NOTIFICATION NO. 93/H.

Dated Gangtok, the 26th December, 1979.

The following notifications dated 21st December, 1979/30 Agrahayana, 1901 (S), of the section Commission of India, New Delhi, are hereby republished for general information.

NOTIFICATION

Whereas by its order dated 21st December, 1979, the Election Commission of India in exercise of its powers conferred on it by article 324 of the Constitution read with Rules 5 and 1.0 he 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 that behalf, ordered pending the decision of the Commission in the dispute between two groups in the Kerala gress a recognized State Party in Kerala

(i) the group of Kerala Congress led by Shri P. J. Joseph be known as 'Kerala Congress (J)';
(ii) the said 'Kerala Congress (J)' be recognized as a State Party in the State of Kerala;
(iii) the symbol "Elephant" be reserved for the said 'Kerala Congress (J)'; and
(iv) the said symbol "Elephant" be excluded from the list of free symbols for the State of Kerala;

Now, therefore, in pursuance of clauses (b) and (d) of Sub-paragraph (1) and subparagraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 68, the Commission hereby makes the following amendments in its notification No. 56/79, ted 28th September, 1979, published as S.O. 557(E), in the Gazette of India, Extraordinary II, Section 3(ii) dated 28th September 1979 and as amended from time to time, namely—

1. In Table 2 appended to the said notification; in the entries relating to Kerala under columns 2 and 3, after the entry "5. Revolutionary Socialist Party Spade and Stoker" the entry "6. Kerala Congress (J)........Elephant" respectively shall be inserted; and

2. In Table 4 appended to the said notification; in the entries relating to 9. Kerala, under column 2,

(a) item "5 Elephant" shall be deleted; and

(b) the existing entries 6 to 19 shall be renumbered as 5 to 18, respectively.

By Order,

K. GANESAN,
Secretary to the Election Commission of India.
In exercise of the powers conferred by rules 5 and 10 of the Conduct of Election Rules, 1961 and clause (8) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 and paragraph 18 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendments in its notification No56/79, dated 28th September, 1979 published as S.O. 557(E) in the Gazette of India, Extraordinary part II, section 3(ii) dated 28th September, 1979, which shall be deemed to have been made with effect from 13th December, 1979, namely:

<table>
<thead>
<tr>
<th>IN TABLE 4 appended to the said notification</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) against item 5. Haryana, under column 2, insert the entry—“20. Cultivator winnowing grain”</td>
</tr>
<tr>
<td>(3) against item 23. Andaman and Nicobar Islands, under column 2, insert the entry— “6. Lion.”</td>
</tr>
</tbody>
</table>

[No. 56/79-V]

By order,

K. GANESAN,
Secretary to the Election Commission of India

S. R. SETHI,
Deputy Chief Electoral Officer,
Sikkim.
ERRATUM-II

Erratum to Notification No. LA(1)383/L.R. (S) dated 26.6.1978 issued under section 6 of the Land Acquisition Act 1894 published at page 1 to 3 of Sikkim Government Gazette "Extra-Ordinary" No. 91 dated 3.7.1978 in respect of the acquisition of total area 1237.00 acres of waste/Homestead land in Bhusuk, Paham, Namong and Naitam Blocks Elakha Pam Singtam, East District of Sikkim State for a public purpose, namely for a purpose of the Union Key Location Plan.

Read the figures in line No. 8 of page 1 of aforesaid Notification and in line No. 7 of page 1 of Notification No. 203(530)L.R. (S) dated 4.6.1979 published vide Extra Ordinary Gazette Vol. No. 33 of 19th June, 1979 as 1,240.38 acres instead of 1235.33 and 1237.00 acres respectively mentioned in the aforesaid notifications.


BY ORDER OF THE GOVERNOR.

P.T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 989 (514)/L.R. (S)                   Dated Gangtok, the 31st January, 1980
(Notice under Section 4 of Land Acquisition Act, 1894).

Whereas it appears to the Governor that land is likely to be needed for a public purpose, namely for the purpose of Bazar Development in the Block of Damthang, South strict it is hereby notified that a piece of land comprising cadastral plots 26 & 30 and measuring more or less 7.04 acres, bounded on the
North    Present Bazar & village road
South    Phigoo D. F.
East      Motorable road & previous bazar compound
West      Reserve Forest and Govt. Khas.

Is likely to be needed for the aforesaid public purpose at the public expense within the afore-d block Damthang.

This notification is made, under the provision of Section 4 of Act I of 1894 to all to whom it may concern.

