wound up, no suit or other legal proceeding relating to the business of such society shall be proceed with, or instituted against the liquidator as such or against the society or any member thereof, except by leave of the Registrar and subject to such terms as he may impose.</td>
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<td>(3) Save as provided in this Act, no order decision or award made under this Act shall be questioned in any court or on any ground whatsoever.</td>
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| 110.   | Application of Limitation Act of 1936 |
|        | The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 shall be applicable to the filling of any appeal or application for revision under 36 this Act. |

| 111.   | Power to exempt class of societies |
|        | The Government may, by general or special order, published in the official Gazette, exempt any society or any class of societies from any of the provisions of this Act or may direct that such provisions shall apply to such society or class of societies with such modifications as may specified in the order. |

| 112.   | Service of notice under this Act. |
|        | Every notice or order issued or made under this Act, may be served on any person, by properly addressing it to the last known place of residence or business of such person prepaying and posting by registered post a letter containing the notice or order and unless the contrary is proved, such service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course. |

| 113.   | Notice necessary in suits |
|        | No suit shall be instituted against a society or any of its officers in respect of any act touching the constitution, management, or the business of the society until the expiration of two months next after notice in writing has been delivered to the Registrar, or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left. |

| 114.   | Indemnity |
|        | No suit, prosecution or other legal proceedings shall lie against the Registrar or any person subordinate to him or acting under his authority in respect of anything in good faith done or purporting to have been done under this Act. |

| 115.   | Companies Act, 1956 not to apply 1 of 1956 |
|        | The provisions of the Companies Act, 1956 shall not apply to societies. |

| 116.   | Saving of existing |
|        | (1) Any society which is existing as on the date of coming into force of this
societies Act and which has been registered under the Sikkim Co-operative societies Act, 1955 or under any other law relating to Co-operative societies in force in the State of Sikkim shall be deemed to have been registered under this Act, and its bye-laws shall, so far as the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

(2) All appointments, rules and orders made, notifications and notices issued and suits and other proceedings instituted under the Sikkim co-operative Societies Act, 1955 shall be deemed to have been respectively made issued or instituted under this Act, unless duly revoked or cancelled.

Powers to make rules 117. (1) The Government may, for the whole or any part of the State of Sikkim and for any class of societies, after previous publication in the Gazette, make rules to carry 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 applicant to whom the order refusing the registration of a society may be sent by the Registrar.
(b) the procedure and conditions for change in the form and extent of the liability of a society;
(c) the matters in respect of which a society shall or may make bye-laws;
(d) the procedure to be followed for amendment of bye-laws by a society;
(e) the qualifications or disqualifications of individuals who may be admitted as members of societies;
(f) the provision for a second or casting vote by the chairman of a meeting of a society;
(g) the appointment by a society of one of its members to represent and vote on its behalf at a meeting of another society of which it is a member;
(h) the maximum number of shares or portion of the share capital of a society which may be held by an individual member;

(i) the procedure for the nomination of a person to whom the share or interest of a member on his death may be transferred or the value thereof may be paid;
(j) the mode in which the value of a deceased member's share shall be ascertained;
(k) the election of members of committee by the general body of a society including the appointment of Returning Officers and the powers and functions of such Returning Officers;
(l) the requisitioning of general meeting of a society;
(m) the remuneration payable to a new committee or Administrations appointed in place of a committee removed by the Registrar;
(n) the qualifications or disqualifications for membership of committee of a society, the authority competent to decide questions of disqualifications and appeals from such decisions;
(o) the qualifications of employees of societies;
(p) the prohibition against officers of a society being interested in contracts with the society.
(q) the matters connected with the partnership of the government in societies;
(r) the rate at which dividend may be paid by societies;
(s) the payment to be made to the “co-operative Education Fund” by a society out of its net profits and the mode of its investment;
(t) the mode of investment of funds of its investment;
(u) the objects of the reserve fund of a society and mode of its investment;
(v) the mode of disposal of reserve fund of a society on its winding up;
(w) the extent and conditions subject to which a society may receive deposits and loans;
(x) the restrictions on transactions by a society with non-members;
(y) the restrictions on grant of loans by a society against its share;
(z) the form and standards of fluid resources to be maintained by societies accepting deposits and granting cash credits;
(aa) the levy of audit fees on societies;
(bb) the procedure to be followed in proceedings before the registrar, arbitrator or other person deciding disputes;
(cc) the conditions subject to which assets of a society shall vest in a liquidator and the procedure to be adopted in winding up of a society;
(dd) the procedure for recovery of amounts due or payable to a society;
(ee) the mode of making attachment before judgment;
(ff) the procedure and conditions for the issue, redemption, reissue, transfer, replacement or conversion of bonds issued by a society;
(gg) the maximum amount of principal, the rate of interest and other condition for the guarantee of debentures/bonds issued by a society;
(hh) the procedure for the distraint and sale of property, mortgaged to a primary agricultural credit society or to the State Co-operative Bank;
(ii) the immediate sale of perishable articles.
(jj) The manner of registering the address of a society;
(kk) The account book and registers to be kept by a society and power of Registrar to direct the accounts and books to be written up;
(ll) The manner of certification of entries in the books of a society and of copies of documents kept by it in the course of its business;
(mm) The statements and returns to be furnished by societies to the Registrar;
(nn) The restrictions on persons appearing as legal partitions;
(oo) The inspection of documents and the levy of fees for granting certified copies thereof; and
(pp) The matters expressly required or allowed by the Act to be prescribed.

(3) Every rule made under this section shall immediately after it is made, be laid before the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately annulment of the rules, the rules shall thereafter have effect only in such modified form or shall stand annulled, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under rule.

Repeal

118. On the day on which this Act comes into force, the Sikkim Co-operative Societies Act, 1955 as in force in the State of Sikkim shall stand repealed:
Provided that the repeal shall not affect:-
(a) the previous operation of the Act so repealed or anything duly done or suffered thereunder; or
(b) any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed; or
(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed; or
(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation. Liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty forfeiture or punishment may be imposed as if that Act had not been repealed.

119. (1) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the Government may, by notification in the official Gazette, make such provisions appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from the provisions of the Acts in force before the commencement of this Act), the Government may by notification make provisions, not inconsistent with the purpose of this Act, as appear to it to be necessary or expedient for removing the difficulty.

STATEMENT OF OBJECT AND REASONS

The existing Sikkim co-operative societies Act was enacted in 1955 and from the experience of its working during these years it has been felt that it would be advisable and expedient to repeal and replace the said Act by an amending and consolidating legislation in order to further facilitate the formation and working of the cooperative societies in order to strengthen and accelerate the cooperative movement and development and also to bring about improvement in agriculture and industry through better methods of production, better business and better living.

The Bill has been framed accordingly keeping in view the progressive features of the various State enactments such as those operating in Delhi, Madhya Pradesh, Maharashtra, Kerela, West Bengal.

NAYEN TSERING LEPCHA
Member-in-charge
Minister for Department of Co-operation
BILL NO. 5 OF 1978
THE SIKKIM LAND (REQUISITION AND ACQUISITION) AMENDMENT BILL, 1978
A BILL
To amend the Sikkim Land (Requisition and Acquisition) Act, 1977 (Act No. 1 of 1978).

WHEREAS it is expedient to amend the Sikkim Land (Requisition and Acquisition) Act, 1977 (Act No. 1 of 1978) in the manner hereinafter appearing:

IT is here enacted in the Twenty-ninth year of the Republic of India by the Legislature of the State of Sikkim as follows:-

1. Short Title
   and commencement
   (1) This Act may be called the Sikkim Land (Requisition and Acquisition) Amendment Act, 1978.
   (2) It shall come into force at once.

   (a) for sub-section (2) of section 4, the following shall be and shall always be deemed to have been substituted:-

   “(2) If the State Government is of opinion that it is necessary to acquire for a public purpose any land requisitioned under section 3, it may acquire such land by publishing a notification to the effect that such land is required to be acquired for such purpose and that the State Government has decided to acquire such land:

   Provided that before issuing such notification the State Government shall call upon the person interested or any other person who, in the opinion of the State Government, may be interested in such property to show cause why the property shall not be acquired and after considering the cause, if any, shown by the person interested in the land and after giving the party an opportunity of being heard, the State Government may pass such order as it deem fit.”

   (b) For Section 8, the following shall be and shall always be deemed to have been substituted :-

   “8. (1) where any land is requisitioned under Section 3, there shall be paid to the person interested in respect of the requisitioning of the land an amount, if any, as may be fixed by agreement between the Collector and the person interested and approved
by the State Government in the manner prescribed and the Collector shall make an
award ordering payment of such amount;
(2) Where the Collector and the person interested do not agree as to the amount pr
where the agreement arrived at by and between them is not approved by the State
Government of where the person interested cannot be traced or does not appear
before the Collector when called upon to be present for the requisitioning of the land
shall consist of --------

(a) a recurring payment, in respect of the period of requisition, of a sum which would
have been payable for the use and occupation of the land, if it had been taken on
lease for that period; and
(b) such sum or sums, if any as may be found necessary to compensate the person
interested for all or any of the following:-
(i) pecuniary loss due to requisitioning;
(ii) expenses on account of vacating the requisitioned land;
(iii) expenses on account of reoccupying the land upon release from requisition, and
(iv) damage (other than normal wear and tear or due to natural causes)- caused to the
land during the period of requisition, including the expenses that may have to be
incurred for restoring the land to the condition in which it was at the time of
requisition.
and the Collector shall make an award ordering payment of the amount so determined
and shall give in the prescribed manner immediate notice of his award to he person
interested in the land if he is not present personally or by his representative when the
award is made.
(c) in sub-section (1) and sub-section (3) of section 9, the words, brackets and letter “
clause 9b) of “ shall be and shall always be deemed to have been deleted.
(d) in section 13, for the word, brackets and figure “ Clause (7)” the word, brackets
and figure “ Clause 99)” shall be and shall always be deemed to have been
substituted.
(e) after clause (c) in sub-section (2) of Section 18, the following clause shall be and
shall always be deemed to have been inserted as clause (d):-
“(d) the manner of approval by the State Government of the amount fixed by
agreement under sub-section (1) of Section 8”
(f) the existing clause (d) in sub-section (2) Section 18 shall be and shall always be
deemed to have been styled as Clause (e) and in the said Clause the words, brackets,
and letter “Clause (b) of” shall be and shall always be deemed to have been deleted.

Repeal 3. the Sikkim Land (requisition and Acquisition) Amendment Ordinance, 1978, is
hereby repealed.

STATEMENT OF OBJECTS AND REASONS

It has been felt that the State government proceeds to acquire for public purpose any land requisitioned
under section 3 by publishing a notification to that effect under Section 4, it should call upon the persons,
interested to show cause against the proposed acquisition and pass such order as it deems fit after
considering the cause shown, if any, and that there should be express provisions to that effect without
leaving the matter to rules of natural justice. IT has also been felt that the principles for the determination
of the amount payable for requisition of land contained in Section 8 should be laid down more clearly and
precisely.
The Bill has been framed with the above objects in view and also to make some consequential and minor
amendments in sub-sections (1) and (3) of Section 9, in Section 13 and in sub-section (2) of
Section 18.

R.C. Poudyal
Minister-in-charge
Land Revenue & Land Reforms Department
BILL NO. 6 OF 1978
THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) BILL,
AMENDMENT BILL, 1978
A BILL


WHEREAS it is expedient to amend the Gangtok Municipal Corporation Act, 1975 (Act No. IV of 1975) in the manner hereinafter appearing:

It is hereby enacted by the Legislature of the State of Sikkim in the Twenty-ninth Year of the Republic of India as follows:-

Short title and commencement. 1. (1) This Act may be called the Gangtok Municipal (Amendment) Act, 1978.
(2) It shall come into force at once.

Definitions. 2. In this Act, the expression “the Act” means the Gangtok Municipal Corporation Act, 1975.

Amendment of section 3. 3. In section 3 of the Act, after sub-section 93) the following provision shall be added-
“Provided that the Government may by notification nominate a new Councilor or councilors in the place of the existing Councilor or Councilors within the said period of four years.”

Amendment of section 5. 4. In section 5 of the Act, the “full stop” at the end of Clause 9g) of sub-section 91) shall be deleted and a “semicolon” and the word “or” shall be added and after clause 9g0 so amended the following clauses shall be added-
“(h) having held any office under the Government of India or the Government of any State, has been dismissed for corruption or disloyalty to the State, unless a period of five years has elapsed since his dismissal; or
(i) is disqualified under sub-section (4) of section 8 of the Act.”

Amendment of section 8. 5. In section 8 of the Act,
(1) at the end of clause (f) of sub-section (1) the “full stop” shall be deleted ad a “semicolon” and the Word ”or” shall be added and after clause (f) so amended, the following clauses shall be added-
(g) if he ahs acted as a Councilor by voting or taking part in the discussion of any matter in which he ahs directly or indirectly a
personal interest or in which he is professionally interest on behalf of a
client, principal or any other person; or
(h) if he has flagrantly abused his position or has been guilty of gross
misconduct in the discharge of his duty as such Councilor.

(2) After sub-section (3), the following sub-section shall be added-
“(4) A person who has been removed from the Councillorship of the
corporation under sub-section (1) shall be disqualified for being
elected or nominate and being a Councilor of the Corporation for a
period of four years from the date of his removal;
Provided that the State Government may at any time by order remove
the disqualification”

<table>
<thead>
<tr>
<th>Insertion of new section 8 A and 8B</th>
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<tbody>
<tr>
<td>Casual Vacancy</td>
</tr>
</tbody>
</table>
| 6. After section 8 of the Act, the following sections shall be inserted. “8A (1) Where before the expiry of the term of office of a Councilor his seat becomes vacant owing to death, resignation or any other cause, a new Councilor shall be nominated or elected as the case may be, in the same manner as is provided for the nomination or election of Councilors under the Act; Provided that where the term of an outgoing Councilor would in the ordinary course expire within for months of the occurrence of the vacancy his seat shall be left unfilled unless the Government decides otherwise,

(2) The existence of a casual vacancy will not at any time render any action of the Corporation invalid or inoperative in anyway whatsoever. |

<table>
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<tr>
<th>Resignation</th>
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<td>8B. A councilor may at any time resign by writing under his hand addressed to the Chairman and his resignation shall take effect from the date of its acceptance by the councilors at a meeting. In case the Chairman wishes to resign he shall address his resignation letter t the Government and his resignation shall take effect from the date of its acceptance by the Government.”</td>
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<thead>
<tr>
<th>Amendment of section 12.</th>
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<tr>
<td>7. In section 12, for the words “ the Corporation may, subject to the sanction of the State Government”, the following words shall be substituted- “ The State Government may”</td>
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<thead>
<tr>
<th>Amendment of section 20.</th>
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<tr>
<td>8. In section 20, for the words” The Corporation may, subject to the sanction of the State Government”, the following words shall be substituted- “ The State Government may”</td>
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<thead>
<tr>
<th>Insertion of new section 21 A Additional duties and functions Of the Corporation.</th>
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<td>9. After section 21 the following section shall be inserted- “21 A. In addition to the duties and functions already provided for in The Act the State Government may by notification entrust any other duty or function to the Corporation and thereafter it shall be the duty of the corporation to make reasonable provision within the municipal corporation limits.”</td>
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<tr>
<td>Amendment of section 28.</td>
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| Amendment of section 30. | 11. For sub-section (2) of section 30 of the Act the following shall be substituted- “(2) The rate imposed under clause (a) of section 28 shall be levied in respect of all holdings within the limits of the Corporation except-(a) holdings belonging to the State and Central Government.
(b) Holdings used exclusively as a place of public worship or for purchases of public charity or a public burial or burning ground or as a mortuary.
(c) Any holding the annual value of which is less than an amount to be fixed by Government before the close of the year next preceding the year to which such fixation will be applicable.” |
| Amendment of section 45. | 12. In section 45 of the Act the words” in this behalf by the corporation” appearing at the end shall be substituted by the words” under this Act” |
| Amendment of section 50. | 13. In section 50 of the Act for the word "rules” appearing in the first line, the word “bye-laws” shall be substituted. |
| Amendment of section 56. | 14. In sub-section (2) of section 56 for the words “two rupees” the words “twentyfive rupees shall be substituted. |
| Addition of section 74A to 74D often Section 74 | 15. In Chapter XV, and after Section 74, the following sections shall be inserted---
“74 A. The State Government may at any time cal upon the Corporation to furnish it with any information report or extract from any proceedings of the Corporation or any of its Committees or from any record under the control of the corporation and with any statistics concerning or connected with the administration of the Act and the Corporation shall furnish the same without unreasonable delay.

74 B. (1) In case of emergency the State Government my provided For the execution through such agency and in such manner as it may specify in its order, of any work or the doing of any act which the Corporation or the Executive Officer is empowered to execute or do and of which the immediate execution or doing is, in its opinion, necessary for the safety or protection of the public and may direct that the expenses of executing the word or doing the act shall be paid by the Corporation.

(2) If the expenses are not so paid the State Government may make an order directing the person having the custody of the Corporation fund to pay the expenses from such fund. |
| Suspension of resolution. | 74 C, (1) If the State Government is of the opinion that the execution of any resolution or order of the corporation or any corporation authority or of any officer or servant of the Corporation or the doing of |
any act which is about to be done or is being done by or on behalf of
the Corporation, is in contravention of or in excess of the powers
conferred by the Act or the rules and bye-laws framed under the Act or
of any other such power or is likely to lead to a breach of peace or to
cause obstruction, injury or annoyance to the public or to any class or
body or persons or danger to human life, health or safety or is
prejudicial to public interest the State Government may, by order in
writing, suspend the execution of such resolution or order or prohibit
the doing of any such act.

(2) A copy of such order shall forthwith be sent to the Corporation by
the State Government.

(3) The State Government may at any time, on representation by the
Corporation or otherwise, review, modify or revoke an order passed
under sub-section (1).

74D. (1) If at any time it appears to the State government that the
Corporation is not competent to perform, or is persistently making
default in the performance of, duties imposed upon it by or under this
Act or any other law for the time being in force or has exceeded of
abused its powers more than once, the State Government may, after
having given the Corporation an opportunity to show cause why such
order should not be made, by an order published with the reasons
therefore in the official Gazette, supersede the Corporation for such
period as may be specified.

(2) The period of supersession specified under sub-section (1) the
following consequences shall ensue-
(a) all the Councilors of the Corporation including the chairman and
Vice-Chairman shall vacate their offices as such from the date of the
order of supersession;
(b) all the powers and duties of the corporation shall, during the period
of supersession, be exercised and performed by such person or persons
as the State government may appoint in this behalf from time to time
and until a new body of Councilors is elected under the provisions of
the Act in pursuance of an order of the State Government issued in this
behalf.”

16. In section 75 of the Act the words “which may extend to five
hundred rupees” shall be deleted and for the words “fifty rupees” the
words “one hundred rupees” shall be substituted.

17. In section 79 for clause (b) the following clause shall be
substituted.
“(b) such person as mentioned in clause (a) shall observe the terms and
conditions which may be prescribed by the Corporation by bye-laws”.

18. After section 82 of the Act, the following section be inserted-
“82A. (1) the Chairman, vice-Chairman, every Councilor and every
Officer and servant of the Corporation shall be liable to surcharge
for the loss, waste or misapplication of any money or property of the
Corporation, if such loss, waste or misapplication is a direct
consequence of his neglect or misconduct while acting as such
Chairman, Vice-chairman, Councilor, officer or servant.”
(2) The procedure of imposing surcharge and the manner of recovery of the amount involved in loss, waste or misapplication shall be such as may be prescribed by rules.

(3) Where no proceeding for imposing surcharge is taken the corporation may with the previous sanction of the government, institute a suit for compensation against such chairman, vice Chairman, Councilor, officer or servant.”

Amendment of section 84. 19. After sub-section (2) of section 84, the following sub-sections shall be added------
“(3) No bye-laws made by the corporation under the Act shall have any validity unless they are approved by the State Government and, while approving the bye-laws, the State Government may make such modification or modifications therein, as it may deem fit.
(4) The rules made by the State Government under sub-section (1) and the bye-laws, the Corporation under sub-section (2) shall take effect from the date of their publication in the Official Gazette.”

STATEMENT OF OBJECTIVES AND REASONS
The present Gangtok municipal corporation Act was passed in October, 1975 and the Corporation started functioning in December that year. The experience of two years has revealed a few shortcomings which are now proposed to be removed. The Bill has been framed accordingly.

B.P. Dahal,
Member-in-Charge,
Minister of Local Self Government
BILL NO. 7 OF 1978
THE SIKKIM POLICE (REPEALING) BILL, 1978
AMENDMENT BILL, 1978
A BILL
to repeal the Sikkim Police Act, 1969;

WHEREAS it is expedient to have the Police Act, 1861, extended to and enforced in the State of Sikkim;

AND WHEREAS it is necessary to repeal the Sikkim Police Act, 1969, immediately with the extension and enforcement of the Police Act, 1861 in the state of Sikkim.

It is hereby enacted by the Legislature of the State of Sikkim in the Twenty-ninth year of the Republic of India as follows:-

Short title and extent.
1. (1) this Act may be called The Sikkim Police (Repealing) Act, 1978;
   (2) It extends to the whole of Sikkim.

Repeal of the Sikkim Police Act 1959
2. On and immediately with effect from the extension to and enforcement in the State of Sikkim of the Police Act, 1861, the Sikkim Police Act, 1969, shall stand repealed and the entire Police establishment constituted under the Sikkim Police Act, 1969 shall be deemed to be constituted under the provisions of the Police Act, 1861.

Savings
3. Notwithstanding the repeal of the Sikkim Police Act, 1969, the repeal shall not---

(a) affect the previous operation of the said Act or anything duly done or suffered thereunder; or
(b) affect any right; privilege, obligation or liability acquired, accrued or incurred under the said Act, or
(c) affect any penalty, forfeiture or punishment incurred under the said Act; or
(d) affect any investigation legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

And any such investigation, legal proceeding or remedy may be instituted mentioned or enforced and such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.
STATEMENT OF OBJECT AND REASONS

The State Government have moved the Central Government for the extension to and enforcement in the State of Sikkim of the Police Act, 1861 by necessary notification (a) under the provisions of Clause (n) of Article 371F of the Constitution of India or otherwise. It has, therefore become necessary to have the corresponding existing law being the Sikkim Police Act, 1969, repealed immediately with effect from the extension and enforcement of the said Police Act of 1861 to and in the State of Sikkim.

The bill has been framed with the above objects in view

KAZI LHENDUP DORJEE KHANGSARPA
MAMBER-IN-CHARGE
to consolidate the law relating to Civil courts subordinate to the High court in the State of Sikkim.

WHEREAS it is expedient to consolidate the law relating to Civil courts subordinate to the High court in the State of Sikkim;

It is hereby enacted in the Twenty-ninth Year of the Republic of India by the Legislature of Sikkim as follows:-

CHAPTER 1.
PRELIMINARY

Short title and commencement. 1. (1) This Act may be called the Sikkim Civil Courts Act, 1978.
(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

CHAPTER II
CONSTITUTION OF CIVIL COURTS

Classes of Courts. 2. Besides the high Court and the Courts constituted under any other law for the time being in force, there shall be the following classes of Civil courts, namely:-

(1) the Court of the District Judge;
(2) the Court of the Additional District Judge; and
(3) the Court of the Civil Judge.

Number of Judges. 3. The State Government office increase or otherwise alter the number of the district Judge, the Additional District Judge and the Civil Judge now fixed.

Vacancies among District or Civil Judges. 4. (1) whenever the office of any Judge is vacant by reason of the death, Resignation removal of the Judge or other cause, or whenever an increase in the number of Judge or Judges has been made under the provisions of
3. the high court or, as the case may be, the State Government may fill up the vacancy or make the appointments.

(2) Nothing in this Section shall prevent the State Government from appointing a civil Judge to discharge, for such period as it thinks fit, in addition to the functions developing on him as such Judge, all or any of the functions of the court of any other Civil Judge.

Additional District Judge

5. (1) If by reason of any increase in the business in the court of the District Judge or for any other reason, the State Government thinks fit so to do, it may, in consultation with the High Court, appoint such Additional District Judges as may be requisite, in accordance with the provisions of Article 233 of the Constitution of India.

(2) Additional District Judges so appointed shall discharge any of the functions of the District Judge which the District Judge may assign to them and in the discharge of those functions, shall exercise the same powers as the District Judge.

Administrative Control of courts

6. subject to the provisions of the Constitution of India, the district Judge shall have administrative control over all the Civil Courts under this Act.

Temporary charge of the District Court

7. (1) In the event of the death, resignation or removal of the District Judge, or his being incapacitated by illness or otherwise for the performance of his duties or of his absence form the place at which his Court is held of senior Additional district Judge present thereat, or if an Additional District Judge is not present at that place, the Senior Civil Judge present thereat, shall, without relinquishing his ordinary duties assume charge of the office if the district Judge and shall continue in charge thereof until to office is resumed by the District Judge or assumed by an officer appointed thereto.

(2) While in charge of the office of the District Judge, the Additional district Judge or the Civil Judge, as the case may be, may, subject to any rules and to any general or special direction which the high court may make in this behalf, exercise any of the powers of the District Judge.

Transfer of proceeding on vacation of office

8. (1) In the event of the death, resignation or removal of an Additional District Judge, or his being incapacitated by illness or otherwise for the performance of his duties, or his absence from the place at which his Court is held, the District Judge may transfer all or any of the proceedings pending in the Court of the Additional District Judge either to his own court or to the court of any other Additional District Judge.

(2) The District Judge may re-transfer to the Court of the Additional District Judge or his successor any proceeding transferred under sub-section (1) to his own court or the court of any other Additional district Judge.

Transfer to proceedings or vacation of office of Civil Judge

9. (1) In the event of the death, resignation or removal of a Civil Judge or of his being incapacitated by illness or otherwise for the performance of hi duties, or of his absence form the place at which his Court is held, the District Judge may transfer all or any of the proceedings pending in the Court if the Civil Judge either to his own court or to any court under his administrative control competent to dispose of them.
(2) Proceedings transferred under sub-section (1) shall be disposed of as if they had been instituted in the court to which they are so transferred.

(3) The district Judge may re-transfer to the Court of the Civil Judge or his successor any proceedings transferred under sub-section (1) to his own or any other court.

(4) For the purpose of proceedings which are not pending in the court of the Civil Judge and with respect of which that court has exclusive jurisdiction, the district Judge may exercise all or any of the jurisdiction of that Court on the occurrence of an event referred to in sub-section (1).

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<tr>
<th>Power to fix local Limits of jurisdiction of courts.</th>
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<tr>
<td>10. (1) The State Govt. may in consultation with the High court, by notification on the official Gazette, fix and alter the local limits of the Jurisdiction of any Civil court under this Act.</td>
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<tr>
<td>(2) If the same local jurisdiction is assigned to two or more civil Judges, the District Judge may, subject to any general or special orders of the high Court, assign to each of them such civil business cognizable by a Civil Judge and arising from such local area within the local jurisdiction, as he thinks fit.</td>
</tr>
<tr>
<td>(3) When civil business arising in any local area is assigned by the district Judge under sub-section (2) to one or two or more Civil Judges, a decree or order passed by the civil Judge shall not be invalid by reason only of the case, in which it was made, having arisen wholly or in part in a place beyond the local area if that place is within the local limits fixed by the State Government.</td>
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<tr>
<td>(4) the present local limits of the jurisdiction of every Civil court under this Act shall be deemed to have been fixed under this Section.</td>
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<tr>
<th>Place of sitting of</th>
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<tr>
<td>11. (1) the State Government may in consultation with the High Court by notification in the Official Gazette, fix and alter the place or places at which any Civil Court under this Act is to be held.</td>
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<tr>
<td>(2) All places at which any such Courts are now held shall be deemed to have been fixed under this Section.</td>
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<th>Vacation of Court.</th>
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<td>12. (1) the days to be observed in each year as closed holidays in the Civil courts under this Act shall be in accordance with the list as may be prepared by the high Court for the purpose.</td>
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<tr>
<td>(2) the list shall be published in the Official Gazette.</td>
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<tr>
<td>(3) A judicial act done by a Civil Court on a day specified in the list shall not be invalid by reason only of its having been done on that day.</td>
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<tr>
<th>Seals of Courts.</th>
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<td>13. (1) Every Civil court under this Act shall use a seal if such form and dimension as are prescribed by the High Court.</td>
</tr>
<tr>
<td>(2) Until seals are prescribed under sub-section (1) the Civil courts under this Act shall continue to use such seals are now used by such Courts.</td>
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</tbody>
</table>
14. (1) Where any civil court under this Act has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to that case which if that Court had not ceased to have jurisdiction might have had therein, may be had in the court to which the business of the former Court has been transferred.

(2) Nothing in this Section applied to cases for which provisions have been or are made in any other law for the time being in force.

CHAPTER III
JURISDICTION OF COURTS

15. Save as otherwise provided in any law for the time being in force, the jurisdiction of a District judge extends to all original suits for the time being cognizable by Civil Courts.

16. (1) Save as aforesaid and subject to the provisions of sub-section (2) the jurisdiction of a Civil judge shall extend to all suits of which the value does not exceed ten thousand rupees.

(2) The State Government may, on the recommendation of the high court, direct, by notification in the Official Gazette, with respect to any civil Judge named therein that his jurisdiction shall extend to all like suits if such value not exceeding twenty thousand rupees as may be specified in the notification:
Provided that the State Government may, by notification in the Official Gazette, delegate to the High Court its power under this Section.

17. (1) Save as otherwise provided in any law for the time being in force, an appeal from a decree or order of the District Judge or an Additional district Judge shall lie to the High Court.

(2) An appeal shall not lie to the High Court from a decree or order of an Additional district Judge in any case in which, if the decree or order had been made by the District Judge, an appeal would not lie to that Court.

18. (1) Save as aforesaid, an appeal from a decree or order of a Civil Judge shall lie:
(a) to the District Judge where the value of the original suit in which or in any proceeding arising out of which the decree or order was made did not exceed five thousand rupees, and
(b) to the High Court in any other cases.

(2) Where the function of receiving any appeals which lie to the District Judge under sub-section (1) has been assigned to an Additional District Judge, the appeal’s may be preferred to the Additional District Judge.

CHAPTER IV
SUPPLEMENTARY PROVISIONS

19. (1) The presiding Officer of a Civil Court under this Act shall not try any suit or other proceeding to which he is a party or in which he is personally interested.
(2) the presiding Officer of an appellate Civil Court under this Act shall not try an appeal against a decree or order passed by himself in another capacity.

(3) When any such suit, proceeding or appeal as is referred to in sub-section (1) or sub-section (2) comes before any such officer, the officer shall forthwith transmit the record of the case to the district Judge with a report of the circumstances attending the reference.

(4) The District Judge shall thereupon dispose of the case himself or transfer the case to any other Court of competent jurisdiction.

Savings.

20. All Civil Courts, except the High court of Sikkim, exercising Jurisdiction in the State of Sikkim immediately before the commencement of this Act shall deem to have been duly constituted and to be exercising jurisdiction and powers conferred and all other actions done or orders made, jurisdiction and powers conferred and all other actions done or taken relating to such Civil Courts, or purporting expressly or impliedly to have been so made, conferred done or taken shall be deemed to have been respectively made, conferred, done or taken under the provisions of this Act.

Repeal.

21. All laws including rules, regulations, notifications, orders or instructions, in force immediately before the commencement of this Act in so far they are inconsistent with the provisions of this Act shall, to the extent of such inconsistency, cease to have effect and stand repealed from the date of such commencement.

STATEMENT OF OBJECTS AND REASONS

The Government have felt the necessity of having an enactment consolidating the laws relating to the laws relating to the constitution of Civil Courts subordinate to the high Court of Sikkim and exercising jurisdiction immediately before the commencement of such enactment including their limits of jurisdictions, places of sitting and all other related or incidental matters and actions done or taken shall be deemed to have been constituted, conferred, made, fixed, done or taken under this Act.

The Bill has been framed with the above object in view.

KAZI LHENDUP DORJI KHANGSARPA
Member-in-charge
Law Department
BILL NO. 9 OF 1978  
SIKKIM SALARIES AND ALLOWANCES (AMENDMENT) BILL, 1978  
A BILL  
to amend the Sikkim Salaries and Allowances Act, 1977;-

WHEREAS it is expedient to amend the Sikkim Salaries and Allowances Act, 1977, in the manner hereinafter appearing:

Be it enacted by the Legislature of the State of Sikkim in the Twenty-ninth Year of the Republic of India as follows:-

Short title. 1. This Act may be called the Sikkim Salaries and Allowances (Amendment) Act, 1978.

Amendments 2. (1) In sub-section (3) of Section 3 of Sikkim Salaries and Allowances Act 1977, the Words “or a Committee” shall be and shall always be deemed to have been deleted.

(2) Section 7 of Sikkim Salaries and Allowances Act, 1977, shall be and shall always be deemed to have been numbered as sub-section (1) thereof and after sub-section (1) so numbered, the following shall be and shall always be deemed to have been added as sub-section (2),

“(2) The members shall be entitled to such traveling allowances and facilities at such rates and subject to such conditions as may be prescribed, for attending the meeting of a Committee”.

STATEMENT OF OBJECTS AND REASONS

Sikkim Salaries and Allowances, Act, 1977 does not provide for the payment of any allowances to any member of the Legislative Assembly for attending a meeting of the Committee. It has been represented to the Government and the Government have also felt that suitable provisions should be made for the payment of such allowances as may be prescribed to the members for attending meetings of Committees and that Sikkim Salaries and Allowances Act, 1977, should be amended accordingly.

The Bill has been framed with the above objects in view.

KAZI LHENDUP DORJI KHANGSARPA  
MEMBER-IN-CHARGE  
LAW DEPARTMENT
BILL NO. 10 OF 1978
THE SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD BILL, 1978
A
BILL
to provide for the establishment of a Board for the development of the Khadi and Village Industries in the State of Sikkim and for matters connected therewith.

Be it enacted by the Legislative Assembly of the State of Sikkim in the Twenty-ninth Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1978.
(2) It extends to the whole of Sikkim.
(3) It shall come into force on such date as the State Government may by a notification in the Official Gazette appoint in this behalf.

2. In this Act, unless the context otherwise requires----
(a) “Board” means the Sikkim Khadi and Village Industries Board established under Section 3.
(b) “Khadi & Village Industries Commission” means the Khadi & Village Industries Commission of India established under Section 4 of the Khadi & Village Industries commission Act, 1956 (Central Act 61 of 1956).
(c) “Khadi” means any cloth woven on handlooms in India from cotton, silk or woolen yarn handspun in India or from a mixture any two or all of such yarns and shall include ready-made garments made out of such cloths.
(d) “Village Industries” means :-
(i) all or any of the Industries specified in the schedule to the Khadi and Village Industries Commission Act, 1956, and includes any other industry deemed to be specified in the said schedule by reason of a notification issued by the government of India under Section 3 of the said Act, and
(ii) any other industry specified in this behalf by the Government by notification in the Official Gazette in consultation with the Khadi & Village Industries Commission of India and the Board.
(e) “Government” means the Government of Sikkim.
(f) “Prescribed” means prescribed by rules made under this Act.
(g) “Regulations” means regulations made by the Board under this Act.
Establishment and incorporation of Board

3. With effect from such dates as the Government may, by Notification, fix in this behalf, there shall be established a Board to be called the Sikkim Khadi and Village Industries Board. It shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract and may, by the said name, sue and be sued.

Constitution of the Board.

4. (a) The Board shall consist of not less than seven and not more than eleven members, all of whom shall be non-officials who are already interested in constructive activities relating to and who have abiding interest in the Khadi and Village Industries programme.

(b) One of the members of the Board shall be appointed by the Government as the Chairman of the Board.

(c) The Government may appoint one of the other members as the Vice-Chairman who shall exercise such of the powers and perform such of the duties of the Chairman as may be prescribed or as may be delegated to him by the Chairman.

(d) The Government shall, after consultation with the Board, appoint a member other than the Chairman and the Vice-Chairman to be the Secretary of the Board.

(e) The appointments of Chairman, Vice-chairman and Secretary shall be made by the Government in consultation with the Khadi & Village Industries Commission.

(f) In the event of any vacancy in the office of a member of the Board by reason of death, resignation or removal

(g) The Government shall appoint person not being a member of such Allowances shall be paid from the fund of the Board.

5. (i) The Government shall appoint a person not being a member of the Board to be the Financial Adviser to the Board. The Financial Adviser may also function as the Chief Accounts Officer.

(ii) The term of office, the conditions of service and the functions of the Financial Adviser shall be such as may be prescribed in consultation with the Khadi and Villager Industries Commission.

6. Any member of the Board may resign his office by giving notice in writing to the Government and on such resignation being notified in the Official gazette by the government, shall be deemed to have vacated his office.

Proceedings presumed to be good and valid.

7. No act or proceeding of the Board shall be questioned or invalidated merely by reason of any vacancy in its membership on account of resignation, death or otherwise, or by reason of any defect in the constitution thereof.

Temporary association of persons with the Board for particular purpose

8. (1) The Board may associate with itself in such manner and for such purpose as a may be determined by regulations made under this Act, any person whose assistance or advice it may desire in complying with any of the provisions of this Act.
(2) A person associated with the board under sub-section (10 for any Purpose shall have the right to take part in the discussion of the Board relevant to that purpose, but shall not have the right to vote and shall not be a member for any purpose.

(3) The Government may, by order, depute one or more officers of the Government to attend any meeting of the Board and take part in the discussions of the Board but such officer or officers shall not have the right to vote.

9. (1) The Board shall met at such times at such places and shall, subject to the provisions of sub-sections (2), (3) and (4), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made by the Board under this Act. Provided that the Board shall meet at least once in every two months.

(2) The Chairman, may, whenever he thinks fit, call special meetings of the Board.

(3) The Chairman or un his absence, the Vice-chairman or if he is also absent, such member as may be chosen by the members present from among themselves shall preside at a meeting of the Board.

(4) All questions at a meeting or the Board shall be decided by the majority of the votes of the members present and voting and in the case of an equality of votes the chairman or, in his absence, the person presiding shall have a second or casting vote.

(5) The proceeding of the meeting of the Board shall be forwarded to the Government and the Khadi and Village Industries commission within fifteen days of every meeting.

10. The term of office and the term and conditions of services of the chairman, the Vice-chairman, the Secretary and other members of the Board shall be such as may be prescribed.

11. A. (1) (a) The Board shall appoint an Executive Officer to manage the affairs of the Board, who shall also function as Secretary to the Board.

(b) The functions, duties and powers of the Executive Officer shall be such as may be fixed by the Board.

(c) The Executive Officer may be a Government servant whose Services are placed at the disposal of the Board by the Government and if he is Government servant, his remuneration, allowances and other conditions of service shall be such as may be fixed by the Government. In case of a person other than a Government servant being appointed as the Executive Officer, his remuneration, allowances and other conditions of service shall be fixed by the Board with the prior approval of the Government.
(2) The board may appoint such other officers and servants as it may consider necessary for the efficient discharge of its functions. Provided that the board may delegate its powers in this behalf to the Chairman or other members or officers of the Board.

(3) Subject to the provisions of clause (c) of sub-section (1), the remuneration, allowances and other conditions of service of the officers and servants of the Board shall be such as may be determined by regulations.

**Standing Finance Committee.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause/Section</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>The Board may constitute from among the member of the Board a Standing Finance Committee to exercise such powers and perform such functions relating to finances of the Board as may be laid down by regulations made by the Board.</td>
<td></td>
</tr>
</tbody>
</table>

**Appointment of other committee.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause/Section</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>13</td>
<td>Subject to any rules made in this behalf, the Board may from time to time appoint one or more committees for the purpose of securing the efficient discharge of its functions and, in particular, for the purpose of securing that the functions are discharged with regard to the circumstances and requirements of Khadi or any particular village Industry. Such committees may be appointed for any specific areas.</td>
<td></td>
</tr>
</tbody>
</table>

**CHAPTER III**

**FUNCTIONS AND POWERS OF THE BOARD.**

**Functions of the Board.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Clause/Section</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>It shall be the duty of the board to encourage, organize, develop regulate Khadi and Village Industries and perform such functions as the Government may prescribe from time to time.</td>
<td></td>
</tr>
</tbody>
</table>

(2) Without prejudice to the generality of the provisions of Sub-section (1), the Board shall also in particular, discharge and perform all or any of the following duties and functions, namely:--

(a) to start, encourage, assist, and carry on Khadi and Village Industries and to carry on trade or business in such industries and in matters incidental to such trade or business.

(b) to help the people by providing them with works in their homes and to give loans and other forms of monetary help to individuals or societies or institutions on such terms as may be prescribed.

(c) to encourage establishment of co-operative societies for Khadi and Village Industries.

(d) to conduct training centres and to train people thereat with a view to equip them with the necessary knowledge for starting or carrying on Khadi and Village Industries.

(e) (i) to manufacture tools and implements required for carrying on Khadi and Village Industries and to manufacture the product of Such industries.

(f) to arrange for publicity and popularizing of the finished products of Khadi and Village Industries by opening stores, shops, emporia or exhibitions and to take similar measures for the purpose.

(g) to endeavor to educate public opinion and to impress upon the public the advantages of patronizing the products of Khadi and Village Industries.
(h) to seek and obtain advice and guidance of experts in Khadi and Village Industries.
(i) to undertake and encourage research works in connection with the Khadi and Village Industries and to carry on such activities as are Incidental and conducive to the objects of this Act.
(j) to discharge such other duties and to perform such other functions as the Government may direct for the purpose pf carrying out the objects of the Act.

General powers of the Board.

15. Subject to the other provisions of this Act, the Board shall, for the purpose pf carrying out its functions under this Act, have the following powers, namely:
(i) to acquire and hold such moveable and immovable property it deems necessary and to lease, sell or otherwise transfer any such property.
Provided that any lease, sale, mortgage, hypothecation or other transfer to any person or authority other than Khadi and Village Industries Commission of any immovable property belonging to the board shall be null and void unless it is sanctioned by the Government.

(ii) to incur expenditure and undertake any work in any area of Sikkim for the framing and execution of such schemes as it may consider necessary for the purpose of carrying out the provisions of this Act, or such functions as may be entrusted to it by the Government.

Power to make contracts.

16. (1) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.

(2) Every contract shall be made on behalf of the Board by its Chairman.
Provided that the Chairman, may, by an order in writing, delegate his powers in this behalf to the Vice-Chairman or the Executive Officer.

(3) Every contract made on behalf of the Board shall, subject to the provisions of this section, be entered into in such manner and forms as may be prescribed.

(4) A contract not executed in the manner provided in this section and the rules made thereunder, shall not be binding on the Board.

Power to the Khadi & Village Industries Commission to give directions.

17. In the performance of its functions under this Act, the Board shall be bound by such directions as the Khadi and Village Industries Commission may give to it from time to time.

CHAPTER IV
PREPARATION AND SUBMISSION OF PROGRAMME

Preparation & submission of programme

18. (1) In each year, on such date as may be fixed by the Government, the Board shall prepare and forward to the Government a programme of work.

(2) The programme shall contain:
(a) particulars of the scheme which the Board proposes to execute whether in part or whole during the next year.
(b) particulars of any work or undertaking which the Board proposes
to execute during the next year for the purposes of carrying out its functions under this Act, and
c) such other particulars as may be prescribed.

Sanction of programme. 19. The Government may in consultation with the Khadi & Village Industries Commission approve and sanction the programme in whole or with such modifications as it deems fit.

Supplementary programme. 20. The Board may prepare and forward a supplementary programme for the sanction of the Government in such form and before such date as the Government may prescribe and the provisions of section 18 shall apply to such supplementary programme.

Power of Board to alter Scheme 21. The Board may with the previous approval of the Khadi & Village Industries Commission make an alteration in any scheme so long as the aggregate amount sanctioned for the scheme is not exceeded. A report of the alteration shall be sent to the Government in such form within such time as may be prescribed.

CHAPTER V
FINANCE, ACCOUNTS, AUDIT AND REPORTS.

Transfer of property 22. The Government of Sikkim may transfer to the Board buildings, Land or any other property, whether moveable or immovable for use and management by the board on such conditions and limitations as the Government may deem fit for the purposes of this Act.

Funds of the Board. 23 (1) The Board shall have its own fund an all receipts of the Board shall be credited thereto, and all payments by the board shall be met therefrom.

(2) The Board may, subject to the provisions of this Act, and the rules made thereunder accept grants, subventions donations and gifts and receive loans from Government, the Khadi and Village Industries Commission of India or a local authority or any body or associations, whether incorporation or not, or an individual for all or any of the purpose of this Act. It may also create reserves for irrecoverable losses and losses in direct trading activities.

(3) All moneys belonging to the Fund of the Board shall be deposited in such Bank as may be approved by the Government on and at places where there is no such Bank, in a Government Treasury or be invested in such securities as may be approved by the Government.

(4) The accounts of the Board shall be operated upon by such officers jointly or individually as may be authorized by the Board.

Application of fund and property 24. All property, fund and other assets of the Board shall be held and applied by it, subject to the provisions and for the purposes of the Act.
25. (1) The Government may, from time to time, make subventions and grants to the Board for the purposes of this Act on such terms and conditions as the Government may determine in each case. Establishment expenditure of the State Board will be the sole responsibility of the Government. Similarly it may grant subvention compensating irrecoverable debts.

(2) The board may, from time to time, with the previous sanction of the Government and subject to the provisions of this Act and such conditions as the Government may determine, borrow any sum required for the purposes of this Act.

Provided that the previous sanction of the government shall not be necessary to borrow any sum from the Khadi and Village Industries Commission.

26. (1) The Board shall, by such date in each year as may be prescribed prepare and submit to the Government for approval the budget in the prescribed form for the next financial year showing the estimated receipts and expenditure in respect of Khadi and Village Industries Board respectively during that financial year. The Board shall forward a copy of the annual budget to the Khadi and Village Industries Commission for information.

(2) Subject to the provisions of sub-section (3) and (4) no sum shall be expended by or on behalf of the Board unless such expenditure is covered by a specific provision in the budget approved by the Government.

(3) The Board, may, within the respective limits of the budget, sanction any re-appropriation from one head of expenditure to another or from a provision made for one scheme to that in respect of another.

Provided that no re-appropriation from the head “Loan” to any other head of expenditure and vice versa in the budget shall be sanctioned by the Board except with previous industries Commission.

(4) The board may, within such limits and subject to such conditions may be prescribed incur expenditure in excess of the limit provided in the budget approved by the Government under any head of expenditure or in connection with any particular scheme so long as the aggregate amount in either budget approved by the Government is not exceeded.

27. The Board may submit a supplementary budget for the sanction of the Government in such form and before such date as may be prescribed and the provisions of Section 26 shall apply to such supplementary budget.
Annual Report.

28. (1) The Board shall prepare and forward to the Government in such manner as may be prescribed an annual report with three months from the end of the financial year giving a complete account of its activities during the previous financial year alongwith a copy of the annual statement of accounts referred to in section 30.

(2) The Board shall prepare and forward to the Khadi and Village Industries Commission an annual report within three months from the end of the financial year giving a complete account of the funds received by the Board from and out of such fund during the previous financial year.

(3) The report received by the Government under sub-section (1) shall be laid before the Sikkim Legislative Assembly, as soon as may be, after it is received by the Government.

Returns and reports.

29. (1) The Board shall furnish to the Government and the Khadi and Village Industries Commission at as such time and in such form and manner as may be prescribed or as the Government or the Khadi and Village Industries Commission may require such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of Khadi and Village Industries as the Government may, from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Board shall, as soon as possible after the end of each financial year, submit to the government a report in such form and before such date as may be prescribed, giving a true and full account of its activities, policy and programme during the previous financial year.

(3) All returns, statement and particulars furnished by the Board to the Government under sub-section (1) shall, as soon as possible after they are so furnished, be placed on the table of the Sikkim Legislative Assembly.

30 (1) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of account including the profit and loss accounts and the balance sheets in such form as may be prescribed.

(2) The accounts of the Board shall be audited by such person as the Government may appoint in this behalf.

(3) The Auditors appointed by the Khadi and Village Industries Commission shall have the right to audit and inspect the accounts of the Board pertaining to the funds advanced by the Khadi and Village Industries Commission.
(4) The persons appointed under sub-section (2) and (3) shall, in connection with such audit, have such rights, privileges and authority as may be prescribed and, in particular, shall have the right to the production of books, accounts, connected vouchers and other documents and to inspect any of the offices of the Board.

(5) The accounts of the Board as certified by such auditor together with the audit report thereon shall be forwarded annually to the Government and the Khadi and Village Industries Commission before such date as the Government may specify in this behalf.

(6) The Board shall comply with such directions as the Government may, after perusal of the report of the auditor, think fit to issue.

CHAPTER VI
MISCELLANEOUS

31. Members of the Board and officers and servants of the Board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

32. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done by or under this Act.

33. (1) The Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(2) In particular and without prejudice to generality of the foregoing powers such rules may provide for any of the following matters, namely:

(a) the place at which the office of the Board shall be located;

(b) the term of office of, and the manner of filling casual vacancies among the members of the Board and the terms and conditions of service of the Chairman, the Vice-Chairman, the Secretary and the other members of the Board, including the salaries and allowances to be paid to them and traveling and daily allowances to be drawn by them;

(c) the disqualification for membership of the Board and the procedure to be followed for removing a member who is or becomes subject to any disqualifications;

(d) powers and duties to be exercised and performed by the Chairman and the Vice-Chairman;

(e) the conditions subject to which and the mode in which, contracts may be entered into by or on behalf of the Board;

(f) constitution if the Standing Finance Committee and other committees;

(g) the procedure to be followed in the performance of duties
by members of the Board;
(h) the powers and duties to be exercised and discharged by the Secretary, the Financial Adviser the Executive Officer of the Board;
(i) the date by which ad the form in which the budget and the supplementary budget shall be prepared and submitted in each year.
(j) the procedure to be followed for placing the Board in possession of funds;
(k) the procedure to be followed and the conditions to be observed in borrowing moneys and in granting loans;
(l) the form and manner in which the accounts of the Board shall be maintained;
(m) the form and manner in which the returns, reports or statements shall be submitted; and
(n) any other matter which is required to be prescribed.

34. (1) The board, with the previous sanction of the Government, by notification, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the terms and conditions of appointment and service and the scales of pay of officers and servants of the Board other than the Secretary including the payment or traveling and daily allowances in respect of journeys undertaken by such officers and servants for the purposes of this Act.

(b) the time and place of meetings if the Board, the procedure to be followed in regard to transaction of business at such meetings and the quorum necessary for the transaction of such business at a meeting;

(c) functions of committees and the procedure to be followed by such committees in the discharge of their functions;
(d) the delegation of powers and duties to the standing finance committee, Secretary or any employees of the Board;

(e) the maintenance of minutes of meeting of the Board and the transmission of copies thereof to the Government and the Khadi & Village Industries Commission;

(f) the persons by whom and the manner in which payments, deposits and investments may be made on behalf of the Board;

(g) the custody of moneys required for the current expenditure of the Board and investment of moneys not so required;

(h) the maintenance of accounts.
(3) The Government may, by notification, rescind any regulation made under this Section and thereupon, the regulation shall cease to have effect.

Dissolution of the Board

35. (1) If at any time the Government is satisfied that:-
(a) the Board has without reasonable cause or excuse made default in the discharge of its duties or in the performance of its functions imposed or entrusted by or under this Act, or has abused its powers or
(b) circumstances have so arisen that the board rendered unable, or may be rendered unable to discharge its duties or perform its functions under this Act, or
(c) it is otherwise expedient or necessary to dissolve the Board, the Government may, by notification, supersede the Board for such period as may be specified in the notification and declare that the duties, powers and functions of the Board shall during the period of its supersession, be discharged, exercised and performed by such person or authority, as may be specified in the notification;
Provided the government shall before superseding the Board, give a reasonable opportunity to it to show cause against the proposed action.

(2) The Government shall before the expiration of the period of supersession, reconstitute the Board in accordance with the provisions of sections 3 and 4.

(3) The Government may make such incidental and consequential provisions as may appear to them to be necessary for giving effect to the provisions of this section.

(4) Any notification issued or order made by the Government under this section shall not be questioned in any civil court.

(5) (i) On the Board being superseded under sub-section (1) above, all properties and funds which immediately before the said date were in the possession of the Board for the purposes of this Act shall vest in the Government.

(ii) all members shall vacate office as members of the Board; and

(iii) all rights, obligations and liabilities (including any liabilities under any contract) of the Board shall become the rights, obligations and liabilities of the Government.

Recovery of arrears

36. If any amount due to the Board in accordance with the terms of a contract or otherwise or any sum payable in connection therewith, has not been paid, the Board may, without prejudice to any other remedy provided by law, recover such amount or sum in the manner and in accordance
with the provisions of the laws in force in Sikkim for recovery of Government dues and Government revenues.

Power to write off losses.

37. The Board shall be competent to write off losses up to five hundred rupees in individual cases and not exceeding five thousand rupees in the aggregate in any financial year in cases falling under any or all of the following categories—

(a) loss of irrecoverable value of stores or of public money due to theft, fraud or such other cause,
(b) loss of irrecoverable advance other than loans, and
(c) deficiency and depreciation in the value of stores.

STATEMENT OF OBJECT AND REASONS

The Khadi & Industry has definite place in our national economy. Khadi makes its contribution towards the relief of rural unemployment and provides a supplementary source of livelihood to our agricultural population. With a view to promoting and developing Khadi and Village Industries, the Government have decided to have a legislation to enable them to constitute a Statutory Board of Khadi and Village Industries in and for the State of Sikkim and to vest it with powers to prepare and organize programmes for the production and development of Khadi and Village Industries to deal with other matters incidental thereto. The Government have also taken step for the extension of the Khadi and Village Industries Commission Act, 1955 to Sikkim and propose to bring this legislative measure into force after the said Khadi and Village Industries Commission Act, 1955, would be extended to Sikkim.

The bill has been framed accordingly.

RINZING TONGDEN LEPCHA
MINISTER-IN-CHARGE
Department of Industries.
It is hereby notified that the Government of Sikkim had decided to offer of the all facilities enumerated in the Workmen’s Compensation Act, 1923 (VIII of 1923) to all eligible Workmen as defined in Section 2 (n) of this said Act, pending formal extension of the Act of Sikkim, with immediate effect.

(J. DORJI)
Secretary,
Labour Department
Notification No. 88/85/H

The following Declaration made by the Returning Officers under Section 66 of the Representation of the People Act, 1951 are hereby published.

* Election to the Legislative Assembly of Sikkim from 21-Loosing Pachekhani Assembly constituency

In pursuance of the provisions contained in section 66 of the representation of the People Act, 1951, read with rule 64 of the conduct of elections Rules, 1951, I declare that

Shri Bhakta Bahadur Khulal
Pakyong

Sponsored by S.S.P has been duly elected to fill the seat in that House from the above constituency.

Place Gangtok
Date 6.3. 85

Sd/-
Returning Officer

L.T. TONYOT,
Joint Chief Electoral Officer.
Bill No. 11 of 1978

THE SIKKIM APPROPRIATION BILL OF 1978

A BILL
to authorize 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, 1977-78.

BE it enacted by the Legislature of the State of Sikkim in the Twenty Ninth year of the republic of India as follows:-

Short title 1. This Act may be called the Sikkim Appropriation Act, 1978.

Issue of Rs. 4,77,27,000 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 amounting to four crores seventy-seven lakhs twenty-seven thousands of Rupees towards defraying the charges which will come in course for payment during the financial year 1977-78, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sum authorized 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 of Vote</th>
<th>SERVICES AND PURPOSES</th>
<th>SUMS NOT EXCEEDING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Voted by the Legislative Assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rs.</td>
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<tr>
<td>1. State Legislature</td>
<td>Revenue</td>
<td>1,09,000</td>
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<td>5. Local Self Government</td>
<td>Revenue</td>
<td>45,000</td>
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<td>6. Co-operation</td>
<td>Revenue</td>
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<td>Capital</td>
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<td>7. Ecclesiastical Department</td>
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<td>8. Education</td>
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<td>9. Power &amp; Irrigation</td>
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<td>10. Establishment Deptt.</td>
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<td>11. Excise (Abkari)</td>
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<td>12. Finance Department</td>
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<td>14. Other Expenditure of the Finance Deptt.</td>
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<td>15. Food Supplies &amp; Fair Price Shops</td>
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<td>16. Forest, Fisheries &amp; Soil Conservation</td>
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<td>17. Motor Vehicles</td>
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<td>20. Administration of Justice</td>
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<td>27. Press, Publicity &amp; Cultural Affairs</td>
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<td>28. Public Works, Roads</td>
<td>Revenue</td>
<td>2,84,35,000</td>
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<tr>
<td>Hotel</td>
<td>Revenue</td>
<td>Capital</td>
</tr>
<tr>
<td>---------------</td>
<td>---------</td>
<td>---------</td>
</tr>
<tr>
<td>29. Tourism</td>
<td>1,27,000</td>
<td>_______</td>
</tr>
<tr>
<td>30. Trade, Industries &amp; Labour</td>
<td>18,000</td>
<td>_______</td>
</tr>
<tr>
<td></td>
<td>1,00,000</td>
<td>_______</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4,77,15,000</td>
<td></td>
</tr>
</tbody>
</table>

**STATEMENT OF OBJECTS AND REASONS**

This Bill is introduced in pursuance of Article 204 (1) of the constitution of India, read with Article 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 1977-78.

KAZI LHENDUP DORJEE KHANGSARPA  
Chief Minister of Sikkim  
Member-in-Charge
Bill No. 12 of 1978

THE SIKKIM APPROPRIATION BILL OF 1978

A

BILL

to authorize 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, 1978-79.

BE it enacted by the Legislature of the State of Sikkim in the Twenty Ninth year of the republic of India as follows:-

1. This Act may be called the Sikkim Appropriation Act, 1978.

2. From and out of the Consolidated Fund of the State of Sikkim for the Financial year 1978-79 may be paid and applied sum not exceeding that specified in column 3 of the Schedule amounting to the sum four crores seventy-seven lakhs twenty-three Lakhs and eighteen thousands of Rupees towards defraying of several course for payment during the financial year 1978-79, in respect of the services specified in column 2 of the Schedule.

3. The sums authorized 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

(See section 2 & 3)

<table>
<thead>
<tr>
<th>No of Vote</th>
<th>SERVICES AND PURPOSES</th>
<th>SUMS NOT EXCEEDING</th>
</tr>
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<tr>
<td></td>
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<td>Voted by the Legis-</td>
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<tr>
<td></td>
<td></td>
<td>lative Assembly</td>
</tr>
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<tr>
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<td></td>
<td>Rs.</td>
</tr>
<tr>
<td>1</td>
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<td>Governor</td>
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<tr>
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<td></td>
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<td>6,37,000</td>
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<td>Co-operation</td>
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<td>Ecclesiastical</td>
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<td>Excise (Abkari)</td>
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<td>13</td>
<td>Income Tax &amp; Sale Tax</td>
<td>Revenue</td>
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<tr>
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<td>14</td>
<td>Other Expenditure of the Finance Deptt.</td>
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<td>Forest, Fisheries &amp; Soil Conservation</td>
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<td>Sikkim Nationalized Transport</td>
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<td>Revenue</td>
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<td>Administration of Justice</td>
<td>5,12,000</td>
<td>4,60,000</td>
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<td>Police</td>
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<td>Medical and Public Health</td>
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<td>Medical and Public Health</td>
<td>44,29,000</td>
<td>93,000</td>
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<td>Panchayat, Rural Works and Social Welfare</td>
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<td>Planning &amp; Development</td>
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<tr>
<td>Press, Publicity &amp; Cultural Affairs</td>
<td>28,17,000</td>
<td>______</td>
</tr>
<tr>
<td>Public Works, Roads, Bridges &amp; Water Supply</td>
<td>6,22,21,000</td>
<td>______</td>
</tr>
<tr>
<td>Public Works, Roads, Bridges &amp; Water Supply</td>
<td>3,76,00,000</td>
<td>______</td>
</tr>
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<td>Tourism</td>
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<td>Industries &amp; Labour</td>
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<td>6,000</td>
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<tr>
<td>Industries &amp; Labour</td>
<td>61,95,000</td>
<td>9,000</td>
</tr>
</tbody>
</table>

**Total** | **----------** | **33,78,40,000** | **44,78,000** | **34,23,18,000**

**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 1978-79.

**KAZI LHENDUP DORJEE KHANGSARPA**  
Chief Minister of Sikkim  
Member-in-Charge
S.O. 64 (E)- In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order to amend the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977, namely:-

1. (1) This Order may be called the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Amendment Order, 1978.

(2) It shall come into force at once.

2. In clause 2 of the Pulses, Edible Oilseeds

   (j) “producer” means a person carrying on the business of milling of the pulses or expelling, extracting or manufacturing any edible oil.

   (i) by buying pulses or edible oilseeds for being processed by himself and selling the finished products to a wholesaler or through a commission agent; or

   (ii) by doing any of the process of milling, expelling, extracting or manufacturing on behalf of another;

3. In sub-clause (1) pf clause 4 of the said Order, for the second, third and fourth provisos, the following provisos shall be substituted, namely:-

   “Provided further where a dealer is also carrying on business as a producer or commission agent, he shall be entitled to retain the stock limits specified in this sub-clause for each such business if such business and accounts thereof are kept separate and distinct from one another;

   Provided also that no producer specified in column (1) of the Table below shall store or have in his possession at any time unmilled pulses, edible oilseeds or mustard seeds, as the case may be, in excess of the quantity specified in the corresponding entry in column (2) of the said Table, and he shall not hold the finished stock in excess of the quantity specified in the corresponding entry in column (3) of the said Table:
<table>
<thead>
<tr>
<th>Producer of pulses</th>
<th>Quantity of unmilled pulses, edible Oilseeds or mustard seeds.</th>
<th>Quantity of finished stock, namely, milled pulses, oil or mustard oil.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Producer who is carrying on business on the commencement of this Order.</td>
<td>Producer who has commenced production after the commencement of this Order.</td>
</tr>
<tr>
<td>1. Producer</td>
<td>One-twelfth of the maximum quantity of pulses used by him in any of the three years ending on the 31st day of October, 1977.</td>
<td>For a period of one year from the date of commencement of his production, one-twelfth of the quantity of pulses that would be required for producing a quantity equal to his annual installed capacity.</td>
</tr>
<tr>
<td>2. Producer</td>
<td>One-eighth of the maximum quantity of edible oilseeds used by him in any of the three years ending on the 31st day of October, 1977.</td>
<td>For a period of one year from the date of commencement of his production one-eighth of the quantity of edible oilseeds that would be required for producing the quantity to his annual installed capacity.</td>
</tr>
<tr>
<td>3. Producer</td>
<td>One-twelfth of the maximum quantity of mustard seeds used by him in any of the three years ending on the 31st day of October, 1977.</td>
<td>For a period of one year from the date of commencement of his production one-twelfth of the quantity of mustard seeds that would be required for producing the quantity of mustard oil equal to his annual installed capacity.</td>
</tr>
</tbody>
</table>

Provided also that where any quantity of pulses edible oils or edible oilseed is in transit, then for the purposes of this sub-clause, such quantity shall be deemed to have been included in the stocks of the dealer in whom the property in such quantity is retained during such transit in accordance with the terms of any contract or agreement in pursuance of which the quantity is put in such transit”.

4. After clause 7 of the said Order, the following clauses shall be inserted namely:-

"7A Power to exempt: The State Government may, it considers it necessity for avoiding any hardship or for any other just and sufficient reason, by notification in the Official Gazette, exempt any producer,"
dealer or commission agent from the operation of all or any of the provisions of this Order either generally or for any specified period subject to such conditions as may be specified in the notification:

Provided that no notification under this clause shall be issued except with the previous approval of the Central Government”.