A plan of the land may be inspected in the office of the District Collectorate, South

In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with his 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 there-of, may within 30 days time after the date of which public notice of the substance of this notification is given in the locality files an objection in writing before the District Collector, South District, Namchi.

DESCRIPTION OF PROPERTIES

<table>
<thead>
<tr>
<th>BLOCK</th>
<th>C. S. PLOT NOS.</th>
<th>AREA.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Namthang, South District.</td>
<td>26 &amp; 30</td>
<td>7.04 acres.</td>
</tr>
</tbody>
</table>

BY ORDER OF THE GOVERNOR.

P. T. WANGDI, IAS

Secretary,
Land Revenue Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
NOTIFICATION

In exercising the powers conferred by Section 2(1) of the Sikkim Land (Requisition and Acquisition) Act, 1977 (I of 1978) Shri Kalyan Singh Aswal, Land Record Officer, Land Revenue Department, Gangtok is hereby appointed to perform the functions of Collector under Sikkim Land (Requisition and Acquisition) Act, 1977 (I of 1978) in the State of Sikkim and designated as Collector.

By order,

P. T. WANGDI, IAS
Secretary,
Land Revenue Department
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION
No. 4 (9) LL/80.

Dated Gangtok, the 13th February, 1980.

In exercise of the powers conferred by sub-section (1) of section 492 of the Code of Criminal Procedure, 1898, the State Government hereby appoints Shri N.B. Kharga, Advocate, as Public Prosecutor for the whole of Sikkim to function as such during the absence on tour of Shri Anup Deb, Public Prosecutor with effect from the 7th February, 1980.

T. S. GYALTSHEN,
Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION


Date Gangtok, the 14th February, 1980.

The State Government have decided that Saturday, the 16th February, 1980, being the Day of Solar Eclipse, should be observed as a Public holiday throughout the State. All State Government offices, Educational institutions, factories/plantations/industrial establishments/public sector undertakings shall remain closed on that day.

By Order

T. S. GYALTSHEN,

Chief Secretary,
Government of Sikkim.
In exercise of the powers conferred by the proviso to sub-section (4) of section 6 of the Sikkim Panchayat Act, 1965, as amended by the Sikkim Panchayat (Amendment) Act, 1979 (Act No. 5 of 1979) the State Government hereby extends the term of the existing Block Panchayats for a period of six months immediately with effect from the expiry of the four year term of Block-Panchayats.

By Order

T. P. SHARMA,
Secretary,
Panchayat & Rural Works Department.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
NOTIFICATION
No. 2(3)Home/77. Dated Gangtok, the 19th February, 1980.

In partial modification of this Department’s Notification of even number dated 9th August, 1977 the Government of Sikkim is pleased to hereby appoint Shri Bir Badhur Llohar, a member of the Sikkim Legislative Assembly to be the Chairman of the Scheduled Cast Welfare Board constituted there under with immediate effect and until further orders.

T. S. GYALTSHEN,
Chief Secretary,
Government of Sikkim.
No. 18/SLAS/79-80/768  
Dated Gangtok, the 25th February, 1980  

The following Order made by the Governor of Sikkim is hereby published for general information:—

"No. SKM/GOV/132/80  
23rd February 1980  

ORDER  

In exercise of the powers conferred on me by Article 174 (1) in Part VI of the institution of India, I, B.B. Lal, Governor of Sikkim, hereby summon the Legislative Assembly of Sikkim to meet on Monday, 10th March, 1980 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".

R. K. GUPTA  
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
NOTIFICATION

No.789/SLAS/-79 80/204. Gangtok, Dated the 3rd March, 1980,

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

BILL NO. I OF 1980

THE SIKKIM FISHERIES BILL, 1980

A BILL

to provide for conservation, propagation, development and the modes of disposal of fisheries in Sikkim. Be it enacted by the Legislative Assembly of Sikkim in the Thirty-first year of the Republic of India as follows:—

1. (1) This Act may be called the Sikkim Fisheries Act, 1980.

(2) It shall extend to the whole of Sikkim.

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

2. In this Act and the rules made thereunder unless there is anything repugnant in the subject or context:—

(i) 'fish' includes shell-fish in all stages of its life including aquatic plants and animals of fisheries value;

(ii) 'fishing gear' means any net, line, rod and line, fishing tackle or other appliances used for the purpose of catching fish;

(iii) 'fishing craft' means any boat manually operated or operated by power used for the purpose of fishing or the transport of fish;

(iv) 'fishing offence' means any offence punishable under this Act or any rule made thereunder;

(v) 'fishery officer' means any person whom the State Government may, from time to time, appoint by name or as holding an office, to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder:
Provided that no police officer below the rank of Sub-Inspector shall be so empowered.