Sd/- T. Balakrishnan,
Joint Secretary to the Government of India
(F.No. 26 916)/77-ECR)
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 30th day of March, 1978 is hereby published for general information.

SIKKIM ACT NO 2 OF 1978

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) ACT
AN ACT


WHEREAS it is expedient to amend the Gangtok Municipal Corporation Act, 1975 (Act No. IV of 1975) in the manner hereinafter appearing;

It is hereby enacted by the Legislature of the state of Sikkim in the Twenty-ninth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gangtok Municipal Corporation (Amendment) Act, 1978.
   (2) It shall come into force at once.

2. In this Act, the expression “the Act” means the Gangtok Municipal Corporation Act, 1975.

3. In section 3 of the Act, after sub-section (3) the following proviso shall be added-
   “Provided that the Government may by notification nominate a new Councilor or Councilors in the place of the existing councilor or Councilors within the said period of four years.”

4. In section 5 of the act, the “full stop” at the end of Clause (g) of sub Section (1) shall be deleted and a “semicolon” and the word “or” shall be added and after clause (g) so amended the following clauses shall be added-
‘(h) having held any office under the Government of India or the Government of any State, has been dismissed for corruption or disloyalty to the State, unless a period of five years has elapsed since his dismissal; or (i) is disqualified under sub-section (4) of section 8 of the Act.””

Amendment of section 8.

5. In section 8 of the Act

   (1) at the end of Clause (f) of sub-section (1) the ‘full stop’ shall be deleted and a “semicolon” and the Word “or” shall be added and after clause (f) so amended, the following clauses shall be added—
   (g) if he has acted as a Councillor by voting or taking part in the discussion of any matter in which he has directly or indirectly a Personal interest or in which he is professionally interested on behalf or a client, principal or any other person; or
   (h) if he has flagrantly abused his position or has been guilty of gross misconduct in the discharge of his duty as such Councillor.”

   (2) After sub-section (3), the following sub-section shall be added---

   “(4) A person who has been removed from the Councillorship of the Corporation under sub-section (1), shall be disqualified for being elected or nominated and being a Councilor of the Corporation for a period of four years from the date of his removal; Provided that the State Government may at any time by order remove the disqualification”.

Insertion of new section 8 A and 8 B

6. After section 8 of the Act, the following sections shall be inserted.

“ 8 A. (1) where before the expiry of the term of office if a Councillor his seat becomes vacant owing to death, resignation or any other cause, a new councilor shall be nominated or elected as the case may be, in the same manner as is provided for the nomination or election of Councilors under the Act;

   Provided that where the term of an outgoing Councillor would in the ordinary course expire within four months of the occurrence of the vacancy his seat shall be left unfilled unless the Government decide otherwise.

   (2) The existence of a casual vacancy will not at any time render any action of the Corporation invalid or inoperative in anyway whatsoever.

Resignation.

8 B. A Councilor may at any time resign by writing under his hand addressed to the Chairman and his resignation shall take effect from the date of its acceptance by the Councilors at a meeting. In case the Chairman wishes to resign he shall address his resignation letter to the Government and his resignation shall take effect from the date of its acceptance by the Government.”

Amendment of section 12.

7. In section 12, for the words “the corporation may, subject to the Sanction of the State Government” the following words shall be substituted-

“The State Government may”
Amendment of section 20

8. In section 20, for the words “The Corporation may, subject to the Sanction of the State Government”, the following words shall be substituted-----

“The State Government may”.

Insertion of new section 21A

9. After section 21 the following section shall be inserted

“21 A. In addition to the duties and functions already provided for in the Act the State Government may by notification entrust any other duty or function to the corporation and thereafter it shall be the duty of the Corporation to make reasonable provision hereof within the Municipal Corporation limits.”

Amendment of section 28.

10. In section 28 of the Act, for clause (a) the following shall be substituted-----

“(a) a rate on holdings situated within the limits of the Corporation assessed on their annual value including different rates for different grades of valuation.”

Amendment of section 30.

11. For sub-section (20 of section 30 of the Act the following shall be substituted-----

“(2) The rate imposed under clause (a) of section 28 shall be levied in respect of all holdings within the limits of the corporation except------

(a) holdings belonging to the State and Central Government;
(b) holdings used exclusively as a place of public worship or for purposes of public burial or burning ground or as a mortuary;
(c) any holding the annual value of which is less than an amount to be fixed by Government before the close of the year next preceding the year to which such fixation will be applicable.”

Amendment of section 45.

12. In section 45 of the Act the words : in this behalf by the Corporation” appearing at the end shall be substituted by the words “under this Act.”

Amendment of section 50.

13. In section 50 of the act, for the word “rules” appearing in the first line, the word “bye-laws” shall be substituted.

Addition of Section 74A to 74D after section 74

15. In Chapter XV, and after Section 74, the following sections shall be inserted----

“74A. The State Government may at any time call upon the Corporation to furnish it with any information, report or extract from any proceedings of the Corporation or any of its Committees or from any record under the control or the Corporation and with any statistics concerning or connected with the administration of the Act and the Corporation shall furnish the same without unreasonable delay.

74B. (1) In case of emergency the State Government may provide for the execution through such agency and in such manner as it may specify in its order, of any work of the doing of any act which the Corporation or the Executive Officer is empowered to execute or do and or which the immediate execution or doing is, in its opinion, necessary for the safety or protection of the public and may direct that the expenses of executing the work doing the act shall be paid by the Corporation.
(2) If the expenses are not so paid the State Government may make an order directing the person having the custody of the Corporation fund to pay the expenses from such fund.

Suspension of resolution. 74C, (1) If the State government is of the opinion that the execution of any resolution or order of the Corporation or any corporation authority or of any officer or servant of the Corporation or the doing of any act which is about to be done or us being done by or in excess of the powers conferred by the Act or the rules and bye-laws framed under the Act or of any other law for the time being in force or has been passed or made in abuse of any such power or is likely to lead to a breach of peace or to cause obstruction, injury or annoyance to the public or to any class or body of persons or danger to human life, health or safety or is prejudicial to public interest the State Government may, by order in writing, suspend the execution of such resolution or order or prohibit the doing of any such act.

(2) A copy of such order shall forthwith be sent to the Corporation by the State Government.

(3) the State Government may at any time, on representation by the Corporation or otherwise, review, modify or revoke an order passed under sub-section (1).

Supersession. 74D (1) If at any time it appears to the State government that the Corporation is not competent to perform, or is persistently making default in the performance of, duties imposed upon it by or under this Act or any other law f or the time being in force or has exceeded or abused its powers more than once, the State Government may, after having given the Corporation an opportunity to show cause why such order should not be made, by an order published with the reasons thereof in the Official Gazette, supersede the Corporation for such period as may be specified.

(2) The period of supersession specified under sub-section (1) may, if the State Government so consider expedient, be extended from time to time by notification.

(3) When the Corporation is superseded under sub-section (1) the following consequences shall ensue---
(a) all the Councilors of the corporation including the Chairman and Vice-Chairman shall vacate their offices as such from the date of the order of supersession;
(b) all the powers and duties of the Corporation shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may appoint in this behalf form time to time and until a new body of Councilors is elected under the provisions of the Act in pursuance of an order of the state Government issued in this behalf.”

Amendment of section 75. 16. In section 75 of the Act the words “which may extend o five hundred rupees” shall be deleted and for the words “fifty rupees” the words “one hundred rupees “ shall be substituted.

Amendment of section 79. 17. In section 79 for clause 9b) the following clause shall be substituted-
“(b) such person as mentioned in clause (a) shall observe the terms and conditions which may be prescribed by the Corporation by bye-laws”.
18. After section 82 of the Act the following section shall be inserted—

“82A. (1) The chairman, Vice-Chairman, every Councilor and every Officer and servant of the Corporation shall be liable to surcharge for the loss, waste or misapplication of any money or property of the Corporation, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while acting as such Chairman, Vice-chairman, Councilor, officer or servant.”

(2) the procedure of imposing surcharge and the manner of recovery of the amount involved in loss, waste or misapplication shall be such as may be prescribed by rules.

(3) where no proceeding for imposing surcharge is taken the Corporation may with the previous sanction of the Government, institute a suit for compensation against such Chairman, Vice-Chairman, Councilor, officer or servant”.

19. After sub-section (2) of section 84, the following sub-sections shall be added----

“(3) No bye-laws made by the Corporation under the Act shall have any validity unless they are approved by the State Government and, while approving the bye-laws the State Government may make such modification or modifications therein as it may deem fit.

(4) The rules made by the State Government under sub-section (1) and the bye-laws made by the Corporation under sub-section (2) shall take effect from the date of their publication in the Official Gazette.”

By Order of the Governor.

R.K. GUPTA
Secretary to the Government of Sikkim
Legislative Department
No. 16 (6) LL/78
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 30th day of March, 1978 is hereby published for general information.

SIKKIM ACT No. 3 of 1978

THE SIKKIM APPROPRIATION ACT OF 1978

AN

ACT

To authorize 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, 1977-78

BE it enacted by the Legislature of the state of Sikkim in the Twenty-ninth year of the republic of India as follows:-

1. This Act may be called the Sikkim Appropriation Act, 1978.

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 amounting to four crores seventyseven lakhs twentyseven thousands of Rupees towards defraying the charges which will come in course for payment during the financial year 1977-78, in respect of the services specified in Column 2 of the Schedule.

3. The sums authorized 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

(See section 2 & 3)
<table>
<thead>
<tr>
<th>No of Vote</th>
<th>SERVICES AND PURPOSES</th>
<th>SUMS NOT EXCEEDING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Voted by the Legislative Assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rs.</td>
</tr>
<tr>
<td>1</td>
<td>State Legislature Revenue</td>
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<tr>
<td>5</td>
<td>Local Self Govt. Revenue</td>
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<td>6</td>
<td>Cooperation Capital</td>
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<tr>
<td>7</td>
<td>Ecclesiastical Deptt Revenue</td>
<td>1,60,000</td>
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<tr>
<td>8</td>
<td>Education Capital</td>
<td>11,00,000</td>
</tr>
<tr>
<td>9</td>
<td>Power &amp; Irrigation Capital</td>
<td>11,00,000</td>
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<tr>
<td>10</td>
<td>Establishment Deptt Revenue</td>
<td>17,000</td>
</tr>
<tr>
<td>8</td>
<td>Excise (Abkari) Revenue</td>
<td>2,01,000</td>
</tr>
<tr>
<td>9</td>
<td>Power &amp; Irrigation Capital</td>
<td>1,78,24,000</td>
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<tr>
<td>10</td>
<td>Establishment Deptt Revenue</td>
<td>2,33,000</td>
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<tr>
<td>11</td>
<td>Excise (Abkari) Revenue</td>
<td>2,01,000</td>
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<tr>
<td>12</td>
<td>Finance Department Revenue</td>
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<td>14</td>
<td>Other Expenditure Capital</td>
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<td>15</td>
<td>Food Supplies &amp; Fair Price Shops Revenue</td>
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<tr>
<td>16</td>
<td>Forest, fisheries &amp; Soil Conservation Revenue</td>
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<td>17</td>
<td>Motor Vehicles Revenue</td>
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<td>19</td>
<td>Home Department Revenue</td>
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<td>20</td>
<td>Administration of Justice</td>
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<td>21</td>
<td>Police Revenue</td>
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<td>22</td>
<td>Land Revenue Revenue</td>
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<td>23</td>
<td>Law Department Revenue</td>
<td>8,000</td>
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<td>24</td>
<td>Medical Public Health &amp; Social Welfare Revenue</td>
<td>3,10,000</td>
</tr>
<tr>
<td>25</td>
<td>Panchayat &amp; Rural Works</td>
<td>62,000</td>
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<tr>
<td>Department</td>
<td>Revenue</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
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<td>---</td>
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<td>26. Planning &amp; Development Department</td>
<td>18,000</td>
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<td>27. Press, Publicity &amp; Cultural Affairs</td>
<td>3,49,000</td>
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</tr>
<tr>
<td>28. Public Works, Roads Bridges &amp; Water Supply</td>
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</tr>
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<td>29. Tourism</td>
<td>1,27,000</td>
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<td>30. Trade, Industries &amp; Labour</td>
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<td></td>
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<td>Total</td>
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By Order of the Governor,

R.K. GUPTA  
Secretary to the Government of Sikkim  
Legislative Department  
F16 (3) LL/77
SIKKIM ACT No. 4 of 1978

THE SIKKIM APPROPRIATION ACT OF 1978

AN ACT
to authorize 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, 1978-79.

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

1. This Act may be called the Sikkim Appropriation Act, 1978.

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 amounting to the sum of thirty four crores twenty three lakhs twenty- three Lakhs and eighteen thousands of Rupees towards defraying of several charges which will come in course for payment during the financial year 1978-79, in respect of the services specified in column 2 of the Schedule.

3. The sums authorized 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
(See section 2 & 3)

<table>
<thead>
<tr>
<th>No of Vote</th>
<th>SERVICES AND PURPOSES</th>
<th>SUMS NOT EXCEEDING</th>
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<tr>
<td></td>
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<td>Voted by the Legis-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>lative Assembly</td>
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<tr>
<td></td>
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<td>Charged on the Con-</td>
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<tr>
<td></td>
<td></td>
<td>solidated Fund</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rs.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rs.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rs.</td>
</tr>
</tbody>
</table>

<p>| 1. State Legislature | Revenue | 8,60,000 | 55,000 | 9,15,000 |
| Governor             | Revenue | ___      | 6,37,000 | 6,37,000 |
| 2. Cabinet           | Revenue | 11,22,000 | ___ | 11,22,000 |
| 3. Agriculture       | Revenue | 1,46,81,000 | ___ | 1,46,81,000 |
|                      | Capital | 24,80,000 | ___ | 24,80,000 |
| 4. Animal Husbandry &amp; Dairy Development | Revenue | 85,45,000 | ___ | 85,45,000 |
|                      | Capital | 1,02,80,000 | ___ | 1,02,80,000 |
| 5. Local Self Government | Revenue | 19,27,000 | ___ | 19,27,000 |
|                      | Capital | 1,00,000 | ___ | 1,00,000 |
| 6. Co-operation      | Revenue | 17,41,000 | 12,000 | 17,53,000 |
|                      | Capital | 5,32,000 | ___ | 5,32,000 |
| 7. Ecclesiastical Department | Revenue | 8,95,000 | ___ | 8,95,000 |
| 8. Education         | Revenue | 1,76,26,000 | ___ | 1,76,26,000 |
|                      | Capital | 41,50,000 | ___ | 41,50,000 |
| 9. Power &amp; Irrigation| Revenue | 1,78,24,000 | ___ | 1,78,24,000 |
|                      | Capital | 51,96,000 | ___ | 51,96,000 |
| 10. Establishment Deptt. | Revenue | 2,33,000 | ___ | 2,33,000 |
| 11. Excise (Abkari)  | Revenue | 4,91,000 | ___ | 4,91,000 |
| 12. Finance Department | Revenue | 7,60,000 | ___ | 7,60,000 |
| 13. Income Tax &amp; Sales Tax | Revenue | 2,19,000 | ___ | 2,19,000 |
| 14. Other Expenditure of the Finance Deptt | Revenue | 67,88,000 | 11,46,000 | 79,34,000 |
|                      | Capital | 20,00,000 | 17,18,000 | 37,18,000 |
| 15. Food and Civil Supplies | Revenue | 9,56,000 | ___ | 9,56,000 |
|                      | Capital | 6,65,000 | ___ | 6,65,000 |
| 16. Forest, Fisheries &amp; Soil Conservation | Revenue | 1,96,42,000 | 9,000 | 1,96,51,000 |
| 17. Motor Vehicles   | Revenue | 2,06,000 | ___ | 2,06,000 |
| 18. Sikkim Nationalized Transport | Revenue | 1,88,21,000 | ___ | 1,88,21,000 |
|                      | Capital | 42,00,000 | ___ | 42,00,000 |
| 19. Home Department  | Revenue | 25,23,000 | 2,00,000 | 27,23,000 |
|                      | Capital | 20,00,000 | ___ | 20,00,000 |</p>
<table>
<thead>
<tr>
<th>Department</th>
<th>Revenue</th>
<th>Capital</th>
<th>Total</th>
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<tr>
<td>Administration of Justice</td>
<td>5,12,000</td>
<td>4,60,000</td>
<td>9,72,000</td>
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<td>Department</td>
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<td>Press, Publicity &amp; Cultural Affairs</td>
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<td>Capital</td>
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<td>2,75,000</td>
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<td>Public Works, Roads Bridges &amp; Water Supply</td>
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<td>6,22,21,000</td>
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<tr>
<td>Capital</td>
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<td>3,76,00,000</td>
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<td>Tourism</td>
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<td>Capital</td>
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<td>8,00,000</td>
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<td>Industries &amp; Labour</td>
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<td>6,000</td>
<td>70,66,000</td>
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<tr>
<td>Capital</td>
<td>61,95,000</td>
<td>9,000</td>
<td>62,04,000</td>
</tr>
<tr>
<td>Total</td>
<td>33,78,40,000</td>
<td>44,78,000</td>
<td>34,23,18,000</td>
</tr>
</tbody>
</table>

By Order of the Governor.

R.K. GUPTA
Secretary to the Government of Sikkim
Legislative Department
F. 16 (3) LL/78
SIKKIM ACT NO. 5 OF 1978

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS REMOVAL OF DISQUALIFICATIONS ACT, 1978

AN ACT

to declare that certain offices are not to disqualify the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the State of Sikkim.

WHEREAS it is expedient to declare that certain officers are not disqualified the holders thereof for being chosen as, or for being, members of the Legislative Assembly of the State of Sikkim.

It is hereby enacted in the Twenty-ninth Year of the Republic of India by the Legislature of Sikkim, as follows:------

Short title 1. (1) This Act may be called the Sikkim Legislative Assembly Members Removal of Disqualifications Act, 1978.
(2) It shall be deemed to have come into force on the 3rd day of November, 1977.

Definitions. 2. In this Act, unless the context otherwise requires,---
(a) “Compensatory allowance” means any sum of money payable to the holder of an office by way of daily allowance, conveyance allowance, house rent allowance or traveling allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office.
(b) “Legislative Assembly” means the Legislative Assembly of the State of Sikkim
(c) “non-statutory body” means any body of persons other than a statutory body.
(d) “State Government” means the Government of the State of Sikkim.

(e) “Statutory body” means any Corporation, Committee, Commission, Council, Board or other body of persons whether incorporated or not, established by or under any law for the time being in force:

Certain Offices not to disqualify

3. It is declared that none of the following offices under the Government of India or the State government, shall disqualify or be deemed ever to have disqualified the holder thereof for being chosen as or for being, a member of the Legislative Assembly namely:--

(a) the office if the Minister of the State or the Deputy Minister, either for the union or for the State of Sikkim;

(b) the office or a member of any force raised or maintained under the National Cadet Corps Act, 1948, the Territorial Army Act, 1948, or the Reserve and Auxiliary Air Forces Act, 1952;

(c) any office in the home Guard constituted by or under any law for the time being in force under the authority of the State Government;

(d) the office of the Chairman or a member of the syndicate, Senate, Executive Council or Court of University or any Committee, by whatever name called, of any educational institution receiving aid out of the State funds;

(e) the office of the Chairman or a member of the committee of management of a Cooperative Society nominated or appointed by the State Government under any law relating to co-operative societies for the time being in force in the State of Sikkim;

(f) the office of the chairman or a member of the planning Commission or Committee Board of similar other authorities appointed by the State Government;

(g) the office of the Chairman or a member of Labour Commission appointed by the State Government;

(h) the office of the chairman or a member of the pay commission appointed by the State Government;

(i) the office of the chairman or a member or Board of Directors of the State Trading Corporation;

(j) the office of the chairman or a members of the Board of Directors of the State Bank of Sikkim;

(k) the office of the Chairman or a member of the State Electricity Advisory Board or the State Electricity Board appointed by the State Government;

(l) the office of the Chairman or a member of the Sikkim Khadi and Village Industries Board appointed by the State Government;

(m) the office of the Chairman or a member of the Board of Sikkim Nationalised Transport appointed by the State Government;

(n) the office of the Chairman or the member of the Board of Directors of the Sikkim Mining Corporation appointed by the State Government;

(o) the office of the Chairman or a member of the Schedule Caste Welfare Board Appointed by the State Government;

(p) the office of the Block Mandal appointed by the State Government;

(q) the office of the Chairman, Deputy Chairman or a member or Secretary of any Committee, Commission, Corporation or similar other authorities constituted by the Government of India or the State Government or any other authority in respect of any public matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance or any residential accommodation or any arrangement for conveyance to facilitate the performance of the function of such office.
Explanation:----- For the purpose of this Act, the office of Chairman, Deputy chairman or Secretary shall include every office of that description, by whatever name called.

Repeal

4. The Sikkim Legislative Assembly Members Removal of Disqualifications Ordinance, 1977, is hereby repealed.

By Order of the Governor.

B.R. PRADHAN
Secretary to the Government of Sikkim
Law and Legislative Department
F. 16 (39) LL/77
The following Act of the Sikkim Legislative Assembly having received the assent of Government on the 31st day of March, 1978 is hereby published for general information

SIKKIM ACT NO. 6 OF 1978
THE SIKKIM EXCISE (ABKARI) AMENDMENT ACT, 1978
AN ACT
to amend the Sikkim Excise (Abkari) Act, 1971.
WHEREAS it is expedient to amend the Sikkim Excise (Abkari) Act, 1971 in the manner hereinafter appearing;

Short Title & Commencement
1. (1) This Act may be called the Sikkim Excise (Abkari) Amendment Act, 1978.
(2) It shall come into force at once.

Amendments to Sikkim Excise (Abkari) Amendment Act, 1971
2. In the Sikkim Excise (Abkari) Act, 1971,-----
(1) for the expression “Executive Excise Officer”, whenever it occurs, the
expression “Commissioner of Excise” shall be substituted.
(ii) for sub-section (c) of Section 1, the following sub-section shall be and shall
Always be deemed to have been substituted:-----
“(c) it shall come into force at once.”

Validation
3. All acts done and actions taken (including notifications issued, appointments made
rules and regulations framed taxes fees and fines imposed, expenses incurred,
license, permit and pass granted, seized or cancelled and orders passed) under the
Sikkim Excise (Abkari) Act, 1971, shall be deemed to have been done and taken
under the Sikkim Excise (Abkari) Amendment Ordinance, 1978, is hereby repealed.

By Order of the Governor.

B.R. PRADHAN
Secretary to the Govt. of Sikkim
Law and Legislative Department
F16 (42) LL/77
SIKKIM ACT NO. 7 OF 1978

THE SIKKIM ESSENTIAL SERVICES MAINTENANCE ACT, 1978
AN ACT

to make provisions for the maintenance of certain essential services and the normal life of the community.
WHEREAS it is expedient to make provisions for the maintenance of certain essential services and the normal life of the community.
It is hereby enacted in the Twenty-ninth Year of the republic of India by the Legislature of Sikkim, as follow:-

1. (1) This Act may be called the Sikkim Essential Services Maintenance Act, 1978.
   (2) It shall remain in force for a period of three years from the date of its Commencement.

2. In this Act, unless the context otherwise requires;-
   (a) “Essential Service” means-----
   (i) any service connected with the supply of water;
   (ii) any service connected with any department of the State Government or any local authority relating to procurement, storage, distribution and supply of food and other essential commodities;
   (iii) any service connected with the supply of electricity;
   (iv) any service connected with medical aid, treatment or administration of hospitals Dispensaries and other similar establishments or institutions;
   (v) any service connected with any department of the State Government or any local authority or other organization or institution relating to fire-service, extinguishment or control of fire, or conservancy or drainage or sanitation;
   (vi) any transport service for the carriage of passenger or goods;
   (vii) any service connected with the loading, unloading or storage of goods;
(viii) any other service which the State government, being of opinion that strikes therein would prejudicially affect the maintenance of any public service, the public safety or the maintenance of supplies and service necessary for the life of the community or would result in the infliction or grave hardship on the community, may, by notification in the official Gazette declare to be an essential service for the purpose of this Act.

(b) “Strike” means the cessation of work by persons employed in any essential service acting in combination or a consorted refusal or a refusal under common understanding or any number of persons who are or have been so employed to continue to work or to accept employment, and includes-----

(a) refusal to work over time where such work is necessary for the maintenance of any essential service;
(b) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

Power to prohibit Strikes in essential Services 3. (1) If the State 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 under sub-section (1) shall be published in the Official Gazette or in such manner remain in force for a period of six months only from the date of the Order unless any shorter period is specified therein.
(3) Upon the issue of an Order 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 commence, whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

Punishment. 4. Any person,-----
(a) who commences a strike which is illegal under this Act or goes or remains on, or otherwise takes part in any such strike, or
(b) who instigates, or incites other persons to take part in or otherwise acts in furtherance of a strike which is illegal under this Act, or
(c) who knowingly expends or supplies any money in furtherance or support of a Strike which is illegal under this Act, or
(d) who, by the use of force or show of force or otherwise, prevents or attempts any other person employed in any essential service, specified in the Order issued under sub-section (1) of Section 3, from performing his duties under such employment, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees or with both.

Offence to be cognizable and non-bailable 5. Any offences under this Act shall be cognizable and non-bailable.

Repeal 6. The Sikkim Essential Services Maintenance Ordinance, 1977, is hereby repealed.

By Order of the Governor.

B.R. PRADHAN
Secretary to the Government of Sikkim
Law and Legislative Department
F. 16 (40)LL/77
SIKKIM ACT NO. 8 OF 1978
THE SIKKIM POLICE (REPEALING) ACT, 1978

AN ACT
to appeal the Sikkim Police Act, 1969;

WHEREAS IT IS EXPEDIENT TO HAVE THE Police Act, 1861, extended to and enforced in the State of Sikkim;

AND WHEREAS it is necessary to repeal the Sikkim Police Act, 1969, immediately with the extension and enforcement of the Police Act, 1861 in the State of Sikkim.

It is hereby enacted by the Legislature of the State of Sikkim in the Twenty-ninth year of the republic of India as follows:-

Short title and extent 1. (1) This Act may be called The Sikkim Police (Repealing)Act, 1978;
(2) IT extends to the whole of Sikkim.

Repeal of the Sikkim Police Act 1969. 2. On and immediately with effect from the extension to and enforcement in the State of Sikkim of the Police Act, 1861, the Sikkim Police Act, 1969, shall stand repealed and the entire Police establishment constituted under the Sikkim Police Act, 1969 shall be deemed to be constituted under the provisions of the Provisions of the Police Act, 1861

Savings 3. Notwithstanding the repeal of the Sikkim Police Act, 1969, the repeal shall not---- (a) affect the previous operation of the said Act or anything duly done or suffered thereunder; or (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the said Act, or
(c) affect any penalty, forfeiture or punishment incurred under the said Act or
(d) affect any investigation, legal proceeding or remedy in respect or any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid.

and any such investigation, legal proceeding or remedy may be instituted mentioned or enforced and such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

By Order of the Governor,

B.R. PRADHAN
Secretary to the Government of Sikkim
Law and Legislative Department
F. 16 (48)LL/77
The following Act of the Sikkim Legislative Assembly having received the assent of Government on the 31st day of March, 1978 is hereby published for general information

SIKKIM ACT NO. 9 OF 1978
THE SIKKIM CIVIL COURT ACT, 1978
AN ACT
to consolidate the law relating to Civil courts subordinate to the high court in the State of Sikkim
WHEREAS it is expedient to consolidate the law relating to Civil courts subordinate to the High court in the State of Sikkim;
It is hereby enacted in the Twenty-ninth Year of the republic of India by the Legislature of Sikkim as follows:------

CHAPTER I.
PRELIMINARY

1. (1) This Act may be called the Sikkim Civil courts Act, 1978.
(2) IT shall come into force on such date as the State Government may by Notification in the Official Gazette appoint.

CHAPTER II
CONSTITUTION OF CIVIL COURTS

2. Besides the High Court and the Courts constituted under any other law for the time Being in force, there shall be the following classes of Civil courts, namely:------
(1) the court of the District Judge;
(2) the court of the Additional district Judge; and
(3) the Court of the civil Judge.

3. The State Government may increase or otherwise alter the number of the District Judge, the Additional District judge and the Civil Judge now fixed.
Vacancies among District or Civil Judges

4. (1) whenever the office of any Judge is vacant by reason of the death, resignation, removal of the judge or other cause, or whenever an increase in the number of Judge or Judges has been made under the provisions of Section 3, the High Court or, as the case may be, the State Government may fill up the vacancy or make the appointments.

(2) Nothing in this Section shall prevent the State Government from appointing a Civil Judge to discharge, for such period as it thinks fit, in addition to the functions devolving on him as such Civil judge, all or any of the functions of the court of any other Civil Judge.

Additional District Judge

5. (1) If by reason of any increase in the business in the Court of the District Judge or for any other reason, the Government thinks fit so to do, it may, in consultation with the High Court, appoint such Additional District Judges as may be requisite, in accordance with the provisions of Article 233 of the Constitution of India.

(2) Additional District Judges so appointed shall discharge any of the functions of The District Judge which the District Judge may assign to them and in the Discharge of those functions, shall exercise the same powers as the District Judge.

Administrative Control of courts

6. Subject to the provisions of the Constitution of India, the District Judge shall have administrative control over all the Civil Courts under this Act.

Temporary charge of the District Court

7. (1) In the event of the death, resignation or removal of the District Judge, or his absence from the place at which his court is held, the senior Additional District Judge present thereat, or if, an Additional District Judge is not present at that place the Senior Civil Judge present thereat, shall without relinquishing his ordinary duties, assume charge of the office of the District Judge and shall continue in charge thereof until the office is resumed by the District Judge or assumed by an officer appointed thereto.

(2) While in charge of the office of the district Judge, the Additional District Judge or the Civil Judge, as the case may be, may, subject to any rules and to any general or special direction which the High Court may make in this behalf, exercise any of the powers of the District Judge.

Transfer of Proceeding on vacation of office of office of Additional District Judge.

8. (1) In the event or the death, resignation or removal of an Additional District Judge, or his being incapacitated by illness or otherwise for the performance of his duties, or his absence from the place at which his Court is held, the District Judge may transfer all or any of the proceedings pending in the Court of the Additional District Judge either to his own court or to the Court of any other Additional District Judge.

(2) The District Judge may re-transfer to the court of the Additional district Judge, or his successor any proceeding transferred under sub-section 910 to his own Court or the Court of any other Additional District Judge.

Transfer to proceedings Or vacation of office of Civil Judge.

9. (1) In the event of the death, resignation or removal of a Civil Judge, or of his being incapacitated by illness or otherwise for the performance of his duties, or of his absence from the place at which his court is held, the District Judge may transfer all or any of the proceedings pending in the Court of the Civil Judge either to his own Court or to any court under his administrative control competent to dispose of them.

(2) Proceedings transferred under sub-section (1) shall be disposed of as if they had been instituted in the Court to which they are so transferred.
(3) The District Judge may re-transfer to the Court of the Civil Judge or his successor any proceedings transferred under sub-section (1) to his own or any other Court.

(4) For the purpose of proceedings which are not pending in the court of the Civil Judge and with respect of which that Court has exclusive jurisdiction, the district Judge may exercise all or any of the jurisdiction of that Court on the occurrence of an event referred to in sub-section (1).

Power to fix local limits of jurisdiction of Courts

10. (1) The State Govt. may, in consultation with the High Court, by notification on the official Gazette, fix and alter the local limits of the Jurisdiction of any Civil Court under this Act.

(2) If the same local jurisdiction is assigned to two or more Civil Judges, the Judges, the District Judge may, subject to any general or special orders of the High Court, assign to each of the m such Civil business cognizable by a Civil Judge and arising from such local area within the local jurisdiction, as he thinks fit.

(3) When civil business arising in any local area is assigned by the District Judge under sub-section (2) to one or two or more Civil Judges, a decree or order passed by the Civil judge shall not be invalid by reason only of the case, in which it was made, having arisen wholly or in part in a place beyond the local area if that place is within the local limits fixed by the State Government.

(4) The present local limits of the jurisdiction of every Civil Court under this Act shall be deemed to have been fixed under this Section.

Place of sitting of Courts

11. (1) The State Government may, in consultation with the High court, by notification in the Official Gazette, fix and alter the place or places at Which any Civil court under this Act is to be held.

(2) All places at which any such courts are now held shall be deemed to have been fixed under this section.

Vacation of Court

12. (1) The days to be observed in each year as closed holidays in the Civil Courts under this Act shall be in accordance with the list as may be prepared by the High Court for the purpose.

(2) The list shall be published in the Official Gazette.

(3) A judicial act done by a Civil Court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

Seals of Courts.

13. (1) Every Civil Court under this Act shall use a seal of such from and dimension as are prescribed by the High Court.

(2) Until seals are prescribed under sub-section (1) the Civil Courts under this Act shall continue to use such seals as are now used by such Courts.

Continuance of proceeding of Court Ceasing to have jurisdiction

14. (1) where and Civil court under this Act has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to that case which, if that Court had not ceased to have jurisdiction, might have had therein, may be had in the court to which the business of the former Court has been transferred.
(2) Nothing in this Section applied to cases for which provisions have been or are made in any other law for the time being in force.

**CHAPTER III. JURISDICTION OF COURTS**

**Extend of original jurisdiction of District Judge**

15. Save as otherwise provided in any law for the time being in force, the jurisdiction of a District Judge extends to all original suits for the time being cognizable by Civil Courts.

**Extent of Jurisdiction of Civil Judge**

16. (1) Save as aforesaid and subject to the provisions of sub-section (2), the jurisdiction of a Civil Judge shall extend to all suits of which the value does not exceed ten thousand rupees.

(2) The State Government may, on the recommendation of the High Court, direct, by notification in the Official Gazette, with respect to any Civil Judge named therein that his jurisdiction shall extend to all like suits of such value not exceeding twenty thousand rupees as may be specified in the notification:

Provided that the State Government may, by notification in the Official Gazette, delegate to the High Court its power under this Section.

**Appeal from District And Additional District Judges.**

17. (1) Save as otherwise provided in any law for the time being in force, an appeal from a decree or order of the District Judge or an Additional District Judge shall lie to the High Court.

(2) An appeal shall not lie to the High Court from a decree or order of an Additional District Judge in any case in which, if the decree or order had been made by the District Judge, an appeal would not lie to that Court.

**Appeals from Civil Judge**

18. (1) Save as aforesaid, an appeal from a decree or order of a Civil Judge shall lie;

(a) to the District judge where the value of the original suit in which or in any proceeding arising out of which the decree or order was made did not exceed five thousand rupees, and

(b) to the High Court in any other cases.

(2) Where the function of receiving any appeals which lie to the District Judge under sub-section (1) has been assigned to an Additional District Judge, the appeal’s may be preferred to the Additional District Judge.

**CHAPTER IV SUPPLEMENTARY PROVISIONS**

**Judges not to try suits in which they are interested.**

19. (1) the presiding Officer of a Civil court under this Act shall not try any suit or other proceeding to which he is a party or in which he is personally interested.

(2) the presiding Officer of an appellate Civil Court under this Act shall not try an appeal against a decree or order passed by himself in another capacity.

(3) When any such suit, proceeding or appeal as is referred to in sub-section
(1) or sub-section (2) comes before any such officer, the officer shall forthwith transmit the record of the case to the District Judge with a report of the circumstances attending the reference.

(4) The District Judge shall thereupon dispose of the case himself or transfer the case to any other Court of competent jurisdiction.

Savings. 20. All Civil courts, except the high Court of Sikkim exercising jurisdiction in the State of Sikkim immediately before the commencement of this Act shall deem to have been duly constituted and to be exercising jurisdiction under the provision of this Act and all appointments, nominations rules and orders made, jurisdiction and powers conferred and all other actions done or taken relating to such Civil courts, or purporting expressly or impliedly to have been so made, conferred, done or taken under the provisions of this Act.

Repeal. 21. All laws including rules, regulations, notifications, orders or instructions, in force immediately before the commencement of this Act, in so far they are inconsistent with the provisions of this Act shall to the extent of such inconsistency, cease to have effect and stand repealed from the date of such commencement.

By Order of the Governor.

B.R. PRADHAN,
Secretary to the Government of Sikkim
Law and Legislative Department
F. 16 (44) LL/77
The following Act of the Sikkim Legislative Assembly having received the assent of Government on the 31st day of March, 1978 is hereby published for general information.

SIKKIM ACT NO. 10 OF 1978
SIKKIM SALARIES AND ALLOWANCES (AMENDMENT) ACT, 1978
AN
ACT
To amend the Sikkim Salaries and Allowances Act, 1977;
WHEREAS it is expedient to amend the Sikkim Salaries and Allowances Act, 1977, in the manner hereinafter appearing:
Be it enacted by the Legislature of the State of Sikkim in the Twenty-ninth Year of the republic of India as follows:-

1. This Act may be called the Section 3 of Sikkim Salaries and Allowances (Amendment) Act, 1978.

2. (1) In sub-section (3) of Section 3 of Sikkim Salaries and Allowance Act 1977, the words “or a Committee” shall be and shall always be deemed to have been deleted.

(2) Section 7 of Sikkim Salaries and Allowances Act, 1977, shall be and shall always be deemed to have been numbered as sub-section (1) there of and after sub-section (1) so numbered the following shall be and shall always be deemed to have been added as sub-section (2),

“(2) The embers shall be entitled to such traveling allowances and facilities at such rates and subject to such conditions as may be prescribed, for attending the meeting of a Committee”

By Order of the Governor,

B.R. PRADHAN,
Secretary to the Government of Sikkim
Law and Legislative Department
F. 16 (11) LL/77
The following Act of the Sikkim Legislative Assembly having received the assent of Government on the 31st day of March, 1978 is hereby published for general information.

SIKKIM ACT NO. 11 OF 1978
THE SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1978
AN ACT
To provide for the establishment of a Board for the development of the Khadi and Village Industries in the State of Sikkim and for matters connected therewith.

Be it enacted by the Legislative Assembly of the State of Sikkim in the Twenty-ninth Year of the Republic of India as follows:-

CHAPTER I
PRELIMINARY

1. (1) This Act may be called the SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1978.
(2) It extends to the whole of Sikkim.
(3) It shall come into force in such date as the State Government may by a notification in the Official Gazette appoint in this behalf.

2. In this Act, unless the context otherwise requires------
(a) “Board” means the Sikkim Khadi & Village Industries Board established under Section 3.
(b) “Khadi & Village Industries Commission” means the Khadi & Village Industries Commission of India established under Section 4 of the Khadi & Village Industries Commission Act, 1956 (Central Act 61 of 1956).
(c) “Khadi” means any cloth woven on handlooms in India from cotton, silk or woolen yarn handspun in India or from a mixture of two or all of such yarns and shall include ready-made garments made out of such cloths.
(d) “Village Industries” means:------
(i) all or any of the Industries specified in the schedule to the Khadi and 
Village Industries commission Act, 1956, and includes any other 
industry deemed to be specified in the said schedule by reason of a 
notification issued by the Government of India under Section 3 of the 
said Act, and 

(ii) any other industry specified in this behalf by the Government by 
notification in the Official Gazette in consultation with the Khadi & 
Village Industries Commission of India and the Board.

(e) “Government” means the Government of Sikkim.

(f) “Prescribed” means prescribed by rules made under this Act.

(g) “Regulations” means regulations made by the Board under this Act.

(h) “Chairman” means Chairman of the Board.

(i) “Vice-Chairman” means Vice-Chairman of the Board.

(j) “Members” means members of the Board.

CHAPTER II
THE SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD

Establishment and constitution of Board

3. With effect from such date as the Government may, by Notification, fix 
in this behalf, there shall be established a Board to be called the Sikkim 
Khadi and Village Industries Board. It shall be a body corporate by the name 
Aforesaid having perpetual succession and a common seal, with power to 
aquire, hold and dispose of property and to contract and may, by the said 
name, sue and be sued.

Constitution of the Board

4 (a) The Board shall consist of not less than seven and not more than eleven 
members, all of whom shall be non-officials who are already interested in 
constructive activities relating to and who have abiding interest in the 
Khadi and Village Industries programme.

(b) One of the members of the Board shall be appointed by the Government 
as the Chairman of the Board.

(c) The Government may appoint one of the other members as the Vice-
Chairman who shall exercise such of the powers and perform such 
of the duties of the chairman as may be presribed or as may be 
delegated to him by the Chairman.

(d) The Government shall, after consultation with the Board, appoint a 
member other than the Chairman and the Vice-Chairman to be the 
Secretary of the Board.

(e) The appointments of Chairman, Vice-chairman and Secretary shall be 
made by the Government in consultation with the Khadi and Village 
Industries Commission.

(f) In the event of any vacancy in the officer of a member of the Board by 
reason of death, resignation or removal such vacancy shall be filled in 
by appointment by the Government and the member appointed in such 
vacancy shall hold office for the unexpired term of his predecessor.

(g) The Chairman, Vice-Chairman and the other members of the Board 
shall receive such allowances as may be prescribed and all such 
allowances shall be paid from the fund of the Board.

5. (i) The Government shall appoint a person not being a members if the 
Board to be the Financial Adviser to the Board. The Financial Adviser 
may also function as the Chief Accounts Officer.

(ii) The term of office the conditions of service and the functions of the
Financial Adviser shall be as such may be prescribed in consultation with the Khadi and Village Industries Commission.

6. Any member of the Board may resign his office by giving notice in writing to the Government and on such resignation being notified in the Official Gazette by the Government, shall be deemed to have vacated his office.

Proceedings presumed to be good and valid

7. No act or proceeding of the Board shall be questioned or invalidated merely by reason or any vacancy in its membership on account of resignation, death or otherwise, or by reason of any defect in the constitution thereof.

Temporary association of persons with the Board for particular Purpose

8. (1) The Board may associate with itself in such manner and for such purpose as may be determined by regulations made under this Act, any person whose assistance or advice it may desire in complying with any of the provisions of this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have the right to take part in the discussion of the Board relevant to that purpose, but shall not have the right to vote and shall not be a member for any purpose.

(3) The Government may, by order, depute one or more officers of the Government to attend any meeting of the Board and take part in the discussion of the Board but such officer or officers shall not have the right to vote.

(4) All questions at a meeting of the Board shall be decided by the majority of the votes of the members present and voting and in the case of an equality of votes the Chairman or, in his absence, the person presiding shall have a second or casting vote.

(5) The proceeding of the meeting of the Board shall be forwarded to the Government and the Khadi and Village Industries Commission within fifteen days of every meeting.

Terms of office and conditions of services of Chairman, Secretary, Vice-chairman, & other members of the Board

10. The term of office and the term and conditions of services of the Chairman, the Vice-chairman, the Secretary and other members of the Board shall be such as may be prescribed.

Powers and duties of the Secretary

11. The secretary shall exercise such powers and discharge such duties as may be prescribed or as may from time to time, be delegated to him by the Government or by the Chairman.

Officers and servants of the Board and the conditions of their services

11 A. (1) (a) The Board shall appoint an Executive Officer to manage the affairs of the Board, who shall also function as Secretary to the Board.

(b) The functions, duties and powers of the Executive Officer shall be such as may be fixed by the Board.

(c) The Executive Officer may be a Government servant whose services are placed at the disposal of the Board by the Government and of he is Government servant, his remuneration, allowances and other conditions of services shall be such as may fixed by the Board with the prior approval of the Government.

(2) The Board may appoint such other officers and servants as it may
provide that the Board may delegate its powers in this behalf to the Chairman or other members or officers of the Board.

(3) Subject to the provisions of clause (c) of sub-section (1), the remuneration, allowances and other conditions of service of the officers and servants of the Board shall be such as may be determined by regulations.

Standing Finance Committee

12. The Board may constitute from among the member of the board a Standing Finance committee to exercise such powers and perform such functions relating to finances of the Board as may be laid down by regulations made by the Board.

Appointment of other committees

13. Subject to any rules made in this behalf, the Board may from time to time appoint one or more committees for the purpose of securing the efficient discharge of its functions and, in particular, for the purpose of securing that the functions are discharged with regard to the circumstances and requirements of Khadi or any particular village Industry. Such committees may be appointed for any specific areas.

CHAPTER III
FUNCTIONS AND POWERS OF THE BOARD

Functions of the Board

14. (1) It shall be the duty of the Board to encourage, organize, develop and regulate Khadi and Village Industries and perform such functions as the Government may prescribe from time to time.

(2) Without prejudice to the generally of the provisions of Sub-section (1), the Board shall also in particular, discharge and perform all or any of the following duties and functions, namely:

(a) to start, encourage, assist, and carry on Khadi and Village Industries and to carry on trade or business in such industries and in matters incidental to such trade or business.

(b) to help the people by providing them with works in their homes and to give loans and other forms of monetary help to individuals or societies or institutions on such terms as may be prescribed.

(c) to encourage establishment of co-operative Societies for Khadi and Village Industries.

(d) to conduct training centres and to train people thereat with a view to equip them with the necessary knowledge for starting or carrying on Khadi and Village Industries.

(e) (i) to manufacture tools and implements required for carrying on Khadi and Industries and to manufacture the product of such industries.

(ii) to arrange for the supply of raw materials and tools and implements required for the said purpose and

(iii) to sell and to arrange for the sale of the products of the said Industries.

(f) to arrange for publicity and popularizing of the finished products of Khadi and village Industries by opening stores, shops, emporia or exhibitions and to take similar measures for the purpose.

(g) to endeavour to educate public opinion and to impress upon the public and advantages of patronizing the products of Khadi and village Industries.
<table>
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<tr>
<th>General powers of the Board</th>
<th>15. Subject to the other provisions of this act the Board shall for the purpose of carrying out its functions under this Act, have the following Powers namely:------</th>
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<td>(i) to acquire and hold such a movable and immovable property it deems necessary and to lease, sell or otherwise transfer any such property. Provided that any lease, sale, mortgage, hypothecation or other transfer to any person or authority other than Khadi and Village Industries Commission of any immovable property belonging to the Board shall be null and void unless it is sanctioned by the Government.</td>
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<td>(ii) to incur expenditure and undertake any work in any area of Sikkim for the framing and execution of such schemes as it may consider necessary for the purpose of carrying out the provisions of this Act, or such functions as may be entrusted to it by the Government.</td>
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<td>Power to make contracts:</td>
<td>16. (1) The Board may enter into and perform all such contracts as it may consider necessary or expedient for carrying out any of the purposes of this Act.</td>
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<td>(2) Every contract shall be made on behalf of the Board by its Chairman. Provided that the Chairman, may, by an order in writing, delegate his powers in this behalf to the Vice-chairman or the Executive Officer.</td>
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<td>(3) Every contract made on behalf of the Board shall, subject to the provisions of this section, be entered into such manner and forms as may be prescribed.</td>
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<td>(4) A contract not executed in the manner provided in this section and The rules made thereunder, shall not be binding on the Board.</td>
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<td>Power to the Khadi &amp; Village Industries commission to give Directions</td>
<td>17. In the performance of its functions under this Act, the Board shall be bound by such directions as the Khadi and Village Industries Commission may give to it from time to time.</td>
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<td>Preparation &amp; submission of programme</td>
<td>18. (1) In each year, on such date as may be fixed by the Government, the the Board shall prepare and forward to the government a programme of work.</td>
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<td>(2) The programme shall contain:---</td>
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<td>(a) particulars of the scheme which the Board proposes to execute Whether in part or whole during the next year.</td>
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<td>(b) particulars of any work or undertaking which the Board proposes to execute during the next year for the purposes of carrying out its functions under this Act, and</td>
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Sanction of programme 19. The Government may in consultation with the Khadi and Village Industries commission approve and sanction the programme in whole or With such modifications as it deems fit.

Supplementary programme 20. The Board may prepare and forward a supplementary programme for the Sanction of the Government ion such form and before such date as the Government may prescribe and the provisions of section 18 shall apply to such supplementary programme.

Power of Board to alter scheme. 21. The Board may with the previous approval of the Khadi & Village Industries commission make an alteration in any scheme so long as the aggregate amount sanctioned for the scheme is not exceeded. A report of alteration shall be sent to the Government in such form and within such time as may be prescribed.

CHAPTER V
FINANCE, ACCOUNTS. AUDIT AND REPORTS

Transfer of property 22. The Government of Sikkim may transfer to the Board buildings, land or any other property, whether movable or immovable for use and management by the Board on such conditions and limitations as the Government may deem fit for the purposes of this Act.

Funds of the Board. 23. (1) The Board shall have its own fund and all receipts of the Board shall be credited thereto, and all payments by the Board shall be met therefrom.

(2) The Board may, subject to the provisions of this Act, and the rules Made thereunder accept grants, subventions donations and gifts and receive loans from Government, the Khadi and Village Industries Commission of India or a local authority or any body or association, whether incorporation or not, or an individual for all or any of the purpose of this Act. IT may also create reserves for irrecoverable losses and losses in direct trading activities.

(3) All moneys belonging to the Fund of the board shall be deposited in such Bank as may be approved by the Government on and at places where there is no such Bank, in a Government Treasury or be invested in such securities as may be approved by the Government.

(4) The accounts of the Board shall be operated upon by such officers Jointly or individually as may be authorized by the Board.

Application of fund and property 24. All property, fund and other assets of the Board shall be held and applied by it, subject to the provision and for the purposes of the Act.

Subventions and loans to the Board 25. (1) The Government may, from time to time, make subventions and grants to the Board for the purposes of this Act on such terms and conditions as the Government may determine in each case. Establishment expenditure of the State Board will be the sole-responsibility of the Government. Similarly it may grant subventions compensating irrecoverable debts.
(2) The Board may, from time to time, with the previous sanction of the Government and subject to the provisions of this Act and such conditions as the Government may determine, borrow any sum required for the purposes of this Act. Provided that the previous sanction of the government shall not be necessary to borrow any sum from the Khadi and Village Industries Commission.

Budget

26. (1) The Board shall, by such date in each year as may be prescribed, prepare and submit to the Government for approval the budget in the prescribed for the next financial year showing the estimated receipts and expenditure in respect of Khadi and Village Industries Board respectively during that financial year. The Board shall forward a copy of the annual budget to the Khadi and Village Industries Commission for information.

(2) Subject to the provisions of sub-section (3) and (4) no sum shall be expended by or on behalf of the Board unless such expenditure is covered by a specific provision in the budget as approved by the Government.

(3) The Board, may, within the respective limits of the budget sanction any re-appropriation for one head of expenditure to another or from A provision made for one scheme to that in respect of another.

Provided that no r-appropriation from the head “Loan” to any other Head of expenditure and vice versa in the budget shall be sanctioned By the Board except with previous Industries Commission.

(4) The Board may, within such limits and subject to such conditions may be prescribed incur expenditure in excess of the limit provided in the budget approved by the Government under any head of expenditure or in connection with any particular scheme so long as long as the aggregate amount in either budget approved by the Government is not exceeded.

Supplementary Budget

27. The Board may submit a supplementary budget for the sanction of the Government in such form and before such date as may be prescribed and the provisions of Section 26 shall apply to such supplementary budget.

Annual Report

28. (1) The Board shall prepare and forward to the Government in such manner as may be prescribed an annual report within three months from the end of the financial year giving a complete account of its activities during the previous financial year along with a copy of the annual statement of accounts referred to in section 30.

(2) The Board shall prepare and forward to the Khadi and Village Industries Commission an annual report within three months from the end of the financial year giving a complete account of the funds received by the Board from the Commission and the activities carried on by the Board form and out of such fund during the previous financial year.

(3) The report received by the Government under sub-section (1) shall be laid before the Sikkim Legislative Assembly as soon as may be, after it is received by the Government.

Returns and reports

29. (1) The Board shall furnish to the Government and the Khadi and Village Industries Commission at such time and in such form and
manner as may be prescribed or as the Government or the Khadi and Village Industries Commission may require such returns and statements and such particulars in regard to any proposal or existing programme for the promotion and development of Khadi and Village Industries as the Government may from time to time, require.

(2) Without prejudice to the provisions of sub-section (1), the Board Shall, as soon as possible after the end of each financial year, submit to the Government a report in such form and before such date as may be prescribed giving a true and full account of its activities, policy and programme during the previous financial year.

(3) All returns, statement and particulars furnished by the Board to the Government under sub-section (1) shall, as soon as possible after they are so furnished, be placed on the table of the Sikkim Legislative Assembly.

30. (1) the board shall maintain proper accounts and other relevant records and prepare an annual statement of account including the profit and loss accounts and the balance sheets in such form as may be prescribed.

(2) The accounts of the Board shall be audited by such person as the Government may appoint in this behalf.

(3) The Auditors appointed by the Khadi and Village Industries Commission shall have the right to audit and inspect the accounts of the Board pertaining to the funds advanced by the Khadi and Village Industries Commission.

(4) The persons appointed under sub-section (2) and (3) shall, in connection with such audit have such rights privileges and authority as may be prescribed and in particular shall have the right to demand the production of books, accounts, connected vouchers and other documents and to inspect any of the offices of the Board.

(5) The accounts of the Board as certified by such auditor together with the audit report thereon shall be forwarded annually to the Government and the Khadi and Village Industries Commission before such date as the Government may specify in this behalf.

(6) The Board shall comply with such directions as the Government may, after perusal of the report of the auditor, think fit to issue.

CHAPTER VI
MISCELLANEOUS

Member of Board and 31. Members of the Board and officers and servants of the board shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Officers & servants of Board to be Public 32. No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or purported to be done by or under this Act.

servants

Protection of action taken under this Act.

Power to make rule. 33. (1) The Government may by notification in the Official Gazette, make Rules to give effect to the provisions of this Act.
(2) In particular and without prejudice to generality of the foregoing powers such rules may provide for or any of the following matters. namely:
   (a) the place at which the office of the Board shall be located.
   (b) The term of office of, and the manner of filling casual vacancies among the members of the Board and the terms and conditions of service of the Chairman, the Vice-Chairman, the Secretary and the other members of the Board, including the salaries and allowances to be paid to them and traveling and daily allowances to be drawn by them;
   (c) the disqualification for membership of the Board and the procedure to be followed for removing a member who is or becomes subject to any disqualifications;
   (d) powers and duties to be exercised and performed by the Chairman and the Vice-Chairman.
   (e) the conditions subject to which and the mode in which, contracts may be entered into by or on behalf of the Board;
   (f) constitution of the Standing Finance Committee and other committees;
   (g) the procedure to be followed in the performance of duties by members of the Board.
   (h) the powers and duties to be exercised and discharged by the Secretary, the Financial Adviser the Executive Officer of the Board;
   (i) the date by which and the form in which the budget and the supplementary budget shall be prepared and submitted in each year.
   (j) the procedure to be followed for placing the Board in possession of funds;
   (k) the procedure to be followed and the conditions to be observed in borrowing moneys and in granting loans;
   (l) the form and manner in which the accounts of the Board shall be maintained;
   (m) the form and manner in which the returns, reports or statements shall be submitted; and
   (n) any other matter which is required to be prescribed.

34. (1) The Board, with the previous sanction of the Government, by notification, make regulations not inconsistent with this Act and the rules made thereunder for enabling it to perform its function under this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:-

(a) the terms and conditions of appointment and service and the scales of pay of officers and servants of the Board other than the Secretary including the payment or traveling and daily allowances in respect of journeys undertaken by such officers and servants for the purposes of this Act.
(b) the time and place of meetings of the Board, the procedure to be followed in regard to transaction of business at such meetings and the quorum necessary for the transaction of such business at a meeting;
(c) functions of committees and the procedure to be followed by such committees in the discharge of their functions;
(d) the delegation of powers and duties to the standing finance Committee, Secretary or any employees of the Board;
(e) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to the Government and the Khadi and Village Industries Commission;
(f) the persons by whom and the manner in which payments deposits and investments may be made on behalf or the Board;
(g) the custody of moneys required for the current expenditure of the Board and investment of moneys not so required;
(h) the maintenance of accounts.

(3) The Government may, by notification, rescind any regulation made under this Section and thereupon, the regulation shall cease to have effect.

Dissolution of the Board

35. (1) If at any time the Government is satisfied that:

(a) the Board has without reasonable cause or exercise made default in the discharge of its duties or in the performance of its functions imposed or entrusted by or under this Act, or has abused its powers or

(b) circumstances have so arisen that the Board rendered unable, or may be rendered unable to discharge its duties or perform its functions under this Act, or

(c) it is otherwise expedient or necessary to dissolve the Board the Government may, by notification, supersede the Board for such period as may be specified in the notification and declare that the duties, powers and functions of the Board shall during the period of its supersession, be discharged, exercised and performed by such person or authority, as may be specified in the notification; Provided the Government shall before superseding the Board, give a reasonable opportunity to it to show cause against the proposed action.

(2) The Government shall before the expiration of the period of supersession, reconstitute the Board in accordance with the provisions of section 3 and 4.

(3) The Government may make such incidental and consequential provisions as may appear to them to be necessary for giving effect to the provisions of this section.

(4) Any notification issued or order made by the Government under this section shall not be questioned in any civil court.

(5) (i) On the Board being superseded under sub-section (1) above, all properties and funds, which immediately before the said date were in the possession of the Board for the purposes of this Act shall vest in the Government.

(ii) all members shall vacate office as members of the Board And

(iii) all rights, obligations and liabilities (including any liabilities under any contract) of the Board shall become the rights, obligations and liabilities of the Government.

Recovery of arrears

36. If any amount due to the Board in accordance with the terms of a contract or otherwise or any sum payable in connection therewith, has not been paid, the Board may without prejudice to any other remedy provided by law, recover such amount or sum in the manner and in accordance with the provisions of the laws in force in Sikkim.
for recovery of Government dues and Government revenues.

Power to write off losses 37. The Board shall be competent to write off losses up to five hundred rupees in individual cases and not exceeding five thousand rupees in the aggregate in any financial year in cases falling under any or all of the following categories:----

(a) loss of irrecoverable value of stores or of public money due to theft, fraud or such other cause,
(b) loss of irrecoverable advance other than loans, and
(c) deficiency and depreciation on the value of stores.

By Order of the Governor

B.R. PRADHAN,
Secretary to the Government of Sikkim
Law and Legislative Department
F 16 (28) LL/77.
The following Act of the Sikkim Legislative Assembly having received the assent of the governor on the 5th day of April, 1978 is hereby published for general information.

SIKKIM ACT NO. 12 OF 1978

THE SIKKIM CO-OPERATIVE SOCIETIES ACT, 1978

AN
ACT

Sikkim Act No. 12 of 1978

The Sikkim Co-operative Societies Act, 1978

An

Act

To consolidate and amend the law relating to co-operative societies in the State of Sikkim

WHEREAS it is expedient to further facilitate the formation and working of co-operative societies for the promotion of thrift, self-help and mutual aid among persons with common economic needs and to bring about improvement in agriculture and industry through better methods of production, better business and better living and for that purpose to amend and consolidate the law relating to co-operative societies in the State of Sikkim.

Be it enacted by the State legislature in the …28 …years of the Republic of India as follows;

Short title and extent

And commencement

1. (i) this act may be called the Sikkim Co-operative societies act, 1978

(ii) It extend to the whole of the State of Sikkim

(iii) It shall come into force on such date as the Government may, by notification in the official Gazette appoint

In this act, unless the context otherwise requires.

Definitions

2. (a) “Agricultural Refinance and Development Corporation’ means the agricultural refinance and Development corporation Act, 1963.

b) bank includes

(i) a banking company as defined in Section 5 of the Banking Regulation Act, 1949.

(ii) State bank of India constituted under the State bank of India Act, 1955.
iii) A corresponding new bank’ constituted under section 3 of the banking companies (Acquisition and Transfer of Undertakings) Act, 1970.

iv) any other banking institution notified by the Central government under section 51 of the Banking Regulation Act, 1949.

c) ‘Bye laws’ means the registered bye-laws for time being in force, and includes registered amendments of such bye-laws.

d) ‘Committee’ means the governing body of a society, by whatever name called, to which the management of the affairs of the society is entrusted.

e) ‘Co-operative year’ means the period beginning from 1st July or the date of commencement of business or the date of registration and ending the 30th June for the purpose of drawing up the balance sheets of registered societies.


g) ‘Federal society’ means a society other than state co-operative bank, (a) not less than five members of which are themselves societies; and (b) in which the voting rights are so regulated that the members which are societies have not less than three fourths of the total number of votes in the general meeting of such society.

h) ‘Government’ means the State government of Sikkim.


j) ‘Member’ means a person joining in the application for registration of a society and a person admitted to membership after such registration in accordance with this Act, the rules and the bye-laws, and shall include a nominal member and the government when it subscribes to the share capital of a society.

k) ‘Nominal member’ means a person admitted to membership as such after registration in accordance with the bye-laws.


m) ‘Officer’ means the president, vice president, chairman, vice chairman, managing director, secretary, manager, member of committee, treasurer, liquidator, administrator and includes any other person empowered under the rules or the bye-laws to give directions in regard to the business of the society.

n) ‘Prescribed’ means prescribed in the rules.

o) ‘Primary agricultural credit society’ shall have the meaning assigned to it in clause (cii) of section 2 of the Reserve Bank of India Act, 1934 and includes a Farmers service society or a Large-sized multi purpose society.

p) ‘Registrar’ means a person appointed to perform the functions of the Registrar of co-operative Societies under this Act and includes any person appointed to assist the registrar in exercise of all or any of his powers under this Act.
q) Reserve Bank; means the Reserve bank of India constituted under the Reserve Bank of India act, 1934.

r) Rules; means the rules made under this Act,

s) Society means a co-operative society registered or deemed to be registered under this act;

t)'Society with limited liability’ means a society the liability of whose members is limited by its bye-laws to the amount, if any unpaid on the shares individually held by them or to such amount as they may individually undertake to contribute to the assets of the society, in the event of its being wound up,

u) ‘society with unlimited liability’ means society the joint or several liability of whose members to meet any deficiency in the assets of the society in the event of its being wound up is unlimited.

v)'State Co-operative bank’ means the ‘Sikkim State Co-operative Bank Ltd. Registered as a society under this Act.

Chapeter II
Registration of Societies.

Registrar.

3. (i) The Government may appoint a person to be the Registrar of Co-operative Societies for the State of Sikkim and may appoint other persons to assist him.

2) The government may, by general or special order, confer on any person appointed to assist the Registrar all or any of the powers of the Registrar under this Act.

3) Every person appointed to assist the Registrar shall exercise the powers conferred on him under sub-section (2) subject to the general guidance, superintendence and control of the Registrar.

4) The Government may, by notification in the Official Gazette and subject to such conditions as it may think fit to impose, confer all or any of the powers of the Registrar under this Act on the State Co-operative Bank or any federal society or an officer of such bank or federal society or officer on whom the powers of the Registrar are so conferred shall exercise such powers under the general guidance, superintendence and control of the Registrar.

Societies which may be registered

4. (i) Subject to the provisions hereinafter contained, a society which has as its object the promotion of the economic interests of its members in accordance with co-operative principles, or a society established with the object of facilitating the operations of such a society and the State co-operative Bank may be registered under this act.

Provided that the Registrar shall not register any society with unlimited liability.
Registrations 5. (a) No society, other than a federal society, shall be registered under this act unless it consists of at least ten persons not belonging to the same family who are qualified to be members under this act and who reside in the area of operation of the society.

Explanations—For the purpose of the Act’ Family’ means the husband, wife, sons and unmarried daughters.

b) The word ”limited” shall be the last word in the name of every society with limited liability registered under this Act.

Application for Registrations 6. (i) For the purposes of registration, an application shall be made to the Registrar.

2) The application shall be signed—(a) in the case of a society of which no member is a society, by at least ten persons qualified in accordance with the requirement of section 5; and (b) in the case of a society of which a member is a co-operative society, by duly authorized person on his half so such society and where all the members of the society are not societies, by ten other members or when there are less than ten other members qualified to do so under section 5 by all of them.

Power of the registrar 7. Where any question arises whether, for the purpose of the Act, of a person resides in the area of operation of a society or not, whether a society is of the same type as another society or of different type, the question shall be decided by the registrar whose decision shall be final.

Registration 8. (i) If the Registrar is satisfied (a) that the application complies with the provisions of this Act and the rules; (b) that the object of the proposed society are in accordance with section 4; (c) that the proposed bye-laws are not contrary to the provisions of the Act and the rules; and (d) that the proposed society has reasonable chances of success, and that the registration thereof may not have any adverse effect on the development of co-operative movement, the Registrar may register the society and its by laws.

2) When the registrar refuses to register a society, he shall communicate within a period of six months from the date of receipt of application the order of refusal, together with the reasons therefore, to the applicant as may be prescribed.

Registration Certificate 9.) Where a society is registered, the registrar shall issue a certificate of registration signed by him, which shall be conclusive evidence that the society therein mentioned is duly registered under this act.

Registered Societies to Be bodies corporate. 10. The registration of a society shall render it a body corporate by the name under which it is registered, having perpetual succession and a common seal, and with power to acquire, hold and dispose of property, enter into contracts, institute and defend suits and other legal proceedings and to do all things necessary for the purpose for which it is constituted.

Amendment of bye-laws Of a society. 11. (i) No amendment of any bye-laws of a society shall be valid unless it is registered under this act.
2) Every proposal for such amendment shall be forwarded to the registrar and if the Registrar is satisfied that the amendment

a) is not contrary to the provisions of this Act and the rules;
b) does not conflict with co-operative principles; and
c) will promote the economic interests of the members of the society.

3) the registrar shall forward to the society a copy of the registered amendment together with a certificate signed by him and such certificate shall be conclusive evidence that the amendment has been duly registered.

4) where the Registrar refuses to register an amendment of the bye-laws of a society, he shall communicate the order of refusal to register an amendment of the reasons therefore, to the society in the manner prescribed.

Registrar’s power to Direct amendment of bye-laws

12. Notwithstanding anything contained in section 11, if in the opinion of the registrar, an amendment of the bye-laws of a society is necessary or desirable in the interest of such society or of the co-operative movement, he may be in such manner as may be prescribed, call upon the society to make any amendment within such time as he may specify. If the society fails to make such an amendment within the time so specified the registrar may, after giving the society an opportunity of making its representation, register such amendment and forward to the society by registered post a copy of the amendment together with a certificate signed by him, such a certificate shall be conclusive evidence that the amendment has been duly registered; and such an amendment shall have the same effect as an amendment of by bye-laws duly made by the society.

When amendment of Bye-laws come into Force.

13. An amendment of bye-laws of a society shall unless it is expressly to come into operation on a particular day, come into force on the day on which it is registered.

Change of name

14. i) A society may, by an amendment of its by-laws, in such manner as may be prescribed, change its name; but such change shall not affect any right or obligation of the society or of any of its members, past members or deceased members and any legal proceedings pending may be continued by or against the society under its new.

2) where a society changes its name, the Registrar shall enter the new name on the register of societies in place of the former name and shall amend the certificate of registration accordingly.

Change of liability.

15. i) No society with limited liability shall change itself into society with unlimited liability.

2) Subject to the provision of sub-section (i) a society may change the form and extent of its liability by an amendment of its by-laws in the manner prescribed.

3) When a society has amended its by-laws under sub-section (2) it shall give notice thereof in writing to all its members and creditors and notwithstanding any bye-laws or contract to the contrary any member or creditor shall, within a period of 30 days from the date of service of the notice upon him, have the option to withdraw his shares or deposits or recall the loans, as the case may be.
4) Any member or creditor who does not exercise his option within the period specified in sub-section(2) shall be deemed to have assented to the change

An amendment of the bye-laws of a society changing the form or extend of its liability shall not be registered or take effect until either

a) the assent thereto of all members and creditors has been obtained or is deemed to have been obtained; or
b) all claims of members and creditors who exercise the option referred to in sub-section (2) within the period specified therein have been met in full.

Amalgamation, transfer
Of assets and liabilities
And division of societies. 16.(i) a society may, with the previous approval of the Registrar and by a resolution passed by at least two thirds majority of the members present and voting a general meeting of the society

a) transfer its assets and liabilities in whole or part to any other society.

b) divide itself into two or more societies

2) any two or more societies may, with the previous approval of the Registrar and by resolution passed by at least a two-thirds majority of the members present and voting at a general meeting of each society, amalgamate themselves and form a new society.

3) The resolution of a society under sub-section(i) or sub-section (2) shall contain all particulars or the transfer, division or amalgamation, as the case may be.

4) When a society has passed any such resolution, it shall give notice thereof in writing to all its members and creditor and notwithstanding any bye-laws or contract to the contrary, any member or creditor shall, within a period of thirty days from the date of service of the notice upon him, exercise the option to withdraw his shares or deposits or recall the loans, as the case may be.

5) Any member or creditor who does not exercise his option within the period specified in sub-section(4) shall be deemed to have assented to the proposals contained in the resolution.

6) a resolution passed by a society under this section shall not take effect until-

a) the assent thereto of all the members and creditors has been obtained or is deemed to have been obtained; or

b) all claims of the members and creditors who have exercised the option referred to in sub-section (4) within the period specified therein have been met in full.

7) Where a resolution passed by a society under this section involves the transfer of any assets and liabilities, the resolution shall, not with standing
anything contained in any law for the time being in force, be a sufficient conveyance to vest the assets and liabilities in the transferee without any further assurance.

17. (i) Notwithstanding anything contained in this Act, if the Registrar is of the opinion that-

a) for the purpose of ensuring economic viability of any society or societies; or

b) for avoiding overlapping or conflict of jurisdictions of societies in any area; or

c) in order to secure proper management of any society; or

d) in the public interest or

e) in the interest of the co-operative movement in the State as a whole; or

f) in the interest of depositors; or

g) in the interest of the co-operative credit structure in the State as a whole, it is necessary to amalgamate two or more societies or to reorganize any society, he may by order published in the Official Gazette provide for amalgamation of two or more such societies into a single society with limited liability or to reorganize the society

2) such order may also provide for-

a) reduction of the interests or the rights which the members, depositors, creditors, employees and other persons may have in or against any society so as to be amalgamated or reorganized to such extents the Registers may consider necessary in the interest of such persons or for the maintenance of the business of the society having due regards to the proportion of the assets of such society to its liabilities.

b) Such incidental, consequential and supplemental provisions as may in the opinion of the Registrar be necessary to give effect to the amalgamation of the societies

3) No order shall be made under sub-section (i) unless

a) a copy of the proposed order has been sent in draft to each of the societies concerned; and

b) the Registrar has considered and made such modification in the draft order as may seem to him desirable in the light of any suggestions or objections which may be received by him within such period (not being less than fifteen days from the date on which the copy of the proposed order was received by the society) as the Registrar may fix in the behalf, either from the societies or any members, depositors, creditors, employees or other persons concerned.

4) Notwithstanding anything contained in this Act or in any other law, or in any contract, award or other instrument for time being in force, on the issue of an order

Under sub-section (f), the provisions thereof on all societies and their members, past members, depositors, creditors, employees and all other persons having dealing with the concerned societies.

4) On and from the date from which the amalgamation takes effect, the assets and liabilities of the societies referred to therein shall stand amalgamation and the members, creditors and debtors of such societies shall be deemed to be members, creditors and debtors, as the case may be, of the new society or societies as ordered by the registrar.
6) Notwithstanding anything contained in any law for the time being in force relating to transfer of properties or registration of documents an order issued under this section shall be sufficient conveyance to transfer the assets and liabilities of the society or societies covered by any order passed under sub-section (i) of this section.

7.) Any order made by the Registrar under this section shall be final and conclusive, and shall not be called in question in any court.

Liability of resultant Society to be limited.

18.….Where the whole of the assets and liabilities of a society are transferred to another society in accordance with the provisions of section 16 or where a society is directed to be amalgamated under section 17, the liability of the other society, or the new society as the case maybe, shall be limited.

Cancellation of registration Of certificates of societies in certain cases

19.(i) Where the whole of the assets and liabilities of a society are transferred to another society in accordance with the provisions of section 16 or section 16, the registration of the society whose assets and liabilities are so transferred, shall stand cancelled and the said society shall be deemed to have been dissolved and shall cease to exist as a corporate body.

2) Where two or more societies are amalgamated into a new society in accordance with the provisions of section 16, the registration of the new society, and each of the amalgamating societies, shall stand cancelled on the registration of the new society, and each society shall be deemed to have been dissolved and shall cease to exist as a corporate body.

3) Where a society divides itself into two or more societies in accordance with the provisions of section 16, the registration of that society shall stand cancelled on the registration of the new societies and that society shall be deemed to have been dissolved and shall cease to exist as a corporate body.

5) The amalgamation, division or reorganization of societies shall not in any manner whatsoever affect any right or obligation of the amalgamated, divided or reorganized society or societies or render defective any legal proceedings by or against such society or societies and any legal proceeding that might have been commenced or continued by or against such society or societies, as the case maybe, before the amalgamation, division or reorganization, may be continued by or against the resulting or the reorganized society or societies.

6) Where a society has not commenced business within six months of its registration or such further time as may be granted by the Registrar after its registration or has ceased to function or if the
Registrar is satisfied, after making such inquiry as he thinks fit, that the society no longer has genuinely as its objects one or more of the objects specified in section 4 and that its registration ought in the interests of the general public to be cancelled, he shall make an order canceling the registration of the society. The society shall from the date of such order of cancellation be deemed to be dissolved and shall cease to exist as a corporate body.

Chapter III
Members of societies and their right and liabilities

Persons who may become Members.

20. (i) No person shall be admitted as a member of a society except the following, namely
   a) an individual competent to contract under section 11 of the Indian Contract Act, 1872.
   b) any other society;
   c) the government,
   d) a firm, a company or any other body corporate constituted under any law for the time being in force or a society registered under any law in force relating to registration of societies or a bank as defined in the Act subject to such terms and conditions as may be laid down by the government by general or special order in this behalf.

2) any person who is duly qualified for admission as a member under the provisions of this Act and the by-laws of a primary agricultural credit society, makes an application for membership of such society, shall be deemed to have been admitted as a member of such society from the date of receipt of the application in the office of the society.

Provided that the Registrar may, either on his own motion at any time or on an application by the primary agricultural credit society or any member thereof made within fifteen days from the date of such admission and after giving reasonable opportunity to the society and the member concerned, by order declare such person as not eligible either to become or to continue as a member of such society for the reason mentioned therein, Where the order is to be passed on an application of the society or a member thereof it shall be passed within thirty days from the date of receipt of the application by the Registrar.

3) any order made by the Registrar under sub-section(2) of this section shall be final and shall not be called in question in any court

4) An application for membership in a society, other than a primary agricultural credit society shall be disposed of by the society within one month from the date of receipt thereof, and the decision of the Society on the application shall be communicated to the applicant within fifteen days from the date of the decision.

Provided that if the decision of the society is not communicated to the applicant within a period of forty five days from the date of the receipt of the application the society shall be deemed to have
Disqualification for Membership

21) (i) no person shall be eligible for admission as a member of the society, if he-
   a) has applied to be adjudicated an insolvent or is an undercharged insolvent or
   b) has been sentenced for any offence, other than an offence of a political character or an offence not involving moral turpitude, such sentence not having been reversed or the offence pardoned and a period of five years has not elapsed from the date of expiry of the sentence.

2) If a member becomes subject to any of the disqualifications specified in sub-section (i), he shall be deemed to have ceased to be a member from the date when the disqualification was incurred.

3) Subject to the general or special orders of the Registrar published in the official Gazette, no individual who is a member of a credit society, shall be eligible for admission as a member of another credit society.

Votes of members.

22. Every member of a society shall have one vote in the affairs of the society provided that-

   a) a nominal member shall not have the right to vote
   b) a member of a primary agricultural credit society shall have no right to vote in a general meeting, if he is default in payment of any sums due to that society for more than one year; and
   c) Where the government is the member of the society, each person nominated by the government on the committee of the society shall have one vote except when the right to vote is to be exercised for election of office bearers of the society.

Manner of exercising vote

23 (i) Every member of a society shall exercise his vote in person at a meeting of the society and no members shall be permitted to vote by proxy.

ii) Notwithstanding anything contained in sub-section (i) a society or corporation or firm which is a member of another society may, subject to any rules made under this Act, appoint one of its members or partners, as the case may be, vote on its behalf in the affairs of the society.

Nominal Member.

24. (i) A society may admit any individual or other person or firm as a nominal member in accordance with its bye-laws.

2) A nominal member shall not be entitled to any share, in any form whatsoever, in the assets or profits of the society or to become an officer of the society.

3) A nominal member shall have such privileges and rights of a member and be subject to such liabilities of a member, as may be specified in the bye-laws of the society.

Member not to exercise rights till Due payment made

25) No member of a society shall exercise the rights of a member unless he has made such payment to the society in decided, on the date of expiry of such period refusing admission to the applicant.
Respect of membership or has acquired such interest in the society, as may be specified in the bye-laws.

26. In any society, no member other than the Government or any other society shall hold or have claim to more than such portion of the total share capital of the society which exceed one fifth thereof or Rs. 5,000/- which ever

Restriction on transfer of shares

Or interest.

27. (i) The transfer of a share or interest of a member in the capital of society shall be subject to the restrictions specified in section 26

2) No transfer by a member of his share or interest in a society shall be valid unless.

a) the member has held such share or interest for not less than one year.

b) The transfer is made to the society or to a member of the society; and

c) The transfer is approved by the committee of the society;

Transfer of interest on death

Of a member.

28) on the death of a member the society shall transfer the share or interest of the deceased member to the person or persons nominated in accordance with the rules or, if no person has been so nominated, to such person as may appear to the committee to be the heir or legal representative of the deceased member:-

Provided that such nominee, heir or legal representative, as the case may be, is admitted as the member of the society.

Provided further that nothing in this sub-section (i) any such nominee, heir shall prevent minor or a person of unsound mind from acquiring by inheritance the share or interest of deceased member in a society.

Notwithstanding anything contained in the sub-section (i) any nominee, heir, or a legal representative, as the case may be, require the society to pay to him the value of the share or interest of the deceased member ascertained in accordance with the rules.

3) The society may pay all other moneys due to the deceased member from the society to such nominee, heir or legal representative, as the case may be.

4) All transfers and payments made by a society in accordance with the provisions of this section shall be valid and effectual against any demand made upon the society by any other person.

Liability of past members and estate of deceased member

29. 1) Subject to the provisions of sub-section(2), the liability of a past member or of the estate of the deceased member of a
society for the debts of the society as they existed shall continue for a period of two years.

(a) in the case of a past member, from the date on which he ceased to be a member; and

c) in the case of deceased member from the date of his death

2) Where a society is ordered to be wound up under section 75, the liability of a past member or of the estate of a deceased member who ceased to be a member or died within two years immediately proceeding the date of the order of winding up, shall continue until the entire liquidation proceedings are completed but such liability shall extend only to the debts of a society as they existed on the date of his ceasing to be a member or death, as the case; may be.

Chapeter IV
Management of Societies.

Final authority of a Society

30 (i) The final authority of every society shall vest in the general body of members in general meetings

Provided that in such circumstances as may be prescribed the final authority may vest in the delegates of such members elected in the proscribed manner and assembled in general meeting.

2) The general meeting shall be summoned and shall exercise its authority in such manner as may be prescribed.

Management of society.

31. (i) the management of every society shall vest in a committee constituted in accordance with the bye-laws

2) No person shall be eligible to be elected as a member of a committee unless he is a member of the society.

3) No member of a society shall be eligible for being elected as a member of the committee of that society or of any other society to which such society is affiliated if such member:-

a) has been adjudged by a competent court to be insolvent or of unsound mind;

b) is concerned or participates in the profits of any contract with the society.

c) Has been punished with imprisonment for an offence involving moral turpitude.

d) Has been in default in payment of his dues to the society for a continuous period of three months from the due date or any extended period thereof.

e) Carries the business of the same kind carried on by the society.
4) A member of the committee of a society shall cease to be a member of such committee if he becomes subject to any of the disqualifications be filled in accordance with the bye-laws.

Annual general meeting.

32. (i) The general meeting of every society shall be held within a period of six months after the date fixed for making up its accounts for the co-operative year under the rules for the time being in force, for the purpose of

a) approving the programme of the activities of the society prepared by the committee for the ensuing co-operative year.

b) Electing the members of the committee other than members nominated under section 38;

c) Considering the audit report and the annual report.

d) Disposing of the net profits/and

e) Considering any other matter which may be brought forward in accordance with the bye-laws

Provided that the Registrar may, by general or special order, extend the period for holding such meeting for a further period not exceeding three months;

Provided further that, if in the opinion of the Registrar no such extension is necessary or such meeting is not called by the society within the extended period, if any, granted by him, the Registrar or any person authorized by him may call such meeting and exercise all powers and functions of an officer of the society authorized to convene such meeting and that meeting shall be deemed to be a general meeting duly called by the society. The registrar may order that the expenditure incurred in calling such a meeting shall be paid out of the funds of the society or by such person or persons who, in the opinion of the Registrar, were responsible for there refusal or failure to convene the general meeting.

2) At every annual general meeting of a society, the committee shall lay before the society a statement showing the details of the loans, if any, given to any of the members of the committee during the preceding year.

Special general meeting

33. (i) The committee of a society may at any time, call a special general meeting of the society and also shall call such meeting within one month after the receipt of a requisition in writing from the Registrar or from such number or a proportion of the total number of members, as may be provided in the bye-laws.

2) if a special general meeting of a society is not called in accordance with the requisition referred to in sub-section(i) the Registrar or any person authorized by him in this behalf shall call such meeting and exercise all powers and functions of an officer of the society who is authorized to convene such special general meeting and that meeting shall be deemed to be a meeting called by the committee, and the Registrar may order that the expenditure incurred in calling such meeting shall be paid out of the funds of the society or by any such person or persons who, in the opinion of the Registrar, were responsible for the refusal of failure to convene the special general meeting.

Election of members

34: (i) The superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, elections for the members of the committee of such societies or class of societies as may be notified by the state government in the official gazette shall be vested in such returning
Term of office of the Committee.

2) The vote at such elections shall be by secret ballot. The term of office of the elected members of the committee shall be such, not exceeding three co-operative year of their election, as may be specified in the bye-laws of the society.

Provided that the elected members shall continue to hold office till their successors are elected or nominated under the provision of the Act or the rules or bye laws.

Disqualifications to be an officer of the society

36. Notwithstanding anything contained in this act a person shall be disqualified for elections as, or for being, the president, vice-president, chairman, vice chairman, Secretary, Joint Secretary or treasurer of a committee.

a) if he has held any such office in a committee during the preceding two consecutive terms, whether full or part.

b) If he hold any such office on a committee of another society of the same type.

c) If he holds any such office on the committee of three or more societies for different types including the state co-coordinative bank or a federal society.

Provided that nothing contained in this sub-section shall be deemed to disqualify any such person for election as, or for being a delegate of a society or a member of another committee

Explanation 1: where any person holding any office as aforesaid at the commencement of this act is again elected to any such office after such commencement, he shall, for the purpose of this sub-section be deemed to have held that office for one term before such election.

Explanation 2: a person who has ceased to hold any such office as aforesaid continuously for one full term shall again be qualified for election to any of those office.

Representation of weaker section On the committee.

37. On the committee of the primary agricultural credit society or other societies as may be prescribed, not less than one-third of total seats shall be reserved for economically weaker sections of the members who as land owners or tenants or as both, do not hold more than the prescribed area of agricultural land or who fulfill the prescribed conditions, and if no such persons are elected the committee shall co-opt the required number of members from amongst the persons entitled to such representation.

Nomination of members To the committee.

38. (i) Notwithstanding anything contained in this Act, but subject to the provision of section 36, where the Government has subscribed to the share capital of a society or has assisted directly or indirectly, in the formation or augmentation of the
share capita of a society, or has guaranteed the repayment of principal and payment of interest on loans and advances to a society, the government or any other person authorized by it in this behalf shall have the right to nominate members on the committee in the manner prescribed below viz.

i) Where the Government shareholder is not less than one third and not more than two-thirds of the equity the number of government nominees shall not exceed a third of the total number of members for the committee or three, whichever is less.

ii) Where the government holds more than two-thirds of the total equity, the number of government nominees shall not exceed one half of the total number of members of the committee or five whichever is less.

Provided that in case of societies registered after the commencement of this Act, the Government may have the power to nominate the initial committee for a period of 3 years of such extended period as may be decided by the Government.

2) A person nominated under sub-section(I) shall hold office during the pleasure of the Government.

Suppression of committee

(i) If, in the opinion of the Registrar, the committee of any society persistently makes default or is negligent in the performance of the duties imposed on it by this act or the rules or the byelaws, or commits any act which is prejudicial to the interest of the society, or its members, or the co-operative movement in the state, or willfully disobeys or fails to comply with any lawful order or directions issued under this act or the rules, the Registrar may, after giving the committee an opportunity to state its objections, if any, by order in writing remove the committee; and

a) order fresh election of the committee, or
b) appoint one or more administrators who need not be members of the society, to manage the affairs of the society for a period not exceeding one year specified in the order, which period may, at the discretion of the Registrar be extended from time to time, so, however, that the aggregate period does not exceed three years.

2) On receipt of an application under sub-section(i) the magistrate may, by a warrant, authorize any police officer not below the rank of sub Inspector to enter and search any place where the records and the property are kept or are believed to be kept and to seize such records and properties; and the records and properties so seized shall be handed over to the new committee or administrators of the society or the liquidator, as the case may be.

Chapter V

Rights and privileges of Societies.
invalidated by certain defects

42 (i) Notwithstanding anything contained in any other law for the time being in force but subject to any claim of the Government; in respect of land revenue or any sum recoverable as land revenue or as public demand any claim. any debt or other amount due to a society by any member including a past or deceased member shall be a first charge upon the corps or other agricultural produce, cattle, fodder for cattle, agriculture and any finished products manufactured from such raw materials owned by or belonging to such member, past member or forming part of the estate of the deceased member as the case may be.

2) Such charge shall be available even as against any amount recoverable by the government as if it were an arrear of land revenue subsequent to the incurring of the debt or the liability for the other amount due to the society referred to in sub-section(i).

3) No person shall transfer any property which is subject to charge except with the previous permission in writing of the society which holds the charge and any transfer, without such permission shall, notwithstanding anything contained in any law for the time being in force, be void.

5) The charge under this section shall not be available against the following articles of such members:
   a) the necessary wearing apparel, cooking vessels, beds and bedding
      ands such personal ornament of a woman as in accordance with
      religious usage cannot be parted with by her;
   b) ploughs, implements of husbandry, one pair of ploughing cattle,
      such manure and seed grains stocked by him, as may be necessary
      for the due cultivation of his lands in the ensuing year.

Charge on the immovable property of a member for the loans borrowed.

43. (i) Notwithstanding anything contained in this act or in any other law for the time being in force, but subject to any claim of the government in respect of land revenue, whether prior in time or subsequent, any member of a society, owning any land or having interest in any land or other immovable property as a tenant, making an application for financial assistance from the society, shall make a declaration in the from prescribed creating a charge in favour of the society on such land or interest or such portion of the loan to be granted to him on the application and for all future loans, if any, that may be granted to him by the society from time to time, subject to such maximum as may be determined by the society together with the interest on such amount of the loan.

2) Subject declaration may be varied or cancelled at any time by the member with the consent of the society in whose favour it is made.

3) subject to the provisions of sub-section (i) and to the claim of any person in whose favour a charge has been created before the date of registration of the declaration made under sub-section(i) no land in respect of which such declaration has been made or any part thereof or any interest therein shall be sold or otherwise transferred until the entire amount of the loan or advance taken by the member from the society together with interest thereon is paid to the society; and any transaction in contravention of this sub-section shall be void.
Provided that if a part of the amount borrowed by a member is paid, the society may on application from the member release from the charge such part of the land or interest their in as it may deem proper, having due regard to the security or the balance of the amount remaining outstanding from the member.

Priority of mortgage over certain claims

44. A mortgage executed in favour of a primary agricultural credit society or the State Co-operative Bank shall have priority over any claim of the Government arising from a loan granted subsequent to the execution of the mortgage.

Registration of charge and mortgage in favour of societies.

45. (i) Notwithstanding anything contained in the Indian Registration Act, 1908, a declaration made under sub-section (I) of section 43 or a declaration executed by a member in favour of a primary agricultural credit society or State Co-operative Bank, as the case may be, in respect of financial assistance given by the society shall be deemed to have been duly registered in accordance with the provisions of the Act with effect from the date of such declaration, variation, cancellation or mortgage, as the case may be, provided that the society sends any part of the property charged or mortgaged is situated within thirty days from the date of such declaration, variation, cancellation or mortgage, a copy of the document making such declaration, variation, cancellation or mortgage duly certified to be true copy by an office of the society authorized to sign on its behalf.

2) The sub-registrar receiving the declaration in respect of a charge or variation or a mortgage referred to in sub-section (I) shall, as immediately practicable on receipt thereof, record in a register to be maintained in this behalf, the fact of the receipt of such declaration, variation or mortgage for registration.

Noting of charge or mortgage created in the Record of Rights.

46. Whenever a charge or a mortgage of land or interest therein is created in favour of a society or is discharged by a society the society shall give intimation to such revenue official as may be designated in this behalf by the Government of the particulars of the charge or mortgage in its favour or discharge thereof. The revenue official shall make a note of the particulars of charge or mortgage or discharge thereof in the Record of Rights.

Provided that the absence of an entry in the record of rights on the basis of such declaration or a defective entry passed in the record in respect thereof shall not affect the validity of the charge or mortgage or discharge thereof.

Registration to constitute notice

46A The Registration in the records of the Sub-Registrar of the recording in the record of rights of a change or variation made under section 43 shall constitute sufficient notice of such change or variation to any person dealing with the property subject thereto.

Restriction on disposal of property charged or mortgaged to a society

47. (I) Notwithstanding anything contained in any law for the time being in force, member who has availed himself of financial assistance, from a society by creating a charge or mortgage on land or interest therein, shall not
so long as the financial assistance continues to be outstanding, lease transfer or create any encumbrance on such land or interest therein without prior permission in writing of the society in whose favour such charge or mortgage is created.

2) Any lease or transfer or encumbrance created in contravention of this section shall be void.

3) Nothing contained in any law relating to ceiling on agricultural holdings shall apply to the acquisition of land by a society charged or mortgaged to its as security by for loan.

Charge and set off of shares or interest of a member

48. A society shall have a charge upon the share or contribution or interest in the capital and on the deposits of a member or past member or deceased member and upon any dividend, or profits payable to a member or past member or the estate of a deceased member, in respect of any debt or outstanding demand owing to the society, and may set off any sum credited or payable to a member of past member or the estate of deceased member in or towards payment of any such debt.

Shares, interest, etc not liable to attachment.

49. Subject to the provisions of section 48 the share or contribution or interest of a member to past member or deceased member in the capital of a society shall not be liable to attachment or sale under any decree or order of any court in respect of any debt or liability incurred by such member and any receiver appointed under any law relating to insolvency for the time being in force shall not be entitled to or have any claim on such share or contribution or interest.

Registrar of members.

50. Every society shall keep and maintain register of list of member or shares of the society which shall be prima facie evidence of the following particulars entered therein ;-:

a) the date on which any person entered in such register or list became a member;

b) the date on which any such person ceased to be a member.

Admissibility of copy of entry as evidence.

51. (I) A copy of any entry in the books of a society which are maintained in the ordinary course of business shall, if certified in the manner as may be prescribed, be received in any suit or legal proceedings as prima facie evidence of the existence of such entry, and shall be admitted as evidence of the matters transactions and accounts therein recorded in very case to the same extent as the original entry.

2) No officer of a society and no officer in whose office the books of a society are deposited after liquidation shall, in any legal proceedings to which the society or the liquidator is not a party, be compelled to produce any of the societies books or documents the contents of which can be provided under this section, or to appear as a witness to prove the matters, transactions and accounts therein recorded, except under order of the court, tribunal or the arbitrator made for special cause.

Exemption from compulsory registration
52. No provision relation to registration of documents contained in any law for the time being in force shall apply to.

(I) any instrument relating to shares in a society notwithstanding that the assets for the society consist in whole or in part of immovable property;

(2) any debenture or bond issued by any such society and not creating, declaring assigning, limiting or extinguishing any right, title or interest to or in immovable property, except in so far as it entitles the holder thereof to conveyed, or otherwise transferred the whole or part of its immovable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures or bonds or

3) any endorsement upon or transfer of any debenture or bond issued by any such society

53. (I) The Government may, by notification in the Official Gazette remit in respect of any class of societies-

a) the stamp duty chargeable under any law for the time being in force in respect of any instrument executed by or on behalf of a society or by an officer or member thereof and relating to the business of such society or any class of such instruments or in respect of any award or order made under this Act, in cases, where but for such remission the society, officer or member as the case may be, would be liable to pay such stamp duty.

b) any fee payable under any law for the time being in force relating to the registration of documents or court fee.

2) The Government may, by notification, exempt any class of societies from-

a) Land revenue;

b) Taxes on agricultural income;

c) taxes on sale or purchase of goods; and

d) taxes on professions, trades, callings and employments.

54. (i) Notwithstanding anything contained in any law for the time being in force, a member of a society may execute an agreement in favour of the society providing that his employer shall be competent to deduct from the salary or wages payable to him by the employer, such amount so deducted to the society in satisfaction of any debt or to the demand owing by the member to the society.

2) On the execution of such agreement, the employer shall, if so required by the society by a requisition in writing and so long the society does not intimate that the whole of such debt or demand has been paid, made the deduction in accordance with the agreement and pay the amount so deducted to the society within seven days of such deduction. Such payment shall be valid discharge of the employer of his liability to pay the amount so deducted and paid to the society.

3) If after the receipt of a requisition made under sub-section(2) the employer at anytime fails to deduct the amount specified in the requisition from the salary or wages payable to the member concerned or makes default in remitting to the society the amount so deducted, the society shall be entitled to recover any such amount from the employer as arrears of land revenue.
4) Nothing contained in this section shall apply to establishment under the railway administration operating any railway as defined in clause (20) of article 366 of the Constitution.

55. notwithstanding anything contained in any law for the time being in force, the Government may-

   a) subscribe to the share capital of a society;
   b) give loans or make advances to societies;
   c) guarantee the repayment of principal and payment for interest on debentures or bonds issued by a society
   d) guarantee the repayment of share capital of a society and dividends thereon at such rates as may be specified by the government
   e) guarantee the repayment for principal and payment of interest on loans and advances to a society; and
   f) give financial assistance in any other form, including subsidies to any society

Registrar’s power to determine terms of societies

   (I) The Registrar may from time to time frame rules governing the terms of employment and working conditions of officers and employees in a society including the State Co-operative Bank or a class of societies and the society or the class of societies to which such terms of employment and of working conditions are applicable shall comply order that maybe issued by the Registrar in the behalf

   Provided that while prescribing the remuneration of the officers and other employees of the State Co-operative Bank the Registrar shall have due regard to the salary structure of the employees of the Government and the local authorities of comparable level and status in the state.

   (2) Where a dispute regarding terms of employment, working conditions and disciplinary action taken by a society, arises between a society and its employees, the Registrar or any officer appointed by him shall decide the dispute and his decision shall be binding on the society and its employees.

Chapter VI
Properties and funds of societies.

57. No part of the funds of a society shall be divided by way of bonus or dividend or otherwise among its members;

Provided that after at least one-fourth of the net profit in the year has been transferred to the reserve fund, payment from the remainder of such profits and from any profits of past years, if any, available maybe made to the members by way of dividend or bonus to such extent and subject to such conditions as may be prescribed by the rules or bye-laws.

58. A society may, with the sanction of the Registrar and after one fourth of the net profits of the year has been transferred to the reserve fund, contribute an amount not exceeding five percent of the remaining net profits to any purpose connected with the development of co-operative movement or
charitable purpose as defined in section 20 of the charitable endowments Act, 1890.

59. A society shall, out of its net profits in any year, contribute such portion of the profits not exceeding five per cent as maybe prescribed to the Co-operative Education Fund constituted under the rules.

60. (i) a society may invest or deposit its fund
   a) in the post office savings bank;
   b) in any of the securities specified in section 20 of the Indian trust act, 1882;
   c) in the shares or debentures or securities for any other society; or
   d) with the financing bank; or
   e) with any society or bank carrying on the business of making as maybe approved by the Registrar; or
   f) in the bonds issued by itself; or
   g) in any other mode permitted by the rules or by the Registrar.

61. (i) A society shall not make a loan to any person other than a member;
    Provided that with the general or special sanction of the Registrar a society may make loan to another society.
    Provided further that a society may make such loans as may be specified in the bye-laws to any of its paid employees.

(2) Notwithstanding anything contained in sub-section(I) a society may make a loan to depositor on the security of his deposit.

62. A society shall receive deposits and loans to such extent and under such conditions as may be prescribed or as maybe specified in the bye-laws.

63. Save as provided in sections 61 and 62 the transactions of a society with any person other than a member shall be subject to such prohibition or restrictions as may be prescribed.

Chapter VII
Audit, Inquiry, Inspection and Surcharge.

64. (I) The registrar shall audit or cause to be audited by a person authorized by him by general or special order in writing in this behalf, the accounts of every society at least once in each co-operative year.

2) the audit under sub-section(I) shall include an examination of overdue debt, if any, the verification of the cash balance and securities, and a valuation of the assets and liabilities of the society.

3) The person auditing the accounts of a society shall have free access to the books, accounts, papers, vouchers, stock and other property of such society and shall be allowed to verify its cash balance and securities.

4) the directors, managers, administrators and other officers of the society shall furnish to the person auditing the accounts of a society all such information as to the society transactions and working as such person may requires.
6) The Registrar or the person authorized by him under sub-section (I) to audit the accounts of a society shall have power where necessary—

a) to summon at the time of his audit any officer, agent, servant or member of the society, past or present, who he has reason to believe can give valuable information in regard to transactions of the society or the management of its affairs; and

b) to require the production of any book or document relating to the affairs of, or any cash securities belonging to, the society by any officer, agent, servant, or member in possession of such books, documents, cash or securities and in the event of serious irregularities discovered during audit, to take them into custody.

6) If at the time of audit the accounts of society are not complete, the Registrar or the person authorized by him under sub-section (I) to audit may cause the accounts to be written up at the expense of the society.

(7) Audit fee, if any, due from any society shall be recoverable in the same manner as it provided in section 85.

Inspection of societies.

65. The Registrar, or any person authorized by general or special order in this behalf by him, may inspect a society. For the purpose of inspection, the Registrar or the person so authorized by him shall at all times have access to books, accounts, papers, vouchers, securities, stock and other property of the society and may, in the event of serious irregularities discovered during inspection, take them into custody and shall have power to verify the cash balance of the society and to call a committee meeting or a general meeting as he may deem necessary in the circumstances. Every officer or a member of a society shall furnish such information with regard to the working of the society as the Registrar or the person making such inspection may require.

Inquiry by Registrar.

66. (i) The Registrar may of his own motion or on application of the majority of the members of the committee or of not less than one-third of the members for the society, hold an inquiry or direct a person authorized by him by order in writing in this behalf to hold an inquiry into the constitution, working and financial condition of a society.

2) The Registrar or the person authorized by him under sub-section(I) shall have the following powers, namely.

a) he shall at all times have, for purpose of examination, free access to the books, accounts cash and other properties belonging to or in the custody of the society and may summon any person in possession or responsible of the custody of any such books, accounts, documents, securities, cash or other properties to produce the same at any place specified by him.

b) he may notwithstanding any rule or bye-laws specifying the period of notice for a general meeting at such time and place at the headquarters of the society to consider such matters, as may be directed by him; and where the officers of the society refuse or fail to call such a meeting he shall have power to call it himself.

c) he may summon any person who is reasonably believed by him to have any knowledge of the affairs of the society to appear before him at any place at
the headquarters of the society or any branch thereof and may examine such person on oath.

3) Any meeting called under clause (b) of sub-section (2) shall have all the powers of a general meeting called under the bye-laws of the society and its proceedings shall be regulated by such bye-laws.

4) The registrar shall communicate a brief summary of the report of the inquiry to the society, the State Co-operative Bank or a federal society and its proceedings shall be regulated by such bye-laws.

Inspection of books of indebted societies.

67. 
(i) The Registrar shall, on the application of a creditor of a society inspect or direct some person authorized by him by order in writing in this behalf to inspect the books of the society.

a) satisfies the Registrar that the debt is a sum then due, and that he was demanded payment thereof and has not received satisfaction within a reasonable time and.

b) Deposits with the Registrar such sum as security for the cost of proposed inspection as the Registrar may require.

2) The Registrar shall communicate the result of any such inspection to the creditor.

Costs of inquiry.

68. Where an inquiry is held under section 66, or an inspection is made under section 67, the Registrar may apportion the costs, or such of the costs, as he may think fit, between the society, the members or creditors demanding an inquiry or inspection, and the officers or former officers and the members or past members of the society as the case may be;

Provided, however, that-

a) no order of the apportionment of the costs, shall be made under this section unless the society or the person liable to pay the costs thereunder has had a reasonable opportunity of being heard; and

b) the Registrar shall state in writing the manner in which costs are apportioned.

Recovery of costs.

69. Any sum awarded by way of costs under section 68 may be recovered, on application to a magistrate having jurisdiction in the place where the person from whom the money is claimable, actually and voluntarily resides or carries on business and such magistrate shall recover the same as if it were a fine imposed by himself.

Surcharge.

70. 
(i) where in the course of an audit, inquiry, inspection or the winding up of a society, it is found that any person, who is or was entrusted with the organization or management of such society, has made any payment contrary to this Act, the results or the bye-laws or has caused any deficiency in the assets of the society by breach of trust or willful default or negligence or has misappropriated or fraudulently retained any money or other property belonging to such society, the Registrar may of his own motion or on the application of the committee, liquidator or any creditor, inquire himself or cause an inquiry to be made by any person authorized by him, by an order in writing in this behalf.

2) where an inquiry is made under sub-section (I), the Registrar or the person authorized by him may, after giving the person concerned an opportunity of being heard, make an order, requiring him to repay or restore the money or
property or any part thereof, with interest at such rate, or to pay contribution and costs or compensation to such extent, as the Registrar or the person authorized by him may consider just and proper.

71. (I) where in the course of an audit under section 64 or an inquiry under section 66 or an inspection under section 65 or section 67, it is brought to the notice of the Registrar that a paid officer or employee of the society has committed or has been otherwise responsible for misappropriation, breach of trust or other offence, in relation to the society, the Registrar may, if he is satisfied that there is prima facie evidence against such paid officer or employee and the suspension of such paid officer of employee is necessary in the interest of society, direct the committee of the society, pending the investigation and disposal of the matter, to place or cause to be placed such paid officer or employee under suspension from such date and for such period as may be specified by him.

2) On receipt of a direction from the Registrar under sub-section (i) the committee of the registered society shall notwithstanding any provision to the contrary in the bye-laws, place or cause to be placed such paid officer or employee under suspension forthwith.

3) The Registrar may direct the committee to extend from time to time, the period suspension and the paid officer or employee suspended shall not be reinstated except with the previous sanction of the Registrar.

Chapter VIII
Settlement of Disputes.

72.(i) Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management or the business of the society arises:

a) among members, past members and persons claiming through members, past members and deceased members, or
b) between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or employee of the society past or present, or

c) between the society or its committee and any past committee or any officer, agent or employee of the society past or present, or

d) between the society and any other society, between a society and the liquidator of another society or between the liquidator of one society and the liquidator or another society, or

e) between the society and a person other than member of the society who has been granted a loan by the society or with whom the society has or;
f) between the society and a creditor of the society such disputes shall be referred to the Registrar for decision and no court shall have jurisdiction to entertain any suit or other proceeding in respect of such dispute.

2) For the purposes of sub-section (i) the following shall be deemed to be disputes touching the constitution, management or the business of a society namely:

a) a claim by the society for any debt or demand due to it from a member or the nominee, heirs or legal representatives of a deceased member whether such debt or demand be admitted or not.
b) a claim by a surety against the principal debtor where the society has recovered from the surety any amounting aspect of any debt or demand is admitted or not

c) any dispute arising in connection with the election of any officer of a society;

d) a claim by a society against a member, past member or the nominee heir or legal representative of a deceased member for delivery of possession to the society of land or other immovable property resumed by it for breach of the conditions for assignment or allotment of such land or other immovable property.

3. If any question arises whether a dispute referred to the Registrar under this section is or is not a dispute touching the constitution, management or the business of a society, the decision thereon of the Registrar shall be final and shall not be called in question in any court.

4) a) Notwithstanding anything contained in any law for the time being in force providing for any period of limitation for suit and other proceedings but subjects to the specific provisions made in this act, the period of limitation within which the dispute shall be referred to the Registrar under sub-section (i) shall when the dispute relates to the recovery of any sum including interest thereon due to a society by a member thereof, be computed from the date on which such member dies or ceases to be a member of the society;

(ii) save as otherwise provided in sub-clause (iii) when dispute relates to any act or omission on the part of any of the parties referred to in clause (b) or clause (c) of sub-section (i) be six years from the date on which the act or omission with reference to which the dispute arose, took place;

(iii) when dispute relates to a society which has been ordered to be sound up under section 75 or in respect of which an administrator has been appointed under section 39 be six year from the date of the order issued under section 75 or section 39 as the case may be;

(iv) When the dispute is in respect of an election of an officer of a society other than a society referred to in sub-section (i) of section 34 be one month from the date of the declaration of the result of the election.

(c) the period of limitation in the case of any other dispute except those mentioned in the foregoing clause which are required to be referred to the registrar under the last preceding section shall be regulated by the provisions of the law for the time being in force providing for any period of limitation for suits and other proceedings as if the dispute was a suit and the Registrar, a civil court.

(c) Notwithstanding anything contained in clause (a) and (b) the Registrar may admit a dispute after the expiry of the period of limitation, if the applicant satisfies the registrar that the had sufficient cause for not referring the dispute within such period and the dispute so admitted shall be dispute which shall not be barred on the ground that the period of limitation has expired.

References of dispute to arbitration.

73 (i) The registrar may on receipt of the reference of dispute under section 72.

a) decide the dispute himself or

b) transfer it for disposal to any person who has been invested by the government with powers of the Registrar in that behalf or

c) refer it for disposal to one or more arbitrators to be appointed by the Registrar.
2. Where the reference relates to any dispute involving immovable property the Registrar or such person or arbitrator may order that any person be joined as a party who has acquired any interest in such property subsequent to the acquisition of interest therein by a party to the reference and any decision that may be passed on the reference by the Registrar or the person or the arbitrator aforesaid, shall be binding on the party so joined as if he were an original party to the reference.

3) The Registrar may withdraw any reference transferred under clause (b) of sub-section (i) or referred under clause (c) of that sub-section and decide it himself or refer the same to another arbitrator or such another person for decision

4) the registrar or such person or arbitrator to whom a dispute is referred for decision under this section may, pending the decision of the dispute, make such interlocutory orders as he may deem necessary in the interest of justice.

5) The Registrar or such person shall decide the dispute or the arbitrator shall pass an award in accordance with the provisions of the Act and the rules and the bye-laws.

Power of State Co-operative Bank to proceed

74) (i) if a society is unable to pay its debts to the State co-operative Bank by reason of its members committing default in the payment of the moneys due by the, the State co-operative bank may direct the committee of such society to proceed against such members under section 72 and if the committee fails to do so within a period of ninety days from the date of receipt of such direction, the State Co-operative Bank itself may proceed against such members in which case the provisions of this Act, the rules or the bye-laws shall apply as if all reference to the society or its committee in the said provisions were references to the State Co-operative Bank.

2. Where the State Co-operative Bank has obtained a decision or award against a society in respect of moneys due to it from the society, the State co-operative Bank may proceed to recover such moneys firstly from the assets of the society and secondly from the members to the extent of their debts due to the society.
Winding up of societies

75. (i) If the Registrar after an inquiry has been held under section 66 or an inspection has been made under section 67, or on receipt of an application made by not less than three-fourth of the members of the society is of opinion that the society ought to be wound up

(ii) the Registrar may of this own motion make an order directing the winding up of the society

(a) where it is a condition of the registration of the society that the society shall consist of at least ten members and the number of members has become less than ten, or

(b) where the society has not commenced working within six months of its registration or such further time as may be granted by the Registrar or has ceased to function in accordance with co-operative principles.

3) The Registrar may cancel an order for he winding up of society, at any time, in any case, where, in his opinion, the society should continue to exist

4) A copy of such order shall be communicated by registered post to the society and to the State co-operative Bank of which the society is a member.

Provided that it shall not be necessary to appoint any liquidator for winding up of a society which has not commenced working, or has share capital and members deposits not exceeding five hundred rupees.

2 A liquidator shall, on appointment take into his custody or under his control all the property, effect and actionable claims to which the society is or appears to be entitled and all books, records and other documents pertaining to the business of the society and shall take such steps as he may deem necessary or expedient, to prevent loss or deterioration of, or damage to such property, effects and claims. He may carry on the business of the society so far as may be necessary with the previous approval of the Registrar.

3) where, an appeal is preferred under section 98 an order of winding up of a society made under section 75 shall not operate thereafter until the order is confirmed in appeal

Provided that the liquidator shall continue to have custody or control of property, effects and actionable claims mentioned in sub-section (2) and have authority to take the steps referred to in that sub-section.

4) where an order of winding up of a society is set aside in appeal the property, effects and actionable claims of the society shall vest in the society.

Powers of Liquidator

77. (i) subject to any rules made in this behalf the whole of the assets of a society in respect of which an order for winding up has been made, shall vest in the liquidator appointed under section 76 from the date on which the order
takes effect and the liquidator shall have power to releases such assets by sale or otherwise.

2) such Liquidator shall also have power subject to the control of the Registrar

a) to institute and defend suits and other legal proceedings on behalf of the society in the name of his office.

b) To determine from time to time the contribution (including debts due and costs of liquidation) to be made or remaining to be made by the members or past members or by the estates or nominees, heirs or legal representatives of deceased members by or any officers or former officers the assets of the society.

c) To investigate all claims against the society and subject to the provisions of this Act, to decide questions of priority arising between claimants;

d) To pay claims against the society including interest up to the date as the assets of the society may permit the surplus, if any remaining after payment of the claims being applied in payment of interest from the date of such order of winding up at a rate fixed by him but not exceeding the contract rate in any case.

e) To determine by what persons and in what proportions the cost of the liquidation are to be borne.

f) To determine whether any persons a member, past member or nominee of deceased member;

g) To give such directions in regard to the collection and distribution of the assets of the society as may appear to him to be necessary for winding up the affairs of the society.

h) To carry on the business of the society so far as maybe necessary for the beneficial winding up of the same

i) To make any compromise or arrangement with any person between whom and the society there exists any dispute and to refer any such dispute to arbitration

j) To make any compromise or arrangement with creditors or between whom and the society there exists any dispute and to refer any such dispute to arbitration

k) After consulting the members of the society, to dispose of the surplus if any, remaining after paying the claims against the society in the manner prescribed; and

l) To compromise all calls of liabilities to calls and debts and liabilities capable of resulting in debts, and all claims, present or future, certain or contingent, subsisting or supposed to subsist between the society and a contributory or alleged contributory or other debtor or person and all
westerns in any way relating to or affecting the assets or the winding up of the society on such terms as may be agreed and take any security for the discharge of any such call, liability, debt for claim and give a complete discharge in respect thereof.

3) when the affairs of a society have been wound up, the liquidator shall make a report to the Registrar and deposit the records of the society in such place as the Registrar may direct.

Priority of contributions

assessed by liquidator 78) Notwithstanding anything contained in any law relating to insolvency as may for the time being in force, the contribution assessed by a liquidator shall rank in order of priority next to debt due to the government or to any local authority in solvency proceedings.

Powers of registrar to Cancel registration of 79 (i) the registrar may after considering the report of the liquidator shall rank in order of priority next to debt due to the government or to any local authority in solvency proceedings.

2) an order passed under sub-section (i) shall be communicated by registered post to the president of the society and to the federal society in any and to the State Co-operative Bank of which the society was a member.

Chapter X

Execution of awards, decrees, orders and decisions.

Enforcement of charge. 80. Notwithstanding anything contained in Chapter VIII or any other law for the time being in force, but without prejudice to any other mode of recovery provided in this Act, the Registrar, or any person subordinate to him empowered by the Registrar in this behalf may on the application of the society, make an order directing the payment of any debt or outstanding demand due to society by any member or past or deceased member by sale or the property or any interest therein. which is subject to a charge under section 42.

Provided that no order shall be made under the section unless the member past member or the nominee, him or legal representative of the deceased member, has been served with a notice in the manner prescribed and has failed to pay the debt or outstanding demand within the time specified in the notice which shall not be less than thirty days.

Execution of orders 81. Every decision award or order duly passed by the registrar or arbitrator under section 32, section 33, section 70, section 73, section 80 or section 98 shall if not carried out.

a) where the decision award or order provides for the recovery of money be executed according to the law for the time being in force relating to the recovery of the land revenue.
Provided that an application for the recover of any sum in the manner aforesaid accompanied by a certificate signed by the registrar or any person subordinate to him and empowered by the Registrar in this behalf shall be made to the competent revenue authority that maybe prescribed within twelve years from the date of the order; and

c) on any other case be executed by the Registrar or any person subordinate to him and empowered by the Registrar in this behalf by attachment and sale or sale without attachment of any property of the person or society against whom the order, decision or award has been obtained or passed.

Execution of orders of liquidator. 82. The orders of the liquidator or under section 77 shall be executed in accordance with the Act and the rules for the time being in force forth recovery of arrears of land revenue.

Attachment before award. 83. Where the Registrar is satisfied that a party to any reference made him under section 72 with intent to defeat or delay the execution of any decision that my be passed thereon is about to

a) dispose of the whole or any part of all the property; or

b) remove the whole or any part of the property from the local limits of the jurisdiction of the Registrar, the Registrar may, unless adequate security is furnished, direct attachment of the said property or such part thereof as competent civil court.

Provided that the powers of the Registrar under this section shall not be delegated to any officer below such rank as may be prescribed,

Provided further that immovable property shall not be sold in execution of a decree unless such property has been previously attached

Provided further that where the decree has been obtained on the basis of a mortgage of such property, it shall not be necessary to attach it.

Registrar or person empowered by him to be civil court for certain purpose 84. the Registrar or any person empowered by him in this behalf shall be deemed, when exercising any powers under this Act for the recovery to be a civil court for the purposes of any law relating to limitation

Recovery of sums due to Government. 85.(i) All sums due from a society or from an officer or member of past member or past member of a society as such, to government, including any costs awardee to government under any provision of this Act, may on a certificate issued by the Registrar in this behalf, be recovered in the same manner as arrears of land revenue.
2) Sums due from a society to government and recoverable under sub-section (i) may be recovered, firstly from the property of the society, secondly in the case of society the liability of the members of which is limited from the members, past members or the estates of deceased members subject to the limit of their liability and thirdly in the case of other society from the members, past members or estate of the deceased members.

Provided that the liability of past members and the estate of deceased members shall in all cases be subject to the provisions of section 29.

Chapter XI

State Co-operative Bank.

Applicability of chapter.

86. Notwithstanding anything contained to the contrary in the Act or rules, the provisions of this Chapter shall apply to the State co-operative Bank that may be registered in the State under this Act.

Registration of State co-operative Bank

87. Notwithstanding anything contained in this act, a society shall not be registered as the State Co-operative Bank unless the application for registration thereof is signed by at least 10 persons of whom one shall be the government and the rest shall consist of not less than 5 societies.

Business which the state Co-operative Bank may transact.

88. It shall be lawful for the State co-operative Bank carry on all or any of the following business viz:-

(i) to do banking business as defined in clause(b) of section 5 and section 6 (i) read with section 56 of the Banking Regulation Act, 1949 or another law for the time being in force and in general to carry on and discharge such functions and business as are usually undertaken by banks or bankers;

(ii) to serve as an apex bank for the co-operative societies and to provide all types of financial accommodation, including short medium and long-term loans for all kinds of economic activities, including agricultural and allied activities, industry, trade and commerce too co-operative societies as well as to other persons including firms, companies or other corporate bodies.

(iii) to act as an agent of the reserve Bank in the matter of operating currency chest on such terms and conditions as maybe mutually agreed upon; and

(iv) To open branches, pay offices or regional offices in any part of the State of Sikkim or outside Sikkim with the previous sanction of the Registrar.

89. The Government shall contribute not less than 51 per cent of the total issued capital of the State Co-operative Bank.

90. The Committee of the State Co-operative Bank shall consist of members of whom 3 shall be nominated by the Government, 3 shall be representatives of societies, 2 shall be representatives of members other than societies or be elected or nominated as per the by-laws of the Bank, and one managing Director to be appointed by the Government in consultation with Reserve Bank.

Provided that the initial committee shall be entirely nominated by the Government for a period of 3 years or such other extended period as may be decided by it Government.

91. The State Co-operative Bank may at any time,
acquire in whole or in part the business of the State Bank of Sikkim, established under the State Bank of Sikkim Proclamation, 1968, as may be provided by Central Government by law.

92. (1) The State Co-operative Bank may, with the prior approval of the Government, and subject to such terms and conditions as the Government may deem fit to impose, borrow money by issue of bonds.

(2) The Bonds shall be in the form of promissory note and shall not be repayable before the expiry of five years from the date of issue thereof.

Provided that the committee may repay the amount due under the bonds at any time before the date so fixed, after issue of notice in such manner as the committee may direct in the behalf of the holders of the bonds.

93. (1) The principal of and interest on the bonds issued under Section 92 shall, subject to such maximum amounts as any be fixed by the Government and subject to such conditions as the Government may think fit to impose, carry the guarantee of the Government.

(2) The Government may, subject to the provision of any Act in that regard increase the maximum amount of any guarantee given under sub-section (1).

(3) The Government may, after consulting the Committee;

(a) by notification in the official gazette, and

(b) by notice of not less than fourteen days in such of the important news papers in the State and in other States of India as the Government may select in this behalf withdraw any guarantee given by them of reduce the maximum amount thereof or modify the conditions subject to which it was given.

Provided that the withdrawal, reduction or modification of any guarantee under this sub section shall not in any way affect the guarantee carried by any bonds issued prior to the date on which such withdrawal, reduction or modification takes effect.

94. Where the State Co-operative Bank or the primary agricultural credit society has been a longterm loan to a member for the improvement of any land in excess of the amount of the loan to which such member would be entitled on the basis of the value of the land as determined in accordance with the principles of valuation approved by the Committee from time to time with the approval of the Registrar, the Government may guarantee for a specified period the repayment of the loan to the extent of the excess.

95. (1) Where a mortgage is executed in favour of a primary agricultural credit society or the State Co-operative bank for payment of prior debts of the-mortgagor the society or the bank may notwithstanding anything in any law for the time being in force relating to the transfer of properties by notice in writing require any person to whom any such debt is due to receive payment of such debt or part thereof from the bank at its registered office within such period as may be specified in the notice.

(2) Where any such person fails to receive such notice or such payment such debt or part thereof as the case may be shall cease to carry interest from the expiration of the period specified in the notice.

Provided that where there is a dispute as regards the amount of any such debt the person to whom such debt is due shall be bound to receive payment of the amount offered by the primary agricultural
credit society or the State Co-operative Bank as the case may be towards the debt but such receipt shall not prejudice their right, if any, of such person to recover the balance claimed by him.

96. The State Co-operative Bank may maintain general supervision over or inspect societies affiliated to or financed by it and up the management of the societies on such terms and conditions as may be approved by the Registrar.

96.A. (i) Subject to the provisions of Section 89 allotment of shares to the member of the State Co-operative Bank shall be governed by the provisions of its by-laws as approved by the Registrar.

(ii) The voting rights of members shall be proportionate to the shares held by each member.

Chapter XII
Insured Co-operative Banks.

97. Notwithstanding anything contained in this Act in the case of an insured co-operative bank-

1. an order for the winding up, or an order sanctioning a scheme of compromise or arrangement or of amalgamation or reconstruction (including division or reorganisation) of the bank may be made only with the previous sanction in writing of the Reserve Bank.

2. an order for the winding up of the bank shall be made by the Registrar if so required by the Reserve Bank in circumstances referred to in Section 13 D of the Deposit Insurance Corporation Act, 1961.

3. if so required by the Reserve Bank in the public interest or for preventing the affairs of the bank being conducted in a manner detrimental to the interests of the depositors or for securing the proper management of the bank, an order shall be made for the supersession (removal) of the committee or other managing body (by whatever name called) of the bank and the appointment of an administrator thereof for such period or periods, not exceeding five years in the aggregate as may from time to time be specified by the Reserve Bank and the administrator so appointed shall after the expiry of his term of office continue in office until the day immediately preceding the date of the first meeting of the new committee;

4. no appeal, revision or review shall lie or be permissible against an order such as is referred to in clauses (1), (2) or (3) made with the previous sanction in writing or on the requisition of the Reserve Bank and such order or sanction shall not be liable to be called in question in any manner;

5. the liquidator of the insured co-operative bank or transferee bank as the case may be shall be under an obligation to repay to the Deposit Insurance Corporation in the circumstances, to the extent and in the manner referred to in section 21 of that Act.

Explanation:

i. for the purpose of this section “a co-operative bank” means a bank as has been defined in the Deposit Insurance Corporation Act, 1961.

ii. “Insured co-operative bank” means a society which is an insured bank under the provisions of the Deposit Insurance Corporation Act, 1961.
iii. “Transferee Bank “ in relation to an insured co-operative bank means a co-operative bank-
a. With which such insured co-operative bank is amalgamated or
b. To which the assets and liabilities of such insured co-operative bank are transferred ,or
c. Into which such insured co-operative bank is divided or converted under the provisions of this Act.

Chapter XIII

Appeals and Revision

98. An appeal shall lie under this Section against :-
(a) an order of the Registrar made under sub – section (2) of the section 8 refusing to register a society;
(b) an order of the Registrar made under sub-section (4) of section 11 refusing to register an amendment of the bye-pass of a co-operative society;
(c) a decision of a society other than a primary agricultural credit society refusing to admit any person as a member of the society who is otherwise duly qualified for a membership under the bye-pass laws of that society;
(d) a decision of a society expelling any of its members;
(e) an order of the registrar removing the committee of a society made under section 39;
(f) an order made by the registrar under section 68 appointing the cost of an enquiry held under section 66 an inspection made under section 67;
(g) any order of the surcharge under Section 70
(h) any decision or award made under Section 73;
(i) an order made by the Registrar under section 75 directing the winding up of a society;
(j) any order made by the liquidator of a society in exercise of the powers conferred on him by section 77;
(k) any order made under section 83.

(2) (a) An appeal against any decision or order under sub-section (1), expecting those mentioned in clauses (c) and (d) shall be made to the Government within sixty days from the date of the decision or the order ; and
(b) the appeal against any decision of a society mentioned in clauses (c) and (d) of sub-section (1) shall be made to the registrar within sixty days from the date of such decision.

(3) No appeal shall lie under this section from any decision or order made by the Registrar in appeal.

(4) The government orthe Registrar , to whom an appeal is made under sub-section (2) may call for and examine the record relating to the matter appealed for the purpose of Satisfying itself or himself as to the legality or propriety of any decision or order passed and if in any case it appears to the Government or the Registrar as the case may be that any such decision or should be modified annuled or reversed the Government or the Registrar as
the case may be may pass such order thereon as it and may deem fit.

99. Subject to the provision of Section 97 the Government may so or on the application of a party to a reference call for and examine the record of any proceedings in which no appeal lies to the Government under section 98 for the purpose of satisfying itself as to the legality and propriety of any decision or order passed and if in any case it shall appear to it that any such decision or order should be modified annulled or revised it may pass such order thereon as it may deem fit.

100. where an appeal is made under section 98 or where the Government calls for the record of a case under section 99, the appellate authority for the Government as the case may be, in order to meet the ends of justice make such interlocutory order, including an order of stay, pending the decision of the appeal or revision as such authority or Government may deem fit.

Chapter XIV

Offences and Penalties

101. (1) no person other than a society shall carry on business under any name or titleof which the word “co-operative” or its equivalent in any Indian language, is part, without the sanction of the Government.

(2) Any person carrying on the trade or business in contravention of sub-section (1) shall be punished with a fine which may extend to two hundred rupees and in case of a continuing offence with a fine of rupees 25 for each day on which the offence is continuing after conviction thereof.

Provided always that nothing in this section shall apply to the use by any person or his sucessor in interest of any name or title under which he carried on his business with the word “co-operative” or its equivalent in any Indian language at the date on which the Sikkim Co-operative Society Act, 1955 came into operation.

(3) Any member or past member or the nominee, heir or legal representative of a deceased member of a society who contravenes the provision of section 42 by disposing of any property in respect of which the society is entitled to have a first charge under that section or do any other act to the prejudice of such claim, shall be punishable with fine which may extend to two hunderd rupees.

(4) The committee of a society or an officer or member thereof willfully making a false information, or any person wilfully or without any reasonable excuse disobeying any summons, requisituion or lawful written order issued under the provisions of this Act or wilfully does not furniosh any information required from him by a person authorised inthis behalf under th eprovisions of
this Act, shall be punishable with fine which may extend to two hundred rupees.

(5) Any employer who without sufficient cause fails to deduct or fails to pay to a society the amount deducted by him under sub-section (2) of section 54 within a period of seven days from the date on which such deduction is made shall be punishable with fine which may extend to five hundred rupees and in the case of a continuing default with a further fine of Rs.25 for each day on which the offence continues after conviction thereof.

(6) If default is made in complying with provisions of section 28, sub-section (1) of section 33, section 57, section 60, section 61, section 62, the society and every officer or member of committee of the society who is default shall be punishable with fine which may extend to two hundred rupees.

(7) If any person –
(i) after ceasing to be a member under sub-section (2) of Section 21 act as a member; or
(ii) exercise the rights of member in contravention of the provisions of section 25 shall be punishable with fine which may extend to two hundred rupees.

(8) If any person collecting the share money for a society information does not deposit the same in the State co-operative Bank within fourteen days of its receipt, he shall be punishable with the fine which may extend to five hundred rupees.

(9) If any person collecting the share money for a society information make use of the fund so raised for conducting any trade of business in the name of the society to be registered or otherwise he shall be punishable with fine which may extend to five hundred rupees.

(10) If any officer or member of a society misappropriates or unauthorisedly or illegally keeps any money belonging to that society he shall be punishable with the imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

102. where an offence under sub-section (1) or sub-section (4) of section 101 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 that offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this section shall render any such person liable to any punishment provided in the aforesaid sub-section he prove that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Provided further that if it is proved that the offence has been committed by the consent or connivance of or is attributed 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 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 a body corporate, and includes a firm or other association of individuals;
(b) “director” in relation to firm means a partner of the firm.

103. (1) No court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this Act.
(2) No prosecution shall be instituted under this Act without the previous sanction of the Registrar and such sanction shall not be given—
(i) without giving to the person concerned an opportunity to represent his case;
(ii) if the Registrar is satisfied that the person concerned acted in good faith.

Chapter XV

Miscellaneous

104. Every society shall have an address registered in accordance with the rules to which all notice and communications may be sent and shall send to the Registrar notice of any change thereof within thirty days of the change.