(vi) 'fixed engine' means any net, cage, trap or other contrivance for taking fish fixed in the soil or made stationary in the other way

(vii) 'notification' means a notification published in the Official Gazette;

(viii) 'private waters' means water which are the exclusive property any person, or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity and includes tanks, ponds, artificial lake etc; excavated at expenses of the owner which have no communication at any season with the natural waters of any river, streams or canals;

Explanation:- Water shall not cease to be private water within the meaning of this definition by reason only that other persons may have by custom a right of fishery therein;

(ix) 'Slate Government' means the Government of the State of Sikkim;

(x) 'religious water' means water belonging to a religious body or institution and which have by reason thereof and on religious ground never been fished before;

Explanation:— The provisions of this definition shall not however, debar the State Government to develop such water with fisheries which, however, will not be subjected to commercial use without the consent of the religious body or institution or the persons who may have customs attached 10 such water;

(xi) 'religious body' means the trustees or any other person who are in change of a religious institution or in whom the ownership of the religious institution vests for the time being;

(xii) 'religious institution ' means a temple, a mosque, a church, a monastery or any other shrine dedicated to any God or Goddess and such other institutions as the State Government may, by notification declare in this behalf;

(xiii) 'section' or sub-section' means a section or sub-section of this Act unless referred to any other Act.

3. (1) The State Government may make rules for the purposes mentioned hereinafter in this section and shall under such rules declare the waters, not being private waters, to which all or any of them shall apply.

(2) The Slate Government may by notification apply such rules or any them to any private water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein;

(3) The State Government may make rules for the propagation and development of fisheries in private waters which may include grant of financial help therefor.

Explanation:— Financial help shall include loans, subsidy or grants-in-aid

(4) Such rules may.-

(a) prohibit or regulate all or any of the following matters -

(i) the erection and use of fixed engines;
(ii) the construction of weirs, bunds and diversion natural waters for killing fish, and
(iii) the dimension and kinds of fishing gears and modes of their use.

(b) prohibit fishing except under a license and regulate the granting of such licences, the fees payable therefor and the conditions to be inserted therein;

(c) prohibit destruction or attempt to destroy fish by any gear which the State Government may consider harmful or destructive;
(d) prescribe seasons in which the killing or catching or sale of any fish of any prescribed species shall be prohibited,
(e) prescribe a minimum size or weight below which no fish of any prescribed species shall be caught, killed or sold.
(f) prohibit fishing in any specified water for a specified period;
(g) prescribe modes, means, agency and procedures of business of fisheries within and outside the State,
(h) regulate export of fish or specified species of fish outside any area or areas and also prescribe the rate for sale of fish in any market of the State;
(i) regulate and prescribe lease or mortgage of tank, pond or land for construction of pond intended for stocking in such tank or pond with fish of any class;
(j) regulate the possession of fishing craft and gear within any specified limits as may appear to be necessary;
(k) such rules may, among other matters, also provide for the examination of fish in transit within specified limits.

(5) In making any rules under this section the State Government may provide for-
(a) seizure, removal and forfeiture of any apparatus erected or used for fishing in contravention of the rules;
(b) forfeiture of any fish taken by means of any such apparatus;
(c) confiscation of any consignment of fish held or transported in contravention of the rules.

4. The State Government may by notification prohibit in any specified areas the offering or exposing for sale or barter of any fish killed or caught in contravention of any rules made under sub-section (4) of section 3 of this Act.

5. (1) The breach of any rule made under section 3 or of any prohibition notified under section 4 shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both, and when breach is a continuing one, with a further fine which may extend to ten rupees for each day during which the breach is continued after the first day.

(2) If any person convicted of an offence under this Act, commits a like offence afterwards then, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both for each subsequent offence.

6. If any person uses any dynamite or other explosive substances in any water with intent thereby to catch or destroy fish that may be therein, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

7. If any person puts any poison, lime or noxious materials into any water with intent thereby to catch or destroy any fish which may be therein, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

8. Notwithstanding anything contained in the Law relating to Criminal Procedure force in Sikkim, the offences under this Act shall be cognizable and any property used for committing fishing offence may be forfeited to the State.

9. (i) Any Fishery Officer, Police Officer or any other person specially empowered by the State Government in this behalf, may, without warrant, arrest any person committing or attempting to commit in his view, any offence punishable under this Act and may detain him for investigation including ascertainment of name and residence.

Powers to prohibit sale of fish.

Penalties

 Destruction of fish by explosives and punishment

 Destruction of fish by poiso-ning and punishment

Power to arrest without warrant and investigation of offences under this Act.
When the investigation is completed or the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate, if so required.