105. Every society shall keep a copy of this Act, the rules and its bye-laws open to inspection free of charge at reasonable times at the registered address of the society.

106. Every order, decision or award made or given by the Registrar, or any officer or other person or a liquidator under this Act, shall be pronounced on the day on which the case is finally heard or on some future day of which due notice shall be given to the parties.

107. (1) The Registrar or any other to whom a dispute is referred for decision or an appeal is made against any order or decision made under this Act, shall hear the dispute or the appeal in the manner prescribed and shall have power to summon and enforce attendance of witness including the parties interested or any of them and to compel them give evidence on oath, affirmation or affidavit and to compel the production of documents by the same means and as far as possible in the same manner, as is provided at in the case of a civil court by the Code of Civil Procedure, 1908.
(2) Except with the permission of the Registrar or any other person deciding a dispute, as the case may be, no party shall be represented at the hearing of a dispute by a legal practitioner.
(3) (a) If the registrar or any other person to whom a dispute is referred is satisfied that a person, whether he be a member of the society or not has acquired any interest in the property of a person who is a
108. (1) In exercising the function conferred by or under this Act, the Government, the Registrar, the arbitrator or any other person deciding a dispute and the liquidator or an auditor of a society shall have all the powers of a Civil Court, while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters namely:

a) Summoning and enforcing the attendance of any person and examining him on oath;

b) Requiring the discovery and production of any document

c) Proof of facts by affidavit and;

d) Issuing commission for examination of witness.

(2) In the case of any affidavit, any officer appointed by the Government, the Registrar, the arbitrator or any other person deciding a dispute as the case may be, shall administer the oath to the deponent.

109. (1) Save as provided in this Act, no civil or revenue court shall have any jurisdiction in respect of-

Powers of Civil Courts
(a) the registration of a society or bye-laws or of an amendment of a bye-laws;
(b) the removal of a committee;
(c) any dispute required under section 72 to be referred to the Registrar or order for payment of moneys under section 85.

(2) While a society is being wound up no suit or other legal proceedings relating to the business of such society shall be proceeded with or instituted against the liquidator as such or against the society or any member thereof, except by leave of the registrar and subject to such terms as he may impose.

(3) Save as provided in this Act, no order decision or award made under this Act shall be questioned in any court or on any ground whatsoever.

110. The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 shall be applicable to the filling of any appeal or application for revision under this Act.

111. The Government may, by general or special order, published in the official Gazette exempt any society or any class of societies from any of the provisions of this Act or may direct that such provisions shall apply to such society or class of societies with such modification as may be specified in the order.

112. Every notice or order issued or made under this Act may be served on any person by properly addressing it to the last known place of residence or business of such person prepaying and posting by registered post a letter containing the notice or order and unless the contrary is proved, such service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course.

113. No suits shall be instituted against a society or any of its officers in respect of any act touching all constitution management or the business of the society until the expiration of two months next after notice in writing has been delivered to the Registrar or left at his office stating the cause of action the name description and place of residence of the plaintiff and the relief which he claims and the plaint shall contain a statement that such notice has been so delivered or left.

114. No suit prosecution or other legal proceedings shall lie against the Registrar or any person subordinate to him or acting under his authority in respect of anything in good faith done or purporting to have been done under this Act.

115. The provisions of the Companies Act 1956 shall not apply to societies.

116. (1) Any society which is existing as on the date of coming into force of this Act and which has been registered under the Sikkim Co-operative Societies Act, 1955 or under any other law relating to co-operative societies in the State of Sikkim shall be deemed to have been registered under this Act, and its bye-laws shall, so far as
the same are not inconsistent with the express provisions of this Act, continue in force until altered or rescinded.

(2) All appointments, rules and orders made under the Sikkim Co-operative Societies Act, 1955 shall be deemed to have been respectively made, issued or instituted under this Act, unless duly revoked or cancelled.

117. (1) The Government may for the whole or any part of the State of Sikkim and for any class of Societies after previous publication in the Gazette make rules to carry 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 applicant to whom the order refusing the registration of a society may be sent by the Registrar.
b) The procedure and conditions for change in the form and extent of the liability of a society;
c) The matters in respect of which a society shall or may make bye-laws;
d) The procedure to be followed for amendment of bye-laws by a society;
e) The qualification or disqualification of individuals who may be admitted to a society;
f) The provisions for a second or casting vote by the Chairman of a meeting of a society;
g) The appointment by a society of one of its members to represent and vote on its behalf at a meeting of another society of which it is a member;
h) The maximum number of shares or portion of the share capital of a society which may be held by an individual member;
i) The procedure for the nomination of a person to whom the share or interest of a member on his death may be transferred or the value thereof may be paid;
j) The mode in which the value of a deceased member’s share shall be ascertained;
k) The election of members of committee by the general body of a society including the appointment of Returning Officers and the powers and functions of such Returning Officers;
l) The requisition of a general meeting of a society;
m) The remuneration payable to a new committee or Administrators appointed in place of a committee removed by the Registrar.
n) The qualification or disqualifications for membership of committee of a society the authority competent to decide questions of disqualifications and appeals from such decisions;
o) The qualification of employees of societies;
p) The prohibition against officers of a society being interested in contrast with the society;
q) The matters connected with the partnership of the Government in societies;
r) The rate at which dividend may be paid by societies;
s) The payment to be made to the “Co-operation Education Fund” by a society out of its net profits and the mode of its investment;
t) The mode of investment of funds of a society;
u) The objects of the reverse fund of a society and mode of its investment;
v) The mode of disposal of reverse fund of a society on its winding up;
w) The extent and conditions subject to which a society may receive deposits and loans;
x) The restrictions on transaction by a society with non-members;
y) The restrictions on grant of loan by a society against its shares;
z) The forms and standards of fluids resources to be maintained by societies accepting deposits and granting cash credits;
aa) The levy of audits fees on societies;
bb) The procedure to be followed in proceedings before the Registrar, arbitrator or other person deciding disputes;
c) The conditions subject to which assets of a society shall vest in a liquidator and the procedure to be adopted in winding up of society;
d) The procedure for recovery of amounts due or payable to a society;
e) The mode of making attachment before judgement;
f) The procedure and conditions for the issue, redemption, reissue, transfer, replacement or conversion of bonds issued by a society;
g) The maximum amount of principal, the rate of interest and other conditions for the guarantee of debentures/bonds issued by a society;
h) The procedure for the distraint and sale of property, mortgage, to a primary agricultural credit society or to the State Co-operative Bank;
i) The immediate sale of perishable articles;
j) The manner of registering the address of a society;
k) The account books and registers to be kept by a society and power of the Registrar to direct the accounts and books to be written up;
l) The manner of certification of entries in the books of a society and of copies of document kept by it in the course of its business;
m) The statements and returns to be furnished by societies to the Registrar;
n) The restriction on persons appearing as legal practitioners;
o) The inspection of documents and the levy of fees for granting certified copies thereof; and
p) The matters expressly required or allowed by the Act to be prescribed;

(3) Every rule made under this section shall immediately after it is made be laid before the State Legislature if it is in session
and if it is not in sessions in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive and if before the expiration of the session in which it is so laid or the session immediately following the House agrees in making any modification in the rules or in the annulment of the rules the rules shall thereafter have effect only in such modified forms or shall stand annulled 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;

118. On the day on which this Act comes into force, the Sikkim Co-operative Societies Act, 1955 as in force in the State of Sikkim shall stand repealed:

Provided that the repeal shall not affect:

a) The previous operation of the Act so repealed or anything duly done or suffered thereunder; or

b) Any right, privilege, obligation or liability acquired accrued or incurred under the Act so repealed or

c) Any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed or

d) Any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if that Act had not been repealed.

119. (1) If any difficulties arises in giving effect to the provisions from the provisions of the Acts in force immediately before the commencement of this Act, the Government may, by notification in the official Gazette make such provisions as appear to it to be necessary or expedient for removing the difficulty.

(2) If any difficulty arises in giving effect to the provisions of this Act (otherwise than in relation to the transition from the provisions of the Acts in force before the commencement of this Act), the government may by notification make provisions not inconsistent with the purpose of this Act, as appear to it to be necessary or expedient for removing the difficulty.

By order of the Governor.

B.R. PRADHAN,
Secretary to the Government of Sikkim,
Law and legislative Department,
F.16(25)LL/77.
In view of the increase in the cost of living and the consequential difficulties being experienced by the Government employees, the Governor of Sikkim has been pleased to grant an interim relief in the form of Additional dearness Allowance at the rate of rs.30/- per month to the non gazetted employees with effect from the date of formation of the Pay Commission i.e. 29.9.1977.

The increase will however be subject to necessary adjustment after the finalization of the Pay Commission’s Report.

By Order

T.S.GYALTSHEN,
Chief Secretary,
Government of Sikkim.
MOTOR VEHICLE DEPARTMENT, GANGTOK

Notification no. 8/MV

Dated Gangtok, the 22nd March, 1978.

The Motor Vehicle Inspector of Motor Vehicle Department, Government of Sikkim is empowered to check Certificate of Fitness, route permits, taxes, overloading and driving licenses and lunch prosecution against the defaulters and offenders.

He is further empowered to seize any vehicle found unsafe to ply on road under the order of Secretary, Sikkim Transport Authority.

By Order

R.B. MUKHIA
Secretary,
Motor Vehicle Department.
Governmet of Sikkim

SIKKIM
GOVERNMENT

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT GANGTOK

Notification No. 1/62/SLAS/78-79

Dated Gangtok, the 5th April, 1978.
In super session of Notification No. 62/SLAS/77/757 dated the 17th October, 1977 and in accordance with the directions of the Speaker under Rule 928 of the Rules of Procedure and Conduct for business in the Sikkim Legislative Assembly the Second Public Accounts Committee for the year 1978-79 was elected by the Sikkim Legislative Assembly on 31st March, 1978 consisting of the following Members of the Legislative Assembly. The Speaker was pleased to nominate Shri Sonpom Lucksom as the Chairman of the Public Accounts Committee.

1) Shri Sonpom Lucksom - Chairman
2) Shri K.S. Karki - Member
3) Shri R.B. Rai - Member
4) Shri Nim Tshering Lepcha - Member
5) Shri Kusu Das - Member

2. The terms of the Committee shall be up to 31st March, 1979.
3. The Committee on Public Account will function in accordance with Rules 92 R and 92 t of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly.

R.K. GUPTA,
Secretary,
Sikkim Legislative Assembly Secretariat.

SIKKIM

GOVERNMENT

GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.50 Gangtok Friday April 14, 1978.

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT GANGTOK

Notification No. 1/70/SLAS/78-79

Dated Gangtok the 5th April, 1978.

In supersession of notification No. 650/70/SLAS/76 dated the 15th December, 1978, and in exercise of the powers conferred by rule 103 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the Speaker has been pleased to constitute a Committee on Rules consisting of the following Members and has also been pleased to nominate Shri B.N. Pradhan as its Chairman.

1) Shri B.N. Pradhan - Chairman
2) Shri N.B. Khatriwada - Member
3) Shri Kalsang Gyatso - Member
4) Shri K.C. Pradhan - Member
5) Shri Tasa Tengay - Member.
The term of the Committee shall be up to 31\textsuperscript{st} March, 1979.

R.K. GUPTA  
Secretary,  
Sikkim Legislative Assembly Secretariat.

SIKKIM  
GOVERNMENT  
GAZETTE  
EXTRAORDINARY  
PUBLISHED BY AUTHORITY  
No.51 Gangtok Friday April 14, 1978.

SIKKIM LEGISLATIVE ASSEMBLY SECREATRIAT GANFTOK

Notification No. 1/140/SLAS/78-79

Dated Gangtok, the 5\textsuperscript{th} April, 1978.

In exercise of the power conferred by the rule103 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly and in accordance with the direction of the Speaker, the Legislative assembly elected the first Estimates Committee for the year 1978-79 on 31\textsuperscript{st} March, 1978 consisting of the following Members. The speaker was pleased to nominate Shri N.K. Subedi as its Chairman.

1) Shri N.K. Subedi - Chairman
2) Shri Mohan Gurung - Member
3) Shri Passang Tshering - Member
4) Shri Phigu Tshering - Member
5) Shri N.B. Rai - Member
6) Shri Adar Singh Lepcha - Member
7) Shri Loden Tshering - Member

The term of the Committee shall be up to 31\textsuperscript{st} March, 1979.

R.K. GUPTA  
Secretary,  
Sikkim Legislative assembly Secretariat.
NOTIFICATION

In exercise of the power conferred by Sub-section (1) read with Sub-section (6) of Section 7 of the Equal Remuneration Act, 1976 (25 of 1976) the State Government of Sikkim hereby appoint Labour Welfare Officer, Sikkim as the authority for hearing and deciding claims and complaints and the Secretary Labour Department as the appellate authority under the above Act.

By Order.

T.S.GYALTSHEN,

Chief Secretary,
Government of Sikkim.
OFFICE OF THE SECRETARY
DEPARTMENT OF LABOUR
GOVT. OF SIKKIM.

No.2/DL
Dated Gangtok, the 10th April, 1978.

NOTIFICATION

In exercise of the power conferred by Sub-Section (1) of the Section 9 of the Equal remuneration Act, 1976, (25 of 1976) the State government of Sikkim hereby appoint Labour Inspector as Inspector for the whole of Sikkim for making investigation into purposes covered by the above Act, in addition to his normal duties.

By Order

J.DORJEE,
Secretary,
Labour Department.

SIKKIM
NOTIFICATION


It has been decided by the Government of Sikkim that the Sikkim Livestock Development Corporation shall continue to be looked by the hon’ble Minister for Animal Husbandry.

T.S.GYALTSHEN,
Chief Secretary,
Government of Sikkim.

SIKKIM

GOVERNMENT

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.56  Gangtok Thursday, April 20, 1978.

HOME DEPARTMENT (ELECTION)

Notification No. 45/H

Dated Gangtok, the 19th April, 1978.

It is hereby notified for the information of all concerned that the sale price of electoral rolls of the Assembly Constituencies of the State of Sikkim have been fixed at Rs. 2/- (Rupees Two) only per part (block) with immediate effect.
The government of Sikkim has been pleased to order that sub-paragraph (a) of paragraph 2 of notification No. 1072/Home/77 dated the 29th September, 1977 relating to the Constitution of the Pay Commission shall be substituted by the following:-

“(a) What changes are desirable and feasible in the existing structures of pay scales and allowances of all categories of State government employees and the employees of the High Court and Legislative Assembly.”
Notification No. 1/Fin
Dated, the 3rd April, 1978.

Subject: - Family Pension Scheme for Sikkim Government Employees.

After the integration of Sikkim with the Indian Union, the Government of Sikkim have adopted a number of measures to provide social security to its employees. The Government have, for some time past, been considering to liberalize the existing provisions of Family Pension Scheme which were not found to be adequate. The position has, therefore, been reviewed and in supersession of Notification No. 3/Fin. Dated 26th May, 1975 a fresh scheme has been drawn up which will provide adequate benefits to the widow or other member of family of the deceased Government Servant.

The Governor of Sikkim has therefore been pleased to sanction following new scheme of Family Pension for Sikkim Government employees. According in Sikkim Government Retirement Benefits Rules after Rule 11 following new rule will be inserted:-

(A) Family Pension.

1. The provision of this rule shall apply:-

   a) To a Government servant entering service in a pensionable establishment on or after the 1st December 1977 and.

   b) To a Government servant who was in service on the 30th November, 1977 and came to be governed by the provisions of the Family Pension Scheme for Sikkim Govt. employees, contained in Finance Department Notification No. 3/Fin. Dated 26.5.75 as in force immediately before the commencement of these rules.
c) To all recipients of family pension under the existing Family Pension Scheme. The revised rates of family pension in such cases would be applicable from the date the modified scheme comes into force i.e. 1st December 1977.

2. Subject to the provisions of sub-rule (5) and without prejudice to the provision contained in sub-rule (4) where a Government servant dies:
   a) After completion of not less than three years continuous service, or
   b) After retirement from service and was on the date of death in receipt of a pension.

The family of the deceased shall be entitled to family pension the amount of which shall be determined as follows:

<table>
<thead>
<tr>
<th>Pay of Government servant</th>
<th>Amount of monthly family Pension.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Rs. 800/- and above</td>
<td>12% pay subject to a minimum of Rs.100 And maximum of Rs.200 per month</td>
</tr>
<tr>
<td>(b) Rs.200/- and above but below Rs.800/- p.m.</td>
<td>15% pay subject to a minimum of Rs.60/- and a maximum of Rs.100 per month.</td>
</tr>
<tr>
<td>(c) Below Rs.200/- p.m.</td>
<td>30% of pay.</td>
</tr>
</tbody>
</table>

3. The amount of family pensions shall be fixed at monthly rates and be expressed in whole rupees and where the family pension contains a fraction of 50 paisa and more it shall be rounded off to the next higher rupee.

4. For a period of seven years from the date of death or till the date of which the officer would have reached the normal age of superannuation had he remained alive, whichever period is shorter, the pension payable will be at fifty per cent of the basic pay last drawn subject to a maximum of twice the pension admissible under sub-rule (2), provided that the said benefit will not be admissible if the Government Servant has put in less than 7 years continuous service prior to his death. Pension payable thereafter will be at the rates laid down in sub-rule (2).

5. The period for which family pension is payable shall be as follows:
   I. In the case of a widow or widower, up to the date of death or remarriage, which ever is earlier;
   II. In the case of a son, until he attains the age of eighteen years; and
   III. In the case of an unmarried daughter, until she attains the age of twenty-one years until she gets married, whichever is earlier,

6. I. Where the family pension is payable to more windows than one, the family pension shall be paid to the windows in equal shares.
   II. On the death of widow, her share of the family pension shall become payable to her eligible child; provided that if the widow is not survived by any child, her share of the family pension shall cease to be payable to more than one member of the family at the same time

7. 1. Except as provided in sub-rule (6), the family pension shall not be payable to more than one member of the family at the same time.
   2. If a deceased Government servant or pensioner leaves behind a widow or widower, failing which to the eligible child.
   3. If sons and unmarried daughters are alive, unmarried daughters shall not be eligible for family pension unless the sons attain the age of eighteen years and thereby become ineligible for the grant of family pension.

8. Where a deceased Government servant or pensioner leaves behind more children than on, the eldest eligible child shall be entitled to the family pension for the period mentioned in clause (ii) or clause (iii) of sub-rule (5), as the case may be, and after
the expiry of that period the next child shall become eligible for the grant of family pension.

(9) Where family pension is granted under this rule to a minor, it shall be payable to the guardian on behalf of the minor.

(10) The scheme is not applicable to:
   a) Re-employed Government servants.
   b) Persons paid from contingencies.
   c) Work charged establishment.
   d) Casual labour.
   e) Contract officers.

By Order.

M.P. Pradhan,
Secretary Finance,
Government of Sikkim.
The following order of the Governor of Sikkim dated 26th April, 1978 is published for general information.

“No. SKM/GOV/245/78- In exercise of the powers conferred by Article 174 (2)(a) of the Constitution, I, B.B. Lall, Governor of Sikkim, hereby prorogue the Legislative Assembly of Sikkim which was summoned to meet on the 22nd of March, 1978.

B.B. LALL
Governor of Sikkim.

R.K. GUPTA,
Secretary,
Sikkim Legislative Assembly Secretariat.

SIKKIM
GOVERNMENT

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.60 Gangtok, Monday May 1, 1978.

ESTABLISHMENT DEPARTMENT

Notification No. 23/Gen /Est.

Dated Gangtok, the 27th April, 1978.

After sub-rule 2 of Rule 86 of Leave Rules (Chapter X) of the Sikkim Government Service Rules, the following shall be added:

Provided that:

1) No. Examination leave under this sub-rule shall be granted to leave substitute or to a Government Servant who has not rendered a minimum period of 6 months Service

2) In case of breaks other than Gazetted holiday falling in between the day of examination, period of such breaks exceeding two days when the examination is within the station of the Government Servants posting and exceeding four days when the examination is outside the station shall be treated...
as leave of the kind due to the credit of Government servant if he fails to return to duty during the period. The six months bar shall be relaxed in such cases.

By Order

C.M. RASAILY,
Deputy Secretary,
Establishment Department.

SIKKIM

GOVERNMENT

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.61   Gangtok Monday May 1,1978.

ESTABLISHMENT DEPARTMENT

Notification No. 95/Gen/Est.

Dated Gangtok, the 27th April, 1978.

Pursuant to the Establishment officer Department of Personnel and Administrative Reforms, Govt. of India D.O. No. 1/119/76-FAS of 30.12.77 the Government of Sikkim is pleased to create a Foreign Assignment Cell in the Establishment Department under the charge of Under Secretary (Gazetted Section) with immediate effect.

The functions of the Foreign Assignment Cell will be as under:-

1) Nomination for foreign assignment of suitable willing experts in different fields in response to the periodical circular letters issued by the Department of Personnel & A.R., Govt. of India.
2) Maintenance of consolidated lists of all State Government Officers deputed abroad on foreign assignment from different departments / organizations of the state Government;
3) Provide general co-ordination with other departments/organizations of the State Government in matters relating to foreign assignment of their employees;
4) Printing and distribution of foreign assignment application forms to person who wish to register for such assignment in the foreign assignment branch under Department of Personnel and Administrative Reforms, Government of Indi

By Order.

C.M.RASAILY,
Deputy Secretary,
Establishment Department.
NOTIFICATION.

In exercise of the power conferred by the Sikkim Salaries and Allowances Act, 1977 as amended the State Government hereby makes the following rules, namely:

1) (1) These rules may be called the Sikkim Ministers, Speakers, Deputy Speaker and Members Travelling Allowance (Amendment) Rules, 1978.
   (2) They shall be deemed to have come into force on and from 28th day of March, 1977.

2) (1) In rule 3(c) of the Sikkim Ministers, Speakers, Deputy Speakers and members (Travelling Allowance) Rules, 1977, a new sub-rule (v) shall be added as Under:-

   “(v) while traveling on business connected with any Committee the Members Shall be entitled either to free use of Assembly Vehicle, if available or to hire of conveyance as provided in sub-rule (iv) of this rule for travel from the place of residence to the place of business of the concerned Committee and back.”

   (2) At the end of rule 3 (D) (ii) the following Proviso shall be inserted:
   “Provided that an amount at the rate of Rs.50 for each calendar day or part thereof shall be paid to the Members for the period spent within Sikkim on business of any Committee.”

T.S.GYALTSHEN,

Chief Secretary,
Government of Sikkim.
LAND REVENUE DEPARTMENT

Notification No. 89/L.R.(S)

Dated Gangtok, the 1st May, 1978.

In pursuance of Government decision the rates of land compensation provided in the Notification No. 156/L.R. dated 5.7.19787 for the East District shall henceforth be applicable for the whole State and determined as minimum value of land in respect of acquisition of land in future.

By Order

P.T. WANGDI, IAS,
Secretary,
Land Revenue Department

SIKKIM
GOVERNMENT GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

LAND REVENUE DEPARTMENT

Notification No. 6/L.R.(S)
Dated Gangtok, the 1st May, 1978.

In exercise of the power conferred by section 1(3) of the Sikkim Land (Requisition and Acquisition) Act, 1977 (I of 1978) the State Government of Sikkim hereby appoints the date of enforcement of above Act w.e.f 22nd April, 1978.

By Order

P.T. WANGDI, IAS,
Secretary,
Land Revenue Department.

SIKKIM
GOVERNMENT
GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

LAND REVENUE DEPARTMENT

Notification No. 97/L.R.(S)

Dated Gangtok, the 1st May, 1978.

In exercise of the powers conferred by Section 3 of the Sikkim Land (Requisition and Acquisition) Act, 1977 (I of 1978) the State Government hereby authorizes the District Collectors to exercise, on behalf of the State Government, the powers of requisitioning any land for public purpose in their respective Districts.
By Order.

P.T. WANGDI, IAS,
Secretary,
Land Revenue Department.

SIKKIM
GOVERNMENT
GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY
No. 67    Gangtok, Saturday, May 6, 1978.

LEGISLATIVE DEPARTMENT
NOTIFICATION
No. 13/LL/78
Dated Gangtok, the 6th May, 1978.

The following Act of the Sikkim Legislative Assembly having received the assent of the President on the 20th day of April, 1978 is hereby published for general information.

SIKKIM ACT NO. 13 OF 1978
THE SIKKIM LAND (REQUISITION AND ACQUISITION) AMENDMENT ACT, 1978
AN ACT

To amend the Sikkim Land (Requisition and Acquisition) Act, 1977 (Act No. 1 of 1978)

WHEREAS it is expedient to amend the Sikkim Land (Requisition and Acquisition) Act, 1977 (Act No. 1 of 1978) in the manner hereinafter appearing:
It is hereby enacted in the Twenty-ninth year of the Republic of India by the Legislature of the State of Sikkim as follows:-

Short Title and Commencement

1. (1) This Act may be called the Sikkim Land (Requisition and Acquisition) Amendment Act, 1978.

(2) it shall come into force at once.

2. In the Sikkim Land (Requisition & Acquisition) Act, 1977 (Act No. 1 of 1978):

(a) for sub-section (2) of Section 4, the following shall be and shall always be deemed to have been substituted:

Amendments in the Sikkim land (Requisition and Acquisition) Act, 1977 (Act no. 1 of 1978):

“(2) If the State Government is of opinion that it is necessary to acquire for a public purpose any land requisitioned under Section 3, it may acquire such land by publishing a notification to the effect that such land is required to be acquired for such purpose and that the State Government has decided to acquire such land:

Provided that before issuing such notification, the State Government shall call upon the person interested or any other person who, in the opinion of the State Government may be interested in such property to show cause why the property shall not be acquired and after considering the cause if any shown by the person interested in the land and after giving the party an opportunity of being heard the State government may pass such order as it deems fit.”

(b) For Section 8, the following shall always be deemed to have been substituted:–

8 (1) Where any land is requisitioned under Section 3, there shall be paid to the person interested in respect of the requisitioning of the land an amount if any, as may be fixed by agreement between the Collector and the person interested and approved by the State Government in the manner prescribed and the Collector shall make an award ordering payment of such amount;

(2) where the Collector and the person interested do not agree as to the amount or where the agreement arrived at by and between them is not approved by the State Government or where the person interested cannot be traced or does not appear before the Collector when called upon to be present for the purpose of the determination of the amount, the amount payable for the requisitioning of the land shall consist of–

a) A recurring payment, in respect of the period of requisition of a sum which would have been payable for the use and occupation of the land, if it had been taken on lease for that Period and;

b) such sum or sums, if any, as may be found necessary to compensate the person interested for all or any of the following:–

(i) Pecuniary loss due to requisitioning;

(ii) Expenses on account of vacating the requisitioned land;

(iii) Expenses on account of reoccupying the land upon release from requisition;

(iv) damage (other than normal wear and tear due to natural causes) caused to the land during the period of requisition, including the expenses that may have to be incurred for restoring the land to the condition in which it was the time of requisition;

And the collector shall make an award ordering payment of the amount so determined and shall give in the prescribed manner immediate notice of his
award to the person interested in the land if he is not present personally or by his representative when the award is made.

C) in sub-section (1) and sub-section (3) of section 9 the words brackets and letters “Clause (b)” shall be and shall always be deemed to have been deleted.

d) in Section 13 for the words brackets and figure “Clause (7)”, the word, brackets and figures “Clause (9)” shall be and shall always be deemed to have been substituted.

e) after clause (c) in sub-section (2) of section 18, the following clause shall be and shall always be deemed to have been inserted as clause (d):

“(d) the manner of approval by the State Government of the amount fixed by agreement under sub-section (1) of Section 8”.

f) the existing clause (d) in sub-section (2) of Section 18 shall be and shall always be deemed to have been styled as Clause (e) and in the said Clause, the words, brackets, and letters “Clause(b) of” shall be and shall always be deemed to have been deleted.

Repeal:

3. The Sikkim Land (Requisition And Acquisition) Amendment Ordinance 1978, is hereby repealed.

By Order of the Governor,

B.R.PRADHAN,

Secretary to the Government of Sikkim
Law and Legislative Department.
F 16 (12) LL/77.
No. 68   Gangtok, Tuesday, May 9, 1978.

HOME DEPARTMENT

NOTIFICATION

Dated Gangtok, the 5th May, 1978.

No. 6(11)- Home/76, The Governor of Sikkim is pleased to delete Clause 3 of Notification No. 36/Home, dated August, 6th 1978. Consequently, Clause 4, 5 and 6 of the said notification will be re-numbered as 3, 4 and 5 respectively.

T.S.GYALTSHEN,

Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
LOCAL SELF GOVERNMENT DEPARTMENT
GANGTOK

No. 2/LSG.     Dated Gangtok, the 24th April, 1978.

NOTIFICATION

In exercise of the power conferred by section 21 A 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 Gangtok Municipal Corporation with the duty of Collecting the toll from the owners of goods and fees from vendors having stalls in the Bazaar of Gangtok Deorali and Tadong for the year 1978-79 according to the rates and subject to the exemption given below:-

SCALE OF FEES TO BE LEVIED ON THE DAY TO DAY
BAZAAR VENDORS HAVING STALLS IN THE BAZARS

The daily rent shall be paid at the rate of Rs. 0.00.02 paisa per sq ft on any sizes of stall irrespective of any kind of stall put up and article (merchandise) exposed for sale.

MISCELLANEOUS.

1. Goods to the value of
   Rs.0.25 to Rs. 1.00, for instance, grass, fuels, vegetable etc ..........Rs. 0.06 P each
2. Packed Orange boxes .............................................................Rs. 0.10 P each
3. Orange Packing Baskets ......................................................... Rs. 0.03 P each
4. hide per coolie load .............................................................. Rs 0.15 p each
5. Any goods (excluding butter, ghee, eggs and Cardomom brought and unloaded
   In the bazaar viz. coolie, donkey, Mules, ponies, bullock carts,
   And all vehicles................................................................. Rs. 0.15 P 40 kgs
   Rs. 0.08p 20 kgs
   Rs. 0.04 p 10 kgs

N.B.  THE TOOLS IS PAYABLE BY THE OWNERS OF THE GOODS AT THE TIME OF
UNLOADING THE GOODS .

SPECIAL RATES FOR BUTTER, GHEE, EGGS AND CARDAMOM.

i. Butter and Ghee................................................................. Rs. 0.12 per kg
ii. Cardamom......................................................................... Rs. 0.50 per kg
iii. Eggs.................................................................................. Rs. 0.06 per kg
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  
v. Buffalo and Bulls Rs. 4.00 each  
vi. Cows Rs. 4.00 each  
vii. Cow Calf Rs. 2.00 each  
viii. Pig Rs. 3.00 each  
v. Goat and sheep Rs. 1.50 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. Buildings or Goods belonging to the Government of India or the State Government.  
2. Sheds built by workmen for making boxes on sites allotted by the government for Orange Depot.  
3. Milk brought for sale in the bazaar  
4. Barbers, animals shoers and tailors who simply keep their sewing machine for sewing clothes in the bazaar  
5. Articles not exposed for sale in the bazaar  
6. Goods upto the value of 25 paisa, which are the sole property of one person  
7. Building material such as stone, stone chips, sand, timber and bottoms, cement, iron rods and GCI sheets which are brought and unloaded in the bazaar by private parties for construction of their own shops, go down, and kitchens at sites allotted by the Government (such materials shall be liable to be taxed when they are brought and unloaded in the bazaar for the purpose of sale)  
8. Animals brought into Sikkim from outside for sell in meat stall located within bazaars provided the importers show necessary proof of making the purchase outside Sikkim.  
9. Goods or animals brought to the mouth of the bridge without being exposed in the bazaar for sale  
10. Goods which are in transit provided they are supported by challans given by a sellers to the purchaser showing clearly the lace of dispatch and their destination.  
11. Seeds, planting materials, fertilizers and pesticides supplied by the Agriculture Department to farmers through V.L.W. stores and Agriculture Department Stores in Lall bazaar, Gangtok.  
12. All goods including firewood, dairy produce & poultry supplied by the Denzong Agriculture Co-operative Ltd. To the Defense forces in Sikim.

NOTE. (1) In case the goods in the transit are required to be unloaded in a bazaar 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 bazaar they should be shown 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 realize 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.
T.P. Sharma,

Secretary,
Local Self Govt. Department, Gangtok.
NOTIFICATION
S.O. Whereas the Manipur Hills Union was recognized State Party in the State of Manipur for the purpose of the Election Symbols (Reservation and Allotment) Order, 1968 and the Symbol “Lion” was reserved for the party;

AND WHEREAS the name of that party was subsequently changed as Manipur Hills Plain Union;

AND WHEREAS it was represented to the Election Commission by a section or group of the party led by S/Shri Victor W. Kaping, N. Pauheu and Y. Shaiza that all the 12 members of the existing Manipur Legislative Assembly who were returned to the said Assembly on the ticket of the Manipur Hills Union i.e. the originally recognized party, had joined the Indian National Congress, that the Manipur Hills Union had at no time merged with the Manipur Hills Plain Union, and as such the party had ceased to exist;

AND WHEREAS another rival group or section of the party led by S/Shri A. Daiho and L. Solomon had set up a counter-claim that the party continued to exist as a separate party and maintain its independent entity and not merged with the Indian National Congress;

AND WHEREAS the Commission was satisfied on information in its possession that three were two rival groups or section of the party each of whom claimed to be that party and that a dispute had risen in terms of paragraphs 15 of the Election Symbols (Reservation and Allotment) Order, 1968 for determination by the Commission;
AND WHEREAS the commission, by its Notification No. 56/77/Vol III, dated 10 February, 1977 published in the Gazette of India and the Manipur Gazette. Withdrew the Symbol “Lion” reserved for the party. Pending decision in the matter;

AND WHEREAS the Commission, in order to decide the matter, directed both the parties to the dispute by its registered letters dated 15th September, 1977 to submit their statement of case and other documents on which they proposed to rely in support of their respective claims, within 20 days of the receipt of the said letter by them;

AND WHEREAS both the parties to the dispute did not respond to the Commission’s aforesaid letters dated 15th September, 1977 nor did they submit any such statements and documents and the Commission, in order to do full justice to the case granted a further opportunity to both the groups in the matter by its registered letters dated 11/12 January, 1978;

AND WHEREAS both the groups have been again not responded to the said letters of 11/12 January, 1978 and have not filed or submitted any statements or documents to substantiate their respective claims, until now;

NOW THEREFORE the commission after taking account all the available facts and circumstances of the case, hereby decides that the dispute not being in existence at present the Manipur Hills-Plains Union has since ceased to exist and is not functioning as a separate party and in exercise of its power under Article 324 of the Constitution reared with paragraphs 15,17 and 18 of the Election Symbols(Reservation and Allotment) Order,1968 and all other powers enabling it in this behalf , the Commission directs that the following amendment shall be made to its Notification No. 56/78, dated 25 January, 1978 published as S.O. 40(E) in the Gazette of India Extraordinary, Part No. II, Section 3 (ii) dated 25 January, 1978 namely:-

IN TABLE 2 appended to the said Notification, in column 2, the entry “ Manipur Hills Plain union” against the State of Manipur in Column I, shall be deleted.

By Order
(No.56/11/76)
Sd/- K. GANESAN
Under Secretary to the Election
Commission of India

(D.K. MANAVALAN, IAS,)
Chief Electoral Officer,
Sikkim.
In pursuance of the new industrial policy announced by the Government of India the Government of Sikkim has resolved to constitute a State Level Co-ordination Committee to co-ordinate the implementation of the programme of setting up District Industries Centres in Sikkim. The Committee will review and co-ordinate various programmes, such as selection of land for the District Industries Centre, recruitment of personnel, preparation of programmes etc. as per guidelines issued by the ministry of Industry, New Delhi from time to time:

1. Hon’ble Minister for Power & Industry - Chairman
2. Development Commissioner - Member
3. Secretary, G.I.C.I. - Member
4. Secretary, Rural Works - Member
5. Representative, DCSSI, New Delhi - Member
6. Secretary, Land Revenue - Member
7. Secretary, Local Self Government - Member
8. Director, Animal Husbandry - Member
9. Director, Small Industries Service Inst. - Member
10. Member Organizer (Khadi Board) or his nominee - Member
11. Director of Industries - Member-Secretary

The tenure of the Committee will be for one year from the date of this Notification.

T.S.GYALTSHEN,
Chief Secretary,
Government of Sikkim.
S.O. Whereas the Manipur Hills Union was recognized State Party in the State of Manipur for the purpose of the election Symbols (Reservation and Allotment) Order, 1968 and the Symbol “Lion” was reserved for that party;

AND WHEREAS the name of that party was subsequently changed as the Manipur Hills Plain Union;

AND WHEREAS it was represented to the Election Commission by a section or group of the party led by S/Shri Victor W. Kapling, N. Pauheu and Y. Shaiza that all the 12 member of the existing Manipur Legislative Assembly who were returned to the said Assembly on the ticket of the Manipur Hills Union i.e. the originally recognized party, had joined the Indian National Congress, that the Manipur Hills Union had at no time merged with the Manipur Hills-Plain Union, and as such the party had ceased to exist;

AND WHEREAS another rival group or section of the party led by S/Shri A.Daiho and L.Solomon had set up a counter-claim that the party continued to exist as a separate party and maintain its independent entity and not merged with the Indian National Congress;

AND WHEREAS the Commission was satisfied on information in its possession that there were two rival groups or sections of the party each of whom claimed to be that party and that a dispute had arisen in terms of paragraph 15 of the election Symbols (Reservation and Allotment) Order, 1968 for determination by the Commission.

AND WHEREAS the commission, by its Notification No.56/77/Vol.III, dated 10 February,1977 published in the gazette of India and the Manipur Gazette, withdrew the Symbol “Lion” reserved got the party, pending decision in the matter;

AND WHEREAS the commission, in order to decide the matter, directed both the parties to the dispute by its registered letters dated 15th September,1977 to submit their statements of case and other documents on which they proposed to rely in support of their respective claims, within 20 days of the receipt of the said letter by them;
AND WHEREAS both the parties to the dispute did not respond to the Commission’s aforesaid letters dated 15th September, 1977 nor did they submit any such statements and documents and the Commission, in order to do full justice to the case granted a further opportunity to both the groups in the matter by its registered letters dated 11/12 January, 1978;

AND WHEREAS both the group, have again not responded to the said letters of 11/12 January, 1978 and have not filed or submitted any statements or documents to substantiate their respective claims, until now;

NOW, THEREFORE, the Commission after taking into account all the available facts and circumstances of the case, hereby decides that the dispute not being in existence at present the Manipur Hills–Plains Union has since ceased to exist, and is not functioning as a separate party and in exercise of its power under Article 324 of the Constitution reared with paragraphs 15, 17 and 18 of the Election Symbols (Reservation and Allotment) Order, 1968 and all other powers enabling it in this behalf, the commission directs that the following amendment shall be made to its Notification No. 56/78, dated 25 January, 1978 published as S.O. 40(E) in the Gazette of India Extraordinary, Part No. II, Section 3 (ii) dated 25 January, 1978 namely :-

IN TABLE 2 appended to the said Notification, in column 2, the entry “Manipur Hills Plains Union” against the state of Manipur in Column I, shall be deleted.

By order

(No.56/11/76)
Sd/- K. Ganesan
Under Secretary to the Election Commission of India

SIKKIM

GOVERNMENT

GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.69 Gangtok, Tuesday, May 9, 1978

GOVERNMENT OF SIKKIM
LOCAL SELF GOVERNMENT DEPARTMENT
GANGTOK

No.2/LSG Dated Gangtok, the 24th April, 1978

NOTIFICATION

In exercise of the power conferred by section 21 A the Gangtok Municipal Corporation Act, 1975, as amended by the Gangtok, Municipal Corporation with the duty of Collecting tolls from the owners of goods and fees from vendors having stalls in the Bazars of Gangtok, Deorali and Tadong for the year 1978-79 according to the exemptions given below:-

SCALE OF FEES TO BE LEVIED ON THE DAY TO DAY BAZARVENDORS HAVING STALLS IN THE BAZARS.
The daily rent shall be paid at the rate of Rs.0.02 paisa per sq. ft., on any sizes of stalls; irrespective of any kind of stalls put up and articles (merchandise) exposed for sale.

**MISCELLANEOUS.**

1. Goods to the value of Rs.25 to Rs.1.00, for instance, grass, fuels, vegetables etc. .......... Rs.0.06 P. each

2. Packed Orange Boxes ......................................................... Rs.0.10 P. each
3. Orange packing Baskets................................................................. Rs.0.03 P. each
4. Hide per coolie load ......................................................................... Rs.0.15 P. each
5. Any goods (excluding butter, ghee, eggs and cardamom brought and unloaded in the bazaars viz. coolies, donkeys, mules, ponies, bullocks carts and all vehicles.)

In the bazaars viz. coolies, donkeys ........................................... Rs.0.15 P 40 kg
Mules, ponies, bullocks carts .................................................... Rs.0.08 P 20 kg
And all vehicles. ................................................................. Rs.0.04 P 10 kg

**THE TOOLS IS PAYABLE BY THE OWNERS OF THE GOODS AT THE TIME OF UNLOADING THE GOODS.**

**SPECIAL RATES FOR BUTTER, GHEE, EGGS AND CARDMOM**

(i) Butter and Ghee ................................................................. Rs.0.12 per Kg
(ii) Cardamom ........................................................................ Rs.0.50 per 40 kg
(iii) Eggs ................................................................................ Rs.0.06 per Dozen

**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 bull ................................................................. 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 three months ............................................... Rs.0.75 each
(x) Geese and turkey .............................................................. Rs.0.25 each
(xi) Fowl, Ducks, Mynas, Parrots .......................................... Rs.0.12 each
(xii) Chicken, Pigeon and other birds ................................... Rs.0.06 each

**EXEMPTION**

13. Buildings or Goods belonging to the Government of India or the State Government.
14. Sheds built by workmen for making boxes on sites allotted by the government for Orange Depot.
15. Milk brought for sale in the bazaar.
16. Barbers, animals shoers and tailors who simply keep their sewing machine for sewing clothes in the bazaar.
17. Articles not exposed for sale in the bazaar.
18. Goods upto the value of 25 paisa, which are the sole property of one person.
19. Building material such as stone, stone chips, sand, timber and buttoms, cement, iron rods and GCI sheets which are brought and unloaded in the bazaar by private parties for construction of their own shops, godown, and kitchens at sites allotted by the Government (such materials shall be liable to be taxed when they are brought and unloaded in the bazaar for the purpose of sale).

20. Animals brought into Sikkim from outside for sell in meat stall located within bazaars provided the importers show necessary proof of making the purchase outside Sikkim.

21. Goods or animals brought to the mouth of the bridge without being exposed in the bazaar for sale.

22. Goods which are in transit provided they are supported by challans given by a sellers to the purchaser showing clearly the lace of dispatch and their destination.

23. Seeds, planting materials, fertilizers and pesticides supplied by the Agriculture Department to farmers through V.L.W. stores and Agriculture Department Stores in Lall bazaar, Gangtok.

24. All goods including firewood, dairy produce & poultry supplied by the Denzong Agriculture Co-operative Ltd. To the Defence forces in Sikkim.

NOTE. (1) In case the goods in transit are required to be unloaded in a bazaar 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 bazaar they should be shown 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 realize 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.

T.P. Sharma,
Secretary,
Local Self Govt. Department, Gangtok
1. The Governor of Sikkim is pleased to appoint Shri Anup Deb as Government Advocate with effect from the forenoon of 15th May, 1978, on the following terms:

1. He will receive a retainer fee of Rs.600/- per month and a fee of Rs.50/- per day for the days he attends Court in connection with Government work;
2. Rent free simply furnished accommodation
3. He will be free to practice in the Courts in Sikkim, subject to the condition that he does not take up cases in which the state Government is involved in any manner; and
4. His services are terminable on one month’s notice by either side.

2. Subject to exigencies of work, he is permitted to absent himself for two weeks each month for a period not exceeding six months for the purpose of winding up his affairs in Calcutta.

R.K. GUPTA,
Additional Secretary (Home)
The Government of Sikkim hereby fix the maximum load to be carried manually by one adult male/female and adolescent male and female without jeopardizing his/her health or safety, as under:

<table>
<thead>
<tr>
<th>Category of Worker</th>
<th>Maximum weight to be carried manually</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Adult-Male</td>
<td>75 kg</td>
</tr>
<tr>
<td>2. Adult Female</td>
<td>30 kg</td>
</tr>
<tr>
<td>3. Adolescent Male</td>
<td>30 kg</td>
</tr>
<tr>
<td>4. Adolescent female</td>
<td>20 kg</td>
</tr>
</tbody>
</table>

Whenever it becomes necessary to transport manually weight exceeding 75 kg technical device such as wheel barrows or fork lifts are to be provided to male workers.

At the first instance, this order shall be applicable to all Public and Joint Sector undertakings operating in Sikkim.

By Order

J. DORJEE
Secretary,
Labour Department

SIKKIM

GOVERNMENT          GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

NO.74            Gangtok, Monday, June 5, 1978

LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION

NO.14/II/78

Dated Gangtok, the 2nd June, 1978.
SIKKIM ACT NO. 14 OF 1978

THE SIKKIM AGRICULTURAL LAND CEILING AND REFORMS ACT, 1977

AN ACT

To provide for the imposition of a ceiling on agricultural lands, for the vesting of such lands in excess of the ceiling limit and for matters connect therewith with a view to preventing the concentration of agricultural lands in the State of Sikkim in the hands of a few persons to the common detriment and with a view to bringing about equitable distribution of agricultural lands in the State of Sikkim to subserve the common good.

WHEREAS all busty wallas in respect of agricultural lands in Sikkim hold such lands directly under the state and there is no intermediate or interposing or intervening interest or agency between the State and such busty wallas

And

WHEREAS it is expedient to provide for the imposition of a ceiling in agricultural lands held by the busty wallas and other persons in the ceiling limit and for matters connected therewith, with a view to preventing the concentration of agricultural lands in the hands of a few persons to the common detriment and with a view to bringing about an equitable distribution of the agricultural lands in the State of Sikkim to subserve the common good.

It is hereby enacted in the Twenty-eighth Year of the Republic of India by the Legislature of Sikkim as follows:-

CHAPTER ONE

PRELIMINARY

1. This Act may be called the Sikkim
2. It extends to the whole of Sikkim

3. It shall come into force on such date as the State Government may, by notification, appoint.

Definition

In this Act unless the context otherwise requires,-

a. “adhaidar” means a person who cultivates the land of busty walla on condition of delivering to or receiving from the bustiwalla a share of the produce of such land

b. “agricultural year” means the Fasli year being the period of twelve calendar months commencing on and from the first day of February of one English year and ending with the thirty first day of January of next English Year immediately following;

c. “agricultural land” means land which is ordinarily used or which is capable of being used for purposes of agriculture or horticulture and includes such land, notwithstanding that it may be lying fallow for the time being but does not include any land used as homestead;

d. “bustiwalla” means a person who holds agricultural lands directly under the State and holds them ordinarily for the purpose of cultivating it by himself or by member of his family of by servants or labourers or by adhiadars or by kuttiadars or by other cultivators.

Explanation: ‘Cultivator’ means a person who cultivates the land of another on condition of payment of any consideration in cash or in kind or in both or on condition of delivering or receiving a share or any fixed quantity of the produce and includes a person who cultivates the land of another person on any terms and conditions except as a paid servant or hired labourer.

e. ‘ceiling limit’ means the ceiling limit as determined in accordance with the provisions of Section 6

f. ‘charitable purpose’ includes relief of the poor, medical relief or the advancement of education or any other object of general public utility

g. ‘competent authority’ means any person or authority authorized by the State Government by notification to perform the function of the competent authority under this Act for such area as maybe specified in the notification and different persons or authorities may be authorized to perform different functions;

h. ‘date of vesting’ means the date mentioned in the notification under sub-sections (1) of section II;

i. ‘family’ in relation to a person shall include the following persons who live with or under the care of that person, namely:-

a. his wife, minor sons, unmarried daughter, if any;
b. his unmarried adult son, if any, who does not hold any agricultural land;

c. his married adult son, if any, where neither such adult son nor the wife nor any minor son or unmarried daughter of such adult son holds any agricultural land;

d. widow of his pre-deceased son, if any, where neither such widow nor any minor son or unmarried daughter of such widow holds any agricultural land;

e. minor son or unmarried daughter if any of his pre-deceased son, where such minor son or unmarried daughter does not hold any agricultural land;

EXPLANATION:-
(i) The expression “unmarried” shall also apply to a person who is a widower or widow or a divorcee and who has not remarried.
(ii) References to wife, son or daughter shall in relation to a person who is woman, be construed as references to the husband, son or daughter, respectively, of such woman.

j. ‘homestead’ means a dwelling house together with any court-yard, compound, out-house, place of worship, family grave yard, library, office, guest house, tanks, wells, privies, latrines, drains and boundary walls, annexed to or appertaining to such dwelling house.

k. ‘non-agricultural land’ means land other than agricultural land or other than land comprised in a forest;

l. ‘notification’ means a notification published in the Official Gazette;

m. ‘notified area’ means a district or part of a district or in any other area in respect of which a notification has been duly published under Section 5;

n. “person” shall include a monastery or other religious, educational, charitable or other institution, co-operative society, corporation, local authority, company registered under any law for the time being in force and all other concerns, institutions or authorities holding agricultural lands before the notified date.

o. ‘prescribed’ means prescribed by rules made under this Act;

p. ‘religious purpose’ means a purpose connected with religious worship, teaching or service or any performance of religious rites;

q. ‘kutiadar’ means a person who cultivates a land of a bustiwalla on condition of delivering a fixed quantity of produce of the land or any other fixed amount to the bustiwalla.

 Act to override other laws:

1. the provision of this act shall have effect notwithstanding anything to the contrary Contained in any other law or any contractor any usage or custom

2. for the removal of doubts it is hereby declared that all bustiwallas and all persons holding agricultural lands hold such lands directly under the State and that there is no intermediate or interposing or intervening agency or interest between the state and the bustiwalla or other persons holding agricultural lands and that all such
bustiwallas and other persons are liable to pay revenue to the Government of the State of Sikkim for such lands held by them.

Determination of bustiwalla:- If any question arises as to whether any person is a bustiwalla or not, such question shall be determined by the competent authority in such manner as may be prescribed.

CHAPTER II

CEILING ON AGRICULTURAL LAND

Persons not entitled to Hold agricultural land in Excess of ceiling

1. The State Government may from time to time by notification declare that with effect from the date mentioned in the notification (hereinafter in this Act referred to as the notified date) no person shall be entitled to hold any agricultural land in excess of the ceiling limit in the State of Sikkim and all lands in excess of the ceiling limit shall vest in the state in accordance with and under the provisions of this Act and the rules and notification made thereunder.

2. The date mentioned in every such notification shall be the commencement of the agricultural year.

3. Every such notification shall also be published in such manner as may be prescribed.

Ceiling limit

1. The ceiling limit shall be determined according to the following principles:-
   a. in the case of an adult unmarried person or a person who has no family or a person who is the sole surviving member of any family, six and half Standard acres,
   b. in the case of a person having a family consisting of not more than five members, twelve and half Standard acres.
   c. In the case of a person having a family consisting of more than five members, twelve and half Standard acres and further two Standard acres for each member in excess of five, so, however that the aggregate of the ceiling limit for such person shall not, in any case, exceed twenty and half Standard acres.
   i. Notwithstanding anything contained in sub section(I) where the family of the person there or other persons holding agricultural land the ceiling limit for the person concerned together with the ceiling limit of all other
persons in the family holding agricultural lands shall not in any case exceed the ceiling limit as specified under clause (b) and clause (c) of sub section (I) as the case may be.

ii. For the purpose of determining the ceiling limit under clause ,lands held individually by the person concerned and the other member of the family jointly by some or all the members of such family shall be deemed to be held by one person having a family.

(3) for the purpose of determining the ceiling limit of any person holding agricultural lands who is a member of joint family the share of such a person in the joint family the share of such a person in the joint family shall be deemed to be the extent of land which would be allotted to such person had such lands been divided or partitioned as the case may be on the notified date.

(4) (i) in the case of monastery or other religious institution mentioned in group ‘A’ of the Schedule sixty Standard acres

(ii) in the case of monastery or other religious institution mentioned in group ‘B’ of the Schedule twenty five standard acres.Provided that the state government may by notification in the Schedule.

(5) in the case of tea garden orchard live stock and poultry farm dairy mill factory workshop any local authority any corporation any educational institution or any other institution established exclusively for a charitable purpose any co-operative society any company registered under any law for the time being in force so much of land as in the opinion of the state Government is required for such tea garden or Orchard or livestock and poultry farm or dairy or mill or factory or workshop or local authority or institution or co-operative society or company.

(6) The state Government may in such manner as may be prescribed by notification classify all agricultural lands in Sikkim into different Circles according to elevation and altitude and may also classify agricultural lands within each such Circle into different classes according to quality produce productivity and the like shall specify in such notification what quantity of land in each such class shall be treated as equivalent to one standard acre for the purpose of determining the ceiling limit under this section.

Transfer of land

7. No person holding agricultural land in Excess of the ceiling limit immediately before the notified date shall transfer any such land or part thereof by way of sale mortgage gift lease or otherwise until he has furnished a statement under Section 8 and a notification regarding the excess land held by him has been published under sub-section(I) of Section II and any such transfer in contravention of this provision shall be deemed to be null and void.

Persons holding land in ceiling limit to
File statement

1. Every person holding agricultural land in excess of the ceiling limit on the notified date shall within such period as may be prescribed file a statement before the
competent authority having jurisdiction
specifying the location extent or such other particulars as may be prescribed of all agricultural lands held by him and also specify the land s within the ceiling limit which he intends to retain

2. If the competent authority is of opinion that any person holds on the notified date agricultural lands in excess of the ceiling limit then notwithstanding anything contained in sub section (1) it may serve a notice upon such person requiring him to file within such period as may be specified in the notice the statement referred to in sub-section(I).

3. The competent authority may if it is satisfied that it is necessary so to do extend the date for filing the statement under this section by such further period or periods as it may think fit.

4. The statement under this Section shall be filed by such person and in such manner as amy be prescribed.

Preparation of draft
Statement as regards
Lands in excess of ceiling

1. on the basis of the statement filed under

   Section 8 and after such enquiry as the

   competent authority may deem fit to

   Make the competent authority may deemfit to make the

   competent authority shall prepare a draft statement in respect

   of the person who has filed a statement under Section 8.

2. Every such draft statement prepared under sub-section (I)

   shall contain the following particulars namely:-

   (i) the name and address of the person,

   (ii) the particulars os agricultural land held by such persons

   (iii) the particulars of all agricultural lands which such person

   intend to retain within the ceiling limit

   (iv) such other particulars as may be prescribed .

3. The drafts statement shall be served in such manner as may

   be prescribed on the person concerned together with a notice

   stating that any objection to the draft statement shall be

   preferred within thirty days from the service thereof.

4. The competent authority shall duly consider any objection

   received within the period specified in the notice referred to

   in sub-section(3) or within such further period or periods as

   may be extended by the competent authority for any good or

   sufficient reasons, from the person on whom a copy of the

   draft statement has been served under that sub-section and

   the competent authority shall after giving the objector a

   reasonable opportunity of being heard pass such orders as it

   deems fit.

After the disposal of the objection if any received
under sub-section(4) of section 9 or after the disposal of any
appeal if preffered under Section 13 the competent authority
shall make the necessary alterations in the draft statements in
accordance with the orders passed on the objection as
aforesaid or in accordance with the orders if any passed
under Section 13 as the case may be and shall determine the
land held by the person concerned in excess of the ceiling
limit and also the land which such person shall be allowed to
retain within the ceiling limit and also the land which such
person shall be allowed to retain within the ceiling limit and
shall prepare a final statement on the basis of the draft
Vesting of lands in

1. As soon as may be after the service of the final statement under Section 10 on the person concerned the competent authority may by notification declare that all lands determined as in excess of the ceiling limit under section 10 shall with effect from such date as may be specified in the State and upon the publication of such declaration all such lands shall vest absolutely in the State free from all encumbrances with effect from the date so specified.

2. During the period ending with the date specified in the declaration made under sub-section (I)
   (i) no person shall transfer by way of sale gift mortgage lease or otherwise any excess land specified in the notification aforesaid and any such transfer made in contravention of this provision shall be null and void,
   And
   (ii) no person shall alter or cause to be altered the use of such excess land.

3. Where any excess land is vested in the State under sub-section (I) the competent authority may by notice in writing order any person who may be in possession of such land to surrender or deliver possessions thereof to the state Government or to any officer duly authorized by the competent authority in this behalf within thirty days of the service of the notice.

4. If any person refuses or fails to comply with an order made under sub-section (3) the competent authority may take possession of the excess land or cause it to be given to the State Government in this behalf and may for that purpose use such force as may be necessary.

Payment of amount for excess land

1. Where any excess land vests or is deemed to have been vested under sub-section II the State Government shall pay to the person or persons holding such land immediately before the date of vesting an amount determined by the competent authority to the following principles:
   (i) if the quantity of the excess land is not more than ten standard acres an amount being two hundred times of the land revenue payable for such land;
   (ii) if the quantity of such excess land is more than ten standard acres but not more than twenty five standard acres an amount being hundred times of the land revenue payable for such land;
   (iii) if the quantity of such excess land is more than twenty five standard acres an amount being fifty times of the land revenue payable for such land;
   (iv) if the quantity of such excess land is more than fifty standard acres twenty five times of the land revenue payable for such land.

2. Before determining the amount to be paid as aforesaid, every person interested shall be given an opportunity to state his case as to the amount to be paid to him.

3. notwithstanding anything contained in the foregoing provisions if the State Government is of opinion that as a result
of imposition of ceiling limit on the lands held by a monastery or other religious institution to carry on proper management and administration the state government may in accordance with such rules as may be prescribed pay to such monastery or religious institution such annual sum not exceeding the average of the amounts received by such monastery or religious institution from such excess lands during the proceeding three years immediately before the date of vesting.

Constitution of Tribunal and appeals thereto.

1. If any person is aggrieved by an order of the competent authority under Section 4 or sub section (4) of section 9 or section 12 , he may within thirty days from the date of the order prefer an appeal to the Tribunal to be constituted by the State Government.

2. Such tribunal shall consist of a sole member who shall be not below the rank of a Deputy Secretary to the State Government.

3. The Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

4. In deciding appeals the Tribunal shall exercise all the powers which a Civil Court has and shall follow as far as possible the same procedure which a civil Court of an original court under the Law relating to Civil Procedure.

Second appeal to State Land Tribunal

1. If any person is aggrieved by any decision of the Tribunal constituted under Section 13 he may within thirty days from the date of the decision prefer an appeal to the state Land Tribunal to be constituted by the State Government.

2. Such Tribunal shall consist of a member who shall not be below the rank of District Judge or an Additional District Judge.

3. The State Land Tribunal may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

4. In deciding appeals under this section , the state Land Tribunal shall exercise all the powers and shall follow the same procedure to be followed by the Tribunal under sub-section (4) of section 13 and may vary alter modify or set aside the order of such Tribunal or Pass such other order as it may deem fit.

5. Save as otherwise provided, no Court or Tribunal except the Supreme Court excersing jurisdiction under Article 136 of the Constitution of India shall have any jurisdiction with respect to all or any of the matters falling within the jurisdiction of the Tribunal or the State Land Tribunal.

Mode of Payment of amount

The State Government shall within a period of ten months from the date of the order of the competent authority determining the amount to be paid under Section 12 or in a case where an appeal has been preferred against such order under Section 13, or under Section 14, within a period of ten months from the date of the final appellate order pay the amount determined under Section 12 or under Section 13 or under Section 14 as the case may be to the person or persons entitled thereto in ten equal installments and such amount shall carry interest at the rate of five percent per annum from the date of the order under Section 12 until final payment.
Ceiling limit of future acquisition of land

1. If on or after the commencement of this act or on or after the notified date or on or after the date of vesting under Section II any person requires by transfer, inheritance, or otherwise any agricultural land the extent of which together with the extent of the agricultural land held by him exceeds in aggregate the ceiling limit, then he shall within three months of the date of such acquisition file a statement before the competent authority having jurisdiction specifying the extent, location and such other particulars as may be prescribed of all the agricultural lands held by him and also specifying the agricultural lands within the ceiling limits which he intends to retain.

2. The provisions of Section 8 to 15 (both inclusive) shall so far as may be apply to the statement filed under this section and to the land held by such person in excess of the ceiling limit.

Bar of Jurisdiction

Save as otherwise provided in this Act no Civil Court shall have jurisdiction to decide or deal with any question or to determine any matter which is by or under this Act or any rules made there under required to be decided or dealt with or to be determined by the competent authority or any other authority and no orders passed or proceedings commenced under the provisions of this Chapter shall be called in question in any Civil Court.

Cultivation by Cultivators.

1. where any land vested in the State under Section II is being cultivated by a cultivator the right of the cultivation of such cultivator in relation to any such vested land which including any other land held or cultivated is in excess of three standard acres shall on and from the date of vesting stands terminated

2. every cultivator shall in relation to the land which he is authorized by sub-section (I) to retain under his cultivation become on and from the date of vesting a bustiwalla in respect of such land.

3. If such cultivators is also a bustiwalla in respect of any other land immediately before the date of vesting in excess of three standard acres he shall not be entitled to retain under his cultivation any land under sub section (I) and his right of cultivation in respect of all excess lands as refered to in sub-section(I) shall stand terminate

CHAPTER III

PREPARATION OF RECORD_OF_RIGHT.

Preparation of Record-of right

1. The State Government may, for the purpose of carrying out the purposes of this Act, make an order directing that a record—of-right be prepared in respect of all agricultural lands in the State of Sikkim or for such area as may be specified in the notification.

2. The State Government may by order declare that the record-of-rights, if any, already in the process of preparation or already made or prepared immediately before the commencement of
this Act shall be deemed to be the record-of-right prepared and published under this section and may, if necessary order such record-of-right.

3. The preparation of record-of-right under sub-section(1) or the revision of record-of-right under sub-section(2) shall be made by such officer appointed by the State Government referred to as the Revenue Officer in this act, in accordance with such rules as may be prescribed and shall contain such particulars as may be prescribed.

1. When a record-of-right has been revised or prepared the Revenue Officer shall publish a draft of the record so revised or prepared in the prescribed manner and for the prescribed period and shall receive and consider any objection which may be made during such period to any entry therein or to any omission therefrom.

2. When all such objections have been considered and disposed of according to such rules as may be prescribed in this behalf, the Revenue Officer shall finally prepare the record and cause such record to be finally published in the prescribed manner and make a certificate stating the fact of such final publication and the date thereof and shall date and subscribe the same under his name and official designation.

3. Separate publication of different parts of draft or final records may be made under sub-section (1) or sub-section(2) for different local areas.

4. An officer specially empowered by the State Government may, on application within one year or of his own motion within such period as may be prescribed from the date of final publication of the record-of-right under sub-section (2) revise an entry in the record finally published under the provisions of sub-section (2) after giving the persons interested an opportunity of being heard and after recording reasons therefore.

5. Any person aggrieved by an order passed under sub-section(4) may within such period as may be prescribed, appeal in the prescribed manner to the Tribunal constituted under Section 13.

6. The certificate of final publication referred to in sub-section (2), or in the absence of such Certificate, a certificate signed by the Revenue Officer of the area where the lands to which the record-of-right relates is wholly or partly situate, stating that a record-of-right has been finally published on a specified date, shall be conclusive proof of such publication and of the date thereof.

7. The State Government may, by notification, declare with regard to any area specified in the notification that the record-of-right for such area has been finally published and such notification shall be conclusive proof of such publication.

8. In any suit or other proceeding in which a record-of-right prepared and finally published under this Chapter, or duly certified copy of the record or an extract therefrom, is produced, such record-of-right all be presumed to have been finally published.

9. Every entry in the record-of-right finally published under sub-section (2) including an entry revised under sub-section (4)
subject to any modification by an order on appeal under sub-section (5), or corrected under section 21 shall be presumed to be correct.

Any revenue officer Specially empowered by the State Government in this behalf may, of his own motion at any time or on application within one year from the date of certificate of the final publication of the record-of-rights under sub-section (2) of Section 20, correct any entry in such record-of-rights which he is satisfied has been made owing to a bonafide mistake.

Provided that no such correction shall be made if an appeal affecting such entry has been made under sub-section (5) of Section 20 or until reasonable notice has been given to the parties concerned to appear and to be heard in the matter.

1. When an order has been made under Section 19 directing revision or preparation of a record-of-rights, no civil Court shall entertain any suit or application for the determination of the revenue or the incidents of any land or the status of any person in relation to any land to which the record-of-rights relates, and if any suit or application in which any of the aforesaid matters is in issue, is pending before a Civil Court on the date of such order, it shall be stayed and it shall on the expiry of the period prescribed for an appeal under sub-section (5) of the section 20 or when, such an appeal has been filed under that sub-section, on the disposal of such appeal, abate so far as it relates to any of the aforesaid matters.

Explanation: in this section “suit” includes an appeal.

2. No Civil Court shall entertain any suit or application concerning any land if it relates to any alteration of any entry in the record-of-rights finally published revised corrected or modified under any of the provisions of this chapter.

CHAPTER IV
DISTRIBUTION OF VESTED LANDS

1. Subject to the provisions of this Act and the rules made thereunder, the settlement of lands which vest in the state under Section 11 shall be made, on such terms and condition and in such manner as may be prescribed with persons who reside near the locality where the land under personal cultivation and who owns no land or less than three standard acres of land, preference being given to this among such persons who form themselves into a co-operative farming society.

Provided that settlement of any such lands may be made with other persons where such settlement is in the opinion of the State Government necessary for the public purpose connected with agricultural or otherwise on such terms and condition as the State Government may think fit.

2. Subject to the provisions of sub-section (1) all lands vested in the State under this Act shall be disposed of or otherwise dealt with to sub serve the common good on such terms and conditions as the state Government may deem fit.
3. Notwithstanding anything contained in sub-section (1) and (2), where the State Government is satisfied that it is necessary to retain or reserve any such land vested under this Act for the purpose of the State Government or any other public purpose, it shall be competent for the State Government to retain or reserved such land for the same.

CHAPTER V

MANAGEMENT OF LANDS VESTED IN THE STATE

Management of vested land by the State.

All lands and all interested therein vested in the State under this Act, shall, unless the State Government otherwise directs by any general or special order and subject to such rules as may be prescribed by the State Government in this behalf, be managed by the Collector of the district which the lands are situated.

Provided the State Government may entrust the management of such lands in any area to such authority as may be prescribed and such authority shall thereupon manage the lands subject to the control of the State Government and in accordance with such rules as may be prescribed.

CHAPTER VI

PROVISIONS AS TO REVENUE

Liability to pay Revenue

1. Every person shall be liable to pay revenue to the State government for the lands allowed to be retained by him within the ceiling limit.

2. Revenue shall be the first charge on the lands.

1. A person shall pay as revenue for the lands allowed to be retained by him such amount as may be determined by the revenue Officer in the prescribed manner having regard to the amount payable by him as khazana for such lands immediately before the notified date;

2. where, immediately before the notified date, no khazana was payable in respect of lands allowed to be retained by such person or where khazana for such lands was payable wholly in kind or partly in kind and partly in cash, he shall pay as revenue such amount as may be determined by the revenue Officer in the prescribed manner having regard to the prevailing average rate of cash khazana for lands of similar description and with similar advantages in the vicinity.

3. until any revenue is determined under sub-section (1) or sub section (2) every person shall continue to the State Government for the lands allowed to be retained by him within the ceiling limit such proportionate amounts as would have been paid by him as khazana for such lands immediately before the notified date.

4. Any person aggrieved by an order determining the amount of revenue under sub section (1) or sub section (2) may within
thirty days from the date of such order appeal to the Tribunal constituted under section 13 and such appeal shall be disposed of in the manner provided in Section 13.

CHAPTER VII
RESTRICTION ON ALIENATION OF LANDS BY SCHEDULED TRIBES

Commencement and overriding effect

1. The provisions of this Chapter shall come into force on such date as the state Government may by notification appoint.

2. The provisions of this chapter shall have effect notwithstanding anything to the contrary contained elsewhere in this Act.

Restrictions on alienation of lands by Scheduled Tribes

Save as otherwise provided in this Chapter any transfer by a person belonging to a Scheduled Tribe in respect of any land allowed to be retained by him under this Act or portion thereof shall be void.

Explanation:-

1. The expression “Scheduled Tribes” in this Chapter shall mean such Tribes or Tribal communities as are deemed to be Scheduled Tribes in relation to the State of Sikkim under Article 342 of the Constitution of India.

2. “Land” for this Chapter shall mean lands allowed to be retained or any portion of such land by member of a Scheduled Tribe under this Act.

Transfer of Land by Scheduled Tribes.

1. A person belonging to a Scheduled tribe may transfer his land or part thereof by transfer to another member of Scheduled tribe or to the government or to a Corporation owned or controlled by the Government or to a Scheduled or nationalized bank or to a registered co-operative society.

2. A person belonging to a Scheduled Tribe may with the permission in writing of the Revenue Officer, transfer his land to a person not belonging to any Scheduled Tribe.

3. The Revenue Officer shall not grant permission referred to in sub section (2) unless he is satisfied that no transferee belonging to Scheduled Tribe is willing to pay the fair and reasonable consideration for transfer of the land and that the proposed transfer is intended to be made for one or more of the following purposes, namely:-

a. to met the expenses for the maintenance, education, marriage or medical treatment of such person or any member of his family, or

b. to make payment of any amount payable to the Government or other local authorities, or

c. for the purpose of making gift of land to any institution established exclusively for religious or charitable purposes.

d. for the purpose of establishing or running any industry, or

e. for such other purpose as may be prescribed.

Bar on registration of documents of transfer

No document of transfer made in contravention of the provisions of this chapter shall be registered by any authority or in any way recognized as valid in any court exercising civil, criminal or revenue jurisdiction or by any other authority.
1. If a transfer of any land by a person belonging to a scheduled Tribe is made in contravention of the provisions of this Chapter, or if the permission for the transfer under sub-section (2) of section 29 is found, after an inquiry in the prescribed manner, to have been obtained by misrepresentation or fraud, the Revenue Officer may, of his own motion or on an application made in that behalf and after giving the transferee an opportunity of being heard by an order in writing, annul the transfer where necessary and shall order ejectment of he transferee from such land, unless such transferee has been in continuous possession for twelve years under the transfer made in contravention of this Chapter.

2. When the Revenue Officer has passed any order of ejectment under sub-section (I) he shall also order restoration of the transferred land to the transferor or his successors-in-interest.

3. If an order of ejectment under sub-section (I) or an order of restoration under sub-section (2) is not complied with within thirty days of the passing of such order or within such further period as may be extended by the Revenue Officer for good and sufficient reason, the Collector of the district in which such land is situated shall on a requisition to that effect from the Revenue Officer, effect such ejectment and restoration and for that purpose use such force as may be necessary.

No decree or order shall be passed by any court for the sale of the land of person belonging to a Scheduled Tribe except for realisation of any Government dues or other public demands.

Any person aggrieved by an order of the Revenue Officer under Section 31 may within thirty days from the date of such order, appeal to the Tribunal constituted under Section 13 and such appeal shall be disposed of in the manner provided in Section 13.

Save as otherwise provided no suit or other proceedings shall lie in any Court, Tribunal or before any other authority, to challenge, vary or to set aside any order passed under this chapter by the Revenue Officer or Tribunal.

On and from the commencement of the provisions of this chapter, the provisions contained in the Revenue Order No. I, dated, the 17th May, 1917 and all other laws relating to matters governed by this Chapter shall cease to have any force and effect.

CHAPTER VIII

MISCELLENOUS

1. The State Government may, by notification, make rules for the purpose of carrying the provisions of this Act.

2. In particular and without prejudice of the generality of the provisions, such rules may provide for all or any of the following matters, namely:-
a. The manner of determination under section 4.
b. The manner of publication of the notification under sub-section (3) of Section 5
c. The manner of classification of agricultural lands into circles and classes and determination of quantity of land treated as equivalent to one standard acre under sub-section(6) of Section 6.
d. The period within which the Statement may be filed under sub-section (1) of Section 8 and the particulars which are to be specified in such statement and the person by whom and the manner in which such statement is to be filed.
e. The particulars to be mentioned in the draft statement under sub-section (2) of section 9
f. The manner of serving the draft statement under sub-section (2) of section 9
g. Determination and manner of payment of annual sum under sub-section(3) of Section 12.
h. The particulars to be mentioned in the statement referred to in sub section(1) of section 16
i. The preparation and revision of right-of-records under section 19
j. Publication of the draft and final record-of-rights under Section 20, the period of such publication, the period within which an application is to be made under sub-section (4) of Section 20 and the period within which an appeal is to be preferred under sub section (5) of section 20
k. The principle and the manner of distribution of lands under Section 23
l. Management by the Collector or other authority of the vested lands under Section (24) and the authority under the provision to Section 24
m. The manner of determination of revenue under sub-section (1) and subsection (2) of section 26
n. The purposes under clause (e) of sub-section (3) of section 29.
o. The manner of enquiry under Section 31.

Power to remove difficulties

If any difficulty arises in giving effect to the provisions of this Act or rules made there under, the State Government, by order, do anything not inconsistent with such provisions which appears to be necessary or expedient for the purpose of removing the difficulty.

Sikkim Regulation of Transfer and use of Land Act, 1975, not to apply

On and from the date of vesting under Section II of this Act, the provisions of the Sikkim Regulation of Transfer and Use of Lands Act, 1975, shall cease to have effect in respect of all lands to which provisions of this Act shall apply.

SCHEDULE
[Section 6(4) (I) and Section 6(4) (ii)]

GROUP ‘A’
1. Pemayangtse Gompa
2. Phodong Gompa
3. Phensang Gompa
4. Ralong Gompa
5. Rumtek Gompa
6. Tashiding Ngadak Gompa
GROUP ‘B’

1. Melli Gompa
2. Sangnak Cholling Gompa
3. Khacheod Palri Gompa
4. Dubdi Gompa
5. Sinon Gompa
6. Tashiding Guru Lhakang
7. Dolling Gompa
8. Rinchenpung Gompa
9. Lhuntse Gompa
10. Namchi Ngadak Gompa
11. Simik Gompa
12. Yangang Gompa
13. Tumin Gompa
14. Kartok Gompa
15. Linkey Gompa
16. Pabyok Gompa
17. Enchey Gompa
18. Labrang Gompa
19. Lingdok Chankar Gompa
20. Ringeon Gompa
21. Hee Gyanthang Gompa
22. Lingthem Gompa.
23. Tolung Gompa
24. Sharchok Gompa
25. Labrang Wangditse
26. Chungthan Gompa
27. Chakung gompa
28. Chawang Ani Gompa
29. Bakcham Gompa(Lhakang)
30. Hungri Gompa
31. Ship Kunzag Choling Gompa
32. Rhenock Gompa
33. Santam Gompa
34. Singchit Ngadak Gompa
35. Likney Phagyal Gompa
36. Samdong Gompa
37. Barmoik Gompa
38. Lachen Gompa
39. Lachung Gompa
40. Lachen Mani Lhakang
41. Lachung Thangmochi
42. Lachung Mani Lhakang
43. Dotsuk Gompa
44. Lachen Gompa
45. Gying Gompa
46. Chaney Gompa
47. Tendang Gompa
48. Tumlung Mani Lhakang
49. Tingbung Gompa
50. Sumen Gompa
51. Sang Gompa
52. Parbing Gompa
53. Thakurbari, Gangtok town
54. Zingling Mandir, Song
55. Durga Mandir, Rumtek
56. Mahadev Shivalaya Mandir, Parkha
57. Mahadev Mandir, Samdong
58. Shivalaya Mandir, Tintik
59. Shivalaya Mandir, Chhujachen
60. Thakurbari, Rangpo Bazar
61. Thakurbari, Singtam Bazar
62. Radha Krishan Mandir, Rhenok Bazar
63. Mahadev Mandir, Rhenok Bazar
64. Shivalaya Mandir, Aritar Khamdong
65. Shivalaya Mandir, Chota Singtam
66. Shivalaya Mandir, Dikiling Pachekhani
67. Shidheshwar Mahadev Mandir, Namchebong
68. Mandir, Tarpin
69. Thakur Bari, Rongli Bazar
70. Onkareshwar Mandir, Aho
71. Kali Mandir, Rangpo
72. Krishna Mandir, Duga
73. Thakur Bari, Pakyong Bazar
74. Krishna Mandir, Niya Bram
75. Chemchey Mandir, Namchi
76. Thakur Bari, Namchi Bazar
77. Thakur Bari, Melli Bazar
78. Mahadev Than, Legshep
79. Shri Pashupati Nath Mandir, Dambudanra
80. Mandir, Timurbung
81. Icha Purna Dasi Ram Dham, Samdong
82. Thakur Bari, Soreyong
83. Mandir, Gelling
84. Mandir Sadhugaon, Chakung
85. Durga Bhawani Mandir, Kaluk
86. Pranami Mandir, Tharpu
87. Bhagawati Saraswati Mandir, Dentam
88. Mandir, Hee Gaon
89. Durga Mandir, Burmoik
90. Devi Mandir, Sancharey
91. Thakurbari, Nayabazar
92. Durga Bhawani Devi Mandir, Upper Burmoik
93. Devi Mandir, Tadong
94. Durga Mandir, Dentam
95. Shiva Mandir, Martam
96. Bhagawati Mandir, Kewzing
97. Rameshwar Mandir, Sadam
98. Rameshwar Mandir, Sumbuk
99. Bhagawati Mandir, Sumbuk
100. Shivalaya, Dhargaon
101. Shivalaya, Lingmo
102. Shankar Bhagwan Shivalaya, Majhitar
103. Gangtok Presbyterian Church
104. Namchi Presbyterian Church
105. Chakung Rumbuk Church
106. Wak Presbyterian Church
107. Phambong Presbyterian Church
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 of Sikkim through the Land Revenue Department, it is hereby notified that by Order of the Governor, B.R. Pradhan, Secretary to the Government of Sikkim, Law and Legislative Department, F 16(16) LL/78, the following buildings have been acquired for the purposes of the Union:

108. Rhenock Presbyterian Church
109. Mangan Pentecostal Church
110. Mosque at Gangtok

By Order of the Governor,

B.R. Pradhan,
Secretary to the Government of Sikkim
Law and Legislative Department.
F 16(16) LL / 78
Government by notification No. F 12018/12/76-LRD dated 10.1.1978 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 likely to be needed for a public purpose being a purpose of Union, namely for ‘Key Location Plan’ in the Block of Bhusuk, Paham, Namong and Naitam, Elakha Pam-Singtam, District Gangtok, it is hereby notified that the land comprising cadastral plots shown as schedule of properties below and measuring more or less, 1334.07 acres less home stead areas, if any, in any of the C.S. plots and covered by the following boundaries.

North- Bhusuk Block Seperated by Chotang kholo

South- Naitam Block separated by Pabyek Monastery compound and Ridge in the hill side of GangtokBhusuk- Pakyong Road and in the Valley side of above road separated by Namong Khola.

East- Bhusuk-Pabyek reserve Forest

West- Gangtok-Bhusuk-Assam Road (Between 9th 10-50 mile stone approximately and Roro Tsu.

Is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block of East District, Sikkim.

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 Secretary, 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 workman, to enter upon and survey the land and all others act required or permitted by that section.

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.

Parts of Block Bhusuk, Namong and Naitam an entire area of Pam Block, Elaka Pam-Sintam

Police Station Gangtok, East District.

BHUSUK BLOCK.


PAHAM BLOCK.
Cadastral survey plot nos. in parts (Home stead area) - 425, 565, 489, 472, 508, 84, 467, 92, 536, 515, 539, 566, 546, 406, 518, 485, 234, 591, 582, 209, 241, 487, 411, 124, 290.
NAITAM BLOCK.


BY ORDER OF THE GOVERNOR.

(P.T.WANGDI)

SECRETARY,
LAND REVENUE DEPARTMENT,
GOVERNMENT OF SIKKIM, GANGTOK
Whereas the function of the Central Government under the land Acquisition Act, 1894 (1 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. F12018/12/76-LRD dated 10.1.1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (1) of Article 258 of the constitution of India;

And whereas it appears to the Governor that and is likely to be needed for a public purpose being a purpose of Union, namely for ‘Key Location Plan’ in the Block of Bhusuk, Paham, Namong and Naitam, Elakha Pam-Singtam, District Gangtok, it is hereby notified that the land comprising cadastral plots shown as schedule of properties below and measuring more or less, 59.46 acres, bounded in,

North- Bhusuk Block Separated by Chotang khola

South- Naitam Block separated by Pabyek Monastery compound and Ridge in the hill side of Gangtok-Bhusuk- Pakyong Road and in the Valley side of above road separated by Namong Khola.

East- Bhusuk-Pabyek reserve Forest

West- Gangtok-Bhusuk-Assam Road (Between 9th 10-50 mile stone approximately and Roro Tsu.

Is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block of East District, Sikkim.

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 Secretary, 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 workman, to enter upon and survey the land and all others act 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, Land Requisition (Special Land Acquisition Officer), Government of Sikkim, Gangtok.

Block – Bhusuk, Pam, Namong and Naitam Blocks.
Elakha- Pam – Singtam
Police Station - Gangtok.

BHUSUK BLOCK.

Cadastral Survey plot nos. in full – 103, 102, 104, 190, 88.

PAHAM BLOCK


NAMONG BLOCK.


NAITAM BLOCK.

Cadastral Survey plot nos. in full – 35, 60, 10, 249, 38.


BY ORDER OF THE GOVERNOR

(P.T.WANGDI)

SECRETARY,

LAND REVENUE DEPARTMENT,
GOVERNMENT OF SIKKIM, GANGTOK
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 settlement of the families being displaced by acquisition of land for Key Location Plan of Army at Bhusuk, Pam, a portion of Namong and Naitam blocks and block of Namong, East District, it is hereby notified that a piece of land comprising cadastral survey plots mentioned under schedule below and measuring more or less 75.70 acres bounded on the,

- North – Part of Namong block acquired for K.L.P.
- South – Naitam blocks
- East – Gangtok – Bhusuk – Pakyong Road.
- West – Roro Tsu.

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

This notification is made, under the provisions of Section 4 of Act of 1894 to all to whom it may concern.

A plan of the land may be inspected in the office of the Collector, Land Acquisition (Special Land Acquisition Officer) Land Revenue Department, government of Sikkim or Land Record Officer, Land revenue Department, Government of Sikkim, Gangtok.
In exercise of the power conferred by the aforesaid section, the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 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, Land Acquisition (Special Land Acquisition Officer) Government of Sikkim, Gangtok.

SCHEDULE OF PROPERTIES


BY ORDER OF THE GOVERNOR

(P.T.WANGDI)

SECRETARY,
LAND REVENUE DEPARTMENT,
GOVERNMENT OF SIKKIM, GANGTOK
ORDINANCE NO. 3 of 1978


WHEREAS in order to facilitate the proper implementation of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Sikkim Act No. 14 of 1978), it is expedient to amend the same in the manner hereinafter appearing:

AND WHEREAS the Legislative Assembly of Sikkim is not in session and the Governor of Sikkim is satisfied that circumstances exist which render it necessary for him to take immediate action.

AND WHEREAS instructions of the President of India to promulgate the Ordinance have been received.

NOW, THEREFORE, in exercise of the powers conferred by the clause (1) of Article 213 of the constitution of India, the Governor of Sikkim is pleased to make and promulgate the following Ordinance, namely:

Short title:

1. This Ordinance may be called the Sikkim Agricultural Land Ceiling and Reforms (Amendment) Ordinance, 1978.

2. For clause (i) of Section 2 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Sikkim Act No. 14 of 1978) (herein referred to as “The Act”) the following shall be and shall always be deemed to have been substituted, namely:

   “Family, in relation to a person means himself or herself and his wife or husband as the case may be (other than judicially separated wife or husband), minor sons and unmarried daughters”

3. In sub-section (1) of Section 5 of the Act the words “from time to time “ shall be and shall always be deemed to have been deleted and after sub-section (1) the following shall be and shall always be deemed to have been added namely:

   Explanation 1- The State Government may notify different a read of the State.
   Explanation 2- Land held by a bustiwalla as owner along with land cultivated by him in the capacity of an Adhiadar or a Kutiadar shall, for the purposes of this Act, be deemed to be held by him.

4. Sub-sections (2) and (3) of Section 5 of the Act shall be always be deemed to have been deleted.

5. For Section 6 of the Act, the following shall be and shall always be deemed to have been substituted namely, “Ceiling Limit”.

6. (1) The Ceiling shall be –
a. In the case of a person having no family or a family consisting of not more than five members, twelve and half standard acres, and
b. In the case of a person having a family consisting of more than five members, twelve and a half standard acres increased by two standard acres for each member in excess of five so however, that the ceiling area shall not exceed twenty and a half standard acres.

Explanation –

1) For the purpose of this sub-section, all lands held by a person individually or jointly with other members of his family shall be deemed to be held by him.
2) Where any holding is held by a person jointly with any person or persons other than a member of his family, the share of each person in the joint-holding shall be deemed to be held by him.

(2) Every adult son of a person shall be treated as a separate unit and his share in his father’s holding or in ancestral holding shall be aggregated along with other land if any, held by him for the purpose of determining his ceiling limit.

Explanation I – No person who has not completed the age of eighteen years on the date of notification referred to in sub-section(I) of Section 5 or on the date of future acquisition of land under Section 16 shall be deemed to be an adult.
Explanation II – The expression “adult son” includes an adult son who is dead and has left surviving behind him his widow, minor son or daughters (other than married daughters) who either do not own any land or hold land less than twelve and half standard acres.

3. Notwithstanding anything in the preceding sub-sections, a monastery or other religious institution shall be entitled to hold-
   a. Sixty standard acres, if listed in Group A of Schedule I’ and
   b. Twenty-five standard acres if it is listed in Group B of Schedule I

4. The provison of this Act shall not apply to :-
   a. Land Used for growing tea to the extent notified by the State Government;
   b. Land owned by the State Government or Union government or an undertaking or company owned by the State or the Union Government or by a local authority;
   c. Land held by a co-operative society including a co-operative Bank, the State Bank of India (Subsidiary Bank) Act, 1959, a corresponding new bank as defined in the Banking companies (Acquisition and Transfer of Undertaking ) Act,1970, the Agricultural Refinance Corporation and the Agricultural Finance Corporation.
      Provided that in the case of a co-operative society, no member shall be allowed to hold a share of the land which together with his other land exceeds the ceiling applicable to him under Sub-Section (1); and
   d. land held for industrial purposes to the extent notified by the State Government in each case and for the period the land continues to be used for such purposes.

Explanation I – Use of the land for a purpose other than notified by the State Government shall be deemed to be cessation of use for industrial purposes unless such different use is approved by the State Government.
Explanation II – Use of land for cultivation of crops to be used for industrial purposes shall not amount to use for industrial purposes.

5. The “standard acre” for different areas for the State shall be determined in the manner provided in Schedule II”.
6. In Section 7 of the Act, the words “or cause any alteration in the use of such land” shall be and shall always be deemed to have been inserted after “otherwise” and before “until” and the words “or change
in the use of land” shall be and shall always be deemed to have been inserted after “transfer” and before “in contravention”.

7. For sub-section (1) of Section 9, the following shall be and shall always be deemed to have been substituted, namely:

“(1) on the basis of the statement filed by a person under sub-section (1) of Section 8 and in cases where a person fails to file a statement in spite of service of a notice under sub-section (2) of the said section, the Competent Authority may consider necessary either by himself or by any person subordinate to him cause to be prepared a draft statement in respect of that person.”

8. After Section 9 of the Act, the following shall be and shall always be deemed to have been inserted namely:

“Competent authority to have powers of a Civil Court”

9A The Competent Authority shall, for the purposes of this Chapter, have the power of a Civil Court under the law for the time being in force relating to Civil Procedure in matters, namely:–

a. proof of facts by affidavits.
b. enforcing attendance of any person and his examination on oath;
c. production of documents and
d. issue of commission.

9. In section 10 of the Act after the words and figures “Section “ the words and figures” or shall be and shall always be deemed to have been inserted.

10. For sub-section (2) of Section 11 of the Act the following shall be and shall always be deemed to have been substituted, namely:

“The encumbrances, if any, on the excess land vested in the State in pursuance of sub-section(1) shall attach to the amount payable under sub-section(1) of Section 12”

11. After sub-section (4) of Section 11 of the Act the following shall be and shall always be deemed to have been added, namely:

“(5) without prejudice to the provisions of sub-section (4) a person who does not surrender or deliver possessions of the excess land within thirty days of the service of the notice referred to in sub section (3) shall be liable to pay to the State Government for the period he continues in possessions of such land such amount shall be recovered as an arrear of land revenue.

12. In sub-section (1) of Section 12 of the Act for clauses (i) to (iv) the following shall be and shall always be deemed to have been substituted, namely:

i. for the first twenty standard acres, an amount being two hundred times the land revenue payable for such land;
ii. for the next thirty standard acres, an amount being one hundred times the land revenue payable for such land;
iii. for the next fifty standard acres an amount being fifty times the land revenue payable for such land;
iv. for the remaining land, an amount being twenty-five times the land revenue payable for such land

13. In sub-section (1) of Section 14 of the Act, the words “thirty days” shall be and shall always be deemed to have been substituted by the words “sixty days”.

14. In section 15 of the Act the following provision shall be and shall always be paid in lump sum”.

15. After Section 18 of the Act the following Sections Shall be and shall always be deemed to have been added, namely:

“State Government to be party to all proceedings. Penalties”

18A. The State Government shall be party of all proceedings under the provisions of this chapter.

18B. Whoever contravenes an order passed under this chapter or obstructs any person from taking possessions of any land under Section 11 or fails to furnish the statement required under section 16 or makes or submits a statement or furnishes any information which is false or which he has reasons to believe to
be false, shall be punishable with fine which may extend to one thousand rupees.

18C. All arrears of land revenue and other Government dues in respect of any holding or holdings, part or parts whereof has or have been acquired under those chapter may, without prejudice to any other mode of recovery, be recovered by deducting the outstanding amount from the amount from the amount payable under Section 12.

18D. Where on account of an arithmetical error a person has been paid any amount in excess of what he is entitled to under Section 12, the State Government shall be competent to recover the excess amount as an arrear of land revenue.

Provided that no order for recovery of any such amount shall be made without giving the person an opportunity of being heard by the Competent Authority.”

16. Section 21 of the Act shall be and shall always be deemed to have been deleted.

17. In section 32 of the Act the following provision shall be and shall always be deemed to have been added, namely:-

“Provided that no such sale shall take place in favour of any person not belonging to a Scheduled Tribe except with the permission of the Collector of the district who shall not grant such permission unless he is satisfied that no member of the Scheduled Tribe is willing to buy the land at minimum amount equivalent to the market price for such land”.

18. After Section 36 of the Act the following provisions shall be and shall always be deemed to have been added, namely:-

“Protection for acts done in good faith”

36A. No suits or prosecution or other legal proceedings shall lie against any person or the State Government for anything done or purported to have been done in good faith or in pursuance of this Act or any rule framed or order passed under this Act.

19. In section 37 of the Act the following provision shall be and shall always be deemed to have been added, namely :-

“Provided, that no order under this Section shall be made by the State Government after the expiration of a period of two years from the Commencement of this Act.”

20. The word “SCHEDULE” occurring after Section 38 shall be and shall always be deemed to have been substituted by “SCHEDULE 1”.

21. After SCHEDULE I of the Act the following shall be and shall always be deemed to have been added, namely :-

“SCHEDULE II”

(Section 6(5))

1. All Agricultural lands shall on the basis of productivity of the soil and access to markets, be classified into Circles. Until a new classification is made in Notification No. 615/LR dated the 7th June, 1957, shall be operative in respect of the area referred to therein. For other areas, the classification determined in the course of settlement operation shall be accepted.

2. Each circle shall, on the basis of altitude and type of crops grown, be further divided into classes and sub-classes. The classes and sub-classes recorded in the record-of-right for the time being in force shall be accepted for the purpose of ascertaining the class or sub-class to which a land belongs.

3. After ascertaining the appropriate Circle, class and sub-class in the manner aforesaid, the area comprised in the holding shall be converted into standard acres according to the following table of conversion:-

<p>| CIRCLE | CLASS | AREA EQUIVALENT TO A STANDARD |</p>
<table>
<thead>
<tr>
<th></th>
<th>Paddy/Cardamom</th>
<th>Acreage</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. I</td>
<td></td>
<td>1.00 acre</td>
</tr>
<tr>
<td>II</td>
<td>-do-</td>
<td>1.25 -do-</td>
</tr>
<tr>
<td>III</td>
<td>-do-</td>
<td>1.50 -do-</td>
</tr>
<tr>
<td>I</td>
<td>Dry</td>
<td>2.00 acres</td>
</tr>
<tr>
<td>II</td>
<td>-do-</td>
<td>2.50 -do-</td>
</tr>
<tr>
<td>III</td>
<td>-do-</td>
<td>3.00 -do-</td>
</tr>
<tr>
<td></td>
<td>Banjo</td>
<td>3.00 -do-</td>
</tr>
<tr>
<td>B. I</td>
<td>Paddy/Cardamom</td>
<td>1.10 acres</td>
</tr>
<tr>
<td>II</td>
<td>-do-</td>
<td>1.37 -do-</td>
</tr>
<tr>
<td>III</td>
<td>-do-</td>
<td>1.65 -do-</td>
</tr>
<tr>
<td>I</td>
<td>Dry</td>
<td>2.20 -do-</td>
</tr>
<tr>
<td>II</td>
<td>-do-</td>
<td>2.75 -do-</td>
</tr>
<tr>
<td>III</td>
<td>-do-</td>
<td>3.30 -do-</td>
</tr>
<tr>
<td></td>
<td>Banjo</td>
<td>3.30 -do-</td>
</tr>
<tr>
<td>C. I</td>
<td>Paddy/Cardamom</td>
<td>1.30 acres</td>
</tr>
<tr>
<td>II</td>
<td>-do-</td>
<td>1.50 -do-</td>
</tr>
<tr>
<td>III</td>
<td>-do-</td>
<td>2.00 -do-</td>
</tr>
<tr>
<td>I</td>
<td>Dry</td>
<td>2.60 -do-</td>
</tr>
<tr>
<td>II</td>
<td>-do-</td>
<td>3.00 -do-</td>
</tr>
<tr>
<td>III</td>
<td>-do-</td>
<td>4.00 -do-</td>
</tr>
<tr>
<td></td>
<td>Banjo</td>
<td>4.00 -do-</td>
</tr>
</tbody>
</table>

Gangtok, dated the 29th May, 1978

B.B.LAL
Governor of Sikkim

B.R.PRADHAN,
Secretary to the Government of Sikkim
Election Commission of India Notification No. 56/31/78 dated 19th May 1978 as published in an Extraordinary Issue of the Gazette of India, Part II Section 3(ii) dated 19th May 1978 is republished for general information.

ELECTION COMMISSION OF INDIA  
NIRVACHAN SADAN  
ASHOKA ROAD  
NEW DELHI 110001  

NOTIFICATION

S.O. 56/31/78. Whereas the Election Commission is satisfied that as a result of it’s poll performance at the general election to the Legislative Assembly of Tripura held in December, 1977, the Tripura Upajati Yuva Samity of Tripura is entitled for recondition as a State Party in the State of Tripura in terms of paragraph 6 with paragraph 7 of the Election Symbols (Reservation and Allotment) Order, 1968;

And whereas the commission has decided to recognize the Tripura Upajati Yuva Samity as a state Party in the State of Tripura and reserve the Symbol “Two Leaves” for the said party in Tripura;

Now, therefore, in pursuance of clause (b) of sub-paragraph (1) and sub paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments to its notification No.56/78/(1), dated the 26th January, 1978, published as S.O. 40(E) in the Gazette of India Extraordinary, Part II, Section 3(ii), dated 25th January,1978, as amended from time to time namely-

1. In Table 2 the said notification after the entries relating to Tamil Nadu, the following entries shall be inserted, namely –
   “Tripura Tripura Upajati Yuba Samity Two Leaves”
2. In Table 3 of the said notification against item No. 20 Tripura, under Col. (2), the entry-
   “10  Two Leaves” shall be deleted and remaining entries 11 to 14 shall be renumbered as 10 to 13 respectively.

By Order,

Sd/- (R.K.GUPTA)  
Chief Electoral Officer,Sikkim

No.56/31/78  
Sd/- (K.GANESAN)  
Under Secretary (LEGAL)
HOME DEPARTMENT

NOTIFICATION

Dated Gangtok, the 3rd June, 1978.

CORRIGENDUM

No. 6(11)- Home /76. For the words and figures “August 6, 1978” appearing in Notification No. 6(11)- Home /76 dated 5-5-1978 please read “August 6, 1976”.

R.K.GUPTA,
Additional Secretary,
Home Department.
The Governor of Sikkim is pleased to order the following postings/Transfers of Secretaries who shall take charge of the Department noted against their names:-

<table>
<thead>
<tr>
<th>Name of Officer</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Shri T.P. Sharma</td>
<td>Secretary Panchayat, Rural Works and Social Welfare</td>
</tr>
<tr>
<td>2. Shri P.K. Pradhan</td>
<td>Secretary to the Governor</td>
</tr>
<tr>
<td>3. Shri J.T. Densapa</td>
<td>Secretary, Motor vehicles.</td>
</tr>
<tr>
<td>4. Shri R.B. Mukhia</td>
<td>Secretary, Local Self government &amp; Excise.</td>
</tr>
</tbody>
</table>

They should assume charge of their new Departments as early as possible and in any case not later than the 22nd June, 1978.

T.S. GYALTSEN,
Chief Secretary,
Government of Sikkim
In conformity with the declared policy of the Government of India, the Government of Sikkim have decided to provide liberal incentives to new entrepreneurs for setting up Small Scale Industries in the State of Sikkim. According Small Scale Units having fixed investment on machinery and equipment not exceeding Rs. 2.00 Lakhs which have been set up or likely to be set up after 1st April, 1976 will be eligible with immediate effect for the following incentives to be disbursed through the Sikkim Industrial Development and Investment Corporation Limited on behalf of the Government of Sikkim.

1. **Transport Subsidy**: The transport cost of raw materials, machinery and equipment from Siliguri/New Jalpaiguri or transportation of finished products from the factory site to Siliguri/New Jalpaiguri by Approved Agency may be subsidized to the tune of 50 per cent of the actual cost of transportation. This facility will continue till such time the central Scheme on the subject is made applicable to Sikkim.

2. **Subsidy on Interest**: Subsidy on interest actually paid by the small scale units to the extent of differential in the rate of interest charged by the Financial Institutions like the State Bank of India, State Bank of Sikkim etc. over and above 9 per cent actually payable by the units. The subsidy on interest would be paid only to the Financing Agency on receipt of necessary certificate regarding the interest paid by the industrial units.

3. **Subsidy on Power**: 50 percent of the actual charge on consumption of power by the Small scale Units will be subsidized on receipt of necessary certificate from the Department of Power.

4. **Concession in sales Tax**: All Small Scale Units will be exempt from payment of sales tax for a period of three years from the date of their starting the production. Further, the small scale units who pay sales tax on purchase of machinery, equipment and raw materials whether purchased locally or imported from outside the State would be eligible for fifty percent relief as outright grant for a period of three years from the date of their starting production. Similar facility will also be available to the tune of fifty percent of the amount actually paid by small units who pay tax on purchase of machinery and equipment tools and accessories, raw materials, etc. for a period of 3 years from the date of their starting production.

5. **Marketing Assistance**: Price preference to the tune of fifteen percent may be admissible on purchase made by various state Government Departments, Public Sectors Units under the government of Sikkim and similar other Agencies. In addition, it is proposed to subsidize up-to twenty five percent of the actual cost on publicity and advertisement for the products of small scale manufacturers. The amount would be available as grant towards publicity such as leaflets, cinema slides etc. for a period of three years from the date of their starting production.
6. **Machinery on Hire Purchase:** Machinery and equipments an hire purchase may be made available to small scale units by the Sikkim Industrial Development and Investment Corporation. The cost of such equipment may be initially restricted upto Rs.1 Lakh. The scheme will be operated on the same line as in other States like Uttar Pradesh and West Bengal.

7. **Pre-Operative Expenses:** Pre operative expenses like project report preparation, training and consultancy, etc. to the extent of 50 per cent of the actual expenses may be given as grant.

M.P.PRADHAN,

Chief Secretary
Government of Sikkim.
HOME DEPARTMENT (ELECTION)

NOTIFICATION NO.48/H

Dated Gangtok, the 14th June, 1978.

Election Commission of India Notification No. 154/SKM/78 dated 2nd June, 1978 as published in the Gazette of India Part II, Section 3 (ii) is published for general information.

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI 110001

NOTIFICATION

No. 154/SKM/78- In exercise of the powers conferred by sub-section (1) of Section 13 A of the Representation of the People Act, 1950(43 of 1950), the Election Commission, in consultation with the government of Sikkim, hereby nominates Shri R.K.Gupta, Secretary Legislative Assembly and Additional Secretary (HOME) as the Chief Electoral Officer for the State of Sikkim during the absence on leave of Shri D.K.Manavalan.

Sd/- V. NAGASUBRAMANIAN
Secretary.

By Order
T.S.GYALTSEN,

Chief Secretary,
Government of Sikkim.
The Constitution (Amendment) Bill, 1977 (Amendment of article 51) by Shri Hari Vishnu Kamath, M.P. is published below for eliciting public opinion:-

“Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:

1. (i) This Act may be called the Constitution (Amendment) Act, 1977.
   (ii) It shall come into force at once.

2. In article 51 of the Constitution, after clause (d), the following clause shall be inserted, namely:
   “(e) collaborate with other nations for the early formation of a World Constitution Assembly to draft the Constitution for a World Federal Government”.

STATEMENT OF OBJECTS AND REASONS

The time is opportune, nay ripe, for all good men and governments of the World to get together and made earnest efforts for convening a World Constituent Assembly as a preparatory step towards the establishment of a Parliament of Man and Federation of the World. War cannot be abolished, nor can a warm living peace descend on earth, unless such a world order based on World Law is firmly founded.

Hence this Bill.

New Delhi,
The 15th June, 1977. H.V. KAMATH

Any person or public body desiring to submit an opinion on the bill should do so through the State Government only and not direct to the Lok Sabha Secretariat or to any Ministry of the Government of India.

TASHI TSHERING, Deputy Secretary, Home Department.
HOME DEPARTMENT

NOTIFICATION NO.16(44)-LL/78

Dated Gangtok, the 17th June, 1978.

In exercise of the powers conferred by the sub-section (2) of Section 1 of the Sikkim Civil Courts Act, 1978, (Sikkim Act No. 9 of 1978), the State Government hereby appoints the 1st day of July, 1978 as the date on which the Sikkim Civil Courts Act, 1978 (Sikkim Act No. 9 of 1978) shall come into force.

T.S. GYALTSEN,

Chief Secretary,
Government of Sikkim.
Sikkim

Government Gazette

Extraordinary

Published by Authority


Land Revenue Department

Notification No. 3/LR.

Dated Gangtok, the 22nd June, 1978.

In exercise of the powers conferred by Section 1(3) of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act 14 of 1978), the State Government, hereby appoints the 22nd day of June, 1978 as the date on which the said Act shall come into force in the whole of Sikkim.

By Order

P.T. Wangdi, IAS,
Secretary,
Land Revenue Department.
In exercise of the powers conferred by Section 2(g) of Sikkim Agricultural Land Ceiling and Reforms Act 1977, (Act 14 of 1978), the State Government, hereby authorizes the District Collectors to perform the functions of the Competent Authority under the aforesaid Act and Rules framed thereunder within their respective jurisdiction.

BY ORDER

P.T.WANGDI, IAS
Secretary,
Land Revenue Department.
Notification No. 5/L.R.

Dated Gangtok, the 22nd June, 1978.

In exercise of the power conferred by Section 5(1) of the Sikkim Agricultural Land Ceiling and Land Reforms Act, 1977 (Act 14 of 1978), the State Government hereby notified that with effect from the 22nd day of June 1978, no person shall be entitled to hold any agricultural land in excess of the ceiling limit as laid down in Section 6 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act 14 of 1978) as amended by Sikkim Agricultural Land Ceiling and Reforms (Amendment) Ordinance, 1978 (Ordinance No. 3 of 1978), in the whole of the State of Sikkim and all Lands in excess of the ceiling limit shall vest in the State in accordance with and under the provisions of the aforesaid Act and the rules made thereunder.

By Order

P.T. WANGDI, IAS
Secretary,
Land revenue Department.

SIKKIM

GOVERNMENT

GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY
No. 89 Gangtok, Friday, June 23, 1978.

DEPARTMENT OF COOPERATION

Notification No. 6/COOP


In exercise of the powers vested in Section 1 (iii) of the Sikkim Co-operative Society Act, 1978, the Governor of Sikkim is pleased to order the enforcement of the Sikkim Co-operative Societies Act, 1978 with effect from July 1, 1978.
By Order

J.K. THAPA,
Secretary,
Department of Cooperation,
Government of Sikkim
SIKKIM

GOVERNMENT

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No.90 Gangtok, Saturday, June 24,1978.

HOME DEPARTMENT

NOTIFICATION No. 394/FCS,

Dated Gangtok, the 16th June , 1978.

The Sikkim Tea (Registration of Dealers and Declaration of Stocks) Order, 1978.

Whereas the State Government is of the opinion that it is necessary and expedient so to do for maintaining supplies of tea, an essential commodity and for securing its equitable distribution.

Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, (10 of 1955) read with the Government of India, Ministry of Industry and Civil Supplies (Department of Civil Supplies and Cooperation), Notification No. S.O. 30 (E) dated the 9th January 1976 and with the prior concurrence of the Central Government, the government of Sikkim hereby makes the following Order:-

1. Short Title and commencement –
   (i) This Order may be called the Sikkim Tea (Registration of Dealers and Declaration of Stocks) Order, 1978.
   (ii) It extends to the whole of Sikkim
   (iii) It shall come into force at once.

2. Definition – In this Order unless the context otherwise requires:
   a) “Commission agent” means a commission agent having in the customary course of business as such agent authority either to sell tea, or to consign tea for the purposes of sale or to buy tea;
   b) “dealer” means a dealer in tea and includes a broker commission agent manufacturer and warehouse keeper;
   c) “form” means a form appended to this order;
   d) “Registration Authority” - The District Magistrates within the jurisdiction of their respective district will exercise the power and perform the duties of the Registration Authority under this Order;
   e) “tea” means the plant Camellia Sinensis (L) O. Kuntze as well as all varieties of the product known commercially as tea made from the leaves of the said plant, including green tea;
   f) “warehouse keeper” means a person who owns or maintains a warehouse where in Tea is stored for the purpose of sale either by auction or otherwise;
   g) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the tea Act, 1953(29 of 1953).

3. Registration of dealers :-
After the 15th of May 1978 no person shall, if the stocks of tea in his possession exceed 1000 (one thousand) kilograms, carry on business as a dealer unless he is registered as such in accordance with the provisions of this Order.

4. Issue of Registration Certificate :-
   (i) Every application for Registration or its renewal shall be made to the Registration Authority in Form “A”;
   (ii) Every Registration Certificate issued, reissued or renewed under this order shall be in form “B” and shall be subject to the conditions specified therein

5. Period of Registration Certificate:
   (i) Every registration Certificate issued or renewed under this Order shall be valid till the 31st day of December of the year for which it is issued or renewed.
   (ii) Every application for renewal of registration Certificate shall be made to the Registration Authority not less than 30 days before the expiry of the period of the license, provided, however the registration authority may be sufficient reasons to be recorded in the writing entertain any such application after the period as mentioned above.
   (iii) Where an application for renewal of Registration Certificate made in accordance with sub-clause (ii) has not been disposed of until the 31st day of December , the Registration Certificate shall continue to be valid till it is renewal is refused.

6. Returns. Every dealer shall furnish fortnightly returns to the Registration Authority in respect of such stocks of tea held by him as are in excess of 1000 kilograms, in Form ‘c’

7. Power of entry, search seizure etc. (i) the Registration Authority or any other officer authorized by the secretary, food and Civil Supplies in this behalf may with such assistance if any as he thinks fit –
   a) Require the owner occupier or any person in charge of any placer, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order or the conditions of Registration Certificate issued there under has been is being or is about to be committed to produce any book account o other document showing transaction relating to such contraventions.
   b) Enter inspect or break open and search any place or premises vehicle or vessel in which he has reasons to believe that any contravention of the provisions of this Order or other conditions of Registration Certificate issued there under has been or is being or is about to be committed.
   c) Take or cause to be taken extracts from copies of any documents showing transactions relating to such contraventions which are produced before him.
   d) Search seize and remove stock of tea and animals vehicles vessel other conveyance used in carrying the said tea in contravention of the provisions of this Order or of the conditions of the Registration Certificate issued there under and thereafter take or authorize the taking of all measures necessary for securing the production of stocks of tea and the animals vehicles, vessels or other conveyance so seized in the court and for their safe custody pending such production.

   (ii) the provision relating to search and seizure under the law relating to criminal procedure in force in Sikkim shall apply to searches and seizure under this clause.

T.S.GYALTSEN,
Chief Secretary,
Government of Sikkim.
SCHEDULE
Form ‘A’
(See Clause 4 (i) )
The Tea (Registration of Dealers & Declaration of Stocks )
(Application for Registration)

1. Applicant’s Name ...................................................
2. Applicant’s profession............................................
3. Applicant’s residence............................................
4. Situation of applicant’s place or places of business and godown with particulars as to number of house, town or village, police station and district.
5. Quantity of tea in the possession of the applicant on the date of application.
   I declare that the quantities of tea specified above are in my possession this day and are held at the places noted against them.
   I have carefully read the conditions of Registration Certificate given in Form “B” appended to Sikkim Tea (Registration of Dealers and Declaration of Stocks) Order, 1978 and I agree to abide by them.
   (a) I hereby apply for renewal of Registration no.............................. dated ...... 
   ......................... issued to me on ............... date ..............................

   Signature of the Applicant
FORM “B”
(See Clause 4(ii))

The Sikkim Tea (Registration of Dealers & Declaration of Stocks) Order, 1978 for Registration of Dealers & Declaration of Stocks of Tea in excess of 1000 Kilograms.

Registration no…………………………
Address:

1. Subject to the provision of the Sikkim Tea (Registration of Dealers & Declaration of Stocks) Order, 1978 and to the terms and conditions of this Registration Certificate M/s or Shri ………………………………………………… is/are hereby required to declare stocks of tea in excess of 1000 kilograms held by them.

2. (i) The Registration Certificate holder shall maintain a register of daily accounts for tea showing correctly:
   (a) the opening stock on each day.
   (b) the quantities received each day showing the place from where and the source from which received
   (c) the quantities delivered or otherwise removed on each day showing the places of destination and
   (ii) The Registration Certificate holder shall complete his accounts for each day on the day to which they relate, unless prevented by reasonable cause, the burden of which shall be upon him.

3. The registration Certificate holder shall submit to the registration authority concerned a true return, in Form “C” of the stocks of tea held by him in excess of 1000 kilograms every fortnight (1st to 15th and 16th to the end of the month) so as to reach him within five days after the close of the fortnight.

4. The registration Certificate holder shall give at all reasonable times to the Registration Authority or any other officer authorized by the State government for the inspection of his stocks and accounts at any shop, godown or other place used by him for the Storage of tea.

5. The registration Certificate holder shall comply with any direction that may be given to him by the Secretary, Food & Civil Supplies or the Registration Authority in regard to the declaration of stocks of tea held by him in excess of 1000 kilograms and in regard to the language in which the register & returns shall be written.

6. This Registration Certificate shall be attached to any application for renewal

7. This Registration Certificate shall be valid upto……………………..

(FOR USE BY A DEALER)
(See Condition 3 of the From “B”)

Returns of stocks of tea held in excess of 1000 kilograms for the fortnight ending………………….. 1978
Name……………………………………………………………………………………………………………………
No. of Registration Certificate………………………………………………………………………………
Address………………………………………………………………………………………………………………

Particulars of godown where stock held and quantity in excess of 1000 kilograms stored:

<table>
<thead>
<tr>
<th>Particulars of godown</th>
<th>Quantity in stock(bags/kgs/quintals)</th>
<th>Remarks if any</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Stocks at the beginning of the fortnight
   (a) Actually with the Registration Certificate holder ……………………

...
2. Quantity purchased during the fortnight:

<table>
<thead>
<tr>
<th>Name of the Factory from whom purchased</th>
<th>Quantity (in bags/kgs or quintals)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td></td>
</tr>
<tr>
<td>(iii)</td>
<td></td>
</tr>
<tr>
<td>(iv)</td>
<td></td>
</tr>
</tbody>
</table>

Total ...........................................

3. Quantity received out of quantity purchased:

<table>
<thead>
<tr>
<th>From (name of Factory)</th>
<th>Quantity (in bags/ kgs or quintals)</th>
<th>Date of purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iii)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(iv)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total ...........................................

4. `Quantity Sold
(a) quantity sold/and delivered /removed during the fortnight .............
...................... bags/kgs or quintals

5. Stock at the end of the fortnight:
(a) Actually with the Registration certificate holder.
   (i) Unsold
   (ii) sold but awaiting delivery.................................
(b) Pledge with any other person or institution such as a bank or co-operative society.

Total .............................................

To
Registration Authority
District
Place
Date

Signature..............................
Whereas the function of the Central Government under the Land Acquisition Act, 1894 (1 of 1894) in relation to the acquisition land for the purpose of the Union have been entrusted to the State government by the Notification No. F 12018/12/76-LRD dated 10.1.1978 issued by the Government of India in the Ministry of Agriculture and 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 being a purpose of the Union (Key Location Plan) in the blocks of Bhusuk, Pam, Namong Elakha Pam Singtam East District, Gangtok it is hereby declared that pieces of land comprising cadastral plots specified in the schedule of properties below measuring more or less 1235.33 acres, bounded in-

| North       | Bhusuk block separated by Chotang Khola |
| South       | Naitam block separated by Pabyek Monastery compound and ridge |
|             | In the hill side of Gangtok – bhusuk Pakyong road and in the valley side of above road separated by Namong Khola. |
| East        | Bhusuk Pabyek reserve Forest |
| West        | Gangtok Bhusuk Assam Road (Between 9th – 10.50 mile stone approximately) and Roro Tsu. |

is needed for the aforesaid public purposes at the public expenses within the aforesaid blocks.

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 Secretary Land Revenue Department Government of Sikkim Gangtok.

**SCHEDULE OF PROPERTIES**

| Blocks      | Bhusuk, Pam, Namdong and Naitam |
| Elakha      | Pam Singtam |
| Police Station | Gangtok, East District |
BHUSUK BLOCK
Cadastral Survey plot Nos. in full – 168, 176, 181, 180/A, 160/A, 149, 150, 154, 179, 180, 147, 148, 182,
185, 141, 175, 177, 178, 184, 34, 47, 107, 108, 144, 34/A, 125, 151, 35, 37, 40, 41, 42/A, 43/A, 78, 95, 101,
101, 54, 56, 96, 169/204, 59, 61, 63, 64, 69, 70, 71/201, 72, 73, 74, 75, 76, 97, 98, 59/203, 58, 89, 159, 160,
145/187, 33, 45, 48/A, 82/A, 82, 146, 162, 166, 171, 155, 156, 158, 172, 173, 174, 126, 129, 90, 109, 137,
153, 143, 104/205, 142, 205, 36, 57, 60, 83, 99, 100, 131, 132, 139, 140, 161, 163, 164, 167, 183, 186, 39,
Cadastral Survey plots in parts(excluding part of land covered by Homestead) – 170, 53, 105, 43, 79, 93, 55,
PAM BLOCK
174, 179, 199, 214, 216, 217, 218, 227, 242, 250, 251, 271, 271/A, 276, 213, 61, 200, 201, 145, 240, 207,
289, 290, 297, 297/A, 299, 261, 276, 134, 140, 170, 194, 195, 238, 177, 190, 19, 19/A, 20, 21, 22, 32, 39,
39/A, 84, 113, 156, 113, 205, 206, 208, 272, 272/A, 275,282, 177, 190, 19, 19/A, 20, 21, 22, 32, 39, 39/A,
84, 113, 156, 113, 205, 206, 208, 272, 272/A, 275, 282, 37, 41, 41/A, 85, 86, 101, 108,109, 189, 52, 25, 95,
102, 103, 202, 203, 23/322, 50, 55, 57, 110, 111, 45, 46, 47, 49, 56, 62, 74, 82, 80, 75, 80/A, 76/A, 73, 64,
125, 127, 126, 131, 132, 131/A, 149, 151, 169, 324, 230, 231, 142, 143, 211, 211/A, 212, 247, 65, 118, 119,
183, 302, 303/A, 315, 135, 147, 178, 191, 196, 197, 204, 324, 192, 193, 236, 237, 259, 268, 269, 185, 188,
263, 266,180, 182, 229, 234, 67, 69, 122, 279, 304, 307, 317, 44/A, 9, 16, 17, 44, 43/A, 44/B, 14, 12, 13,
18/A, 43/A, 44, 9, 7, 8, 10, 305, 309, 274, 278, 286, 288, 288/A, 310, 311/S, 312, 280, 286, 284, 285, 294,
26, 28, 29, 30/A, 318, 60, 89, 90, 91, 93, 94, 96, 97, 98, 104, 105, 152, 153, 167, 181, 152/320, 149/326,
255/329, 137/340, 141/341, 141/A, 341/A, 261/344, 276/345, 129/336, 130/337, 210, 256/343, 256, 257,
265, 277, 316, 338, 339, 319, 320, 313, 314, 159/A, 2, 3, 4, 5, 15, 20, 27, 42, 48, 58, 63, 72, 81, 87, 88,. 133,
321, 220, 175.

Cadastral Survey plot Nos in parts (excluding Home stead Area) – 209, 298, 33, 38, 155, 273, 24, 66, 71,
77, 144, 303, 252, 146, 139, 68, 228, 1295, 308, 14, 306, 311, 281, 300, 30, 95, 286, 323, 276, 346, 266, 40,
223, 168, 6, 300/331.
NAMONG BLOCK

Cadastral Survey plot Nos in full – 402, 407, 408, 555, 599, 416, 388, 696, 425, 453, 454, 463, 564, 377,
376, 384, 385, 607, 609, 609/A, 500, 501, 502, 504, 505, 511, 500/A, 360, 361, 369, 361/A, 470, 473, 507,
521, 524, 289, 116, 100, 106, 107, 109, 147, 228, 239, 285, 231, 103, 104, 153, 154, 152, 207, 417, 289/A,
97, 116/A, 288, 98, 986/B, 116/B, 109/A, 3, 4, 7, 115, 105, 35, 34, 50, 139, 36, 12, 12, 38, 16, 39, 19, 48,
112/A, 54, 112, 400, 401, 409, 410, 87, 83, 102, 214, 85, 82, 67, 66, 25, 26, 27, 75, 93, 101, 149, 150, 434,
280, 202, 283, 284, 292, 291, 548, 487/B, 383, 28, 226, 229, 262, 262, 74, 72, 73, 212, 213, 387, 389, 452,
465, 466, 468, 452, 352, 354, 412, 353, 111, 81/695, 98, 91, 92/621, 91/A, 138, 236, 536/630,513, 493, 492,
491, 490, 473, 386, 423/626, 217, 272, 271/A, 6, 31, 8, 30, 14, 15, 45, 71, 243, 195, 151, 144, 128, 126,
142, 141, 133, 125, 122, 123, 139, 132, 134, 121, 483, 562, 484, 550, 551, 552, 561, 563, 560, 549, 42, 534,
535, 143, 148, 155, 156, 158, 197, 198, 157, 424, 421, 429, 438, 432, 494, 495, 514, 68, 77, 78, 79, 225,



NAITAM BLOCK


By Order of the Governor

P.T.WANGDI, IAS,
Secretary,
Land Revenue Department,
Govt. of Sikkim, Gangtok.
Consequent on the receipt of the report of the State Pay Commission, the State Government hereby constitutes a Committee under the Chairmanship of the Chief Secretary to Government with the following officers as members for examining the recommendations of the Commission:

1) Shri R. Narayanan, Dev. Commissioner.
2) Shri. M.P. Pradhan, Finance Secretary.
3) Shri C.D. Rai, East. Secretary &in his absence Shri T. Chhophel M.D., S.S.T.C.

The Committee will furnish proposals for the consideration of the Govt. as early as possible and in any case not later than July 21, 1978.

By Order

R.K. GUPTA,
Additional Secretary,
Home Department.
The following Constitutional Orders published in the Gazette of India are reproduced below:-


In exercise of the powers conferred by clause (1) of article 341 of the Constitution of India, the
President, after consultation with the Governor of the State of Sikkim, is pleased to make the following
Order, namely:-

1. This Order may be called the Constitution (Sikkim) Scheduled Castes Order, 1978.
2. The Castes, races or tribes or parts of or groups within castes, races or tribes specified in

   the Scheduled to this Order shall, for the purpose of the Constitution, deemed to be

   Scheduled Castes in relation to the State of Sikkim so far as regards members there of

   resident in the State.

Provided, that no person who professes a religion different from the Hindu or the Sikh religion shall be
deemed to be a member of a Scheduled Castes.

THE SCHEDULED

1. Damai (Nepali)
2. Kami (Nepali), Lohar (Nepali)
3. Majhi (Nepali)
4. Sarki (Nepali)

N., SANJIVA REDDY
PRESIDENT
22nd June, 1978,
S. HARIHARA IYER
Secy. to the Government of India.


In exercise of the powers conferred by clause (I) of article 342 of the Constitution of India, the President,
after consultation with the Governor of the State of Sikkim, is pleased to make the following Order, namely :-

1. This Order may be called the Constitution (Sikkim) Scheduled Tribes Order , 1978.
2. The Tribes or tribe communities or parts of or groups within tribes or tribe communities
specified in the Scheduled to this order shall, for the purposes of the Constitution, be deemed to
be Scheduled Tribes in relation to the State of Sikkim so far as regards members thereof resident
in the State.
1. Bhutia (Including Chunbipa, Dopthapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa, Yolmo)
2. Lepcha.

N. SANJIVA REDDY
President

22\textsuperscript{nd} June, 1978.

S. HARIHARA IYER

Secy. to the Govt. of India"

(T. S. Gyaltshen )
Chief Secretary.
LAND REVENUE DEPARTMENT
GOVT. OF SIKKIM
GANGTOK

NOTIFICATION NO. 422/LR(S) DATED: 10TH July, 78

CORRIGENDUM


(ii) No. 1036/LR (S) dated 12.1. 1978. For the words and figures “by Notification No. 20/1/66 Judl. Dated the 14th may 1955 issued by the Government of India in the Ministry of Home Affairs.”


P.T. Wangdi,
Secretary,
Land Revenue Department
Govt. of Sikkim, Gangtok.
THE SIKKIM AGRICULTURAL LAND CEILING

(Under Chapters I and II)

Chapter-I
Preliminary

1. Section 36.(a) These rules may be called the Sikkim Agricultural land ceiling and Rule, 1978
Reforms.
(b) They shall come into force at once.

2. In these rules unless there is anything repugnant in the subject or context:-
(II) “Excess land” means the land held by a person in excess of the ceiling limit.
(III) “Form” means a form appended to these rules.
(IV) “Section” means a section of the Act;
(V) “State” means the State of Sikkim,

3. Section 36(I) All proceedings under the Act shall be held before the Competent Authority within
whose jurisdiction a person holds the largest part of his holding except where directed to the contrary in any
particular case by the State Government.

CHAPTER-II
Ceiling on Agricultural Land

4. Section 5. The General Notification under Section 5 of the Act for information of all concerned stating
that with effect from the date of the Notification no person shall be entitled to hold any agricultural land in
excess of ………… of the ceiling limit in the State of Sikkim or part thereof shall be published in the
Official Gazette in L.C. Form I.

5. Section 4 and 5. (I) Where any question arises as to whether any person is a Bustiwalla or an
Adhiadar/or a Kutidadar, it shall be decided by the Competent Authority on the basis of the records as well as
from the evidence produced by the person claiming himself to be a Bustiwalla or an Adhiadar or a Kutidadar
or where no such evidence is produced, on the basis of an enquiry as may be deemed proper by the
Competent Authority.
(2.) A copy of the orders passed by the Competent Authority shall immediately be
forwarded to the Secretary to the Government in the land Revenue Department.

6. Section 36(I) The classification of land into circles and classes made in notification
No.815/L.R dated the 7th June 1957 shall be operative in the area referred to therein unless revised in the
course of Settlement Operations.
(2) Where no survey and settlement operation had taken place the classification of land
into circle and classes determined in the current survey and settlement operation will be accepted.
(3) Cardamom field will be treated at par with paddy field. But its further classification
into classes in every circle will depend upon its elevation from Sea Level. If any land on which Cardamom
is grown has not been classified, its classification may be determined with reference to its height as applied
in cases of paddy and dry fields. If its height is also not given, it may be determined with reference to the
height of the adjoining plots given in the Khasra.
7. Section 36 (d). The general notice to be published in pursuance of sub-section (1) of Section 8 and the statement to be submitted thereunder by every person holding land in excess of ceiling limit, applicable to him in the State, shall be in L.C. Forms II and III respectively. The statement mentioned above shall be filed within a period of 30 days from the date of the publication of the general notice.

8. Section 8. (i) Where a person does not file the statement as required under Rule 7 in L.C. Form III within thirty days of the publication of the general notice in L.C. Form II or where the Competent Authority is of opinion that any person holds on the notified date agricultural land in excess of the ceiling limit, he may serve a notice upon such person in L.C. Form IV to file the statement within twenty-one days of the service of the notice.

(2) As soon as may be, after the expiry of twenty-one days from the date of the service of the notice in L.C. Form IV, the Competent Authority shall cause to be prepared and served upon every person, who has failed to submit the statement in L.C. Form III or has submitted an incorrect or incomplete statement, a notice in L.C. Form V together with a copy of the statement and its Annexures A to E calling upon him to show cause within a period of fifteen days from the date of the service of the notice why the aforesaid statement be not taken as correct.

9. The notice under Rule 8 in L.C. Form IV and V may be served either:-

(a) by delivering it to the person on whom it is to be served, or
(b) by affixing it at a conspicuous part of the usual or last known place of abode of the person, or
(c) by sending it by registered post, addressed to that person at his usual last known place of abode, and
(d) in case of an incorporated company, monastery or other religious institutions or society, by sending it by registered post, addressed to the Secretary or Principal functionary of the company, monastery, other religious institutions or society or by delivering at its principal office, or affixing it at a conspicuous part of its principal office.

10. (1) In the case of tea garden and land held for industrial purposes mentioned in sub-section (4) of Section 6, the Competent Authority shall fix their ceiling limit as may be notified by the State Government.

(2) Where homestead is part of one’s holding, it will remain so even after imposition of ceiling on agricultural land.