Should the investigation not be concluded or the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest, or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate along with copies of connected papers.

The Magistrate to whom an accused person is forwarded under this section, shall follow the procedure relating to remand as laid down in the Code of Criminal Procedure for the time being in force.

Every Fishery Officer shall have the same power of search and investigation in respect of offences under this Act as that of a Police Officer under the provisions of the law relating to Criminal Procedure for the time being in force in Sikkim.

The State Government may, by notification, empower a Fishery Officer by name or as holding an office-

(a) to accept from person concerning whom evidence exists which if unrebuted would prove that he has committed any fishing offence as described in the first column of the Schedule, a sum of money by way of compensation for the offence with regard to which such evidence exists and on payment of such sum to such officer such person, if in custody, shall be discharged and no further proceedings shall be instituted against him;

(b) to accept compensation as damages for the loss caused to fish life may be assessed by such officer at the prevalent market rate which shall be in addition to the compensation specified in the Schedule,

(c) to release any property that has been seized as liable to confiscation on payment of the value of such property as estimated by such officer and on payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

The sum of money accepted as compensation under sub-clause (a) of sub-section (1) shall be in no case exceed the amount mentioned in the second column of the Schedule for the particular offence detailed in the first column thereof;

Provided that provision of sub-section (2) shall not limit the act of an officer to charge compensation for different offences collectively if such offences are committed at the same time by a person.

Person empowered to exercise and execute duties under this Act or rules made thereunder shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, and no suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

All Acts, Rules, Notifications Regulations or Orders in force, permanently or temporarily, in Sikkim for the protection, conservation and development of fisheries immediately before the enforcement and commencement of this Act are hereby repealed, provided that-

(a) anything done or action taken or proceedings commenced or continued under the repealed Rules, Notifications, Orders, Regulations or Acts, promulgated, made or issued by the competent authority of the time shall be deemed to have been done, taken and committed or continued under the corresponding provisions of this Act.

(b) any appointment, order, regulation or notification made or issued under the provisions of the repealed Rules, Orders, Regulations or Notifications shall in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done 01? made and issued under the provisions of this Act unless and until superseded by any appointment, order, regulation or notification made or issued under this Act.
**SCHEDULE OF COMPENSATION**

(As provided under Section 11 of the Sikkim Fisheries Act, 1980).

Limits of amounts acceptable as compensation for certain matters of Fishing offences detailed under section 11 of the Act.

<table>
<thead>
<tr>
<th>Description of offences</th>
<th>Maximum amount acceptable as compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Fishing with a net having smaller mesh than that prescribed under the rules</td>
<td>Rs. One hundred.</td>
</tr>
<tr>
<td>2. Fishing without a license</td>
<td>Rs. One hundred.</td>
</tr>
<tr>
<td>3. Killing, catching or selling or attempting to kill, catch or sell any fish of a</td>
<td>Rs. Twenty-five.</td>
</tr>
<tr>
<td>size and weight less than the standard prescribed under this Act.</td>
<td></td>
</tr>
<tr>
<td>4. Killing, catching or selling or attempting to do so, any fish of a prohibited</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>species during a class season.</td>
<td></td>
</tr>
<tr>
<td>5. Fishing with any gear or method other than that permitted under the Rule.</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>6. Using at any one time more than the number of gears permitted under the rules.</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>7. Fishing or attempting to fish in any of the prohibited waters.</td>
<td>Rs. One hundred.</td>
</tr>
<tr>
<td>8. Licence holder employing or engaging non-licensees to help with their gear while</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>fishing.</td>
<td></td>
</tr>
<tr>
<td>9. Offering or exposing for sale or barter of any fish, the sale of which is</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>prohibited in any specified area which may be notified under Section 4 of this Act.</td>
<td></td>
</tr>
<tr>
<td>10. Exporting or attempting to export fishes or fish of any specified species in</td>
<td>Rs. One hundred.</td>
</tr>
<tr>
<td>contravention of the provision of rules.</td>
<td></td>
</tr>
<tr>
<td>11. Selling or attempting to sell fish for a price above the prescribed market value.</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>12. Possessing tackle or gear unauthorisedly.</td>
<td>Rs. One hundred.</td>
</tr>
</tbody>
</table>

**Statement of objects and Reasons**

Fish is a staple diet, recognised as the alternative rich animal protein food for the millions of undernourished masses especially of the developing countries. The approach to fisheries operations has completely changed, during the last three to four decades, from a mere exploitation fishery to a planned de-ent and rational conservation. A beginning towards this has been made in Sikkim also. At present there is no law relating to fisheries. It has, therefore, been felt that a comprehensive law providing inter alia for conservation, propagation, development and the modes of disposal of fisheries is necessary in this State. also. It has also been felt necessary that suitable and sufficient provisions of law should be made for dealing with the menace of wanton and destructive method of fishing such as dynamiting, poisoning of water etc.