11. Section 9 (1) The Competent Authority shall cause to be prepared a draft statement on the basis of the statement filed by a person under Section 8 or on the basis of the statement prepared under Section 9 (1) in respect of each person in L.C. Form VII which shall be served on him in the manner prescribed under rule 9 together with a notice in L.C. Form VI.

(2) Where a person has opted to declare his share or part thereof in one or more on his holdings, held jointly by him along with others, as excess land or where the Competent Authority proposes to declare any such share or part thereof as surplus land in part D of L.C. Form III, the Competent Authority shall, except where the person is in separate possession of his share in such holding, proceed to demarcate the same before proposing the surplus land of the person in the draft statement, if necessary, after giving an opportunity to the co-sharers of being heard with due regards to the following principals:-
(a) The valuation of the portion allotted to the person shall be proportionate to his share in the holding, 
(b) The portion allotted to the person shall as far as may be compact; and
(c) The person shall, as far as may be possible, be given proportionately inferior and superior classes of land.

12.  (1) Objection filed under Section 9 shall be entered in case registered in L.C. Form VIII
     (2) The objection shall be decided by the Competent Authority after giving the objector a reasonable opportunity of being heard.
     (3) The order of the Competent Authority shall be speaking order.
     (4) The Competent Authority shall forward a copy of his order to the Secretary to the Government in the Land Revenue Department.

13.  Section 10 and 26.  (1) After disposal of the objection filed, if any, under Section 9 (4) or after disposal of any appeal under Section 13 or Section 14, the Competent Authority shall, after making necessary alteration in the draft Statement as a result of orders passed on the objection or in appeal or on demarcation of share in joint holding in the manner indicated in Rule 11, prepare a final statement as in L.C. Form IX showing the land held by the person concerned in excess of the ceiling limit and also the land which such person shall be allowed to retain within the ceiling limit. Columns 38 and 39 shall be filled in when the Revenue officer has fixed land revenue on the land to be retained by the person.
     (2) A copy of final statement in L.C. Form IX shall be sent to the Revenue Officer for fixing land Revenue on the land to be retained by the person per revenue rates applicable to each plot in the manner indicated in rule 29.
     (3) On receipt of the final draft statement in L.C. Form IX after fixation of land Revenue on the land to be retained by a person, the Competent Authority shall get a copy thereof serve on the person in the manner indicated under Rule 9.

14.  Section 10. While preparing the final draft statement in L.C. Form IX, the Competent Authority shall keep the following in view:-
     (1) that the choice indicated by the person to the plot or plots to be retained by him or other members of his family, as far as possible, shall be given due regards;
     (II) that the land which is retained by the person and that which is declared excess should, as far as practicable, be compact;
     (III) that the land which is under cultivation of Adhiadar/Kutiadar or which is under dispute should, as far as possible, remain with the person and not declared excess, and
     (IV) where the wife of a person holds any land which is aggregated with the land held by him for purposes of determination ceiling limit and his wife as not consented to the plot or plots to be retained as part of the ceiling limit applicable to them, then the Competent Authority shall, as far as possible, declared the excess land in such manner that the area taken out of the land held by the person’s wife bears to the total excess area the same proportion as the area originally held by her bears to the total land held by the family; and
     (V) Where a person holds land in excess of the ceiling limit including any land with encumbrances (mortgages etc.), the excess land to be determined as such shall, as far as possible, be the one free from encumbrances.

15.  Section 11. As soon as may be after the service of the final statement under Section 10 on the person concerned, the Competent Authority shall notify in the Official Gazette all lands determined in excess of the ceiling limit under Section 10 as in L.C. Form XI.

16.  Sub-section 5 of Section 11. The amount of damages for use and occupation of land referred to in sub-section (5) of Section 11 shall be determined in accordance with the following principle.
Damages shall be determined at 25 times the revenue payable for the land for every agricultural year or any part thereof.
Provided, however, the damages shall not exceed the amount payable under Section 12 of the Act.

17. Sub-section 1 of Section 36. (1) The Competent Authority shall, for the purpose of correction of land records, also send information in respect of the land included in the ceiling limit applicable to a person to the Collector of the District where the land is situated, along with a copy of final draft statement in L.C. Form IX.

(II) The District Collectors shall also maintain a register of all excess land as in L.C. Form X in the District.

18. Section 36 (1) (I) Where a person dies before the notification of the general notice under Section 8 (1), such notification shall be deemed to apply to his executor, administrator or other legal representatives and the Competent Authority, proceed to determine the ceiling limit applicable to the deceased as if such executor or administrator or other legal representatives was the person himself.

(2) Where a person dies before his served with a draft statement under Section 9, the Competent Authority may serve such statement on his executor, administrator or other legal representatives.

19. Section 36 (2) (g) (1) As soon as any excess land vests or is deemed to have been vested under sub-section (1) of section 11, the Competent Authority shall proceed to determine the amount payable to the person or persons holding such land in L.C. Form XII.

(2) The Competent Authority shall thereafter send a notice to the person or persons as in L.C. Form XIII calling upon him/them to file objection, if any, on the amount so determined within a period of fifteen days from the date of service of the notice.

(3) The Competent Authority shall decide the objection filed, if any, and cause to be prepared a register as in L.C.Form XIV and maintain accounts of payment made to the persons.

(4) A copy of the orders passed on the objection shall be sent to the Secretary to the Government in the Land Revenue Department.

(5) Whenever the person concerned comes to receive the first installment or any subsequent instalment payable to him, he shall produce every time the notice in L.C. Form XIII before the Competent Authority who shall record a note regarding payment of the instalment due under his dated signature in the remarks column.

(6) The Competent Authority may on being satisfied that original L.C. Form XIII has been lost or destroyed, issue a duplicate copy thereof in favor of any person or an application, supported by an affidavit, filed by that person for the purpose.

(7) Where the person entitled to the amount payable dies before the amount is paid to him, the Competent Authority shall proceed to determine the legal representatives of the deceased for making payment of the amount.

(8) Whenever the legal representative concerned comes to receive the first installment or any subsequent installment, he shall produce every time the notice in L.C. Form XIII before the Competent Authority.

20. Section 12 (3) On receipt of an application from a monastery or other religious institutions in L.C. Form XV to the effect that as a result of vesting of excess land it has become difficult for such monastery or religious institution to carry on proper management and administration, the Competent Authority shall, after such enquiry as he deems proper, determine the amount of annuity payable to such monastery or religious institution in L.C. Form XVI taking into consideration the following:

(a) the total average annual income of such monastery or religious institution for the preceding three agricultural years of the date of filing of the application and

(b) the division of the average income into two parts viz. that utilized purely for religious or charitable purposes and for other purposes.
21. Sub-section 3 of Section 12. (1) After the amount of annuity payable has been determined the Competent Authority shall send a notice in L.C. Form XVII to the head or the principal functionary of the monastery or religious institution calling upon him to file objection, if any, on the amount determined as annuity within a period of fifteen days of the service of the notice.

(2) The Competent Authority shall decide the objection filed, if any, and prepare an annuity roll as in L.C. Form XVIII (parts I and II). Part I will be given to the head of the monastery or religious institutions. In part II the Competent Authority shall maintain accounts of payment of annuity in a register form.

(3) A copy of the order passed on the objection shall be sent to the Secretary to Government in the Land Revenue Department.

(4) When the head or the principal functionary or any other duly authorized on his behalf attends the office of the Competent Authority to receive payment, he shall bring with him part I of the annuity Roll for necessary entries to be made under the signature of the Competent Authority.

(5) The Competent Authority may, on being satisfied that original Annuity Roll in L.C. Form XVIII part I has been lost, destroyed or rendered unfit for use, issue duplicate copy thereof, on an application supported by an affidavit being filed for the purpose.

22. Section 16 (1) If on or after the commencement of the Act or on or after the notified date or on or after the date of vesting under Section 11, any person acquires by transfer, inheritance or otherwise any aggregate the ceiling limit, then he shall within three months of the date of such acquisition, file an application as in L.C. Form XIX along with annexure of L.C. Form III duly filled in.

(2) The person shall first give details of the land held by him in the annexure A of L.C. Form III and then below it, give the particulars of land subsequently acquired by transfer or inheritance or otherwise.

(3) Where the application in sub-rule (1) is filed, the Competent Authority shall proceed to determine the surplus land according to the provision of sections 8 to 15 of the Act.

(4) The provisions of the Act in respect of declaration, acquisition, disposal and settlement of surplus land shall, as far as may be, also supply to surplus land covered by section 16.

22. (1) On receiving copies of orders passed under Section 4 or 9 (4) or 12 the Secretary to Government in the Land Revenue Department shall get them scrutinized and arranged filling of appeal thereto under section 13 before the Tribunal within 30 days or the orders passed if, in his opinion, the interest of the State Government has suffered in any way.

(2) The Secretary to Government in the Land Revenue Department shall get copies of orders passed in appeal under Section 13 and take action for filing a second appeal under Section 14 before the State Land Tribunal within sixty days of the order passed by the Tribunal, if, in his opinion, the interest of the State Government has suffered in any way.

(3) If due to unavoidable circumstances, the appeal as referred to in sub-rules (1) and (2) above could not be filed within time, the memorandum of appeal shall be accompanied by an application for condonation of delay duly supported by an affidavit explaining the delay.

By Order

P. T. Wangdi, I.AS
Secretary
Land Revenue Department.
In exercise of the powers conferred by Section 5 (1) of the Sikkim Agricultural Land Ceiling and Land Reforms Act, 1977 (Act 14 of 1978), the State Government hereby notifies that with effect from the 22nd day of June 1978, no person shall be entitled to hold any agricultural land in excess of the ceiling limit as laid down in Section 6 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act 14 of 1978) as amended by the Sikkim Agricultural Land Ceiling and Reforms, (Amendments) Ordinance, 1978 (Ordinance No. 3 of 1978), in the whole of the State of Sikkim and all lands in excess of the ceiling limit shall vest in the State in accordance with an under the provisions of the aforesaid Act and the rules made there under.

By Order
Secretary,
Land Revenue Department.

L.C. Form II
(See Rule 6)

General notice under sub-section 1 of Section 8 of the Sikkim Agricultural Land Ceiling and Reforms Act 1977-

In pursuance of the provisions of the Section 8 of the Sikkim Agricultural Land Ceiling and Reforms Act 1977 (Act 14 of 1978), I …………………….. the Competent Authority of District …………………….. do hereby call upon every person holding land in excess of the ceiling area applicable to him on the 22nd June, 1978, to deliver to the undersign within thirty days of the date of publication of this notice, a statement in respect of all his holdings within the state of Sikkim in L.C. Form III together with annexure A to E thereof duly signed and verified in the manner indicated in the said form.

2. The ceiling area applicable to a person is to be calculated in accordance with the provisions of section 6 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act 14 of 1978)

3. Annexure A to L.C. Form III contains instructions for its preparation. If any further information is desired, it can be obtained from the office of the undersign.

Competent Authority
District …………………
Date ……………………..

L.C. Form III
(Rule-8)

To
The Competent Authority.
---------------------------------District.

In pursuance of the notice under Section 8 (1) of the of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977, I submit the required statement in respect of all Agricultural Land held by me on the 22nd day of June, 1978, the notified date as under:

(1) Total area in standard acres of agricultural land held in the State by me personally and in the names of the members of my family as well as my share of land held by a Co-operative society or private trust of which I am a beneficiary, as detailed in Annexure A.

(2) Total area in standard acres of land cultivated by me in the capacity of an Adhiadar/Kutiadar as detailed in Annexure C.
(3) Total area in standard acres and plot numbers of land for which exception is claimed, as detailed in Annexure C.

(4) Detail of land on which ceiling is to be imposed as in Annexure D.

(5) Area in standard acres and plot numbers of land which are proposed to be retained within ceiling limit as applicable, as detailed in Annexure E.

(6) The particulars in respect of my wife/husband/minors sons and unmarried daughters of my family are as below.

(7) The particulars in respect of land owned or cultivated by my adult sons are as below:-

<table>
<thead>
<tr>
<th>NAME</th>
<th>AGE</th>
<th>SEX</th>
<th>RELATIONSHIP</th>
<th>Married, unmarried or judicially separated:</th>
<th>REMARKS:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>AGE</th>
<th>SEX</th>
<th>RELATIONSHIP</th>
<th>Married, unmarried or judicially separated:</th>
<th>REMARKS:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>AGE</th>
<th>Details of land owned or cultivated</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>District  Block  Khatian No.  Plot No.  Area of plot  Circle</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1   2  3  4  5  6  7  8</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Class</th>
<th>Area in terms of standard acres</th>
<th>Whether owner or cultivator</th>
<th>Name of the owner of the plot whose land is cultivated.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
</tr>
</tbody>
</table>

I solemnly affirm and verify that to the best of my knowledge the information given by me in the form and annexure hereto attached is correct and complete. I also certify that the consent of my wife (in case she holds any land) has been taken in…… respect of the land to be retained within the ceiling limit applicable.
Annexure A to L.C. Form III

Details of agricultural land held by Sri/Smt...............................s/o wife of Sri....... Resident of.......................Block.................District..............................and the members of his family as well as his share of land held in a Co-operative Society or private trust.

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of the person or name of the members of his family or the name of the Co-operative Society or private trust</th>
<th>Name of the Dist.</th>
<th>Name of the Block</th>
<th>Khatian Number</th>
<th>Share in the holding if joint along with names of co-shares.</th>
<th>Share of the person along with shares of his minor sons</th>
<th>Share of the adult sons</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Details of land held

<table>
<thead>
<tr>
<th>Plot No</th>
<th>Area</th>
<th>Circle</th>
<th>Class</th>
<th>Area cultivated in standard acres</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
</tr>
</tbody>
</table>

Details of land cultivated in the capacity of an adhiadar/kutiadar

<table>
<thead>
<tr>
<th>Name of adhiadar/Kutiadar with address</th>
<th>Plot No.</th>
<th>Area</th>
<th>Circle</th>
<th>Class</th>
<th>Area cultivated in standard acres</th>
<th>Remarks:</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>16</td>
<td>17</td>
<td>18</td>
<td>19</td>
<td>20</td>
<td>21</td>
</tr>
</tbody>
</table>
Note:
(1) All land held in his own his right by the person will first be shown. The total of the land held by the person taking into consideration his share in joint holding and deducting there from the shares of the adult son/sons will be struck. Below it will follow the names of the wife or husband, the minor’s sons and the unmarried daughters and the land held by each of them. Total land held by the members of the family will then be struck. At the end the grand total of both kinds of land will be given. Columns 15 to 20 will give details of land being cultivated by Adhiadar/Kutiadar separately.
(2) The remarks column will give the details of the following:
(a) How the shares in the joint holding or shares of adult sons have been worked out?
(b) Details of homestead or other constructions against the plot in which they are situated.
(c) The reasons why any land if owned by the persons has not been recorded in the land records.
(d) The reasons why any land recorded in his name in land records has gone into possession of another person.
(e) Details of plots mortgaged as security against various loans taken from Scheduled Bank co-operative Society or any other Govt. agency.
(f) Disputes, if any, pending determination in a court of law.
(g) Names of person, if any, who are in possession over land.

ANNEXURE B TO L.C. FORM III

Details of land cultivated by Sri/Smt.…………………………s/o wife of Sri……………
Resident of……………………..Block………………….District and the members of his family in the capacity of an Adhiadar/Kutiadar.

<table>
<thead>
<tr>
<th>SI No</th>
<th>Name of the person whose land is cultivated</th>
<th>Name of Adhiadar/Kutiadar</th>
<th>Name of the District</th>
<th>Name of the Block</th>
<th>Khatian No.</th>
<th>Plot No.</th>
<th>Circle</th>
<th>Class</th>
<th>Area in standard acres</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ANNEXURE D TO L.C. FORM III

Details of land on which Ceiling is to impose.

<table>
<thead>
<tr>
<th>Name of the person</th>
<th>Number of members in his family</th>
<th>Total area in standard acres held by the person and members of his family as given in Annexure A</th>
<th>Total land in standard acres held in the capacity of an Adhiadar/Kutiadar as given in Annexure.</th>
<th>Total of columns 3 &amp; 4</th>
<th>Area for which exemption, if any claimed</th>
<th>Total land on which ceiling is to be imposed</th>
<th>Ceiling limit applicable in terms of standard acres</th>
<th>Excess Land in standard acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DETAILS OF EXCESS LAND

<table>
<thead>
<tr>
<th>Block</th>
<th>Plot No.</th>
<th>Area</th>
<th>Circle</th>
<th>Class</th>
<th>Area in Standard acres</th>
<th>Remarks</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>
</tr>
</tbody>
</table>

ANNEXURE E (L.C.FORM III)

Details of land proposed to be retained by the person Sri/Smt.........................
s/o w/o............................r/o................................District.........................
as part of his/her ceiling limit.

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>District</th>
<th>Block</th>
<th>Plot No.</th>
<th>Area</th>
<th>Circle</th>
<th>Class of land</th>
<th>Area in Standard acres</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>9</td>
</tr>
</tbody>
</table>

Signature of the person holding land.
Signature of wife of the person in token of her consent incase where land held by wife has been aggregated for purpoae of imposing ceiling limit.

L.C.Form-IV
(Rule 8 (1)

NOTICE

To
Name..................................................
Address.............................................

Whereas you have failed to submit the statement in L.C.Form III as required under rule 7 of the Sikkim Agriculture Land Ceiling and Reforms Rules, 1978, within 30 days of the publication of the general notice in L.C. Form II/in the opinion of the undersigned you held on the notified date agricultural land in excess of the ceiling limit, you are hereby called upon to file a statement in L.C.Form III along with its annexures A to E within twenty one days of the Service of the notice.

Given under my hand and seal of the court this day of...................
.............................................19
L.C.Form V
Notice U/S. 8(2)
(Rule 8)

To

Name……………………………………………………..
Address……………………………………………………..

Whereas you have failed to submit a statement/have furnished incomplete/incorrect statement in respect of your holdings in the State of Sikkim including holding of the members of your family within the time mentioned in the notice in L.C.Form II under Section 8(1) of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act 14 of 1978);

And Whereas the statement of all holdings held by you in the State on the 22nd June of 1978, the notified date, has been prepared and are sent in Annexure A to E of L.C.Form III, you are hereby called upon to show cause within a period of fifteen days from the date of the service of the notice, why the said statement be not taken as correct.

On your failure to dispute the correctness of the statement, it shall be treated as final and will form the basis of preparing the draft statement under Section 9.

Give under my hand and seal of the Court this day of …………………….. 19…………………………

Signature of the Competent Authority.
District………………………………

L.C.Form-VI
(Rule 110)

Whereas a draft statement (enclosed in L.C. Form VII) has been prepared as required under Section (1) of the Sikkim Agricultural Land Ceiling and Reforms Act 1977 on the basis of the statement filed by you under Section 8(1) or on your failure to file such statement on the basis of the statement prepared and served on you with a notice in L.C. Form V, you are hereby called upon to file objection, if any, within a period of fifteen days from the date of the service of this notice.

On your to dispute the correctness of the aforesaid draft statement in L.C. Form VII (enclosed), it will be treated as final.

Given under my hand and seal of the court this day of …………………….. 19

Signature of the Competent Authority.
District…………………………

Competent Authority
District …………..
L.C. Form VII
Draft Statement (Section 9 Rule 11)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Particulars of the person and members of his family</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Plot No.</th>
<th>Area</th>
<th>Circle</th>
<th>Class</th>
<th>Area in terms of standard acres</th>
<th>Name of the owner of the Land</th>
<th>Plot No.</th>
<th>Area</th>
<th>Circle</th>
<th>Class</th>
<th>Area in terms of standard acres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<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>19</td>
</tr>
</tbody>
</table>

Name of the person, name of the members of his family with age, sex and relationship name of Co-operative Society or private trust in which he has a share.

Name of the District
Name of the Block
Khatian No.
Share in the holding if joint along with names of Co-shares.
Share of the person along with shares of his minor sons
Name of the adult sons and their shares.

<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
<th>11</th>
<th>12</th>
<th>13</th>
<th>14</th>
<th>15</th>
<th>16</th>
<th>17</th>
<th>18</th>
<th>19</th>
</tr>
</thead>
</table>

Details of land held as owner  Details of land held in the capacity of Adhiadar/Kutiaadar

Area for which exemption allowed
### Details of excess land

<table>
<thead>
<tr>
<th>Plot No.</th>
<th>Area</th>
<th>Circle</th>
<th>Class</th>
<th>Area in terms of standard acres</th>
<th>Area on which ceiling is to be Imposed(Col. (13+19)-Col.24)</th>
<th>Ceiling area applicable in standard acres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>21</td>
<td>22</td>
<td>23</td>
<td>24</td>
<td>25</td>
<td>26</td>
</tr>
</tbody>
</table>

### Details of area to be retained by the person

<table>
<thead>
<tr>
<th>Plot No.</th>
<th>Area</th>
<th>Circle</th>
<th>Class</th>
<th>Area in Standard acres.</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>28</td>
<td>29</td>
<td>30</td>
<td>31</td>
</tr>
</tbody>
</table>

### Register of Excess land

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>District</th>
<th>Block</th>
<th>Name of the person parentage and address</th>
<th>Plot No.</th>
<th>Area</th>
<th>Class of land</th>
<th>Type of land</th>
<th>Tress, bldg, or any other improvement on the land</th>
<th>Signature of Collector</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>9</td>
<td>10</td>
<td>11</td>
</tr>
</tbody>
</table>

Note: In the remarks column entry should be made when any land is settled with any person or it is earmarked for any public purpose.

L.C. Form XI
(See rule 17)

In pursuance of the provisions of sub-section(1) of Section 11 of the Sikkim Agricultural land Ceiling and Reforms Act, 1977, Competent authority notify the excess land of the person determined under Section 10 of the aforesaid Act as in the Schedule given below or annexed.
Signature of Competent Authority.
District……………………………

SHCEDULE
(Details of land)

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name of the person</th>
<th>District</th>
<th>Block</th>
<th>Plot</th>
<th>Area</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>
</tr>
</tbody>
</table>

L.C.FORM XII
(See Rule 19)
Assessment Roll

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Dist.</th>
<th>Block</th>
<th>Name of person</th>
<th>Excess land as shown in col.30 of L.C.Form IX in standard acres</th>
<th>Amount of land revenue payable on excess land as given in col.32 of L.C. Form IX</th>
<th>Multiple applicable for assessing the amount payable</th>
<th>Amount payable in respect of land in col. 4</th>
<th>Govt. Dues if any payable</th>
<th>Net Amount payable (Col. 7-8)</th>
<th>Number And Amount of each Instalment Payable</th>
<th>Signature of the Competent Authority</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>
<td>10</td>
<td>11</td>
<td></td>
</tr>
</tbody>
</table>

L.C.FORM XIII
(See Rule!9)
Whereas the net amount payable to you under Section 12 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 has been determined as per details given below, notice is hereby given to you to appear personally or through an agent duly authorized to file objection, if any, within a period of 15 days from the date of the service of the notice.

On your failure to dispute the correctness of the amount within the time allowed, the amount determined will be treated as final.

Details of amount payable

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Given under my hand and seal of the court this day of…………………………
………………………………………………..19
Signature of Competent Authority.
District……………………………………

L.C.FORM XIV
(Rule 19)

Register of person and the amount payable to them under Section 12.

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Dist</th>
<th>Block</th>
<th>Name parentage and address of the person entitled to amount</th>
<th>Final amount as determined in L.C. Form XII</th>
<th>Date of Determination</th>
<th>Number of instalments</th>
<th>Date on which instalments fall due</th>
<th>Amount of instalment as shown in col.10 of L.C.Form XII</th>
<th>Interest if any payable</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>
<td>10</td>
</tr>
</tbody>
</table>

TOTAL AMOUNT DUE FOR PAYMENT

<table>
<thead>
<tr>
<th>Number of instalment</th>
<th>Amount(Instalment Plus interest)</th>
<th>Date and number of cheque Issued towards payment</th>
<th>Signature of Competent Authority</th>
<th>Date of cashment</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
<td>15</td>
<td>16</td>
</tr>
</tbody>
</table>

L.C.Form XV
Application for annuity
(Rule-20)

To
The Competent Authority,
District…………………

I………………………………….son of……………………………………………………………………………………………..
Resident of…………………………………………………………………in my capacity as Manager Trustee of…………………………………………………………………hereby submit this claim for award of annuity in lieu of excess land which has vested in the State Government Notification,
No……………….dated…………………………below and the income from which was utilized for religious or charitable purposes.

2. I, herewith, furnish accounts for the preceding three agricultural years showing the total income accruing from the above monastery/institution from the excess land and income from the portion of the excess land utilized for religious or charitable purposes.

[Signatures of claimant, Manager/Trustee.]

(SHCEDULE)

(Details of surplus land)

L.C.FORM XVI
(See Rule 20)
Assessment of annuity

<table>
<thead>
<tr>
<th>Dist.</th>
<th>Block</th>
<th>Name of the Monastery/Institution</th>
<th>Excess land as shown in Col.30 of L.C. FormIX</th>
<th>Average of three years income</th>
<th>Average amount spent, if any, from the income on other purposes during the last three years</th>
<th>Amount that was spent on purely religious or charitable purposes during the last three years</th>
<th>Proposed amount payable as annuity</th>
<th>Signature of the Competent Authority</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>9</td>
<td>10</td>
</tr>
</tbody>
</table>

(SEE RULE 21)

<table>
<thead>
<tr>
<th>BLOCK</th>
<th>PLOT NO.</th>
<th>AREA</th>
<th>CLASS</th>
<th>TYPE</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Whereas the net amount payable to you as annuity under Section 12 (13) of the Sikkim Agricultural Land Ceiling and Reforms Act,1977(Act 14 of 1978) has been determined as per details given below, notice is hereby given to you appear personally or through an agent duly authorised to file objection, if any, within a period of fifteen days from the date of the service of the notice,
On your failure to dispute the correctness of the same within the time allowed, the amount determined will be treated as final.

Details of amount payable.

Given under my hand seal of the Court on the day of…………………………………19

Signature of the Competent authority

L.C. FORM XVIII
(See Rule 21)
Annuity Roll- Part 1

<table>
<thead>
<tr>
<th>Name of the monastery/religious institution</th>
<th>Name of the Manager or Trustee</th>
<th>Amount of annuity</th>
<th>First payment due on</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
</tbody>
</table>

No.of Roll..............................
Prepared by............................
Checked by.............................Signature of Competent Authority.
Date.................................District..................................
**RECORD OF PAYMENT**

<table>
<thead>
<tr>
<th>Period for which payment to be made</th>
<th>Date</th>
<th>Amount Payable</th>
<th>Net amount paid</th>
<th>Signature of the Competent Authority</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>
</tr>
</tbody>
</table>

**L.C.FORM XVIII**  
(See Rule 21)  
Annuity Roll-Part II  
Book No……………………..Serial No of book……………………..District………….  
Specimen Signature of Manager/Trustee of the Monastry/Religious Institution…………..  
No fo Roll…………………………..  

**L.C.FORM XIX**  
(Rule 22)  
To  

<table>
<thead>
<tr>
<th>Name of the Monastery/Religious Institution</th>
<th>Name of the Manager or Trustee</th>
<th>Mark of Identification</th>
<th>Amount of Annuity</th>
<th>Annuity period for which annuity is due</th>
<th>Amount paid with cheque No and its date</th>
<th>Signature of Manager or Trustee</th>
<th>Signature of the Competent Authority</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>

The Competent Authority.  
..................District.  

I have acquired the following land by transfer/inheritance or otherwise after the notified date Section 5(1) or after the date of vesting under Section 11 which together with the extent of the agricultural land held by me exceeds in aggregate the Ceiling Limit. I am enclosing a statement in L.C.Form No.III also for determining the ceiling limit as well as for the excess land which would vest in the State.  

**PARTICULARS OF LAND**

<table>
<thead>
<tr>
<th>Name of person from whom land has been purchased/inherited</th>
<th>District</th>
<th>Block</th>
<th>Plot No</th>
<th>Area</th>
<th>Class</th>
<th>Type</th>
<th>Area in real acres/Standard acres.</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>9</td>
</tr>
</tbody>
</table>

I solemnly affirm and verify that to the best of my knowledge the information given by me in the form and annexure hereto attached is correct and complete.  

Signature of the applicant  
s/o  
Address……………….  

Date……………………..  

SIKKIM
GOVERNMENT OF SIKKIM
INCOME & SALES TAX DEPARTMENT

Notification No.492-500/IT & ST

The West Bengal Government Notifications No.3058-F.T. dated 26.6.78 & No 3059-F.T. dated 26.6.78 are republished for general information:

Government of West Bengal,
Finance Department, Taxation.

NOTIFICATIONS
No. 3058-F.T. dated 26.6.78-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 make the following amendments in this Department notification No. 2787-F.T. dated 13th June 1975,published at page 1228 of Part I of the Calcutta Gazette, Extraordinary, dated the 13th June, 1975, as subsequently amended (hereinafter referred to as the said notification), namely:-

AMENDMENT
In the said notification, for the words and figures “30th June 1978”, substitute the words and figures “31st December 1978”,

By order of the Governor,

Sd/- K.Banerjee,
Dy.Secy.to the Govt.of West Bengal.

No. 3059-F.T. dated 26-6-78- In exercise of the power conferred by section 26 of the Bengal Finance (Sales Tax) Act, 1941(Ben. Act VI of 1941), the Governor is pleased hereby to make the following amendments in the Bengal Sales Tax Rule, 1941, as subsequently amended (hereinafter referred to as the said rules), namely:-

AMENDMENTS
In the said rules, in rule 3,-

(1) in clause (12),
(a) in sub-clause (b), for the words and figures “30th June, 1978” substitute the words and figures “31st December, 1978”,

(2) in clause (13), in sub-clause (b) for the words and figures “30th June,
1978” substitute the words and figures”31st December, 1978”.

By order of the Governor.

Sd/- K. Banerjee,
Dy. Secy. to the Govt. of West Bengal.

By order,

Secretary, Finance
ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI 110001
Dated 30th June, 1978.

NOTIFICATION
No.154/SKM/78:- In exercise of the powers conferred by sub-section (1) of Section 13 A of the Representation of the People Act, 1950(43 of 1950), the Election Commission, in consultation with the Government of Sikkim, hereby nominates Shri D.K. Manavalan, IAS, Divisional Commissioner, Sikkim, as the Chief Electoral Officer for the State of Sikkim with effect from the 22nd June, 1978 and until further orders vice Shri R.K. Gupta.

Sd/- V. NAGASUBRAMANIAN
Secretary.

By Order
T.S. GYELTSHEN,
Chief Secretary,
Government of Sikkim.
WHEREAS the State Government is of the opinion that strikes in the State Bank of Sikkim would
Prejudicially effect the maintenance of public service, maintenance of supplies and services necessary for
the life of the community and would result in the infliction of great hardship on the community, it has been
deemed necessary to declare the service connected with the State Bank of Sikkim to be an Essential Service
within the meaning of Section 2 of the Sikkim Essential Services Maintenance Act 1978.

Now, therefore, in exercise of the powers conferred by Section 2(a)(viii) of the Sikkim Essential
Services Maintenance Act, 1978, State Government hereby declare the service connected with the State Bank
of Sikkim as an essential service.

T.S.GYALTSHEN.
Chief Secretary,
Government of Sikkim.
HOME DEPARTMENT
NOTIFICATION
No.5 (5)-Home/77.
Dated Gangtok, the July, 1978.
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 Services Maintenance Act, 1978, the State Government prohibits strikes in the essential service connected with the State Bank of Sikkim throughout the State of Sikkim

T.S.GYALTSEN
Chief Secretary,
Government of Sikkim.
Shri T.P.Dorji, Attestation Officer, Survey & Settlement Officer, Gyalshing, will look after the work of D.D.O-cum-planning Officer West addition to his own duties, with immediate effect.

He is vested with First Class Magisterial powers within the District where he is presently posted.

Shri T.P. Dorji is directed to report to District Collector immediately.

T.S. GYALTSHEN

Chief Secretary,

Government of Sikkim.
In exercise of the powers conferred by the section 20(4) of the Sikkim Agriculture Land Ceiling and Reforms Act 1977 (Act 14 of 1978), the State Government empowers the Joint Director Survey and Settlement Department, with powers under this section.

S.S. Pangtey, I.A.S.
Director and Secretary,
Survey and Settlement Department,
Government of Sikkim, Gangtok.
In exercise of the power conferred by the section 19 (3) of the Sikkim Agriculture Land Ceiling and Reforms Act.1977 (Act 14 of 1978), the State Government authorizes the Attestation Officers of Survey and Settlement Department, to perform the functions of Revenue Officers under this section.

S.S. Pangtey, I.A.S.
Director and Secretary,
Survey and Settlement Department,
Government of Sikkim, Gangtok.
In exercise of the power conferred by the section 19 (20) of the Sikkim Agriculture Land Ceiling and Reforms Act., 1977 (Act of 1978), the State Government hereby declares that the record of rights, already in the process of preparation or already made or prepared immediately before the commencement of this Act., shall be deemed to be record of rights prepared and published under this section.

S.S.Pangtey, I.A.S.
Director and Secretary,
Survey and Settlement Department,
Government of Sikkim, Gangtok.
The Governor of Sikkim is pleased to nominate ex-post-facto the following officers as Government nominees on the Board of Directors of Sikkim Wood Industries, Bagey-Khola, Singtam.

1. Chief Conservator of Forest- Chairman
2. Development Commissioner- Member
3. Secretary, Finance - Member
4. Director of Industries - Member

T.S.GYALTSHEN
Chief Secretary,
Government of Sikkim.
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 purposes of the Union have entrusted to the State Government by Notification No. 20/1/55 Jndd dated the 14th May, 1955 issued by the Government of India in the Ministry of Home affairs under clause (1) 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 “Key Location Plan” in the blocks Bhusuk, Paham, Nampong and Naitam, Elaka Pam-Singtam, District East, it is hereby declared that a piece of land comprising cadastral plots shown under schedule of properties measuring, more or less 59.46 acres, bounded on:

North: Bhusuk Block Separated by Chothang Khola.
South: Naitam Block separated by Pabyek Monastery compound and Ridge in the hill side of Gangtok

Bhusuk-Pakyong Road and in the valley side of above road separated by Namong Khola.
East: Bhusuk-Pabyek Reserve Forest.

West: Gangtok-Bhusuk-Assam Road (Between 9th 10-50 mile stone approximately) and Roro Tsunis needed for the aforesaid public purpose as the public expense within the aforesaid blocks 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 Secretary, Land Revenue Department, and Government.

SCHEDULE OF PROPERTIES.

Blocks-Bhusuk, Paham, Namong and Naitam.
Elaka - Pam - Singtam.
Police Station – Gangtok, East District.

BHUSUK BLOCK
Cadastral Survey plot Nos. in full-103,102,104,190,88.
Cadastral Survey Plot Nos.in parts (Home stead Area)-
PAHAM BLOCK.
Cadastral Survey plot Nos.in part-

Cadastral Survey plot Nos.(in parts-Home stead Area)-
209,298,33,38,155,273,24,66,71,120,77,144,303,252,146,139,68,228,295,308,14,306,311,281,300,30,95,28
6/323,276/346,266,40,223,168,6,300/331.

NAMONG BLOCK
Cadastral Survey plot Nos.(in full)-
Cadastral Survey plot Nos. (in parts-Home Stead Area)-
425,565,489,608,472,508,84,467,92,536,515,539,566,546,406,518,485,234,591,582,209,241,487,411,124,2
90.

NAITAM BLOCK
Cadastral Survey plot Nos (in full)-35,60,10,249 and 38.
Cadastral Survey plot Nos.(in parts –Home stead Area)-

BY ORDER OF THE GOVERNOR.

(P.T.WANGDI) IAS
Secretary,
Land Revenue Department,
Government of Sikkim,
GANGTOK.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
Notification No.LA (3) 528/LR (S)
Dated Gangtok, the 22nd August, 1978.

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely for resettlement of the families being displaced by acquisition of land for Key Location Plan of Army at Bhusuk, Paham, apportion of Namong and Naitam blocks in the block of Namong, Elaka Pam-Singtam District East, it is hereby declared that a piece of land comprising cadastral plots specified in the schedule of properties below measuring more or less 74-34 acres bounded on:

North: Part of Namong Block acquired for K.L.P.
South: Naitam Blocks.
East: Gangtok-Bhusuk-Pakyong Road.
West: Roro Tsu.

Is needed for the aforesaid public purpose at the public expense within the aforesaid block Namong.

The declaration is made, under the provision of section 6 of the Act 1 of 1894, 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, Government of Sikkim, Gangtok.

SCHEDULE OF PROPERTIES

Block: Namong.
Elaka: Pam-Singtam, East District
Police Station: Gangtok, East District.

NAMONG BLOCK

Cadastral Survey plot Nos.(in full)-
2,168,169,185,185/A,305,306,310,313,314,315,316,322,321,324,323,326,327,345,163,145,165,163/A,167,1
76,175,319,320,307,

BY ORDER OF THE GOVERNOR.

(P. T. WANGDI) IAS
Secretary,
Land Revenue Department,
Govt. of Sikkim,
Gangtok.
OFFICE OF THE COMPETENT AUTHORITY, DISTRICT EAST, GANGTOK  
Notification No. 10/LR dated 5.8.78.  
L.C. Form II  
(See Rule 6)  
General notice under sub-section 1 of  
Section 8 of the Sikkim Agricultural  
Land Ceiling and Reforms Act 1977-  

In pursuance of the provisions of Section 8 of the Sikkim Agricultural Land Ceiling and Reforms Act 1977 (Act 14 of 1978), I SONAM WANGDI the Competent Authority of District GANGTOK do hereby call upon every person holding land in excess of the ceiling area applicable to him on the 22nd of June, 1978, to deliver to the undersigned within thirty days of the date of publication of this notice, a statement in respect of all his holdings within the state of Sikkim in L.C. Form III together with Annexure A to E thereof duly signed and verified in the manner indicated in the said form.

2. The ceiling area applicable to a person is to be calculated in accordance with the provisions of Section 6 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act 14 of 1978).
3. Annexure A to L.C. Form III contains instructions for its preparation. If any further information is desired, it can be obtained from the office of the undersigned.

(SONAM WANGDI)  
Competent Authority  
District GANGTOK  
Date 5.8.78.
OFFICE OF THE COMPETENT AUTHORITY DISTRICT WEST, GYALSING

Notification No.11/LR dated 5.8.78.
L.C.Form II
(See Rule 6)
General notice under sub-section 1 of
Section 8 of the Sikkim Agricultural
Land Ceiling and Reforms Act 1977-
In pursuance of the provisions of Section 8 of the Sikkim Agricultural Land Ceiling and Reforms Act 1977(Act 14 of 1978), I TASHI TOBDEN the Competent Authority of District WEST do hereby call upon every person holding land in excess of the ceiling area of the date of publication of this notice, a statement in respect of all his holdings within the State of Sikkim in L.C Form III together with Annexure A to E thereof duly signed and verified in the manner indicated in the said form.

2. The ceiling area applicable to a person is to be calculated in accordance with the provisions of Section 6 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act 14 of 1978).
3. Annexure A to L.C.Form III contains instructions for its preparation. If any further information is desired, it can be obtained from the office of the undersigned.

(TASHI TOBDEN)
Competent Authority
District WEST
Date 5.8.78,
OFFICE OF THE COMPETENT AUTHORITY, DISTRICT SOUTH, NAMCHI

Notification No.12/LR dated 5.8.78.
L.C.Form II
(See Rule 6)

General notice under sub-section 1 of
Section 8 of the Sikkim Agricultural
Land Ceiling and Reforms Act 1977-

In pursuance of the provisions of Section 8 of the Sikkim Agricultural Land Ceiling and Reforms Act 1977 (Act 14 of 1978), I R.S. BASNET the Competent Authority of District SOUTH do hereby call upon every person holding land in excess of the ceiling area applicable to him on the 22nd of June, 1978, to deliver to the undersigned within thirty days of the date of publication of this notice, a statement in respect of all his holdings within the State of Sikkim in L.C.Form III together with Annexure A to E thereof duly signed and verified in the manner indicated in the said form.

2. The ceiling area applicable to a person is to be calculated in accordance with the provisions of Section 6 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act 14 of 1978)

3. Annexure A to L.C. Form III contains instruction for its preparation. If any further information is desired, it can be obtained from the office of the undersigned.

(R. S. BASNET)
Competent Authority.
District South
Date 5.8.78.
OFFICE OF THE COMPETENT AUTHORITY, DISTRICT NORTH, MANGAN

Notification No.13/LR dated 5.8.78.
L.C. Form II
(See Rule 6)
General notice under sub-section 1 of
Section 8 of the Sikkim Agricultural
Land Ceiling and Reforms Act 1977-
In pursuance of the provisions of Section 8 of the Sikkim Agricultural Land Ceiling and Reforms Act 1977 (Act 14 of 1978), I Badri Nath Sharma the Competent Authority of District North do hereby call upon every person holding land in District North except in fourteen blocks of Dzangu, Lachung and Lachen blocks in excess of the ceiling area applicable to him on the 22nd of June, 1978, to deliver to the undersigned within thirty days of the date of publication of this notice, a statement in respect of all his holdings within the State of Sikkim in L.C. form III together with Annexure A to E thereof duly signed and verified in the manner indicated in the said form.

2. The ceiling applicable to a person is to be calculated in accordance with the provisions of Section 6 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act 14 of 1978)

3. Annexure A to L.C. Form III contains instruction for its preparation. If any further information is desired, it can be obtained from the office of the undersigned.

(BADRI NATH SHARMA)
Competent Authority
District Collector North Sikkim
Date 5.8.78.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
NOTIFICATION

No. 5 (5)-Home/77 Dated the August,’ 78

Whereas the Sikkim Government Employees Association, which was registered as an Association vide Order No. 10(2)-Home/77 dated the 13th April, 1977, organized a strike of Government Employees in July, 1977 and despite all efforts of the Government to accede to the demands of the employees, it continued to give threats of strike from time to time;

Whereas despite advice to them act with a sense of responsibility and maturity, vide letter No. 5 (5)-Home/77 dated the 24th November, 1977, the Sikkim Government Employees Association again exhorted employees to proceed on strike on and from 24th July, 1978 in violation of Rule 5(i) of the Sikkim Government Servants Conduct Rules and in contravention of the provisions of the Essential Service Maintenance Act, 1978;

And whereas the activities of the Association have been found to be prejudicial to the interest of the State and also beyond the aims and objects of the said Association;

NOW THEREFORE, the State Government hereby derecognizes the said Association and orders the cancellation of its registration, with immediate effect.

T.S. GYALTSEN,
Chief Secretary,
Government of Sikkim.
HOME DEPARTMENT (ELECTION)

Notification No.50/H.
Dated Gangtok, the 10th August 1978.


ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
NEW DELHI 110-001

NOTIFICATION
S.O. Whereas the Election Commission of India has decided to register the organization with the name and stype “SIKKIM PRAJATANTRA CONGRESS” as a political party under the provisions of paragraph 3 of the Election Symbols (Reservation and Allotment) Order,1968;

Now therefore, in pursuance of clause© of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the said Symbols Order, the Commission hereby makes the following amendment to its notification No.56/78(1), dated 25th January,1978 published as S.O.41(E) in the Gazette of India,Extraordinary,Part II, Section 3 Sub-section (ii),dated 25 January,1978, namely-

In the Table appended to the said notification after “entry 39; the following entry shall be inserted:

Sikkim Prajatantra Congress....................................................Sikkim”

No.56/78/(1)-I
By Order,
Sd/- (K.GANESAN)

(D.K.MANAVALAN)
Chief Electoral Officer,
Sikkim. UNDER SECRETARY (LEGAL)
NOTICE REGARDING HOUSE TO HOUSE ENUMERATION OF ELECTORS
FOR INTENSIVE REVISION OF ELECTROL ROLLS OF 32 ASSEMBLY
CONSTITUENCIES IN THE STATE OF SIKKIM

It is hereby notified for the information of general public that intensive revision of Electoral Rolls (1978) of all the 32 Assembly Constituencies for the State of Sikkim with reference to 1st January, 1979 as the qualifying date is being conducted in pursuance of the instructions of the Election Commission of India. In pursuance of section 21 of the Representation of the People Act, 1950 Election Commission has issued instructions for preparation and revision of Electrol Rolls of the 32 Assembly Constituencies in Sikkim.

Programme is given below:

1. HOUSE TO HOUSE ENUMERATION 1.9.78 to 20.9.78
2. PRINTING OF DRAFT ELECTORAL ROLLS 22.9.78 to 22.10.78
3. PUBLICATION OF DRAFT ELECTROL ROLLS 24.10.78
4. LAST DATE FOR ACCEPTING CLAIMS AND OBJECTIONS 24.11.78
5. DISPOSAL OF CLAIMS AND OBJECTIONS 24.12.78
6. FINAL PUBLICATION OF ELECTORAL ROLLS 24.1.79

Condition for registration as an elector in the 32 Assembly Constituencies in Sikkim except for Sangha Constituency is governed as per provisions of section 16 and section 19 of the Representation of the People Act, 1950. For the purpose of determining Citizenship, provisions enumerated in the Government of India, Ministry of Home Affairs Notification dated 16th May, 1975 are to be followed. S.O.217(E) In exercise of powers conferred by section 7 of Citizenship Act, 1955 (57 of 1955) the Central Government hereby makes the following order namely:

1. This order may be called the Sikkim(Citizenship) Order, 1975.

2. Every persons who immediately before 26th day of April, 1975, was a Sikkim Subject under Sikkim Subject Regulation, 1961 shall be deemed to have become a citizen of India on that day”. For those Indian citizens who are domiciled in the State of Sikkim for the purpose of trade, commerce other professions and employments under the Central Government and permanent employment under the State Government and employments under the Central Government and permanent employment under the State Government will be eligible for enrollment as per the provisions of section 20 of the Representation of the people Act, 1950.
House to House enumeration of all eligible electors with reference to 1.1.79 as qualifying date within Municipal areas, Panchayat Blocks, Bazar areas will be conducted by enumerators through visit to households commencing from first September, 1978. In this connection apart from details of data furnished by the Election Office the enumerators shall consult the concerned Block Panchayat President, Secretary and members for ascertaining eligibility and identification. Panchayat Committee may kindly extend all possible assistance and help to all enumerators who are working in their respective blocks. All members of the public are requested to extend maximum co-operation and help to the enumerators for making the programme a success. In this connection Rule 8 of the Registration of Electors Rules, 1960 make provision for occupants of dwelling houses to furnish information to the Electoral Registration Authorities for the purpose of preparing the rolls.

The Panchayat President, Secretary and members and Block Mandals are requested to pass this information to the public of their respective jurisdiction including programmed of intensive revision of the Electoral Rolls in the 32 Assembly Constituencies of Sikkim as per programmed given above. They should make eligible persons understand the importance of this programmed if enumeration so as to facilitate making the task of enumeration of eligible persons and thereby helping the Election Authorities for preparing up-to-date electoral rolls for the State of Sikkim.

D.K. Manavalam, IAS,
Chief Electoral Officer, Sikkim.
N0.51/H/14.8.1978
SIKKIM GOVERNMENT GAZETTE
EXTRA ORDINARY PUBLISHED BY AUTHORITY

HOME DEPARTMENT (ELECTION)
Notification No.52/H.
ed Gangtok, the 17th August, 1978.

ELECTION Commission of India Notification No.56/78/(1)-II dated 5 August,1978 as published in the Gazette of India, Part II, Section 3(ii) dated 5th August,1978 is published for general information.

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD
NEW DELHI 110-001.

Dated 5th, August, 1978.

NOTIFICATION
S.O. Whereas the Election Commission has recognized the Tripura Upajati Yuba Samity as a State of TRIPURA vide its notification No.56/31/78,dated 19 May, 1978;

Now ,therefore, in pursuance of clause (b) of sub-paragraph(1) and sub-paragraph(2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order,1968 the Election dated 25th January,1978, published as S.O.41(E) in the Gazette of India Extraordinary, Part II,Section 3(ii),dated 25 January,1978, as amended from time to time, namely-

In the Table, appended to the said notification, the entry “34-Tripura Upajati Yuba Samity….Tripura” , shall be deleted and the existing entries 35 to 40 shall be renumbered as 34 to 39 respectively

No.56/78/(1)-II

By Order,
Sd/ (K.GANESAN)
D.K.MANAVALAN
UNDER SECRETARY (LEGAL) Chief Electrol
Officer,Sikkim.
The Government of India, Ministry of Law Justice & Company Affairs (Department of Justice) New Delhi Notification No.19/1/78-Jus dated August, 1978 is published for general information:-

In exercise of the powers conferred by article 223 of the Constitution, the President is pleased to appoint Shri Justice Anandmoy Bhattacharjee, Judge of the High Court of Sikkim, to perform the duties of the Chief Justice of that High Court with effect from 16th August, 1978, during the absence on leave of Shri Man Singh Gujral.

Sd/- L.D. HINDI,
Deputy Secretary to the
Government of India.

T.S. GYALTSHEN,
Chief Secretary,
Government of Sikkim.
6(6)Home/78
The following order by the Governor of Sikkim dated 31st August, 1978 is published for general information.

ORDER

“No. SKM/GOV?599/78- In exercise of the powers conferred on me by Article 174(1) in Part VI of the Constitution of India, I, B.B. Lal, Governor of Sikkim, hereby summon the Legislative Assembly of Sikkim to meet on Tuesday, 19th September, 1978 at 11.00 A.M., in the Assembly House in Gangtok.

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

B.B. Lal
Governor of Sikkim”

By Order

R.K. GUPTA,
Sikkim Legislative Assembly Secretariat.
LAW & LEGISLATIVE DEPARTMENT
Dated Gangtok, the 31st August, 1978.
ORDINANCE No.4 OF 1978.
THE SIKKIM CULTIVATORS PROTECTION (TEMPORARY PROVISIONS) AMENDMENT ORDINANCE, 1978
AN
ORDINANCE
WHEREAS the Legislative Assembly of the State of Sikkim is not in session;
AND, THEREFORE, in exercise of the powers conferred by Clause(1) of Article 213 of the Constitution of India, the Governor is pleased to make and promulgate the following Ordinance:-
Short title. 1. This Ordinance may be called the Sikkim Cultivators Protection (Temporary Provisions) Amendment Ordinance, 1978.
Amendment of 2. On and from the date of promulgation of this Ordinance, the Sub-section (3) of provisions of the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975 (Act 1 of 1975) shall stand amended in the manner appearing hereinafter.
Section 1. In sub-section (3) of Section 1 the words “one year” occurring towards the end shall be substituted by the words “two years”

Dated Gangtok, the 31st August, 1978. B.B.LAL
Governor of Sikkim
B.R.PRADHAN, Secretary to the Government of Sikkim.
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.4 of 1978, the State Government hereby extends the period of duration of the said Act for a further period of One Year with effect from on the expiry of the previous extended period of one year under Notification No.813/L.R. dated the 6th June,1977.

By Order

P.T.WANGDI,
Secretary
Land Revenue Department,
Government of Sikkim,
Gangtok.
Tourism per se having been given low priority in the Plan because of limitation of financial resources, it has become necessary for the adoption of an integrated and co-ordinated plan for development of tourism in the State, so that resources of various developmental Departments are pooled together for providing the needed impetus to evolve a correct approach to its development and make it more meaningful and purposeful.

With this objective in view the Government of Sikkim hereby constitute a State Coordination Committee under the Chairmanship of the Hon. Chief Minister of Sikkim. The Committee shall consist of

Chairman  Hon’ble Minister of Sikkim
Vice Chairman  Hon’ble Minister of Tourism
Members  Secretary— Finance
         Development Commissioner
         Secretary---Finance
         Secretary---Information & Public Relation
         Secretary—Power, Culture & GICI
         Secretary—Local Self Government
         Inspector General of Police
         Chief Conservator of Forests
         Chief Engineer- Sikkim PWD
         General Manager- SNT
         Major Birendra Bahadur Singh of Khairagarh
         Shri Tenzing Norkay Sherpa
Member  One Representative from the Ministry of Tourism, Government India
Secretary  Secretary---Tourism
The Committee shall meet once in a month in the Chamber of the Hon’ble Chief Minister

By Order

T.S.GYALTSHEN,
Chief Secretary, Government of Sikkim.
BILL No OF 1978

A BILL
To amend the Sikkim Cultivators Protection (Temporary Provision) Act, 1975 (Act 1 of 1975)
WHEREAS it is expedient to amend the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975 (Act 1 of 1975) in the manner hereinafter appearing:

1. (1) This Act may be called the Sikkim Cultivators Protection (Temporary Provisions) Amendment Act, 1978.

2. (2) It shall come into force at once.

On and from the date of commencement of this Act, the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975 (Act 1 of 1975) shall stand amended in Section 1. the manner hereinafter appearing:

In sub-section (3) of Section 1, the words “one year” appearing towards the end shall be substituted by the words “two years.”

3. The Sikkim Cultivators Protection (Temporary Provision) Amendments Ordinance, Repeal, 1978 (Ordinance No. 4 of 1978) is hereby repealed.

STATEMENT OF OBJECTS AND REASONS
With a view to provide for the extension of the period of duration of the Sikkim Cultivators Protection (Temporary Provision) Act 1975 (Act 1 of 1975) by one more year immediately with effect from the date of expiration of the period, extended by the State Government under the provisions of Section 1 (3) of the said Act, the Act has been amended by the Sikkim Cultivators Protection (Temporary Provisions) Ordinance, 1975 (Ordinance No. 4 of 1978).

The Bill seeks to replace the aforesaid Ordinance and has been framed accordingly.

R.C. Poudyal
Minister-in-Charge,
Department of Land Revenue.
Bill No. 15 of 1978

A BILL

To authorize 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 1978-79

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

Short title
1. This Act may be called the Sikkim Appropriation Act, 1978

Issue of Rs. 1, 18.30,000
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 one crore eighteen lakhs thirty thousands of Rupees towards defraying the several charges which will come in course for payment during the financial year 1978-79 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 service and purposes Expressed in the Schedule in relation to said year.

SCHEDULE
(See Section 2 & 3)

(In thousands of Rupees)

<table>
<thead>
<tr>
<th>No. of Vote Services &amp; Purposes</th>
<th>Voted by Legislative Assembly</th>
<th>Charged on the Consolidated Fund.</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. Agriculture</td>
<td>Revenue 100</td>
<td>-----</td>
<td>100</td>
</tr>
<tr>
<td>5. Local Self Government</td>
<td>Revenue 135</td>
<td>-----</td>
<td>135</td>
</tr>
<tr>
<td>7. Ecclesiastical Department</td>
<td>Revenue 80</td>
<td>-----</td>
<td>80</td>
</tr>
<tr>
<td>8. Education</td>
<td>Revenue 281</td>
<td>-----</td>
<td>281</td>
</tr>
</tbody>
</table>
14. Other expenditure of the Finance Department
   Revenue 10,200

16. Forest, Fisheries and Soil Conservation
   Revenue 800

19. Home Department
   Revenue 30

25. Panchayat, Rural Works and Social Welfare
   Revenue 4

30. Industries and Labour
   Revenue 200

Total 11,830

STATEMENT OF OBJECTS AND REASONS
This Bills is introduced in pursuance of Article 204(1) of the Constitution of India, read with Article 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 for expenditure of the Government of Sikkim for the financial year 1978-79

(KAZI LHENDUP DORJEE KHANGSARPA)
Minister-in-Charge.
BILL NO.16 OF 1978.
THE SIKKIM APPROPRIATION BILL OF 1978

A BILL to provide for the authorization of appropriation of money out of the Consolidated Fund of the State of Sikkim to meet the amounts spent on certain services during the financial year ended on 31st day of March 1976, in excess of the amounts authorised or granted for the said services.

Be it enacted by the Legislature of the State of Sikkim in the Twenty ninth year of the Republic of India as follows:-

1. This Act may be called the Sikkim Appropriation Act,1978.

2. The sums specified in Column (5) of the Schedule amounting to one crore,fifty one lakh,seventy three thousand nine hundred and twenty Seven rupees shall be deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim to meet the amounts spent for defraying the charges in respect of the services and purposes specified in Column(2) of the Schedule during the financial year ended on the 31st day of March 1976,in excess of the amounts authorised or granted for those services and purposes for that year.

3. The sums deemed to have been authorised to paid and Applied from and out of the Consolidated Fund of the State under this Act shall be appointed and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the financial year ended on the 31st day of March 1976.

THE SCHEDULE
(See Section 2 and 3)

<table>
<thead>
<tr>
<th>Demand No.</th>
<th>Services and Purposes</th>
<th>Voted by the Legislature Assembly</th>
<th>Charged on Consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Appropriation-Governor</td>
<td>Revenue</td>
<td>Rs</td>
<td>Rs</td>
</tr>
<tr>
<td></td>
<td>Agriculture</td>
<td>Capital</td>
<td>32,312</td>
<td>91,676</td>
</tr>
<tr>
<td>4.</td>
<td>Animal Husbandry</td>
<td>Capital</td>
<td>4,931</td>
<td>----</td>
</tr>
<tr>
<td>6.</td>
<td>Co-operation</td>
<td>Capital</td>
<td>2,43,630</td>
<td>----</td>
</tr>
<tr>
<td>8.</td>
<td>Education</td>
<td>Capital</td>
<td>6,32,446</td>
<td>----</td>
</tr>
<tr>
<td>Department</td>
<td>Revenue</td>
<td>Capital</td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------</td>
<td>---------</td>
<td>---------</td>
<td></td>
</tr>
<tr>
<td>9. Electricity</td>
<td>3,85,856</td>
<td></td>
<td>3,85,856</td>
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</tr>
<tr>
<td>12. Finance Department</td>
<td>10,074</td>
<td></td>
<td>10,074</td>
<td></td>
</tr>
<tr>
<td>16. ForestFisheries and Soil Conservation</td>
<td>4,00,717</td>
<td>-</td>
<td>-4,00,717</td>
<td></td>
</tr>
<tr>
<td>18. Sikkim Nationalised Transport Home Department</td>
<td>1,17,418</td>
<td></td>
<td>1,17,418</td>
<td></td>
</tr>
<tr>
<td>19. Home Department</td>
<td>2,52,086</td>
<td></td>
<td>2,52,086</td>
<td></td>
</tr>
<tr>
<td>27. Press, Publicity &amp; Culture Affairs</td>
<td>1,17,355</td>
<td></td>
<td>1,17,355</td>
<td></td>
</tr>
<tr>
<td>28. Public Works, Roads, Bridges &amp; Water Supply</td>
<td>1,10,21,086</td>
<td></td>
<td>1,10,21,086</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,50,82,251</td>
<td>91,676</td>
<td>1,51,73,927</td>
<td></td>
</tr>
</tbody>
</table>

**STATEMENT OF OBJECTS AND REASONS**

The Bill is introduced in pursuance of sub-clause(b) of clause(1) of Article 205 read with clause(1) of Article 204 of the Constitution to provide for the appropriation out of the Consolidate Fund of the State of Sikkim, of the Money required to meet the grants made by the Sikkim Legislative Assembly to cover the excess expenditure incurred during 1975-76 and the excess expenditure charged on the said Fund for that year.

(KAZI LHENDUP DORJEE KHANGSARPA)
Minister-in –Charge.
BILL NO 17 OF 1978.
THE SIKKIM VIGILANCE POLICE BILL, 1978

A BILL

To make provision for the constitution, superintendence and administration of the Sikkim Vigilance police as a special police force in the State of Sikkim;

It is hereby enacted in the Twenty-nine Year of the Republic of India by the Legislature of Sikkim as follows:-

1. (1) This Act may be called the Sikkim Vigilance police Act,1978.

2. (2) Notwithstanding anything in the Sikkim Police Act,1969, or any other law for the time being in force relating to the Organization or re-organization of the Police, the State Government may constitute a special police force to be Called the Sikkim Vigilance Police for the investigation of offences notified under section 3.

(2) Subject to any orders which the State Government may make in this behalf, members of the said police force shall have, in relation to the investigation of such offences all the powers, duties, privileges and liabilities which police officers Holding corresponding ranks in the ordinary police force of the State have in connection with investigation of offences, and shall for the purpose of conferment of powers under any law for the time being in force be deemed to be police officers holding corresponding ranks in the ordinary police force of the state.

(3) Any member of the said police force of or above the rank of sub-Inspector may, subject to any orders which the State Government may make in this behalf, exercise, in discharging his functions under sub-section (2), any of the powers of the Officer-in-Charged of a police Station in the area in which he is for the time being posted and when so exercising such powers, shall, subject to any such orders as aforesaid, be deemed to be an Officer-in-Charge of a Police Station discharging the functions of such an Officer within the limits of his station.

3. The state Government may, by notification in the Official Gazette, specify the offences or classes of offences which are to be investigated by the Sikkim Vigilance Police.
4. (1) The Superintendence of the Sikkim Vigilance Police shall vest in the Home (Vigilance) Department of the State Government.

(2). The Sikkim Vigilance Police shall also make enquiries into the matters as may be referred to it by the Hom (Vigilance) Department and shall submit report.

(3). The administration of the Sikkim Vigilance Police Force shall vest in an Officer appointed in this behalf by the State Government who shall be called Director of Vigilance and who shall exercise, in respect of the said force, such of the powers exercisable by the Inspector General of Police in respect of the ordinary police force of the State Government may specify in this behalf.

5. The State Government may make rules for regulating the functioning of the Sikkim Vigilance Police and generally for carrying out the purposes of the Act.

6. Save as otherwise provided in this Act, the provisions of the Sikkim Police Act, 1969, and any other law for the time being in force Relating to organization or re-organisation of police and of the rules and regulations made thereunder, as they apply in relation to members of the ordinary police force of the State, shall apply relation to the members of the said force subject to such adaptation, whether by way of modification, addition or omission, as may be made therein by the State Government consistently with the purpose of this Act.

STATEMENT OF OBJECTS AND REASONS

Complaints containing allegations of corruption and other mal-practices against public servants are now being investigated and otherwise enquired and investigated into by the Anti-Corruption Branch of the Police Department. It has been considered necessary to create a separate Vigilance Police Force for such enquiry and investigation to directly under the control and supervision of the State Government in accordance with the instructions issued by the Central Vigilance Commission.

Once and after such special Police Force is created and made independent of the Police Department it would be necessary to make statutory provision to authorize the officers of the said Vigilance Police Force to make investigation into the complaints in accordance with the provisions of the code of Criminal Procedure and to apply to them the provisions of the Sikkim Police Act, 1969 or the Police Act, 1861 (which has already been extended to Sikkim and would, on its enforcement, replace the Sikkim Police Act, 1969) and the rules and regulations made thereunder.

The Bills been framed with the above objects in view.

KAZI LHENDUP DORJI KHANGSARPA
Minister- in- charge.

SIKKIM

GOVERNMENT

GAZETTE

EXTRA ORDINARY
To provide for the establishment of a Board of School Education to prescribe curricula, text-books and other instructional materials for school and to conduct examinations at the school level in the State of Sikkim.

Be it enacted by the Legislature of the State of Sikkim in the Twenty-ninth year of the Republic of India as follows:-

1. (1) This Act may be called the Sikkim Board of School Education Act, 1978. Short title & Commencement

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

2. In this Act and in all Regulations made hereunder, unless there is anything repugnant in the subject or context:

(a) “Board” means the Sikkim Board of School Education established under this Act.

(b) “Fund” means the Sikkim Board of School Education fund, constituted under Section 22 of this Act,

(c) “Notification” means a notification under this Act published in the Official Gazette,

(d) “President” means the president of the Board,

(e) “Regulation” means Regulation made under this Act,

(f) “Secretary” means the Secretary of the Board,

(g) “State Government” means the Government of the State of Sikkim,

(h) “Prescribed” means prescribed under the Regulations made under this Act,

(i) “Head of Institution” means the head of an educational institution of school level in the State by whatever name he be designated,

(j) “Employee” means a full or part-time employee engaged permanently or temporarily for the purpose of assisting in the work of the Board,

(k) “Text-book” means any book prescribed or recommended for an examination by the Board,

(l) “Registered Teacher” means a teacher who is registered as a teacher in pursuance of a regulation made in that behalf by the Board.

3. (1) The State Government shall, as soon as may be, after this Act comes into force, establish a Board named the Sikkim Board of School Education. Incorporation of the Board

(2) The Board shall be a body corporate, with perpetual succession and a common seal and shall be entitled to acquire, hold and dispose of property, to enter into contract and to do all other things necessary for the purpose of this act and shall by the said name sue and be sued.

Constitution of The Board

3. (1) The Board shall consists of the following:-

(II) The principal of the Government Degree College, Gangtok- Member ((ex-officio)

(III) The Principal, T. N. Academy, Gangtok- Member (ex-officio)

(IV) Seven heads of institutions nominated by Government, at least two of whom shall be women-Members,

(V) Two District Education Officers nominated by the State Government-Members,

(VI) Three persons interested in education nominated by the Government,

(VII) A representative of the Finance Department of the Government not below the rank of a Deputy Secretary nominated by the Government.

5. The names of the persons nominated as members of the Board shall be published
by notification by the State Government.

6. (1) A person shall not be eligible for nomination or co-option as a member of the Board or of the Committees formed by it, if he has been adjudged by a court of law to be unsound mind;

   (b) has been convicted by a court of law for an offence which is declared by the State Government to be an offence involving moral turpitude;

   (c) has directly or indirectly, any interest in publication of text-books intended to be prescribe or recommended by the Board for use in schools recognized by the Board.

(2) If a nominated or co-opted member of the Board or of any Committee formed by it becomes subject to any of the disqualifications specified in sub-section (1) his membership shall there-upon cease.

(3) All disputes relating to the eligibility of any person for nomination or co-option shall be referred to the State Government whose decision on such matters shall be final.

7. (1) Nominated members of the Board shall hold office for a term of three. **Term of office of members**

   (2) A member nominated in his capacity as holder of particular appointment, shall cease to be a member if he ceases to hold that appointment.

8. (1) A member of the Board, other than ex-officio member, may resign **Resignation of member and filling up of vacancies etc**

   Such member shall be deemed to have vacated his seat from the date of acceptance of his resignation by the State Government.

(2) In the event of a vacancy occurring by resignation, disqualification or death of a member, such vacancy shall be filled up, by nomination, as soon as may be, in the manner provided in Section 4.

9. The Board shall meet as frequently as would be necessary to Transact its business, but the intervening period between any two consecutive meetings shall not ordinarily exceed forty-five days.

10. (1) The quorum for every meeting of the Board shall be five members. **Quorum:**

   Proceedings not invalidated by reasons of vacancies.

   (2) Subject to the provisions contained in sub-section (1) no act or proceedings of the Board shall be invalid merely by reason of the existence of any vacancy among the members of the Board.

11. Subject to any general or special order of the State Government, the provisions **Powers and duties of the Board.**

   of this Act and any regulations made thereunder, the Board shall have the following powers:-

   (1) to conduct examinations and grant diplomas and certificates to successful candidates;

   (2) to prescribe courses of instruction and text-books for examinations conducted by it;

   (3) to prescribe conditions for admission to examinations conducted by it;

   (4) to recognize institution for purposes of its examinations with the concurrence of the State Government;

   (5) to demand and receive such fees as may be prescribe;

   (6) to make regulations for prescribing courses of institution and text-books for study in institutions of school level in the State;

   (7) to make regulations for imposing penalties for misconduct of examinees, students and teachers and for negligence in work of examiners, paper setters and printing presses in connection with work done relating to examinations;

   (8) to submit to the State Government its views on any matter with which it is concerned for which the State Government may refer to it for advice;
(9) to appoint part-time employees of the Board as may be necessary from time to time;
(10) to institute and award scholarships, medals and prizes under conditions that may be prescribed and to accept endowments for the same, subject to such conditions as the Board may deem fit;
(11) to organize and provide lecturers, demonstrations educational exhibitions, educational ex-cursions and to take such other measures as are necessary to promote the standards of school education in the State;
(12) to appoint subject Committees to advise the Board in framing the courses of studies, prescription of text-books appointment of paper-setters, moderators and examiners in different subjects of study, and.
(13) To do such other things may be necessary to further the objects for which the Board has been constituted.

12. Notwithstanding anything contained in this Act the State Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.

13. (1) The following shall be the officers of the Board: -
(i) The President
(ii) The Secretary
(iii) Such other Officers appointed to assist the Secretary, as may be necessary, from time to time.

14. The full time employees of the Board other than officers shall be appointed by the Board with the prior approval of the State Government.

15 (1) The President shall be the Chief Executive Officers of the Board. The President shall, when present, preside over all meetings of the Board and the subject Committees constituted by the Board under this Act.

(2) The President shall, when present, preside over all meetings of the Board and the subject Committees constituted by the Board under this Act.

(3). In case the President is unable to attend and preside over any meetings of the Board or meeting of a Subject Committee, he may nominate in advance a member of the Board to preside in his place. In circumstances where such a nomination cannot be made, the members of the Board or Subject Committee present may elect one member from among themselves, to preside at the meeting.

(4). It shall be the duty of the President to see that the provisions of this Act and the Regulations framed thereunder, are faithfully observed and he shall have all powers necessary for the purpose.

(5). In case any emergency arises out of the administrative business of the Board, which in the opinion of the President requires that immediate action should be taken, he may take any action as he deems fit and report his action immediately to the State Government and to the Board at its next meetings.

(6). The President shall have such powers as may prescribe.

16. The Secretary shall:-
(1) Subject to the control of the President, ac as the Head of the Board office
(2) be responsible for seeing that the orders of the Board are carried out, of the Secretary
(3) be empowered to enter into all contracts on behalf of the Board,
(4) be the custodian of the common seal and all properties and records of the Board,
(5) be responsible for preparation of the Annual Report, Annual Statement of Accounts and Budget Estimates of the Board,
(6) remain in charge of the funds of the Board and shall see that all moneys are expended on the purpose for which they are granted or allotted,
(7) be the drawing and disbursing officer of the Board,
(8) be responsible for keeping the minutes of the Board, its Subject Committees and Sub-Co-mmittees,
(9) be responsible for the discipline and conduct of the Board Officer,
(10) conduct all official correspondence of the Board,
(11) make all arrangements for conducting examinations of the Board,
(12) deal with the applications and fees received from the candidate for admission to the examinations of the Board in accordance with the Regulations.
(13) on behalf of the Board, issue under his signature, certificates to successful candidates,
(14) remain in charge of the Library of the Board,
(15) issue notice announcing text books prescribed and recommended for examinations of the Board,
(16) render such assistance to the President as required by him, for performance of his duties,
(17) perform such other duties as may required by the Board from time to time,
(18) delegate, with the permission of the Board, such of his powers and functions to officers junior to him as will be considered by him to be necessary, and
(19) exercise such other powers and perform such other duties as may be prescribed.

17. As soon as may be after the Board is established, it shall appoint, at a meeting of the Board Subject Committees for different subjects taught at the school stage in the State.
18. (1) Each Subject Committee shall consist of not less than three and not more Membership, than seven members, chosen so as to represent as far as possible, teachers term. Quorum, in the subject from different type of institutions spread over the State. meetings etc.
(2). The President and the Secretary shall be ex-officio members of all Subject Committees. The President shall preside over the meetings of every Subject Committee and the Secretary shall convene the meetings of the Committees.
(3). The Board may, whenever it considers necessary, co-opt upto a maximum of two experts to any subject Committee. The co-opted members shall have right to vote.
(4). The term of membership Subject Committee shall be three years for an ordinary member and one year for a co-opted member.
(5). The quorum for a meeting of any subject Committee shall be as near as one-third of the total membership of the Committee including the President, the Secretary and the co-opted members, if any.
(6). The Subject Committee shall meet as often as it will be necessary to transact their business.

19. The first set of Regulations under this Act shall be made by the State Government First set of Regulations to facilitate the initial working of the Board and shall be deemed to have been made by the Board.
20. Without prejudice to the generally of the foregoing powers, the Board may make Power to make regulations for all or any of the following matters, namely:-

(1) the constitutions, powers and duties of committees appointed under section17;
(2) marks required for passing in any subject and examinations as a whole, and for credit and distinction in any subject,
(3) disciplinary measures for malpractice in examinations,
(4) fixing of fees and charges in respect of examinations,
(5) rate of traveling and daily allowances to the non-official members of the Board or Committees;
(6) laying down procedure to be observed for conduct of meetings of the Board, other then what has been provided in this Act;
(7) the conduct of examinations, publishing results including qualifications, appointment of paper-setters, moderators, examiners, tabulators and their duties, powers, remuneration and the rate of traveling and daily allowance;
(8) the conditions under which candidates shall be admitted to the examinations of the Board;
(9) the conditions under which the Board may recognize institutions for the purposes of presenting candidates for its examinations;
(10) the courses of study to be followed in the primary, junior high, and higher secondary classes and the courses of study for teachers training and other examinations that may be conducted by the Board;
(11) the conditions for award of certificates and diplomas;
(12) the control, administration, safe custody and management of the finances of the Board, and
(13) all matters which by this Act are to be or may be provided for by the Regulations;

21. (1) No regulation of addition or amendment to or repeal of a regulation made by the Board shall be valid without the approval of the State Government. Provided, however, that in case of disapproval by the State Government, they shall refer the matter back to the Board for reconsideration and resubmission.

(2) The State Government may, with or without consulting the Board when they deem it necessary and expedient, make amend or repeal any regulation and such regulation shall be deemed to have been made, amended or repealed by the Board.

22. (1) The Board shall have a fund called the Sikkim Board of School Education Board Fund to which shall be credited-
(i) all income from fees, endowments, donations and grants for specific purposes, if any,
(ii) annual contributions which may be made by the State Government under such conditions as they may impose and
(iii) receipt from other sources.

(2) All moneys at the credit of the Board shall be kept in the State Bank of Sikkim or any other Bank approved by the State Government, at Gangtok.

23. (1) The State Government shall make an initial contribution of such amount as it may deem fit to the Board immediately after its establishment to the Board Fund.

(2) Thereafter, early year, taking into consideration the estimates of receipts and expenditure for the year prepared and presented to the State Government by the Board, the State Government shall make such contribution available to the Board as it may deem necessary.

24. The Board shall keep accounts of its receipt and expenditure in the manner and form prescribed.

25. The accounts of the Board shall be examined and audited at least once each year by an Auditor appointed by the State Government, copies of the audited accounts, together with the auditor’s report, shall be forwarded to the Board and to State Government for taking such action as may be necessary.

26. The Board shall furnish to the State Government such reports, and returns to the State Government.
27. All regulations, syllabus, courses of studies and text-books prescribed by the Central Board of Secondary Education for the High School and Higher Secondary School Examinations shall continue to be followed until provisions to replacing them are made by the Board through its own regulations.

28. The State Government shall have power to exempt any institution or class of institution from the operation of this Act in whole or in part.

29. To dispose of business quickly, the Board shall have the power to appoint ad-hoc Sub-committees for specific purposes. The term of a Sub-committee shall expire as soon as the report is prepared and submitted by it to the Board. The Board, Before taking a decision on the matter for which a Sub-committee was appointed, shall take into consideration the report of the Sub-Committee.

30. If any difficulty arises in giving effect to any of the provision of this Act, the State Government may make such order or do such thing, not inconsistent with this Act as appears to it be necessary or expedient, to remove the difficulty.

31. The State Government may make rules for carrying out the purposes of this Act in respect of all matters which are not required to be provided for by regulations under this Act.

STATEMENT OF OBJECTS AND REASONS

The Schools in Sikkim are affiliated to the Central Board of Secondary Education and as such they have to follow the Syllabus and text-books prescribed by the Central Board. This does not give any scope for the State Government to modify the syllabus or the prescribed text-books to suit the needs of the Students of Sikkim. The school session in Sikkim is also different from the school session of the Central Schools. As such the examination timings of the Central Board do not suit our schools and the conditions prevailing here. On account of this difference in examination timings and the school sessions, the text-books prescribed are not easily procurable in Sikkim. This puts the students to a great lot of inconvenience and hardship.

It is, therefore, felt necessary that the State of Sikkim should have its own Board of School Education for the propose of enabling the State to regulate, control and improve the standards of school Education in Sikkim.

The Bill has been framed with the above objects in view.

B.P. Dahal
Minister-in-charge,
Department of Education.
BILL NO.19 OF 1978
THE SIKKIM CINEMAS (REGULATION) BILL, 1978

A BILL

To make provisions for regulating exhibitions by means of Cinematographs in the State of Sikkim. WHEREAS it is expedient to make provision for regulating exhibitions by means of Cinematographs in the State of Sikkim:

It is hereby enacted in the Twenty-ninth year of the Republic of India by the Legislature of Sikkim as follows:-

Short title, 1. (1) This Act may be called the Sikkim Cinemas (Regulation) Act, 1978.
Extent &commen-
Cement. (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.

Definitions. 2. In this Act, unless there is anything repugnant in the subject or context:-
(a) “Cinematograph” includes any apparatus for the representation of moving pictures or series of pictures;
(b) “place” includes a house, building, tent, enclosure, open space and any description of transport, whether by land, water or air;
(c) “prescribed” means prescribed by rules made under this Act;
(d) “public exhibition” means an exhibition to which persons are admitted on payment.

Cinematograph Exhibitions to be licenced 3. (1) Save as otherwise provided in this Act no person all give public exhibition by means of a Cinematograph elsewhere than in a place in respect of which a license has been granted under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.
(2) The State Government may, if it considers it necessary to do so, make an order for regulating exhibition other than public exhibitions and and prescribe rules and conditions for the purpose.

Licensing Autho- rity. 4. The authority having power to grant licences (hereinafter referred to as the Licensing authority) shall be the District Magistrate within whose jurisdiction the place, where the exhibitions by means of cinematograph are proposed to be given, is situated:

Provided that the State Government may, by notification in the official Gazette, constitute, for the whole or any part of the State, such other authority, as it may specify in the notification, to be the licensing authority for the purpose of this Act.

Restriction 5. (1) The licensing authority shall not grant licences under this Act, unless it is
Powers of licensing authority—

(a) the rules made under this Act have been substantially complied with, and
(b) prescribed precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein:

Provided that the licensing authority shall, before refusing to grant a licence under this Act, give the applicant an opportunity of showing cause.

(2) Subject to the provisions of this Act and the rules made thereunder, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) The State Government may, from time to time, issue directions to licensees generally or, if in the opinion of the State Government circumstances so justify, to any licence in particular, for the purpose of regulating the exhibition of any film or class of films and in particular the exhibition of scientific films, films intended for educational purposes, films dealing with news and current events, documentary films and where any such directions have been issued those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

(4) Any person aggrieved by the decision of a licensing authority granting or refusing to grant a licence or by any other order of a licensing authority which is declared by rules made under this Act to be appealable or by the terms and conditions on which or the restrictions subject to which a licence is granted, may within such time as may be prescribed appeal to the State Government or to such officer as the State Government may specify in this behalf, and the State Government or the officer as the case may be, may make such order in the case as it or he thinks fit.

Power of the State Government or District Magistrate to Suspend exhibition of films in certain cases.

(1) The State Government, in respect of the whole State or any part thereof, and the District Magistrate in respect of the local area within his jurisdiction may, if it or he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace, by order, suspend the exhibition of the film and during such suspension the film shall not be exhibited in the State, part of the State, or local Area, as the case may be.

(2) When an order under sub-section (1) has been issued by a District Magistrate a copy thereof, together with a statement of reasons therefore, shall forthwith be forwarded by the District Magistrate to the State Government, and the State Government may either confirm or annul the order.

(3) Any order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2), remain in force for a period of two months, but the State Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.

Penalties.

If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, or if any person makes any exhibition of a film contrary to any order or direction under this Act or the rules made thereunder, he shall be punishable with
fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

**Power to revoke or suspend licence**

8. (1) If the holder of a licence has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), or of an offence under Section 7 of this Act, or has obtained the licence by misrepresentation of facts, or acts in contravention of any of the provisions of this Act or of the rules made thereunder or of the conditions and restrictions upon or subject to which the licence has been granted, the licensing authority may revoke the licence or suspend it for such period as it may think fit.

(2) Any person aggrieved by the order of the licensing authority revoking or suspending a licence may, within such time as may be prescribed, appeal to the state government or such officer as the state government may specify in this behalf, and the state government or the officers, as the case may be, may pass such order in the case if they think fit. The order so passed shall be final.

**Power to make rule**

9. (1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for-

(a) the procedure in accordance with which a licence may be obtained and the terms, conditions, and restrictions, if any, subject to which licenses may be granted under this Act and the fees payable therefore;

(b) regulation of cinematograph exhibitions for securing public safety;

(c) the time within which and the conditions subjects to which an appeal under sub-section (4) of section 5 and under sub-section (2) of Section 8 may be made and the procedure for such appeals and the fees payable therefore;

(d) regulating the means of entrance and exit at places licensed under this Act and providing for the prevention of disturbances there at;

(e) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place licensed under this Act;

(f) delegation of the power of hearing appeals under sub-section (4) of Section 5 and sub-section(2) of Section 8 to any officer subordinate to the State Government.

(3) All rules made under this Act shall come into force with effect from the date of their publication in the Official Gazette, unless a specific date is given in the notification.

**Power to exempt**

10. The State Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or any rules made thereunder.

**Protection of State Government and of officers of Government for acts done in good faith.**

11. No suit or proceeding shall lie against the State Government and no suit, prosecution or proceeding shall lie against any officer of the State Government for anything in good faith done, or intended to be done, under this Act or any rules made thereunder.

**Validation of fees**

12. Any fees or other amounts realized or purported to have been realized in respect
Already realized of a licence or renewal thereof or in respect of any matter relating to cinemas prior to the coming into force of this Act, shall always be deemed to have been realized validly and under proper legal authority.

Transitional provision

13. Notwithstanding anything contained in this Act or the rules made thereunder, a licence granted prior to the coming into force of this Act, shall be deemed, for all purposes, to have been granted under this Act and the conditions and restrictions prescribed by the rules under this Act shall, until a new licence is granted under this Act and the rules made thereunder, be deemed to have been incorporated in such licence;

Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction.

STATEMENT OF OBJECTS AND REASONS

It has been felt necessary to have suitable legislation for regulating exhibitions by means of cinematograph in the State of Sikkim. Steps have already been taken for the extension of the Cinematograph Act, 1952, to the State of Sikkim. “Sanctioning of cinematograph films for exhibition” is a Union Subject (vide Entry No. 60 of List I of the Seventh Schedule of the Constitution) and is regulated by the aforesaid Act of 1952. But subject to this Entry 60 of list I, Cinemas are State subject being Entry No. 33 of list II of the Seventh Schedule. It is, therefore, necessary to have a State legislation relating to cinema shows, cinema halls, cinema exhibitions i.e., relating to all matters in connection with cinemas outside the purview of the aforesaid Entry No. 60 of list I of the Seventh Schedule.

The Bill has been framed accordingly.

B.P. DAHAL
Minister-in-Charge
Department of Local Self Government.
2. In article 51 of the Constitution, after clause (d), the following clause shall be inserted, namely:

“(e) collaborate with other nations for the early formation of a World Constitution Assembly to draft the Constitution for a World to federal Government.

STATEMENT OF OBJECTS AND REASONS

The time is opportune, nay ripe, for all good men and governments of the World to get together and make earnest efforts for convening a World Constituent Assembly as a preparatory step towards the establishment of a Parliament of Man and Federation of the World. War cannot be abolished, nor can a warm living peace descend on earth, unless such a world order based on World law is firmly founded.

Hence this Bill

New Delhi, The 15th June, 1977. ___________________________

The above bill is republished, as the Lok Sabha extended the time for eliciting opinion on the proposed bill. Any person or public body desiring to submit an opinion on the bill should write only to the undersigned by January 31, 1979 and not direct to the Lok Sabha Sectt. or any Ministry of the Govt. of India.

TASHI TSHERING,
Deputy Secretary,
Home Department.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
NOTIFICATION

No. 116/Home/78 Dated Gangtok, the 26th August, 1978

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, The Governor of Sikkim is pleased to adopt the Sikkim Government Service Rules containing four parts which have been in force with effect from the 1st April, 1974 and the Sikkim Government Servants Conduct Rules published under Notification No. 15/Est. dated the 20th February, 1974 as the Rules regarding recruitment and conditions of Service of persons appointed to the Services and posts in connection with the affairs of the State of Sikkim with the modifications set out herein below with effect from the 26th day of April, 1975.

MODIFICATIONS

(a) In Sub-rule (1) of Rule 8 of the Sikkim Government Servants’ Discipline and Appeal rules, after the words “to place Government Servants under suspension” the following words shall be and always be deemed to have been inserted.

“when any enquiry of disciplinary proceeding is contemplated or”

(b) After Sub-rule (2) of Rule 8 of the Sikkim Government Servants’ Discipline and Appeal Rules the following shall be and shall always be deemed to have been added.

“(3) An order of suspension made or deemed to have been made may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is sub-ordinate, but such modification or revocation shall not debar the Government from holding disciplinary proceedings according to the provisions of the Sikkim Government Discipline and Appeal Rules.”

© At the end of Rule 10 (1) of the Sikkim Government Servants’ Discipline and Appeal Rules, the following words shall be and shall always be deemed to have been added.” No appeal, however, shall lie against any order made by the Governor”

(d) The schedule appended to the Sikkim Government Servants, Discipline and Appeal Rules shall stand modified and shall always be deemed to be modified in the following manner:-

SCHEDULE

SCHEDULE TO THE SIKKIM GOVERNMENT SERVANTS’ DISCIPLINE AND APPEAL RULES
<table>
<thead>
<tr>
<th>Class of Officer</th>
<th>Appointing Authority</th>
<th>Disciplinary Authority</th>
<th>powers which he is authorised to exercise</th>
<th>Appellate Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Officers of the Adm.grade&amp; members of All India Services an the StateServices.</td>
<td>Governor</td>
<td>Governor</td>
<td>All</td>
<td>NIL</td>
</tr>
<tr>
<td>2. Gazetted Grade Junior&amp;Senior (excluding members of All India Services and the State Services)</td>
<td>Chief Secretary</td>
<td>Chief Secretary</td>
<td>All</td>
<td>Governor</td>
</tr>
<tr>
<td>3. ClassII,III and IV (Non-Gazetted)</td>
<td>Head of Deptt.</td>
<td>Head of Deptt.</td>
<td>All</td>
<td>Chief Secretary</td>
</tr>
</tbody>
</table>

BY ORDER AND IN THE NAME OF THE GOVERNOR OF SIKKIM

T.S. Gyaltsen,
Chief Secretary,
Government of Sikkim
The Governor is pleased to reconstitute the Sikkim Khadi and Village Industries Board with the following members with effect from 23rd May, 1978.

1. Shri Loden Tshering Chairman,
2. Shri Nima Tenzing Member,
3. Shri Nochi Tongden Lepcha Member,
4. Shri Chandralal Pokhrel Member,
5. Smt Lakshmi Bhandari Member,
6. Shri Ram Prasad Dhakal Member,
7. Shri Top Tshering Member,
8. Shri Kuldip Gurung Member,

Consequently, the Ad-hoc Board of Sikkim Khadi & Village Industries stands dissolved with effect from the aforesaid date.

The Governor is also pleased to depute the Finance Secretary, Development Commissioner and Director of Industries as observers on behalf of the Government in the newly constituted Board.

The Governor is further pleased to appoint 23rd May, 1978 to be the date from which the Sikkim Khadi & Village Industries Act of 1978 shall come into force in the State of Sikkim.

T.S. Gyaltshen
Chief Secretary.
Government of Sikkim.

S.O.409 (E)- In exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following Order to amend the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977, namely:

1. (1) This Order may be called the Pulses, Oilseeds and Edible Oils (Storage Control) Second Amendment Order, 1978.
   (2) It shall come into force at once.

2. In the Pulses, Edible Oilseeds and Edible Oils (Storage Control) Order, 1977, in clause 4, in subclause (1), in the fourth proviso for the words “shall be deemed”, the words’ shall not during the period when such quantity is in transit, be deemed” shall be substituted.

Sd/- (T. BALKRISHAN),
JT. SECRETARY TO THE GOVT. OF INDIA.
F.No.26 (16)/77-ECR

T.S. GYALTSHEN.
Chief Secretary,
Government of Sikkim.
NO.7(19) HOME/78

GANGTOK, TUESDAY, SEPTEMBER 19, 1978

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

Notification of the President of India No.479 (E) dated 29th July, 1978 is republished for general information.

MINISTRY OF HOME AFFAIRS
NOTIFICATION

New Delhi, the 29th July, 1978.

S.O.479 (E)- In exercise of the powers conferred by clause (n) of article 371F of the Constitution, the President hereby extends to the State of Sikkim, with immediate effect, the police Act, 1961, (5 of 1961), Subject to the modification that any reference in the said Act to a Law not in force, or to a functionary not in existence, in the State of Sikkim shall be construed as a reference to the corresponding law in force, or to the corresponding functionary existence, in the State:

Provided that if any question arises as to who such corresponding functionary is, or if there is no such corresponding functionary, the Central Government shall decide as to who such functionary will be and the decision of the Central Government shall be final.

NEELAM SANJIVA REDDY, President
(F, 11013/6/78-SKM)
M.L.KAMPAWI, Addl.Secretary,
Ministry of Home Affairs.

R.K.Gupta
Additional Secretary.
Home Department.
Govt, of Sikkim.
LAND REVENUE DEPARTMENT

Notification No.19/L.R.

Dated Gangtok, the 6th September, 1978.

Revision of Cardamom Khazana and Damthey.

In supersession of Government of Sikkim, Land Revenue Department Notification No.70/L.R.dated 8th May, 1970, it is hereby notified for the information of the public in general that the rate of Cardamom Khazana at the rate of Rs. 15/- has been refixed and that of Damthey Khazana at the rate of Rs. 5/- per 40 Kgs. with effect from 1.9.1978. The Contractor as per terms and agreement dated 1.9.1977 retain with him Rs. 14/- as Cardamom Khazana and Rs. 4/- Damthey per 40 Kgs. and will deposit the balance in Government accounts under Head 029 L.R.i.e. Rs. 2/- per 40 Kgs. of Cardamom.

By Order

P.T. WANGDI,
Secretary,
Land Revenue Department,
Government of Sikkim,
Gangtok.
Election Commission of India Notification No.429/SKM/78 (1) Dated 2 September,1978 is published for general information.

NOTIFICATION

No.429/SKM/78(1)- In pursuance of the provisions of sub-section(1) of section 13B of the Representation of the People Act,1950(43of 1950),the Election Commission, in consultation with the Government of Sikkim hereby directs that the following amendments shall be made in its notification No.429/SKM?75(1), dated 26 September,1975 as published in the Sikkim Government Gazette Extraordinary dated1 October,1975,namely:-

In column 2 of the Table appended to the said notification, against items No.26- Rkdong-Tintek,27- Martam,28-Rumtek,29-Assam-Lingjey,30-Rankaand 31-Gangtok, for the existing entries”District Officer, North Sikkim,P.O.Mangan” the entries “District Officer, East District,P.O.Gangtok”shall be substituted.

No.429/SKM/78(1)  

By order

Sd/- (K.GANESAN)

(D.K.Manavalam)  
Chief Electrical Officer, Sikkim

UNDER SECRETARY (LEGAL)  
TO THE ELECTION COMMISSION OF INDIA
Election Commission of India Notification No.429/SKM/78 (1) Dated 2 September, 1978 is published for general information.

NOTIFICATION
No.429/SKM/78(1)- In pursuance of the provisions of sub-section(1) of section 13B of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Sikkim hereby directs that the following further amendments shall be made in its notification No.429/SKM?75(2), dated 1 October, 1975, and as amended by notification of even No. dated 15 April, 1976 published in the Sikkim Government Gazette Extraordinary dated 5 May, 1976, namely:–

In column 2 of the Table appended to the said notification, against items No.26- Rakdong-Tintek, 27- Martam, 28- Rumtek, 29- Assam-Lingjey, 30- Ranka and 31- Gangtok, for the existing entries “District Education Officer, North Sikkim, P.O. Mangan” the entries “Deputy District Officer-cum-Planning Officer, East District, P.O. Gangtok” shall be substituted.

No.429/SKM/78(1)

By order

Sd/- (K. GANESAN)

(D.K. Manavalam)
CHIEF ELECTORAL OFFICER, SIKKIM

UNDER SECRETARY (LEGAL)
TO THE ELECTION COMMISSION OF INDIA
SIKKIM ACT NO.15 OF 1978
THE SIKKIM CULTIVATORS PROTECTION (TEMPORARY PROVISIONS) AMENDMENT ACT, 1978

AN ACT
to amend the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975 (Act 1 of 1975)
WHEREAS it is expedient to amend the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975 (Act 1 of 1975) in the manner hereinafter appearing:

It is hereby enacted in the Twenty-Ninth year of the Republic of India by the Legislature of the State of Sikkim as follows:

1. (1) This Act may be called the Sikkim Cultivators Protection (Temporary Provisions) Amendment Act, 1978.  
   (2) It shall come into force at once.

2. On and from the date of commencement of this Act, the Sikkim Cultivators Protection (Temporary Provisions) Act, 1975 (Act 1 of 1975) (Act 1 of 1975) shall stand amended in the manner hereinafter appearing:
   In sub-section (3) of Section 1, the words “one year” appearing, towards the end shall be substituted by the words “two years”

3. The Sikkim Cultivators Protection (Temporary Provisions) Amendment Ordinance, 1978 (Ordinance No. 4 of 1978 is hereby repealed.

By order of the Governor.

B.R. PRADHAN,
Secretary to the Government of Sikkim.
Law & Legislative Department.
F.16(23) LL/77.
SIKKIM ACT NO. 16 OF 1978.
AN ACT to authorize 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 1978-79.

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

Short title 1. This Act may be called the Sikkim Appropriation Act, 1978.
Issue of Rs 1, 18,30,000 out 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 Rupees towards defraying the several charges which will come in course for payment during the financial year 1978-79 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.

SCHEDULE

(See Section 2 & 3) (In thousands of Rupees)

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<tr>
<th>1</th>
<th>2</th>
<th>3</th>
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<tr>
<td>No.of Vote Services Purposes</td>
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<td>assembly</td>
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<td>Consolidated Fund</td>
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<td>3.  Agriculture</td>
<td>Revenue</td>
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<td>5.  Local Self Government</td>
<td>Revenue</td>
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<td>7.  Ecclesiastical Department</td>
<td>Revenue</td>
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<td>8.  Education</td>
<td>Revenue</td>
<td>281</td>
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<td>14. Other expenditure of the Finance Department</td>
<td>Revenue</td>
<td>10,200</td>
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<tr>
<td>16. Forest, Fisheries and Soil Conservation</td>
<td>Revenue</td>
<td>800</td>
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<tr>
<td>19. Home Department</td>
<td>Revenue</td>
<td>30</td>
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<td>25. Panchayat, Rural Works and Social Welfare</td>
<td>Revenue</td>
<td>4</td>
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<td>30. Industries and Labour</td>
<td>Revenue</td>
<td>200</td>
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<tr>
<td></td>
<td>Total</td>
<td>11,830</td>
</tr>
</tbody>
</table>

By order of the Governor.

B.R. PRADHAN
Secretary to the
Government of Sikkim,
Law & Legislative Department.
F.16 (3) LL/77
The following Act of the Sikkim Legislative assembly having received the assent of the Governor on 25th day of September,1978 is hereby published for general information.

SIKKIM ACT NO.17 OF 1978.
THE SIKKIM APPROPRIATION ACT,1978
AN
ACT
to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State of Sikkim to meet the amounts spent on certain services during the financial year ended on 31st day of March 1976 in excess of the amounts authorised or granted for the said services.

Be it enacted by the Legislature of the State of Sikkim in the Twenty ninth year of the Republic of India as follows:-

1. This Act may be called the Sikkim Appropriation Act,1978.

2. The sums specified in Column (5) of the Schedule amounting to one crore,fifty one lakh,seventy three thousand nine hundred and twenty Seven rupees shall be deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim to meet the amounts spent for defraying the charges in respect of the services and purposes specified in Column (2) of the Schedule during the financial year ended on the 31st day of March 1976,in excess of the amounts authorised or granted for those services and purposes for that year.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State under this Act Shall be appointed and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the financial year ended on the 31st day of March 1976.
THE SCHEDULE  
(See Sections 2 and 3)  

<table>
<thead>
<tr>
<th>Demand No.</th>
<th>Services and purposes</th>
<th>Voted by the Legislature Assembly</th>
<th>Charged on Consolidated Fund</th>
<th>Total</th>
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</thead>
<tbody>
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<td>Revenue 1,17,355</td>
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<td>Public Works, Roads Bridges &amp; Water supply</td>
<td>Revenue 1,10,21,086</td>
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<td>Capital 18,64,340</td>
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By order of the Governor.

B.R. PRADHAN,
Secretary to the Government of Sikkim
Law & Legislative Department.
F.16 (3) LL/77.
SIKKIM ACT No.18 OF 1978.

AN ACT to make provision for the constitution, superintendence and administration of the Sikkim Vigilance Police as a special police force in the State of Sikkim;

It is hereby enacted in the Twenty-ninth Year of the Republic of India by the Legislature of Sikkim as follows:-

Short title,Extent,commencement.
1. (1) This Act may be called the Sikkim Vigilance police Act, 1978
(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.

Constitution and Powers of Sikkim Vigilance police
2. (1) Notwithstanding anything in the Sikkim Police Act, 1969, or any other law for the time being in force relating to the organization or re-organisation of the police, the State Government may constitute a special police force to be called the Sikkim Vigilance Police for the investigation of offences notified under section 3.

(2) Subject to any orders which the State Government may make in this behalf, members of the said police force shall have, in relation to the investigation of such offences and arrest of persons concerned in such offences, all the powers, duties, privileges and liabilities which police officers holding corresponding ranks in the ordinary police force of the State have in connection with investigation of offences, and shall for the purpose of conferment of powers under any law for the time being in force be deemed to be Police officers holding corresponding ranks in the ordinary police force of the state.

(3) Any member of the said police force of or above the rank of sub-Inspector may, subject to any orders which the State Government may make in this behalf, exercise, in discharging his functions under sub-section (2), any of the powers of the Officer-in-charge Police Station in the area in which he is for the time being posted.
and when so exercising such powers, shall, subject to any such orders as aforesaid, be deemed to be an Officer-in-Charge of a Police station discharging the functions such an Officer within the limits of his station.

3. The state Government may, by notification in the Official Gazette, specify the offences or classes of offences which are to be investigated by the Sikkim Vigilance Police.

4. (1). The Superintendence of the Sikkim Vigilance Police shall vest in the Home (Vigilance) Department of the State Government.

(2). The Sikkim Vigilance police shall also make enquiries into other matters as may be referred to it by the Home (Vigilance) Department and shall submit report.

(3). The administration of the Sikkim Vigilance Police Force shall vest in an Officer appointed in this behalf by the State Government who shall be called Director of Vigilance and who shall exercise, in respect of the ordinary police force of the State, as the State Government may specify in this behalf.

5. The State Government may make rules for regulating the functioning of the Sikkim Vigilance Police and generally for carrying out the purpose of this Act.

6. Save as otherwise provided in this Act, the provisions of the Sikkim Police Act, 1969, and any other law for the time being in force relating to Organization or re-organization of police and of the rules and regulations made thereunder, as they apply in relation to members of the ordinary police force of the State, shall apply in relation to the members of the said force subject to such adaptation, whether by way of modification, addition or mission, as may be made therein by the State Government consistently with the purposes of this Act.

By order of the Governor.

B.R.PRADHAN
Secretary to the
Government of Sikkim,
Law & Legislative Department.
F.16(64)LL/78.
SIKKIM ACT No. 19 OF 1978

To provide for the establishment of a Board of School Education to prescribe curricula, text-books and other instructional materials for schools and to conduct examinations at the school level in the State of Sikkim.

Be it enacted by the Legislature of the State of Sikkim in the Twenty-ninth year of the Republic of India as follows:

1. (1). This Act may be called the Sikkim Board of School Education Act, 1978. **Short title & Commencement**

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

2. In this Act and in all Regulations made hereunder, unless there is anything repugnant in the subject or context:
   (a) “Board” mean the Sikkim Board of School Education established under this Act,
   (b) “Fund” means the Sikkim Board of School Education fund, constituted under Section 22 of this Act,
   (c) “Notification” means a notification under this Act published in the Official Gazette,
   (d) “President” means a president of the Board,
   (e) “Regulation” means a Regulation made under this Act,
   (f) “Secretary” means the Secretary of the Board,
   (g) “State Government” means the Government of the State of Sikkim,
   (h) “Prescribed” means prescribed under the Regulations made under this Act,
   (i) “Head of Institution” means the head of an educational institution of school level in the State by whatever name he be designated,
   (j) “Employee” means a full or part-time employee engaged permanently or temporarily for the purpose of assisting in the work of the Board,
   (k) “Text-book” means any book prescribed or recommended for an examination by the Board,
   (l) “Registered Teacher” means a teacher who is registered as a teacher in pursuance of a regulation made in that behalf by the Board.

3. (1) The State Government shall, as soon as may be, after this Act comes into force, establish a Board named the Sikkim Board of School Education. **Incorporation of the Board.**

(2). The Board shall be a body corporate, with perpetual succession and a common seal and shall be entitled to acquire, hold and dispose of property, to enter into contract and to do all other things necessary for the purposes of this Act and shall by the said name sue and be sued.
4. (1) The Board shall consist of the following:

(i) The Director of Education, Sikkim-President (ex-officio),
(ii) The Principal of the Government Degree College, Gangtok-Member (ex-officio),
(iii) The Principal, T.N.Academy, Gangtok-Member (ex-officio),
(iv) Seven heads of institutions nominated by Government, at least two of whom shall be women-Members
(v) Two District Education Officers nominated by the Government,
(vi) Three persons interested in education nominated by the Government,
(vii) A representative of the Finance Department of the Government not below the rank of a Deputy Secretary nominated by Government.

5. The names of the persons nominated as members of the Board shall be published by notification by the State Government.

6. (1) A person shall not be eligible for nomination or co-option as a member of the Board or of the Committees formed by it, if he-

(a) has been adjudged by a court of law to be of unsound mind;
(b) has been convicted by a court of law for an offence which is declared by the State Government to be an offence involving moral turpitude;
(c) has directly or indirectly, any interest in publication of text-books intended to be prescribed or recommended by the Board for use in schools recognized by the Board.

2. If a nominated or co-opted member of the Board or of any Committee formed by it becomes subjects to any of the disqualification specified in sub-section(1) his membership shall thereupon cease.

3. All disputes relating to the eligibility of any person for nomination or co-option shall be referred to the State Government whose decision on such matters shall be final.

7. (1) Nominated members of the Board shall hold office for a term of three years from the date of Notification published under Section 5.

(2) A member nominated in his capacity as holder of particular appointment, shall cease to be a member if he ceases to hold that appointment.

8. (1) A member of the Board, other than an ex-officio member, may resign his seat by giving notice thereof in writing to the President, and such member shall be deemed to have vacated his seat from the date of acceptance of his resignation by the State Government.

(3) In the event of a vacancy occurring by resignation, disqualification or death of a member, such vacancy shall be filled up, by nomination, as soon as may be, in the manner provided in Section 4.

9. The Board shall meet as frequently as would be necessary to transact its business, but the intervening period between any two consecutive meetings shall not ordinarily exceed forty-five days.

10. (1) The quorum for every meeting of the Board shall be five members.

(2) Subject to the provisions contained in sub-section(1) no act or proceedings of the Board shall be invalid merely by reason of the existence of any vacancy among the members of the Board.
11. Subject to any general or special order of the State Government, the provisions of this Act and any regulations made thereunder, the Board shall have the following powers:-

(1) to conduct examinations and grant diplomas and certificates to successful candidates;
(2) to prescribe courses of instruction and text-books for examinations conducted by it;
(3) to prescribe conditions for admission to examinations conducted by it;
(4) to recognize institutions for purposes of its examinations with the concurrence of the State Government;
(5) to demand and receive such fees as may be prescribed;
(6) to make regulations for prescribing courses of instruction and text-books for study in institutions of school level in the State;
(7) to make regulations for imposing penalties for misconduct of examinees, students and teachers and for negligence in work of examiners, paper setters and printing presses in connection with work done relating to examinations;
(8) to submit to the State Government its views on any matter with which it is concerned or which the State Government may refer to it for advice;
(9) to appoint part-time employees of the Board as may be necessary from time to time;
(10) to institute and award scholarships, medals and prizes under conditions that may be prescribed and to accept endowments for the same, subject to such conditions as the Board may deem fit;
(11) to organise and provide lecturers, demonstrations, educational exhibitions, educational excursions and to take such other measures as are necessary to promote the standards of school education in the State;
(12) to appoint subject Committees to advise the Board in framing the courses of the studies, prescription of text-books, appointment of paper-setters, moderators and examiners in different subjects of study, and
(4) to do such other things as may be necessary to further the objects for which the Board has been constituted.

12. Notwithstanding anything contained in this Act-

(1) The State Government shall have the right to address the Board with reference to anything conducted or done by the Board and to communicate to the Board its views on any matter with which the Board is concerned.
(2) The Board shall report to the State Government such action, if any, as it proposes to take or has taken upon such communication.
(3) If the Board does not, within a reasonable time, take action to the satisfaction of the State Government, it may, after considering any explanation furnished or representation made by the Board, issue such directions consistent with this Act, as it may think fit, and the Board shall comply with such direction.
(4) In an emergency which, in the opinion of the State Government requires that immediate action should be taken, the State Government may take such action, consistent with this Act and the Regulations as it deems necessary without prior consultation with the Board and shall forthwith inform the Board of the action taken.
(5) The State Government shall have the power to suspend the Board and take over its functions, if in its opinion, the Board has persistently made default in the performance of the duties imposed upon it under this Act.

13. (1) The following shall be the officers of the Board:

(i) The President
(ii) The Secretary
(iii) Such other Officers appointed to assist the Secretary, as may be necessary, from time to time.

(2) The State Government shall appoint the Secretary of the Board and such other officers to assist
14. The full time employees of the Board other than officers shall be appointed by the Board with the prior approval of the State Government.

15. (1) The President shall be the Chief Executive Officers of the Board
(2) The President shall, when present, preside over all meetings of the Board and the subject Committees constituted by the Board under this Act.

(3) In case the President is unable to attend and preside over any meetings of the Board or a meeting of a Subject Committee, he may nominate in advance a member of the Board to preside in his place. In circumstances where such a nomination cannot be made, the members of the Board or Subject Committee present may elect one member from among themselves, to preside at the meeting.

(4) It shall be the duty of the President to see that the provisions of this Act and the Regulations framed thereunder, are faithfully observed and he shall have all powers necessary for the purpose.

(5) In case any emergency arises out of the administrative business of the Board, which in the opinion of the President requires that immediate action should be taken, he may take any action as he deems fit and report his action immediately to the State Government and to the Board at its next meetings.

(6) The President shall have such powers as may be prescribed.

16. The Secretary shall:-

(1) Subject to the control of the President, act as the Head of the Board office.
(2) be responsible for seeing that the orders of the Board are carried out,
(3) be empowered to enter into all contracts on behalf of the Board,
(4) be the custodian of the common seal and all properties and records of the Board,
(5) be responsible for preparation of the Annual Statements of Accounts and Budget Estimates of the Board,
(6) remain in charge of the funds of the Board and shall see that all moneys are expended on the purpose, for which they are granted or allotted,
(7) be the drawing and disbursing officer of the Board,
(8) be responsible for keeping the minutes of the Board, its Subject Committees and Sub-Committees,
(9) be responsible for discipline and conduct of the Board Office,
(10) conduct all official correspondence of the Board,
(11) make all arrangements for conducting examinations of the Board,
(12) deal with the applications and fees received from the candidate for admission to the examinations of the Board in accordance with the Regulations.
(13) on behalf of the Board, issue under his signature, certificates to successful candidates,
(14) remain in charge of the Library of the Board,
(15) issue notice announcing text books prescribed and recommended for examinations of the Board,
(16) render such assistance to the President as required by him, for performance of his duties,
(17) perform such other duties as may required by the Board from time to time,
(18) delegate, with the permission of the Board, such of his powers and functions to officers junior to him as will be considered by him to be necessary,
(19) exercise such other powers and perform such other duties as may be prescribed.

17. As soon as may be after the Board is established, it shall appoint, at a meeting of the Board Subject Committees for different subjects taught at the school stage in the State.

18. (1) Each Subject Committee shall consist of not less than three and not more than seven members, chosen so as to represent as far as possible, teachers and students.
in the subject from different type of institutions spread over the State. meetings etc.

(2) The President and the Secretary shall be ex-officio members of all Subject Committees. The President shall preside over the meetings of every Subject Committee and the Secretary shall convene the meetings of the Committees.

(3) The Board may, whenever it considers necessary, co-opt up to a maximum of two experts to any subject Committee. The co-opted members shall have right to vote.

(4) The term of membership of Subject Committee shall be as near as one-third of the total membership of the Committees including the President, the Secretary and the co-opted members, if any.

(6) The Subject Committees shall meet as often as it will be necessary to transact their business.

19. The first set of Regulations under this Act shall be made by the State Government to facilitate the initial working of the Board and shall be deemed to have been made by the Board.

20. Without prejudice to the generality of the foregoing powers, the Board may make regulations for all or any of the following matters, namely:-

(1) the constitution, powers and duties of committees appointed under Section 17;
(2) marks required for passing in any subject and examination as a whole, and for credit and distinction in any subject,
(3) disciplinary measures for malpractices in examinations,
(4) fixing of fees and charges in respect of examinations,
(5) rate of traveling and daily allowances to the non-official members of the Board or Committees;
(6) laying down procedure to be observed for conduct of meetings of the Board, other than what has been provided in this Act;
(7) the conduct of examinations, publishing results including qualifications, appointment of of paper-setters, moderators, examiners, tabulators and their duties, powers, remuneration and the rate of traveling and daily allowance;
(8) the conditions under which candidates shall be admitted to the examinations of the Board;
(9) the conditions under which the Board may recognize institutions for the purposes of presenting candidates for its examinations;
(10) the courses of study to be followed in the primary, junior high, and higher secondary classes and the courses of study for teachers training and other examinations that may be conducted by the Board;
(11) the conditions for award of certificates and diplomas;
(12) the control, administration, safe custody and management of the finance of the Board, and
(13) all matters which by this Act are to be or may be provided for by the Regulations.

21. (1) No regulation of addition or amendment to or repeal of a regulation made by the Board shall be valid without the approval of the State Government to make regulation, repeal, amend etc.

Provided, however, that in case of disapproval by the State Government, they shall refer the matter back to the Board for reconsideration and resubmission.

(2) The State Government may, with or without consulting the Board when they deem it necessary and expedient, make, amend or repeal any regulation and such regulation shall be deemed to have been made, amended or repealed by the Board.
22. (1) The Board shall have a fund called the Sikkim Board of School Education Fund to which shall be credited-
   (i) all income from fees, endowments, donations and grants for specific purposes, if any,
   (ii) annual contributions which may be made by the State Government under such conditions as they may impose and
   (iii) receipt from other sources.

   (2) All moneys at the credit of the Board shall be kept in the State Bank of Sikkim or any other Bank approved by the State Government, at Gangtok.

23. (1) The State Government shall make an initial contribution of such amount as it may deem fit to the Board immediately after its establishment.

   (2) Thereafter, each year, taking into consideration the estimates of receipts and expenditure for the year prepared and presented to the State Government by the Board, the State Government shall make such contribution available to the Board as it may deem necessary.

24. The Board shall keep accounts of its receipts and expenditure in the manner and form prescribed.

25. The accounts of the Board shall be examined and audited at least once each year by an Auditor appointed by the State Government. Copies of the audited accounts, together with the auditor’s report, shall be forwarded to the Board and to the State Government for taking such action as may be necessary.

26. The Board shall furnish to the State Government such reports, and returns and Statements and such other informations relating to any matter under the Control of the Board as the State Government may require.

27. All regulations, syllabus, courses of studies and text-books prescribed by the Central Board of Secondary Education for the High School and Higher Secondary School Examinations shall continue to be followed until provisions to replacing them are made by the Board through its own regulations.

28. The State Government shall have power to exempt any institution or class of institutions from the operation of this Act in whole or in part.

29. To dispose of business quickly, the Board shall have the power to appoint ad-hoc Sub-committees for specific purposes. The term of a Sub-committee shall expire as soon as the report is prepared and submitted by it to the Board. The Board, before taking a decision on the matter for which a Sub-committee was appointed, shall take into consideration the report of the Sub-committee.

30. If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may make such order or do such thing, not inconsistent with this Act, as appears to it to be necessary or expedient, to remove the difficulty.

31. The State Government may make rules for carrying out the purposes of this Act in respect of all matters which are not required to be provided for in regulations under this Act.

By order of the Governor.

B.R. PRADHAN,
Secretary to the Government of Sikkim,
SIKKIM ACT NO.20 OF 1978
SIKKIM CINEMAS (REGULATION)ACT.1978

AN ACT to make provisions for regulating exhibitions by means of Cinematographs in the State of Sikkim:

WHEREAS it is expedient to make provision for regulating exhibitions by means of Cinematographs in the State of Sikkim:

It is hereby enacted in the Twenty-ninth year of the Republic of India by the Legislature of Sikkim as Follows:

Short title, Extent&commen

1. (1) This Act may be called the Sikkim Cinemas (Regulation)Act,1978.

(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.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:-

(a) “Cinematograph” includes any apparatus for the representation of moving pictures or series of pictures;

(b) “place” includes a house, building, tent, enclosure, open space and any description of transport, whether by land, water or air;

© “prescribed” means prescribed by rules made under this Act;

(d) “public exhibition” means an exhibition to which persons are admitted on payment.

Cinematograph exhibitions to be licenced

3. (1) Save as otherwise provided in this Act no persons all give a public exhibition by means of a Cinematograph elsewhere than in a place in respect of which a licence has been granted under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

(2) The State Government may, if it considers it necessary to do so, make an order rules and Conditions for the purpose.

Licensing Autho- Rity.

4. The authority having power to grant licences (hereinafter referred to as the Licensing authority) shall be the District Magistrate within whose jurisdiction the Place, where the exhibitions by means of cinematograph are proposed to be given is situated:
Provided that the State Government may, by notification in the Official Gazette, constitute, for the whole or any part of the State, such other authority, as it may specify in the notification, to be the licensing authority for the purpose of this Act.

5. (1) The licensing authority shall not grant licences under this Act, unless it is satisfied that-

(a) the rules made under this Act have been substantially complied with, and
(b) prescribed precautions have been taken in the place, before refusing to grant a licence is to be given, to provide for the safety of persons attending exhibitions therein:

Provided that the licensing authority shall, before refusing to grant a licence under this Act, give the applicant an opportunity of showing cause.

(2) Subject to the provisions of this Act and the rules made thereunder, the licensing authority may grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as it may determine.

(3) The State Government may, from time to time, issue directions to licensees generally or, if in the opinion of the State Government circumstances so justify, to any licensee in particular, for the purpose of regulating the exhibition of any film or class of films and in particular the exhibition of scientific films, films intended for educational purposes, films dealing with news and current events, documentary films and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

(4) Any person aggrieved by the decision of a licensing authority granting or refusing to grant a licence or by any other order of a licensing authority which is declared by rules made under this Act to be appealable or by the terms and conditions on which or the restrictions subject to which a licence is granted, may, within such time as may be prescribed, appeal to the State Government or to such officer as the State Government may specify in this behalf, and the State Government or the officer as the case may be, may make such order in the case as it or he thinks fit.

6. (1) The State Government, in respect of the whole State or any part thereof, and the District Magistrate in respect of the local area within his jurisdiction may, if it or he is of opinion that any film which is being publicly exhibited is likely to cause a breach of the peace by order, suspend the exhibition of the film and during such suspension the film shall not exhibited in the State, part of the State, or local area, as the case may be.

(2) When an order under sub-section (1) has been issued by a District Magistrate, a copy thereof, together with a statement of reasons therefore, shall forthwith be forwarded by the District Magistrate to the State Government, and the State Government may either confirm or annul the order.

(3) Any order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2), remain in force for a period of two months, but the State Government may, if it is of opinion that the order should continue in force, direct that the period of suspension shall be extended by such further period as it thinks fit.
Penalties. 7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place to be used in contravention of the provisions of this Act or the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act, or if any person makes any exhibition of a film contrary to any order under section 6 or to any order or direction under this Act or the rules made thereunder, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to one hundred rupees for each day during which the offence continues.

Power to revoke 8. (1) If the holder of licence has been convicted of an offence under Section 7 of the Cinematograph Act, 1952 (XXXVII of 1952), or of an offence under Section 7 of this Act, or has obtained the licence by misrepresentation facts, or acts in contravention of any of the provisions of this Act or of the rules made thereunder or of the conditions and restrictions upon or subject to which the licence has been granted, the licensing authority may revoke the licence or suspend it for such period as it may think fit.

(2) Any person aggrieved by the order of the licensing authority revoking or suspending a licence may, within such time as may be prescribed, appeal to the State Government or such officer as the State Government may specify in this behalf, and the State Government or the officer, as the case may be, may pass such order in the case as it or he thinks fit. The order so passed shall be final.

Power to make 9. (1) The State Government may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for-

(a) the procedure in accordance with which a licence may be obtained and the terms, conditions, and restrictions, if any, subject to which licences may be granted under this Act and the fees payable therefore;

(b) regulation of cinematograph exhibitions for securing public safety;

(c) the time within which and the conditions subject to which an appeal under sub-section (4) of Section 5 and under sub-section (2) of Section 8 may be made and the procedures for such appeals and the fees payable therefore;

(d) regulating the means of entrance and exit at places licensed under this Act and providing for the prevention of disturbances there at;

(e) regulating or prohibiting the sale of any ticket or pass for admission, by whatever name called, to a place licensed under this Act;

(f) delegation of the power of hearing appeals under sub-section (4) of Section 5 and sub-section (2) of Section 8 to any officer subordinate to the State Government.

(3) All rules made under this Act shall come into force with effect from the date of their publication in the Official Gazette, unless a specific date is given in the notification.

Power to exempt 10. The State Government may, by order in writing exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibitions from any of the provisions of this Act or any rules made thereunder.
11. No suit or proceedings shall lie against the State Government and no suit, prosecution or proceedings shall lie against any officer of the State Government for anything good faith done, or intended to be done, under this Act or any rules made thereunder.

12. Any fees or other amounts realized or purported to have been realized in respect of a licence or renewal thereof or in respect of any matter relating to cinemas already realized prior to the coming into force of this Act, shall always be deemed to have been validly and under proper legal authority.

13. Notwithstanding anything contained in this Act or the rules made thereunder a licence granted prior to the coming into force of this Act, shall be deemed, for all purposes, to have been granted under this Act and the conditions and restrictions by the rules under this Act shall, until a new licence is granted under this Act and the rules made thereunder, be deemed to have been incorporated in such licence;

Provided that the licensing authority may grant time, or extend the time so granted, for compliance with any such condition or restriction.

By order of the Governor.

B.R. PRADHAN,
Secretary to the
Government of Sikkim,
Law & Legislative Department.
F.16(65) LL/78.
The Sikkim Foodstuffs (Distribution) Control Order.

WHEREAS the State Government is of the opinion that it is expedient so to do securing the equitable distribution and availability of foodstuffs at fair prices.

Now, therefore, in exercise of the powers under Section 3 of the Essential Commodities Act, 1955 (X) of 1955) read with the Notification of Government of India in the Ministry of Agriculture and Irrigation (Department of Food), G.S.R 475 (E), dated the 24th July, 1976 and with the prior concurrence of the Central Government, the Government of Sikkim hereby makes the following Orders:

1. Short Title, Extent and Commencement:

(1) This Order may be called the Sikkim Foodstuffs (Distribution) Control Order, 1978.
(2) It shall extend to the Gangtok Town and to such other areas or Towns of Sikkim as may be notified by the Sikkim Government from time to time.
(3) It shall come into force at once.

2. Definitions:

In this Order, unless the context otherwise requires:

(a) ‘Authorised Retail Distributor’ means a person appointed as Retail Distributor under the provisions of clause 3 by the Secretary of the Food & Civil Supplies Department or by the District Magistrate for sale of Government foodstuffs,

(b) ‘District Magistrate’ includes Town Rationing Officer or any other officer authorised in writing by the District Magistrate to perform any of his functions under this Order

© ‘Foodstuffs’ mean any one or more of the foodstuffs specified in this Schedule to this Order including any product thereof other than husk and bran,

(d) ‘Food Officer’ means the District magistrate or the Town Rationing Officer and includes Joint Secretary Under-Secretaries of Food & Civil Supplies Department and Senior Inspectors and Sub-Inspectors of the Department of Food & Civil Supplies.

(e) ‘Government Foodstuffs’ means Foodstuffs supplied by the Government of India or the State Government or by an Officer or agent of the State Government for sale through an authorised retail distributor.

(f) ‘Household’ means the collection of individuals who normally take food in the same mess,
(g) ‘Establishment’ means any organization or institution where more than one person have meals in the same mess and shall also include any catering establishment i.e. a hotel, restaurant, eating house, café, club, canteen and any other place of refreshment open to the public.

(h) ‘Identity Card’ means a card issued under clause 10,

(i) ‘Qualified Resident’ means a person resident of an area to which this order extends and authorised under general or special orders of the State Government for the time being in force to receive an identity card on behalf of himself or a household or an establishment,

(j) ‘State Government’ means the Government of Sikkim,

(k) ‘Town’ means any area included in a Municipality Cantonment, notified area or town area.

(l) ‘Government Scheme’ means the scheme for distribution of foodstuffs to consumers through authorised Retail Distributors appointed under clause 3

3. (1) With a view to distributing foodstuffs under the Government scheme the Secretary of the Food and Civil Supplies Department or the Town Rationing Officers in their respective jurisdictions may, by order, appoint in respect of any area any persons as Retail Distributor for the purposes of this Order and thereupon such authorised Retail Distributor shall be entitled to supply in accordance with the provisions of this Order such foodstuffs within such area.

(2) Every appointment made under Sub-Clause (1) above shall be valid till the 31st day of December next following the date of appointment.

(3) The Secretary or the Joint Secretary of the Food & Civil Supplies Department or the Town Rationing Officer’s in their respective jurisdictions may, after giving to the authorised Retail Distributor an opportunity of stating his case and for reasons to be recorded in writing amend, vary, suspend or revoke the appointment order, whenever, in the opinion of the Secretary or the Joint Secretary of the Food & Civil Supplies Department or the Town Rationing Officer it is in the interest of general public necessary or expedient so to do; and in every such case the authorised Retail Distributor shall be bound public necessary on demand, to the Secretary or the Joint secretary of the Food and Civil Supplies Department or to the Town Rationing Officer the order of appointment for endorsement or cancellations as the case may be.

(4) No authorised Retail Distributor shall supply or offer or attempt to supply or permit to be supplied by any Agent or servant any foodstuff in respect of which he holds his appointment except under and in accordance with the provisions of this Order.

(5) (1) The authorised Retail Distributor shall deposit with the Secretary of the Food & Civil Supplies Department, security of the value of Rs. 100/- in any shape or form that may be prescribed by the Government from time to time for the due performance of the conditions of his appointment.

(2) Without prejudice to the provisions of clause 3 the Secretary, Joint secretary of the Food & Civil Supplies Department or the Town Rationing Officer may, by order, forfeit the whole or any part of the security deposit for any breach of this Order of the terms of appointment and communicate the order to the authorised Retail Distributor by sending a copy of the same.

6. **Authorised Retail Distributor to sell Government Foodstuffs:**
   No person other than an authorised Retail Distributor shall sell any of the Government Foodstuffs.

7. **Restrictions on sale of Government foodstuffs:**
No authorised Retail Distributor shall refuse to sell Government foodstuffs otherwise than to an Identity Card holder.

8. **Distributors’ obligation to sell:**
   No authorised Retail Distributor shall refuse to sell Government Foodstuffs on the presentation to him of a valid Identity Card to the extent of the quantity of foodstuffs due on the card or to the extent of his stock, whichever are less.

9. **Price to be charged:**
   No authorised Retail Distributor shall sell Government foodstuffs at a price in excess of that fixed by or under an Agreement in this behalf between the authorised Retail Distributor and the Secretary of the Food& Civil supplies Department or the Town Rationing Officer, and the price so fixed shall not in any case be contrary to any price so fixed shall not in any case be contrary to any price that may be fixed by the Government in this behalf.

10. **Preparation of Identity Card.**
    A Food Officer may, either of his own motion or an application made to him by qualified resident issue or cause to be issued to such resident for himself and his household or establishment, if any an identify card auto rising purchase of Government foodstuffs.

11. **Collection of information or Statistics:**
    (a) A Food Officer may collect such informations or statistics as may be specified by the State Government or by the Town Rationing Officer in this behalf and which become necessary for distribution of Government foodstuffs and every person shall furnish such informations or statistics as may be demanded by the said Officer.

    (b) A Food Officer may put any mark or number on the premises within the area to which this Order extends and the occupants of the premises shall maintain the mark or number so put in a legible.

    © A Food Officer shall be allowed such by occupants of the premises as may be required for the purposes of his above works. However, the Food Officer shall have due regard to the social and religious customs of the persons occupying the premises in asking for such access.

    (d) A Food Officer, for the purpose of giving effect to the provisions of this order, may require any person or qualified residents to make any statement or to furnish any information or to produce any document or article in his possession or under his control.

    (e) No person shall
    (i) Knowing make any false statement or furnish any false information,
    (ii) voluntarily obstruct a Food officer in the discharge of his duties,
    (iii) intentionally give a false answer or refuse to give answer,
    (iv) remove, obliterate or alter or fail to maintain in a legible condition, the marks puts by the Food Officer on the premises.

12. **Duties of Card-holders:**
    No person or qualified resident shall
    (a) dishonestly apply for a receive or use an Identity Card when provision has already been made for him or for any other member of his household or establishment in any other Identity Card,
    (b) give incorrect details or information while applying for an Identity Card,
    © Willfully alter or destroy an Identity Card issued to him,
    (d) possess or retain any Identity Card in any manner not authorised under this Order,
    (e) transfer to any other person any Identity Card issued to him,
    (f) accept or retain any Identity Card not issued in his name,
    (g) possess a bogus or ghost Identity Card or a card containing inflated family members.
Every Identity Card under this Order shall be the property of the Government by the person to whom it issued shall be responsible for its safe custody.

(i) if any Identity card id defaced, lost or destroyed the Town Rationing Officer or the Food Officer may, after making such equity as he may think fit, issue a new Identity Card in place thereof in payment if a fee of 0.50 paise per Identity Card.

(ii) When a new Identity Card is issued under Sub-clause (i) in place of lost identity card it shall be the duty of person, to whom the new Identity Card has been issued, if he subsequently finds the lost Identity card, to return the lost Identity Card forthwith to the Town Rationing Officer.

15. When any person is in possession of an Identity Card and such possession not authorised by or under this Order he shall forthwith deliver such Identity Card to the Town Rationing Officer.

16. Report about change in number of members:
An Identity Card-holder shall report to the Food Officer within a fortnight any increase of decrease in the number of members in this household or establishment which may or is likely to continue for a period exceeding three months.

17. Contents of Identity Card
An Identity Card shall be prepared correctly and shall have clearly noted on it the name and address of the Identity Card-holder, the number of persons of the household or establishment and the name of the authorised Retail distributor from whom the Identity Card-holder is entitled to purchase Government Foodstuffs.

18. Only one card to be issued:
Not more than one Identity Card shall be issued to the members of a household or establishment at any time.

19. Prohibition of Keeping of Card by authorised Retail Distributor:
An authorised Retail Distributor shall not keep in his possession the Identity Card of any person other than of himself.

20. An authorised Retail Distributor shall deposit in such manner as may be prescribed in this behalf by the Secretary of the Food & Civil Supplies Department, the price of any foodstuff allotted to him.

21. An authorised Retail Distributor shall take delivery of foodstuffs from Government Godowns or from the godown of the Wholesalers particularly mentioned in an against delivery permits issued in his behalf.

22. Every authorised Retail Distributor shall sell foodstuffs to consumers in such quantity as may be specified in the order made from time to time by the Secretary of the Food & Civil Supplies Department or the Town Rationing Officer and at such rate as may be fixed under clause 9.

23. No authorised retail distributor shall, either by himself or by any person on his behalf store or have in his possession more than 40 quintals of pulses at any time.

24. Maintenance of accounts etc:
(1) Every authorised Retail Distributor shall maintain correct and true accounts of all purchases, sales and storage to be written up at the end of each day, showing
   (a) the opening stock of the day, (b) the quantities received during the day, (c) the quantities delivered or otherwise disposed of during the day, (d) the closing stock of the day and (e) such other particulars as the Secretary of the Food & Civil Supplies Department or the Town Rationing Officer may, by order in writing specify.

(2) Every authorised Retail Distributor shall furnish and submit such informations, returns or statements and reports may be directed by orders issued by the Secretary of the Food & Civil Supplies Department or the Town Rationing Officer from the time to time within such time as may be mentioned in the orders.

(3) Every authorised Retail Distributor shall issue cash memos for sale nothing in such memos, the name and address of the consumers together with such particulars of family Identity Card as are
specified by or under the orders of the Secretary of the Food & Civil Supplies Department or the Town Rationing Officer.

25. **Display of notice:**
   Every authorised Retail Distributor shall display any notice on boards such size and containing such information and particulars as the Secretary of the Food & Civil Supplies Department may direct.

26. **Powers of entry, search, seizure etc.**
   (1) The Food Officer or any other officer not below the rank of Sub-Inspector of the Food and Civil Supplies Department may direct the police authorised by the State Government in this behalf may, with a view to securing compliance of this Order or to satisfying himself that this Order has been, complied with:
   (a) require the owner, occupier or any other person in charge of any place, premises, vehicle or vessel in which he has reason to believe that any contravention of the provisions of this order has been, is being, or is about to be committed, to produce any book, accounts or other documents;
   (b) enter, inspect or break open and search any place or premises, vehicle or vessels in which he has reason to believe that any contravention of the provisions of this Order has been, is being, or is about to be committed;
   © Seize any book and documents which in the opinion of such officer, may be useful for or relevant to any proceeding under this Act and the person and the person from whose custody such books or accounts or documents are seized shall be entitled to make copies thereof or to take extracts therefrom in the presence of the officer having the custody of such books or accounts or documents;
   (d) search, seize and remove with such aid and assistance as may be necessary, stocks, of foodstuffs and the animal, vehicle or other conveyance used in carrying the said foodstuffs in contravention of the provisions of this order, and thereafter, take or authorize the taking up of all measures necessary for securing the productions of stocks of foodstuffs and the animal s, vessels or other conveyance so seized before the District Magistrate and for their safe custody pending such production.
   (2) The provisions relating to search and seizure under the law relating to criminal procedure in force in Sikkim shall apply to searches and seizure under this clause.
FOODSTUFFS:
1. Wheat,
2. Atta,
3. Flour,
4. Suji,
5. Rice,
6. Gram,
7. Maize,
8. Barley,
9. Sugar,
10. “pulses” means urd, moong, arhar, masoor, lobia, raj-maha, gram including peas or any other dal whether whole or split with or without husk.

STATE CIVIL SERVICE (CHAPTER 61)

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name of Post</th>
<th>Existing Scale</th>
<th>Revised Scale</th>
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<tr>
<td>1.</td>
<td>Junior Scale</td>
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<td>660-1400</td>
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<td>2.</td>
<td>Senior Scale</td>
<td>750-1450</td>
<td>900-1800</td>
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<td>3.</td>
<td>Selection Grade</td>
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STATE FOREST SERVICE (CHAPTER 33)

STATE POLICE SERVICE (CHAPTER 53)

1. Ordinary Scale 510-1210 660-1400
2. Senior Scale 750-1450 900-1800
3. Selection Grade 1200-1600 1000-9000 Minium to be Fixed at Rs.1200/-

STATE LEGISLATURE

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<tr>
<td>1.</td>
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<td>750-1450</td>
<td>I.A.S./S.C.S.</td>
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<td>2.</td>
<td>Deputy Secretary</td>
<td>510-960</td>
<td>660-1400</td>
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<tr>
<td>3.</td>
<td>Under Secretary</td>
<td>370-630</td>
<td>510-900</td>
</tr>
<tr>
<td>4.</td>
<td>Translator (Nepali/Bhutia/Tibetan)</td>
<td>310-495</td>
<td>480-850</td>
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<tr>
<td>5.</td>
<td>Reporter</td>
<td>370-630</td>
<td>510-900</td>
</tr>
<tr>
<td>6.</td>
<td>Librarian</td>
<td>370-630</td>
<td>State Civil Service with Rs. 200/- as special allowance or 510-900 with special allowance of Rs.150/-p.m.</td>
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<tr>
<td>7.</td>
<td>Private Secretary to Speaker</td>
<td>370-630</td>
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SURVEY & SETTLEMENT DEPARTMENT

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<td>1050-1790</td>
<td>I.A.S/S.C.S.</td>
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<td>2.</td>
<td>Joint Director</td>
<td>510-960</td>
<td>1200-2000</td>
</tr>
<tr>
<td>3.</td>
<td>Accounts Officer</td>
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<td>660-1400</td>
</tr>
<tr>
<td>4.</td>
<td>Attestation Officer</td>
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<td>660-1400</td>
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<td>5.</td>
<td>Chief Inspector</td>
<td>510-960</td>
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<tr>
<td>6.</td>
<td>Survey Inspector</td>
<td>370-630</td>
<td>510-900</td>
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</tr>
<tr>
<td>7</td>
<td>Head Surveyor</td>
<td>310-495</td>
<td>450-800</td>
</tr>
<tr>
<td>8</td>
<td>Surveyor</td>
<td>270-445</td>
<td>410-700</td>
</tr>
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<td>9</td>
<td>Peshkar</td>
<td>240-385</td>
<td>410-700</td>
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<tr>
<td>10</td>
<td>Assistant Surveyor</td>
<td>240-385</td>
<td>380-550</td>
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<tr>
<td>11</td>
<td>Chainman</td>
<td>175-255</td>
<td>300-380</td>
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**SOCIAL WELFARE**

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<th>Revised Scale</th>
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<td>1</td>
<td>Secretary</td>
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<td>I.A.S./ S.C.S.</td>
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<tr>
<td>2</td>
<td>Deputy Director</td>
<td>750-1450</td>
<td>900-1800</td>
</tr>
<tr>
<td>3</td>
<td>Assistant Director</td>
<td>510-960</td>
<td>660-1400</td>
</tr>
<tr>
<td>4</td>
<td>Assistant Social Welfare Officer</td>
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**SCHEDULE CASTE WELFARE**

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<th>Existing Scale</th>
<th>Revised Scale</th>
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<td>1</td>
<td>Secretary</td>
<td></td>
<td>I.A.S./S.C.S.</td>
</tr>
<tr>
<td>2</td>
<td>Welfare Officer</td>
<td>510-960</td>
<td>660-1400</td>
</tr>
<tr>
<td>3</td>
<td>Welfare Inspector</td>
<td>370-630</td>
<td>510-900</td>
</tr>
</tbody>
</table>

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD,NEW DELHI
DATED 21 SEPTEMBER,1978

NOTIFICATION
S.O. Whereas the Election Commission is satisfied that as result of its poll performance at the general election to the legislative Assembly of Meghalaya held in February,1978, the Public Demands Implementation Convention is entitled for recognition as a State Party in the State Meghalaya in terms of paragraph 6 read with paragraph 7 of the Election Symbols (Reservation and Allotment)Order,1968;

And whereas the Commission has decided to recognize the Public Demand Implementation Convention as a State Party in the State of Meghalaya and reserve the symbol ‘Spade’ for the said party in Meghalaya;

Now,therefore,in pursuance of clause(b) of sub-paragraph (1) and sub-paragraph(2) of Paragraph 17 of the Election Symbols(Reservation and Allotment)Order,1968, the Election Commission hereby makes the following amendments to its notification No.56/78(1),dated the 25th January,1978,published as S.O.40(E) in the Gazette of India,Extraordinary,Part II,Section 3(ii),dated 25th January,1978,as amended from time to time namely-

1. In table 2 of the said notification against the item “Meghalaya” the following entries shall be inserted,namely-
   3. Public Demands Implementation Convention

2. In table 3 of the said notification against item No.13 Meghalaya,under column 2, the entry “4 Spade” shall be deleted and the remaining entries 5 to 12 shall be renumbered as 4 to 11 respectively.

By Order

No.56/78(5)

(D.K.MANAVALAN) Sd/- (V.NAGASUBRAMANIAN)
CHIEF ELECTORAL OFFICER, SECRETARY TO THE ELECTION COMMISSION
SIKKIM OF INDIA
In exercise of the power conferred by sub-section(3) of Section 1 of the Sikkim Vigilance Police Act, 1978 (18 of 1978), the State Government hereby appoints the 26th day of October, 1978, as the date on which the said Act shall come into force.

T.S. GYALTSHEN,
Chief Secretary,
Government of Sikkim.
The Constitution (Amendment) Bill, 1977 by Shri Y.P. Shastri, M.P. is republished below for eliciting public opinion:

"Be it enacted by Parliament in the Twenty Eight Year of the Republic of India as follows:

1. (1) This Act may be called the Constitution (Amendments) Act, 1977.
(2) It shall come into force
(i) in the union territories within a period of six months from the date on which it receives the assent of the President, and
(ii) in the States on such dates as the respective State Governments may, by notification in their Official Gazettes, appoint.

2. After article 23 of the Constitution, the following new article shall be inserted namely:

23A. (1) All citizens shall have the right to work and shall be entitled to adequate means of livelihood
(2) Failing to procure such means as referred to in clause (1) every citizen shall be entitled to an unemployment allowance to be paid by the State.

23B. (1) All children until they complete the age of fourteen years shall have completed the age of fourteen years.
(2) The State shall provide monetary assistance to every citizen who has completed the age of sixty years, or remains sick, or is permanently incapacitated or disabled and has nothing to fall back upon and is unable to fend for himself.

STATEMENT OF OBJECTS AND REASONS

Article 39 of the Constitution among other things “The State shall, in particular, direct its policy towards securing (a) that the citizens, men and women equally, have the right to an adequate means of livelihood”. Article 41 of the Constitution enjoins upon the State to make effective provision for securing the right to work to education and to public assistance in case of unemployment, old, age, sickness and
disablement. Similarly, article 45 of the Constitution enjoins upon the State to provide for free and compulsory education for all children until they complete the age of fourteen years.

But these rights are only in the nature of Directive Principles of States policy. They are not justiciable and there is no legal sanction behind them. The local point of the State activity, in the economic sphere ought to have been the achievement of these objectives. Whereas enough lip sympathy has been showered on those condemned to remain unemployed, the measures taken to combat unemployment have proved far from effective. Employment has become everyone’s birthright in Swaraj, nothing can shake our people’s faith in the democratic system than the nation’s failure to provide employment to all able bodied citizens. Failing this, the minimum the State should do is to provide for unemployment insurance.

The State cannot, in fairness and good conscience, by its neglect, inaction or omission allow the dilution or diminution of Directive Principles which it has been directed to preserve and forbidden to infringe.

The Bill seeks to give legal effect to what is contained in articles 41 and 45 and make these rights justiciable and Fundamental Rights. Unless these rights are clothed with legal sanction, they will remain nugatory and of no significance as hitherto they have been.

New Delhi,
The 7th October, 1977

Y.P.SHASTRI

Any person or Public desiring to submit an opinion on the bill should do so through the state Govt only and not direct to the Lok Sabha Secretariat or to any Ministry of the Government of India.

Sd/. (Tashi Tshering)
Deputy Secretary,
Home Department,
HOME DEPARTMENT
NOTIFICATION
No.16(2)-Home/78
Dated Gangtok, the 26th October, 1978.

In exercise of the powers conferred under Section 3 of the Sikkim Police Act, 1969 and all other powers enabling itself in this behalf, the State Government hereby abolishes, with effect from 26th October, 1978, the Anti-Corruption Branch of the State Police, which was set up vide notification No.41/H/75 dated 29th May, 1975.

2. The abolition of the Anti-Corruption Branch of the Police Department shall not affect the previous operation of the said Branch or anything duly done or purported or suffered to have been done by the said Branch.

T.S.GYALTSEN,
Chief Secretary,
Government of Sikkim.
Notification No.LA (4) 863 (29)/L.R.(s) Dated 7.11.78.

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 1208/12/76-LRD date 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause(1) of Article258 of the constitution of India;

And whereas it appears to the Governor that land is likely to be neede for a public purpose being a purpose of the Union,namely for the establishment of Army in the Block of Lunrap Elakha Lachen District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 17.37 acres, bounded on the,

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

Is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid block of

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 District Collector,North District,Mangan 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 authorize the officers for the time being engaged in the undertaking,with their servants and workman,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 day 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 of North,District at Mangan.

SCHEDULE OF PROPERTIES.
Plots in full-1,2,3,4,5,6 and 7.

BY ORDER OF THE GOVERNOR.

P.T.WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT,
GOVERNMENT OF SIKKIM,GANGTOK.
Notification No.LA(4) 864(17)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Charten Elakha Lachen District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 0.85 acres, bounded on the,

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

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Cadastral Survey Plots in full – No. I

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be Scheduled Tribes in relation to the State of Sikkim so far as regards members thereof resident in the State.

THE SCHEDULED
3. Bhutia (Including Chunbipa, Dophapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa, Yolmo)
4. Lepcha.

N. SANJIVA REDDY
President

22nd June, 1978.

S. HARIHARA IYER
Secy. to the Govt. of India”

(T. S. Gyaltsen )
Chief Secretary.
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 Services Maintenance Act, 1978, State Government hereby prohibits strikes in the following essential services:-

1. Any service connected with the Sikkim Public Works Department relating to Supply of Water.
2. Any service connected with the Department of Food & Civil Supplies and the Department of Animal Husbandry relating to procurement, storage, distribution and supply of food and other essential commodities.
3. Any service connected with the Department of Power relating to the supply of electricity.
4. Any service connected with the Medical and the Public Health Department relating to medical aid, treatment or administration of Hospitals, dispensaries and other similar establishments or institutions.
5. Any service connected with any Department of Local Self Government and the Gangtok Municipal Corporation relating to conservancy, drainage or sanitation.
6. Any transport service for carriage of passengers or goods including Sikkim Nationalised Transport.

T.S. GYALTSHEN
Chief Secretary,
Government of Sikkim.
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 N0.F 12018/12/76-LRD dated 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Thumbuk Elakha Lachen District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 0.85 acres, bounded on the,

NORTH --- Private Land
SOUTH- Teesta River
EAST---- ---Private Land
WEST--- ---do—

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Plots in full-1,3,4 and 5

BY ORDER OF THE GOVERNOR.

P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM, GANGTOK.
Notification No.LA(4) 866(14)/L.R.(S)    Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Charpen Elakha Lachen District North 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 3.79 acres, bounded on the,

NORTH --- N.S.H.Road
SOUTH - D.F.Ongchuk Palden and other
EAST ---- Mule Track.
WEST --- Lachen Pipon.

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Cadestral Survey Plot No.2, 3, 5, 6, & 39 in full.

BY ORDER OF THE GOVERNOR.

P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM, GANGTOK.
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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Pagang Elakha Lachen District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 6.25 acres, bounded on the,

NORTH _---  D.F.Namgyal Lapchan.
SOUTH-        “  ”    ”
EAST----      -Khasmall.
WEST---      -D.F.Ynep Lepcha..

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.
Cadestral Survey Plot No313,315.in part of Portion.

BY ORDER OF THE GOVERNOR. P.T.WANGDI, IAS
SECRETARY, LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM, GANGTOK.
Notification No.LA(4) 869(9)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Pabong Chungthang Elakha Chungthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 18.53 acres, bounded on the,

NORTH _---  Forest.
SOUTH         Govt.Khas.
EAST----      -D.F. Namtey Lepcha,Pemba Lepcha.
WEST---      -D.F. Namtey Lepcha.

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

**SCHEDULE OF PROPERTIES.**

Cadastral Survey Plot No.365-in full
“ ” ” 325-326-in full

BY ORDER OF THE GOVERNOR.  P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM, GANGTOK.
Notification No.LA(4) 871(34)/L.R.(S)    Dated 7.11.78.

 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 N0.F 12018/12/76-LRD dated 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Theng, Elakha Chunghang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 10.55 acres, bounded on the,

 NORTH _---  Jhora
 SOUTH   Lajore Lepcha
 EAST----  -Government Land.
 WEST---  -Labja Lepcha

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

 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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

 SCHEDULE OF PROPERTIES.
 Cadestral Survey Plotin full:390 and431
 ” ” ” Part:398

 BY ORDER OF THE GOVERNOR. P.T.WANGDI, IAS
 SECRETARY,
 LAND REVENUE DEPARTMENT
 GOVERNMENT OF SIKKIM,GANGTOK.
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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (1) 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 establishment of army in the Block of Lachung, Elakha Lachung District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 3.60 acres, bounded on the,

NORTH --- Private Land
SOUTH -do-
EAST---- -do-
WEST--- -do-
is likely to be needed for the aforesaid public purpose at the expense within the aforesaid block of

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Plots in full:- No.5

BY ORDER OF THE GOVERNOR.  P.T.WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 874(31)/L.R.(S)    Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Deorali Shimpher, Elakha Chungthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 2.21 acres, bounded on the,

NORTH _---  Road
SOUTH          Foot Path
EAST----      -Private Land.
WEST---      -do-

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.
Cadastral Survey Plots in full: 370, 374, 372 and 375.
"    " Part: 369;& 359

BY ORDER OF THE GOVERNOR.

P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 873(30)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Charten, Elakha Lachen District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 1.50 acres, bounded on the,

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

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Plots in full: A and B

BY ORDER OF THE GOVERNOR.

P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
The following Act of the Sikkim Legislative Assembly having received the assent of the President on the 28th of October, 1978 is hereby published for general information.

SIKKIM ACT NO.21 OF 1978
THE SIKKIM AGRICULTURAL LAND CEILING AND REFORMS (AMENDMENT) ACT, 1978
AN ACT
To amend the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Sikkim Act No. 14 of 1978)
WHEREAS in order to facilitate the proper implementation of the Sikkim Agricultural Land Ceiling and Reforms Act (Sikkim Act No. 14 of 1978), it is expedient to amend the same in the manner hereinafter appearing.

It is hereby enacted in the Twenty-ninth year of the Republic of India by the legislature of the State of Sikkim as follows:

1. (1) This Act may be called the Sikkim Agricultural Land Ceiling and Reforms (Amendment) Act, 1978.

(2) It shall come into force at once.

2. For clause (i) of Section 2 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (Act No. 14 of 1978) (hereinafter referred to as “the Act”) the following shall be and shall always be deemed to have been substituted; namely:-

“Family” in relation to a person means himself or herself and his wife or husband as the case may be (other than judicially separated wife or husband) minor sons and unmarried daughters

3. In Sub-section (1) of Section 5 of the Act, the words “From time to time” shall be and shall always be deemed to have been deleted and after sub-section (1) the following shall be and shall always be deemed to have been added namely:-

“Explanation I - The State Government may notify different dates for different areas of the State.

Explanation II - Land held by a bustiwalla as owner along with land cultivated by him in the capacity of an Adhiadar or a Kutiadar shall, for the purposes of this Act, be deemed to be held by him.”

4. For Section 6 of the Act, the following shall be and shall always be deemed to have been substituted, namely:-

(a) in the case of person having no family or a family

5. The ceiling shall be-

6. (1)
consisting of not more than five members, twelve and half standard acres, and
(b) in the case of a person having a family consisting of more than five members, twelve and half standard acres increased by two standard acres for each member in excess of five, so however, that the ceiling area shall not exceed twenty and a half standard acres.

**Explanation**-(1) For the purpose of this sub-section, all lands held by person individually or jointly with other members of his family shall be deemed to be held by him.

(ii) Where any holding is held by him, jointly with any person or persons other than a member of his family, the share of each person in the joint-holding shall be deemed to be held him.

(2) Every adult son of a person shall be treated as a separate unit and his share in his father’s holding or ancestral holding shall be aggregated along with other land, if any, held by him for the purposes of determining his ceiling limit.

**Explanation I**- No person who has not completed the age of eighteen years on the date of the notification referred to in sub-section(i) of Section 5 or on the date of future acquisition of land under Section 16 shall be deemed to be an adult.

**Explanation II**- The expression “adult son” includes an adult son who is dead and has left surviving behind him his widow, minor sons or daughters (other than married daughters) who either do not own any land or hold land less than twelve and half standard acres.

(3) Notwithstanding anything in the preceding sub-sections, a monastery or other religious institution shall be entitled to hold-

(a) sixty standard acres, if it is listed in Group A of Schedule I, and
(b) twenty-five standard acres, if it is listed in Group B of Schedule I.

(4) The provisions of this Act shall not apply to-

(a) land used for growing tea to the extent notified by the State Government;
(b) Land owned by the State Government or the Union Government or an undertaking or company owned by the State or the Union Government or by a local authority;
(c) land held by a co-operative society including a co-operative Bank, the State Bank of India, a subsidiary of the State Bank of India as defined in the State Bank of India (Subsidiary Banks) Act, 1959, a corresponding new bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, the Agricultural Refinance Corporation and the Agricultural Finance Corporation;
(©) Provide that in the case of a co-operative society, no member shall be allowed to hold a share of the land which, together with his other land, exceeds the ceiling applicable to him under sub-section (1); and
(d) land held for industrial purposes to the extent notified by the State Government in each case and for the period the land continues to be used for such purposes.

**Explanation I**- Use of the land for a purpose other than that notified by the State Government shall be deemed to be cessation of use for industrial purposes unless such different use is approved by the State Government.

**Explanation II**- Use of the land for cultivation of crops to be used for industrial purposes shall not amount to use for industrial purposes.

(5) The “standard acre” for different areas for the State shall be determined in the manner provided in Schedule II.”

5. In Section 7 of the Act, the words “or cause any alteration in the use of such land” shall be and shall always be deemed to have been inserted after “otherwise” and before “until” and the words “or change in the use of land” shall be and shall always be deemed to have been inserted after “transfer” and before “in contravention”.
6. For sub-section (1) of Section 9, the following shall be and shall always be deemed to have been substituted, namely:-

“(1) on the basis of the statement filed by a person under sub-section(1) of Section 8 and in cases where a person fails to file a statement inspite of service of a notice under sub-section (2) of the said section, the Competent Authority may, after such inquiry as he may consider necessary either by himself or by any person subordinate to him, cause to be prepared a draft statement in respect of that person”.

7. After section 9 of the Act, the following shall be and shall always be deemed to have been inserted, namely:-

“Competent authority to have powers of a civil Court.

9A. The Competent Authority shall, for the purposes of this Chapter, have the powers of a Civil Court under the law for the time being in force relating to Civil Procedure in respect of the following matters, namely:-

(a) proof of facts by affidavits;
(b) enforcing attendance of any person and his examination on oath;
(c) production of documents; and
(d) issue of commission.”

8. In Section 10 of the Act, the following shall be and shall always be deemed to have been inserted.

“Section 13” the words and figures ” or Section 14” shall be and shall always be deemed to have been inserted.

(1) For sub-section (2) of Section 11 of the Act the following shall be and shall always be deemed to have been substituted, namely:-

“The encumbrances, if any, on the excess land vested in the State in pursuance of sub-section (1) shall attach to the amount payable under sub-section (1) of Section 12.”

(2) After sub-section (4) of Section 11 of the Act the following shall be and shall always be deemed to have been added, namely:-

“(5) Without prejudice to the provisions of sub-section (4), a person who does not surrender or deliver possession of the excess land within thirty days of the service of the notice referred to in sub-section(3) shall be liable to pay to the State Government for the period he continues in possession of such land such amount as may be determined by the Competent Authority in the prescribed manner and such amount shall be recoverable as an arrear of land revenue”.

10. In sub-section(1) of Section 12 of the Act for clauses (i) to (iv) the following shall be and shall always be deemed to have been substituted, namely:-

(i) for the first twenty standard acres, an amount being two hundred times the land revenue payable for such land;
(ii) for the next thirty standard acres, an amount being one hundred times the land revenue payable for such land”.
(iii) for the next fifty standard acres, an amount being fifty times the land revenue payable for such land; and
(iv) for the remaining land, an amount being twenty-five times the land revenue payable for such land”.

11. In sub-section (1) of Section 14 of the Act, the words “thirty days” shall be...
and shall always be deemed to have been substituted by the words” sixty days”

Amendment of Section 15

12. In Section 15 of the Act the following proviso shall and shall always be deemed to have been added, namely:-

“Provided that where the amount payable to a person does not exceed the sum of rupees one thousand, the entire amount shall be paid in a lump sum.”

Insertion of New Sections after Section 18

13. After Section 18 of the Act the following Sections shall be and shall always be deemed to have been added, namely-

18 A. The State Government shall be party to all proceedings under the provision of this Chapter.

State Government to be party to all Proceedings.

Penalties

18B. Whoever contravenes any order passed under this chapter or obstructs any person from taking possession of any land under Section 11 or fails to furnish the statement required under section 16 or makes or submits a statement or furnishes any information which is false or which he has reasons to believe to be false, shall be punishable with fine which may extend to one thousand rupees.

Recovery of arrears of Land revenue and Other Government dues.

18C. All arrears of land revenue and other Government dues in respect of any holding or holdings, part or parts whereof has or have been acquired under this Chapter may, without prejudice to any other mode of recovery, by deducting the outstanding amount from the amount payable under Section 12.

Recovery of Excess amount Paid.

18D. Where on account of an arithmetical error a person has been paid any amount in excess of what he is entitled to under Section 12, the State Government shall be competent to recover the excess amount as an arrear of Land revenue;

Provided that no order for recovery of any such amount shall be made without giving the person an opportunity of being heard by the Competent Authority.”

14. Section 21 of the Act shall be and shall always be deemed to have been omitted.

15. In Section 32 of the Act the following proviso shall be and shall always be deemed to have been added, namely:-

“Provided that no such sale shall take place in favour of any person not belonging to a Scheduled Tribe except with the permission of the Collector of the district who shall not grant such permission unless he is satisfied that no member of the Scheduled Tribe is willing to buy the land at the minimum amount equivalent to the market price for such land.”

16. Clause(b) and (c) of sub-section(2) of Section 36 shall be and shall always be deemed to have been omitted.

17. After Section 36 of the Act the following shall be and shall always be deemed to have been added, namely:-

“Protection for acts Done in good faith. 36A No suit or prosecution or other legal proceedings shall lie against any person or the State Government for anything done or Purported to have been done in good faith or in pursuance of this Act or any rule
18. In Section 37 of the Act the following proviso shall be and shall always be deemed to have been added, namely:—

“Provided, that no order under this Section be made by the State Government after the expiration of a period of two Years from the commencement of this Act.”

19. The word “SCHEDULE” occurring after Section 38 shall be and shall always be deemed to have been substituted by “SCHEDULE 1”.

20. After SCHEDULE 1 of the Act the following shall be and shall always be deemed to have been added, namely:—

“SCHEDULE” II

(Section 6(5))

1. All agricultural lands, on the basis of productivity of the soil and access to markets, be classified into Circles. Until a new classification is made, the classification made in Notification No. 615/LR dated the 7th June, 1957, shall be operative in respect of the area referred to therein. For other areas, the classification determined in the course of settlement operations shall be accepted.

2. Each circle shall, on the basis of altitude and type of crops grown, be further divided into classes and sub-classes. The classes and sub-classes recorded in the record-of-rights for the time being in force shall be accepted for the purpose of ascertaining the class or sub-class to which a land belongs.

3. After ascertaining the appropriate Circle, class and sub-class in the manner aforesaid, the area comprised in the holding shall be converted into standard acres according to the following table of conversion:

<table>
<thead>
<tr>
<th>CIRCLE</th>
<th>CLASS</th>
<th>AREA EQUIVALENT TO A STANDARD ACRE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>I Paddy/Cardamom</td>
<td>1.00acre</td>
</tr>
<tr>
<td></td>
<td>II-do-</td>
<td>1.25 acres</td>
</tr>
<tr>
<td></td>
<td>III-do-</td>
<td>1.50-do-</td>
</tr>
<tr>
<td></td>
<td>I Dry</td>
<td>2.00 acres</td>
</tr>
<tr>
<td></td>
<td>II-do-</td>
<td>2.50-do-</td>
</tr>
<tr>
<td></td>
<td>III-do-</td>
<td>3.00-do-</td>
</tr>
<tr>
<td></td>
<td>Banjo</td>
<td>3.00-do-</td>
</tr>
<tr>
<td>B.</td>
<td>I Paddy/Cardamom</td>
<td>1.10 acres</td>
</tr>
<tr>
<td></td>
<td>II-do-</td>
<td>1.37-do-</td>
</tr>
<tr>
<td></td>
<td>III-do-</td>
<td>1.65-do-</td>
</tr>
<tr>
<td></td>
<td>I Dry</td>
<td>2.20-do-</td>
</tr>
<tr>
<td></td>
<td>II Dry</td>
<td>2.75-do-</td>
</tr>
<tr>
<td></td>
<td>III-do-</td>
<td>3.30-do-</td>
</tr>
<tr>
<td></td>
<td>Banjo</td>
<td>3.30-do-</td>
</tr>
<tr>
<td>C.</td>
<td>I Paddy/Cardamom</td>
<td>1.30 acres</td>
</tr>
<tr>
<td></td>
<td>II-do-</td>
<td>1.50-do-</td>
</tr>
<tr>
<td></td>
<td>III-do-</td>
<td>2.00-do-</td>
</tr>
<tr>
<td></td>
<td>I Dry</td>
<td>2.60-do-</td>
</tr>
<tr>
<td></td>
<td>II-do-</td>
<td>3.00-do-</td>
</tr>
<tr>
<td></td>
<td>III-do-</td>
<td>4.00-do-</td>
</tr>
<tr>
<td></td>
<td>Banjo</td>
<td>4.00-do-</td>
</tr>
</tbody>
</table>

21. The Sikkim Agricultural Land Ceiling and Reforms (Amendment) ordinance, 1978 (Ordinance No. 3 of 1978) is hereby repealed.
By Order,

B.R.PRADHAN,
Secretary to the
Government of Sikkim,
Law & Legislative Department.
F.16(16)LL/78

SIKKIM
GOVERNMENT GAZETTE
EXTRA ORDINARY
PUBLISHED BY AUTHORITY

NO.159 Gangtok, Thursday, November 23, 1978

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

Notification No.SLAS/78-79/-165/194
Dated Gangtok, the 9th November, 1978.

In exercise of the powers conferred by Rule 106 of the Rule of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the Speaker has been pleased to constitute the Committee on Government Assurances consisting of the following Members and has also been pleased to nominate Shri K.C. Pradhan, as its Chairman.

1. Shri K.C. Pradhan ----- Chairman
2. Shrimati Hemlata Chettri ---- Member
3. Shri Nim Tshering Lepcha ---- 
4. Shri K.S. Karki ---- 
5. Shri Mohan Gurung ---- 

R.K. GUPTA,
Secretary,
Sikkim Legislative Assembly.
Election Commission of India Notification No.56/78(7) dated 28 October,1978 is published for general information.

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA ROAD,NEW DELHI
DATED 28 OCTOBER,1978

NOTIFICATION
S.O.In exercise of the powers conferred by rules 5 and 10 of the Conduct of Election Rules, 1961 and clause (d) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order,1968, the Election Commission of India hereby makes the following further amendment in its notification No.56/78,dated the 25th January 1978,published as S.O.40 (E) in the Gazette of India,Extraordinary,Part II,Section 3 (ii), dated the 25th January,1978,which shall be deemed to have been made with effect from 16th October,1978,namely-

In Table 3 appended to the said notification,against item No.8 Karnataka,under column 2 the following entries shall be added :-

15. Flower  21. Peacock
16. Ladder  22. Charkha
17. Pair of Pigeons  23. Deer
18. Car  24. Drum
19. Tiger  25. Cock
20. Umbrella  26. Horse

By Order,

(D.K.MANAVALAN)  Sd/-  (T.NAGARATHNAM)
CHIEF ELECTROL OFFICER,  SECRETARY,
SIKKIM  ELECTION COMMISSION OF INDIA

GANGTOK, Friday, November 24, 1978
NOTIFICATION

Whereas the Election Commission of India has decided to register the organization with the name and style “Bharatiya Socialist Party” as apolitical party under the provisions of paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968:

Now, therefore, in pursuance of clause © of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the said Symbols Order, the Commission hereby makes the following amendment to its notification No.56/78(1), dated 25th January, 1978 published as S.O.41(E) in the Gazette of India, Extraordinary, Part II, Section 3-Sub-section (ii), dated 25 January, 1978, as amended from time to time, namely:-

In the Table appended to the said notification after entry 40; the following entry shall be inserted:

<table>
<thead>
<tr>
<th>41. Bharatiya Socialist Party</th>
</tr>
</thead>
</table>

1. Andhra Pradesh  
2. Bihar  
3. Gujarat  
4. Himachal Pradesh  
5. Kerala  
6. Madhya Pradesh
7. Maharashtra  
8. Orissa  
9. Rajasthan  
10. Uttar Pradesh  
11. West Bengal and  
12. Delhi.

By order

(D.K. Manavalan)                       Sd/- (V. NAGASUBRAMANIAN)
Chief Electoral Officer,       SECRETARY,
Sikkim                        ELECTION COMMISSION OF INDIA
Notification No.LA(4) 874(31)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Deorali Shimpher, Elakha Chungthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 31.51 acres, bounded on the,

NORTH _--- Khas laud (345.346.341) N--- Foot path (379.380)
SOUTH _--- Private Land S--- Teesta River
EAST---- - Jhora E--- Private land
WEST--- - Markely Lepcha W - - do-

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

This notification is made, under the provison 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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.
Cadastral Survey Plots in full: 345, 346, and 371.
” ” ” Part: 341, 380;& 379

S E C R E T A R Y ,
L A N D R E V E N U E D E P A R T M E N T
G O V E R N M E N T O F S I K K I M
Notification No.LA(4) 875(I)/L.R.(S) Dated 7.11.78.
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 N0.F 12018/12/76-LRD dated 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Kalapather, Elakha Chunghang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 7.82 acres, bounded on the,
NORTH _---   D.F.Namtey Lepcha                 N---   Govt.Khas.
SOUTH----  N.S.H.Road                              S---   Road (N.S.H)
EAST----   D.F.Gyanibu Lepcha               E---    Road 8D.F.of Self
WEST---     - Govt.Khas.                              W - -  D.F.Dawa Tshering Lepcha.
is likely to be needed for the aforesaid public purpose at the expense within the aforesaid block of

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.
Cadastral Survey Plots No -in full:315 316 313 319 Part in pertion.
“ ” “ ” 72 73 78 “ ” “ ”

BY ORDER OF THE GOVERNOR.
P.T.WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 876(15)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (1) 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 establishment of army in the Block of Thangu, Elakha Lachen District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 0.37 acres, bounded on the,

NORTH _---   S.I.B. Bunhar .
SOUTH          D.F. of Self
EAST----      - ’ ’ ” ”
WEST---      - ’ ’ ” ”

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Cadastral Survey full:- Nil.

BY ORDER OF THE GOVERNOR.  P.T. WANGDI, IAS
SECRETARY,  LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Chungthang, Elakha Chungthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 3.75 acres, bounded on the,

\[
\begin{align*}
\text{NORTH} & \quad \text{Govt land} \\
\text{SOUTH} & \quad \text{Market Lepcha and Govt Land} \\
\text{EAST} & \quad \text{Pintso & Dichen Lepcha} \\
\text{WEST} & \quad \text{Govt Land}
\end{align*}
\]

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

\textbf{SCHEDULE OF PROPERTIES.}

Cadastral Survey plots in full:- 335

\textbf{BY ORDER OF THE GOVERNOR.}

P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 878(2)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Chungthang, Elakha Chungthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 1.49 acres, bounded on the,

NORTH     P.F.Champa Lama,P.F.Kumder, Govt.Khas.
SOUTH       Tista River.
EAST------   - Khas.
WEST-------  - P.F.Pempa Lama.

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

**SCHEDULE OF PROPERTIES.**

Survey Cadastral plot Nos.128-in full
"   "    "      "  119,120,123-part.

BY ORDER OF THE GOVERNOR.

P.T.WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 879(5)/L.R.(S) Dated 7.11.78.

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 N0.F 12018/12/76-LRD dated 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Chungthang, Elakha Chungthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 1.32 acres, bounded on the,

NORTH          PD.F.Champa Lama
SOUTH          Lachung Chu
EAST----        River Bet.
WEST---      - Champa Lama

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.
Cadastral Survey plot No 118-in Part of partion

BY ORDER OF THE GOVERNOR. P.T.WANGDI, IAS
SECRETARY, LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 880(6)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Pegang, Elakha Chungthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 0.63 acres, bounded on the,

NORTH---- Pintso Lepcha.
SOUTH --- Dichen Lepcha.
EAST---- Govt Land
WEST--- Dichen Lepcha.

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.
Cadastral Survey plots in part:- 333 and 332

BY ORDER OF THE GOVERNOR.

P.T.WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
SIKKIM

GOVERNMENT GAZETTE

EXTRA ORDINARY
PUBLISHED BY AUTHORITY

NO.169 Gangtok, Monday, November 27, 1978

LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK.

Notification No.LA(4) 881(24)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Pegang, Elakha Chungthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 2.38 acres, bounded on the,

NORTH     -Namtey                                     N:- Govt  Land.                 
SOUTH    --  -do-                                         S:-   -do- 
EAST----  -  Govt land                                  E:-   Pempa,Jorgey,Namtey 
WEST---      -Namtey                                    W:-   Govt.land. 

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Cadastral Survey plot in full:-322 
part:- 313

BY ORDER OF THE GOVERNOR. P.T.WANGDI, IAS 
SECRETARY, LAND REVENUE DEPARTMENT 
GOVERNMENT OF SIKKIM
In exercise of the powers under the first proviso to sub-section 5A of the Prevention of Corruption Act, 1947 (Act No.2 of 1947) as amended by the Anti-Corruption Laws (Amendment) Act, 1947 (Act No.40 of 1964), the Governor of Sikkim is pleased to authorize the Police Officers in the Sikkim Vigilance Police Force not below the rank of Inspector of Police to investigate any offence punishable under section 161, section 165 or section 165A of the Indian Penal Code or under section 5 of the Prevention of Corruption Act, 1947, without the order of a Magistrate of the first class:

Provided that an offence referred to in clause(e) of sub-section (1) of Section 5 of the Prevention of Corruption Act, 1947, as amended by the Anti-Corruption Laws (Amendment) Act, 1964, shall not be investigated without the order of a police officer not below the rank of a Superintendent of Police.

By Order,

T.S. GYALTSHEN,
Chief Secretary,
Government of Sikkim
HOME DEPARTMENT  
NOTIFICATION  
No.16 (2)-Home/78  
Dated Gangtok, the 25th November, 1978.

In exercise of the powers conferred by Section 3 of the Sikkim Vigilance Police Act, 1978 (Sikkim Act No.18 of 1978), the Governor of Sikkim is hereby pleased to specify the following to be the offences and classes of offences which may be investigated by the Sikkim Vigilance Police, namely:-


(c) Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned in clauses (a) & (b) and any other offences committed in the course of the same transaction or arising out of the same facts.

(d) Offences punishable under sections 7 & 8 of the Essential Commodities Act, 1955 (Act of 1955) and conspiracies in relation thereto or in connection therewith.

By Order

T.S. Gyaltsen,  
Chief Secretary.  
Government of Sikkim.
Notification No.LA(4) 881(24)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Thangu Gumpa Elakha Lachen District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 2.48 acres, bounded on the,

NORTH     - Private Land
SOUTH    -- C.P.W.D. Compound
EAST---- - Private land
WEST- -do-

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF

PROPERTIES.
plots in full:-No Nill

BY ORDER OF THE GOVERNOR. P.T. WANGDI, IAS
SECRETARY, LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
In exercise of the powers conferred by Section 4(1)(s) of the Code of Criminal Procedure, 1898, the State Government hereby declares the office of the Sikkim Vigilance Police Force at Gangtok to be a police Station and specify the whole of the State of Sikkim as its local area for the purpose of offences it is authorised to investigate vide Notification No.16(2)-Home/78, dated 25-11-78.

By Order,

T.S.GYALTSHEN,
Chief Secretary,
Government of Sikkim.
LOCAL SELF GOVERNMENT DEPARTMENT,  
GOVERNMENT OF SIKKIM  
NOTIFICATION 12/ L.S.G.  

Dated Gangtok the 1st December, 1978.

In exercise of the powers vested under section 27 of the Gangtok Municipal Corporation Act, 1975 (Act No. IV of 1975), the State Government hereby makes the following rules regulating the application of Municipal fund, periodical audit of accounts and preparation and submission of budget estimates and returns, statements and reports of the Gangtok Municipal Corporation.

THE GANGTOK MUNICIPAL ACCOUNT RULES

Short title and Commencement. 1. (i) These rules may be called the Gangtok Municipal Account rules, 1978.
   . (ii) The shall come into force at once.

Definitions

2. In these rules, unless there is anything repugnant in the subject or context,-
   (a) “Act” means the Gangtok Municipal Corporation Act, 1975 (Act No. IV of 1975)
   (b) “Accounts Officer” means the officer or official of the Corporation responsible for the proper maintenance of its accounts;
   © “Corporation” means the Gangtok Municipal Corporation;
   (d) “Form” means a form appended to these rules;
   (e) “Section” means a section of the Act.
   (f) “State Government” means the Government of the State of Sikkim;

Application of Funds. 3. All moneys from time to time credited to the Municipal fund shall be applied in the following order of preference:-
   (a) in making due provision for the repayment of all loans, if any, payable by the Corporation;
   (b) in the discharge of all liabilities imposed on the Corporation under any of the provisions of the Act or rules made thereunder, and for other payments duly sanctioned by the State Government;
   © the salaries, allowances and contribution to pensions and leave salaries of all officers whose services may, at the request of the Corporation, be placed by the Government at the disposal of the Corporation
   (d) the salaries and allowances of Corporation Officers and servants and all pension, gratuities, bonuses and other allowances payable to them under the provisions of the act; and
   (e) the cost of auditing the Corporation accounts and the expenses of the elections held under the provisions of the Act.
4. The account forms prescribed in these rules shall not be altered and no new form used without the sanction of the State Government.

Provided that the Corporation may use the Bank’s forms for the transactions with the bank.

5. Books of accounts and registers shall be substantially bound and paged before being brought into use and no accounts shall be kept on loose sheets of paper or in loosely bound volumes.

6. Corrections and alterations in accounts shall be made neatly in red ink, initialed and dated authenticated by the drawing officer. Erasures are strictly prohibited.

7. All moneys received or spent by or on behalf of the Corporation shall be immediately and without any reservation brought to account in the General Cash Book in form No.1 under the direct supervision of the Executive Officer and in his absence, of the accounts Officer.

8. When money is paid into the Corporation office by tax payers or others and there is no objection to its acceptance, a receipt in form No2 shall be given to the person making the payment and the amount brought to account without delay in the general cash book and in the demand and collection register in form No.3.

9. The duties of the cashier shall not be performed by the officials keeping the accounts or those in charge of the demand and collection register except under orders in writing of the Executive Officer which shall be given only in unavoidable circumstances.

10. Money received in the Corporation office shall be remitted to the Bank on the same day or, if this is not possible for any reason, on the next working day. Every such remittance shall be entered in the general cash book without delay.

11. Blank cheque books shall be kept under lock and key in the personal custody of the Executive Officer. When the drawing officer receives a cheque book he shall cause the cheques to be counted and a note to be recorded under his signature on the back of each cheque book as below:-

“This cheque book contains……………….cheques from Serial No………………
……………….to Serial No………………………………………….”

12. When a cheque is being prepared for signature, the amount of the next round figure in excess of the sum for which the cheque is drawn, shall be written in words across it and its counterfoil as a protection against fraud as follows:-

“Under Rupees……………………………………”

Example--- A cross cheque drawn for Rs.100/- will be written “Under Rupees One hundred and one only”

13. If a cheque is lost or destroyed, an intimation of the fact shall at once be given to the Bank and its payment stopped. After verifying from the Bank statement and on enquiry from the Bank that it has not been cashed, the loss of the cheque shall be noted on the counterfoil. If a new cheque is issued its number and date shall be quoted against the original entry in the cash book with the remark that the original cheque has been lost, and the following note shall be made on the counterfoil of the cheque "Issued in lieu of cheque No……………….dated…………….lost or destroyed”.

14. Cancelled cheques shall be carefully retained until the accounts for the relevant period have been audited when they shall be destroyed by or in the presence of the Audit officer who shall certify upon the counterfoil that the cheque has been destroyed.

15. All loans received by the Corporation shall be recorded in a register of loans in form No.4 each installment of the loan as it is taken being recorded in column 4 thereof. Each entry in the register shall be attested by the Accounts Officer. A separate page shall be opened for each loan. Loans from Government shall be kept distinct from loans received from other sources.

16. A register to show expenditure out of the various loans separately shall be maintained in form No 5.

17. The Corporation shall maintain in form No.6 for all grants received by it for specified purposes from the Government. Not less than one page shall be allotted in the register for every such grant. All the entries in the register shall be made under the initials of the Accounts Officer.

18. All deposits made with the Corporation shall be recorded in a deposit register in form No.7. Entries of all deposits which have not been forfeited, adjusted or returned shall be carried forward with full details when a new register is opened.

19. The Corporation shall make its own arrangements for the printing of forms and registers used by it. In case of monetary forms, the Executive Officer shall take special precautions to safeguard against unauthorized printing. Monetary forms include all forms through which money is collected or transacted.

AUDIT
20. The audit of the accounts of the Corporation shall be conducted by such authority as may be appointed by the State Government.
21. Irregularities noticed by the auditors in the course of audit shall be attended to promptly and replied under the signature of the Executive Officer.
22. When the Audit Report is ready two copies shall be submitted by the auditors to the Executive Officer of the Corporation and one copy shall be sent directly to the State Government in the Department of Local Self Government.
23. The Corporation shall consider the Audit Report at a meeting held not more than two months after the receipt of the report together with an explanation on the part of the staff concerned on each point raised therein. The Corporation shall also pass a resolution expressing its opinion on each of the points.
24. A copy of the replies of the Corporation to the points raised in the Audit Report shall be submitted by the Executive Officer to the State Government as soon as possible. The State Government may after examination of the replies communicate their observation to the Corporation.
25. The State Government may at any time direct special examination and audit of the Corporation accounts for such period as they think fit and by such auditors as they may appoint for the purpose. A report of such examination and audit shall be submitted by the said auditors to the State Government.
26. For the purpose of Examination and audit of accounts, under rules 20 to 25, the auditors shall have access to all the Corporation accounts and to all records and correspondence relating thereto and the Executive Officer shall furnish to the auditors any explanation which they may call for.
27. All charges, fees and expenses necessary for the examination and audit of accounts shall be paid by the Corporation if so directed by the State Government.
28. In case of any difference of opinion between the Auditors and the Corporation, the Executive Officer shall refer the matter to the State Government whose decision shall be final.

**BUDGET OF THE CORPORATION**

29. The budget of the Corporation for the next financial year shall be drawn up in form No. ‘8’. It shall include all the anticipated income and expenditure and shall make provision for the due fulfillment of all the liabilities of the Corporation and shall also be accompanied by a Statement in form No. ‘9’ showing separately new works which the Corporation proposes to execute during that year.
30. A copy of the budget estimates shall be made available to all the councilors at least one week before the date fixed for the meeting to consider and pass the budget.
31. The budget as passed by the Corporation shall be submitted to the State Government for their approval before February 15.
32. (1) No expenditure shall be incurred by the Corporation except in accordance with the budget as approved by the State Government.
    (2) For incurring any expenditure
        (a) not included in the budget duly approved by the State Government,
        (b) on contributions to any public institution, and
        (c) for any purpose outside the boundaries of the Corporation not duly authorize by the Act, the Corporation shall obtain prior approval of the State Government.
33. (1) The Corporation shall also draw up a revised budget for the current year before the end of December and shall follow the same procedure for its adoption and submission to Government as provided for in rule 29 to 32.
    (2) The revised budget shall also be prepared in form No.8.

.34 The Corporation may at any time during the financial year-
    (d) reduce the amount of a budget grant,
    (e) sanction the transfer of any amount within the budget from one head to another subject to the conditions that,
(i) the provision made against loans and grants obtained for specified purposes shall not be diverted for other objects, and
(ii) the reduction and transfers shall be reported to the State Government and shall be given effect to only after Government approval is obtained.

35. In framing the budget the Corporation shall provide for the maintenance of such minimum cash working and closing balances as the State Government may, by order, fix from time to time.

36. (1) The Executive Officer shall, as soon as may, be after the first day April in each year, have prepared a detailed report of the Corporation administration, during the previous year, together with a Statement showing the account of the receipts and disbursement credited and debited to the Corporation Fund during the said year and the balance at the credit of the Fund at the close of the said year and place it before the Corporation.
(2) The Corporation shall examine the report and the statement and thereafter forward them to the State Government by June 30, each year.

37. At the close of each month a statement shall be prepared by the Accounts Officer and signed by the Executive Officer showing the progressive income and expenditure of the Corporation’s copy of the statements shall be sent to the State Government by the 15th of each month.

38. No money shall be paid from the fund of the Corporation except on a cheque signed by the Executive Officer and the Accounts Officer. Sums less than Rs 50/- may, however, be paid in cash payments to the Post and Telegraph Department may also be made in cash, if necessary.

39. All the bills and other claims against the Corporation shall be first forwarded to the Accounts Officer and after being verified and passed by him, they shall be disposed of within a reasonable time.

40. Payment orders shall on no account be made on the connected files but on the bills and vouchers. A reference to the file may, however, be given on the vouchers and vice versa.

41. While payment is made on a duplicate bill or a duplicate receipt is attached to any paid bills, the Accounts Officer shall certify thereon that the original bill has not been used in support of any other bill as the case may be. Duplicate bills or receipt should be distinctly marked as such.

42. To guard against the possibility of double payment as well as keep a watch on liabilities and their adjustment, the Corporation may if it deems necessary, keep a personal ledger in Form No.’10’ for firms or persons with whom business is continuously carried on or a running account is kept.

43. No advance or payment shall be made to the Chairman, Vice-Chairman or any Councilor of the Corporation shall be given nor shall inspection of any such record or document be granted to any person without the permission in writing of the Executive Officer.

44. No copy of or extract from, any record or document belonging to or in the possession of the Corporation shall be given nor shall inspection of any such record or document be granted to any person without the permission in writing of the Executive Officer.

45. Except as aforesaid, any person wishing to inspect any such record or document or to obtain any copy thereof, or extract therefrom, shall apply in writing to the Executive Officer stating clearly the description of the record or document.

46. No permission shall be given for the inspection of any correspondence between the Corporation and the State Government or any officer of the State Government, or in any case where the inspection is, in the opinion of the Executive Officer, detrimental to the interest of the Corporation or the State Government. Copies of extracts from such records shall also be disallowed.
47. No extract from a document shall be given which read apart from the rest of the contents of that documents is capable of misrepresenting the final order passed by the Corporation, the Chairman or the Executive Officer.

48. The following fees shall be charged by the Corporation:

(i) For inspection of any document or record other than a minute book or assessment list………………………………….. Rs.2.00

(ii) For search of an index register for purpose of finding or tracing any document, for each years search……………….. Rs.2.00

(iii) (a) For copying or making extract from any office record………...Rs.0.05

        Per full scape page or part of a page,subject to a minimum fee of Re.1.00

        (b) If the original is in tabular form double the rates prescribed for (a) above

(iv) For certified copy of birth or death……………………………………….…………….Re.1.00

BY ORDER

P.K.PRADHAN
Secretary,
### Form No. 1

<table>
<thead>
<tr>
<th>Date</th>
<th>Receipt No.</th>
<th>Particular of Receipt</th>
<th>Ledger Folio No.</th>
<th>Amount</th>
<th>Date</th>
<th>Voucher No.</th>
<th>Particular of Payment</th>
<th>Cheque No.</th>
<th>Ledger Folio No.</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

### Form No. 2

(See Rule 8)

<table>
<thead>
<tr>
<th>Gangtok Municipal Corporation</th>
<th>gangtok Municipal Corporation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received from</td>
<td>Bill No.</td>
</tr>
</tbody>
</table>

For the period in full payment of demand/bill No. Dated

Total Rupees.................

(Total in words)

Date | Cashier | Executive Officer

**Note:** In case of licences, this receipt is not substitute for licence and does not prejudice the right of the Corporation to refuse the licence.

Accounts Officer?Revenue

Superintendint.

Clerk-in-charge of Demand and Collection Register.

**Form No. 3**

(See Rule 8)

Gangtok Municipal Corporation

Register of Demand and Collection for.............

Particulars of Demand .........................

Period to which Demand relates..................

| Sr No. | From whom due | Amount | Previous Balance | Total | April | May | June | July | Aug | Sept | Oct | Nov | Dec | Jan | Feb | March | Total | Balance due if any |
|--------|----------------|--------|------------------|-------|-------|-----|------|------|-----|------|-----|-----|-----|-----|------|-------|-------------------|
|        |                |        |                  |       |       |     |      |      |     |      |     |     |     |     |      |       |                   |
Notification No.LA(4) 877(11)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Charten Elakha Lacheng District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 8.45 acres, bounded on the,

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

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES
plots in full: - 1,2,3,4,5, and 6

BY ORDER OF THE GOVERNOR. P.T.WANGDI, IAS
SECRETARY, LAND REVENUE DEPARTMENT, GOVERNMENT OF SIKKIM
Election Commission of India, New Delhi notification Dated 24th November, 1978 is published for the general information.

ELECTION COMMISSION OF INDIA
NIRVACHAN SADAN
ASHOKA SADAN,
NEW DEL -11001

ELECTION COMMISSION OF INDIA
NOTIFICATION

No.23/SKM/78:- In exercise of the powers conferred by the proviso to rule 12 of the Registration of Electors Rule, 1960, the Election Commission hereby extends upto and including 15 December, 1978, as the period within which a claim for the inclusion of a name or an objection to an entry, in the electoral roll for any assembly constituency in the State of Sikkim, shall be made.

By order

(D.K.Manavalan)
Chief Electoral Officer,
Sikkim

Sd/- (V. NAGASUBRAMANIAN)
SECRETARY TO
ELECTION COMMISSION OF INDIA
Notification No.LA(4) 877(1125)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Toong, Elakha Chungthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 1.54 acres, bounded on the-

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

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.
Cadastral Survey plots in parts : -50, 55, 56 and 60

BY ORDER OF THE GOVERNOR.

P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 889(23)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Nimphuchiten Elakha Lachung District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 6.90 acres, bounded on the,

NORTH _--- Private land  N--- Nimphu Chu
SOUTH- Nimphu Chu      S- - Private Land
EAST---- - Private Land  E-- -do-
WEST--- - do-             W--- -do-

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Plots in full:- 1 and 2.

BY ORDER OF THE GOVERNOR. P.T. WANGDI, IAS
SECRETARY, LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 890(19)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Pegong, Elakha Chunthang District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 3.46 acres, bounded on the,

NORTH --- Road
SOUTH             Jorgey Lepcha
EAST----      -   Govt.land
WEST---      -    Govt land&Jorgey Lepcha

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

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 District Collector, North District, Mangan or Land Record Officer, Land Revenue Department, Government of Sikkim, Gangtok.

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SCHEDULE OF PROPERTIES.

Cadastral Survey plots in full:- 316,320 and 323.
"          "          " Part:-317.

BY ORDER OF THE GOVERNOR.  P.T.WANGDI, IAS
SECRETARY,  LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 890(19)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (I) of Article 258 of the constitution of India;

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SOUTH Jorgeny Lepcha
EAST---- - Govt.land
WEST--- - Govt land & Jorgey Lepcha

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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 District Collector, North District, Mangan or Land Record Officer, Land Revenue Department, Government of Sikkim, Gangtok.

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SCHEDULE OF PROPERTIES.
Cadastral Survey plots in full:- 316,320 and 323.
" " " Part:-317.

BY ORDER OF THE GOVERNOR.

P.T.WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
In exercise of the powers conferred by sub-section 1 of section 13 of the Sikkim Agriculture Land Ceiling and Reforms Act, 1977 (Act 14 of 1978) the State Government hereby constitutes the Tribunal for hearing of appeals under section 13 of the aforesaid Act and appoints Shri P.S. Subba Joint Secretary, Land Revenue Department, as the sole member of the Tribunal.

By Order

P.T. WANGDI,
Secretary,
Land Revenue Department,
Government of Sikkim,
Gangtok.
Notification No. LA(4) 890(19)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (I) of Article 258 of the constitution of India;

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SOUTH Jorgey Lepcha
EAST --- Govt.land
WEST --- Govt land&Jorgey Lepcha

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

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SCHEDULE OF PROPERTIES.
Cadastral Survey plots in full:- 316,320 and 323.
“ ” “ ” ” Part:-317.

BY ORDER OF THE GOVERNOR. P.T. WANGDI, IAS
SECRETARY, LAND REVENUE DEPARTMENT GOVERNMENT OF SIKKIM
Notification No.LA(4) 890(19)/L.R.(S) Dated 7.11.78.

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NORTH --- Road N----Govt. land & Namtey Lepcha
SOUTH Jorgery Lepcha S--- Gyambu Lepcha
EAST---- - Govt. land E--- Govt. land
WEST--- - Govt land & Jorgery Lepcha W-- Yusuf and Namtey Lepcha

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

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Cadastral Survey plots in full:- 316,320 and 323.
" " " " Part:-317.

BY ORDER OF THE GOVERNOR.

P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
Notification No.LA(4) 890(19)/L.R.(S) Dated 7.11.78.

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SOUTH Jorgey Lepcha S--- Gyambu Lepcha
EAST ---- Govt.land E--- Govt.land
WEST--- Govt land & Jorgey Lepcha W-- Yusuf and Namtey Lepcha

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A plan of land may be inspected in the office of the District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Cadastral Survey plots in full:- 316, 320 and 323.
“ ” Part:-317.

BY ORDER OF THE GOVERNOR.

P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.21/L.R.
Dated Gangtok, the 11th December, 1978.

In exercise of the powers conferred by sub-section 1 of section 13 of the Sikkim Agriculture Land Ceiling and reforms Act, 1977 (Act 14 of 1978) the State Government hereby constitutes the Tribunal for hearing of appeals under section 13 of the aforesaid Act and appoints Shri P.S. Subba Joint Secretary, Land Revenue Department, as the sole member of the Tribunal.

By Order

P.T. WANGDI,
Secretary,
Land Revenue Department,
Government of Sikkim,
Gangtok.
Notification No.LA(4) 891 (18)/L.R.(S) Dated 7.11.78.

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 N0.F 12018/12/76-LRD dated 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Payong, Elakha ChungthangDistrict North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 2.89 acres, bounded on the,

NORTH _---      N.S.H. Road ............
SOUTH             D.F.Dechen Lepcha &Govt Khas.
EAST----      -   Jhora
WEST---      -    Khas.

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.
Cadastral Survey plots in full part.

BY ORDER OF THE GOVERNOR. P.T.WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 892(21)/L.R.(S) Dated 7.11.78.

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 N0.F 12018/12/76-LRD dated 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Zeema, Elakha Lachen District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 4.56 acres, bounded on the,

NORTH _---     Private Land                                                         .
SOUTH            -do-              
EAST----      -   do-              
WEST---      -    do-              
is likely to be needed for the aforesaid public purpose at the expense within the aforesaid block of

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

plots in full:- 1,2,3,4,5,6,7,8,9,and 10

BY ORDER OF THE GOVERNOR.                                    P.T.WANGDI, IAS
SECRETARY,                                     GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM

NO.184                                   Gangtok, Saturday, December 16, 1978
Notification No.LA(4) 893(22)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Namnusa Elakha Lachung District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 3.10 acres, bounded on the

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

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

SCHEDULE OF PROPERTIES.

Plots in full:- 1 and 2

BY ORDER OF THE GOVERNOR.

P.T. WANGDI, IAS
SECRETARY,
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
Notification No.LA(4) 894(35)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 the establishment of army in the Block of Bichhu Elakha Lachen District North it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 12.45 acres, bounded on the,

<table>
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<tr>
<th>NORTH</th>
<th>Private Land</th>
<th>N- Road</th>
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<tbody>
<tr>
<td>SOUTH</td>
<td>-Road-</td>
<td>S- Lachung Chu</td>
</tr>
<tr>
<td>EAST</td>
<td>- do-</td>
<td>E- Private Land</td>
</tr>
<tr>
<td>WEST</td>
<td>- Private Land</td>
<td>W- -do-</td>
</tr>
</tbody>
</table>

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

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 District Collector, North District, Mangan 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of North, District at Mangan.

**SCHEDULE OF PROPERTIES.**

Plots in full:- 1 and 2

<table>
<thead>
<tr>
<th>BY ORDER OF THE GOVERNOR.</th>
<th>P.T.WANGDI, IAS</th>
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</thead>
<tbody>
<tr>
<td>SECRETARY,</td>
<td></td>
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<tr>
<td>LAND REVENUE DEPARTMENT</td>
<td></td>
</tr>
<tr>
<td>GOVERNMENT OF SIKKIM</td>
<td></td>
</tr>
</tbody>
</table>
Notification No.LA(4) 895(11)/L.R.(S) Dated 7.11.78.

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 10.1.1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under Clause (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 establishment of army in the Block of Aritar Elakha Rhenock District East it is hereby notified that a piece of land compromising cadastral survey plots noted under the Schedule of properties below and measuring more or less 6.68 acres, bounded on the,

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

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

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 District Collector, East District, Gangtok 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 authorize the officers for the time being engaged in the undertaking, with their servants and workman, 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 day 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 of East, District at Mangan.

SCHEDULE OF PROPERTIES.
Cadestral Survey Plot No.80,78,79,76,77,85,77A, 46,75,73,68,70,1322,62,71 in part.

BY ORDER OF THE GOVERNOR. P.T.WANGDI, IAS
SECRETARY, LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM.
HOME DEPARTMENT
NOTIFICATION
No.16(2)-Home/78
Dated Gangtok, the 19th December, 1978.

In exercise of powers conferred by clause (3) of Article 166 of the Constitution of India, the Governor of Sikkim is pleased to amend the Government of Sikkim (Allocation of Business) Rules, 1975 in the following manner, namely:

The words “Sikkim Vigilance Police” shall be added in the list in the Second Schedule to the said Rules under head “Home Department” after the words “Public Service Commission”

By Order,

T.S.GYALTSHEN,
Chief Secretary,
Government of Sikkim.