The Bill has been framed with the aforesaid objects in view.

ATHUP LEPCHA  
Minister-in-charge.

By Order  
R.K. GUPTA.  
Secretary.
In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the Speaker has been pleased to order the pre-publication of the following Bill:

BILL NO 2 OF 1980
THE SIKKIM WEIGHTS AND MEASURES BILL, 1980.

A BILL

to provide for the enforcement of the standards of weights and measures established by or under the Central Act and for matters connected therewith or incidental thereto.

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

CHAPTER I

Preliminary

1. (1) This Act may be called the Sikkim Weights and Measures Act, 1980. Short title, extent and commencement.
(2) It extends to the whole of the State of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different
(a) provisions of this Act,
(b) areas,
(c) classes of undertakings,
(d) classes of goods,
(e) classes of weights and measures, or
(f) classes of users of weights and measures,

and any reference in any such provision to the commencement of this Act shall be construed as reference to the coming into force of that provision in such areas, or in respect of such classes of undertakings, goods, weights and measures or users of weights and measures in relation to which this Act has been brought into force.
CHAPTER II

APPPOINTMENT OF CONTROLLERS, INSPECTORS & OTHER OFFICERS.

5. (1) The State Government may, by notification, appoint a Controller of Legal Metrology for the State and as many Additional, Joint, Deputy or Assistant Controllers, Inspectors and other officers and staff as may be necessary for exercising the powers and efficiently discharging the duties conferred or imposed on them by or under this Act.

(2) Every Additional Controller, appointed under sub-section (1), shall exercise such powers, and discharge such functions, of the Controller, as the State Government may, by notification, authorise in this behalf.
CHAPTER III

GENERAL PROVISIONS IN RELATION TO STANDARD WEIGHTS AND MEASURES.

9. (1) Notwithstanding any custom, usage or method of whatever nature, no weight or measure other than the standard weight or measure shall be used or kept in any premises within the State of Sikkim in such circumstances as to indicate that such weight or measure is intended, or is likely, to be used for any weighment or measurement.

(2) Any custom, usage, practice or method of whatever nature which permits a person to demand, receive, or cause to be demanded or received within the State of Sikkim, any quantity of article, thing or service in excess of, or less than, the quantity specified by weight or measure in the contract or other agreement in relation to the said article, thing or service shall be void.

(3) On and from the commencement of this Act, no weight, measure or number, other than the standard weight, measure or number, shall be used in, or form the basis of, any contract or other agreement in relation to any trade of commerce within the State of Sikkim.

(4) Any contract or other agreement, which contravenes the provision of sub-section (3), shall be void.

19. (1) The State Government may, by rules made in this behalf, direct that no transaction, dealing or contract shall be made or had, or no industrial production shall be undertaken, or no use of protection shall be made, within the State of Sikkim, except by such weight, measure or number as may be specified in the said rules.

(2) Any rule made under sub-section (1) shall take effect in such area from such future date and subject to such conditions, if any, as may be specified therein.
Except where he is permitted under the Central Act to do, no person shall, in relation to any goods or things which are sold, transferred, distributed or delivered, or any services rendered, within the State of Sikkim, -

(a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge, or
(b) issue or exhibit any price list, invoice, cash memo or other document, or
(c) prepare or publish any advertisement, poster or other document, or
(d) indicate the contents of any package either on itself or on any label, carton or other thing, or
(e) indicate the contents on any container, or
(f) express, in relation to any transaction, industrial production or protection, any quantity or dimension, otherwise than in accordance with the standard units of weight, measure or numeration.

CHAPTER IV
Custody and Verification of Standard Equipments.

12. Every reference standard, supplied by the Central Government to the State Government, shall be kept at such place and in such custody as may be prescribed, and no such reference standard shall be deemed to be a reference Standard and shall be used as such unless it has been verified and authenticated in accordance with the rules made under the Central Act.

13. The State Government may cause to be prepared at a Mint as many sets of secondary standard or working standard, verified and authenticated by the Mint in such manner as may be specified under the Central Act, as it may think necessary:

Provided that where the Mint intimates the State Government in writing that it is unable to prepare secondary standard or working standard weight or measure, that Government may cause such secondary standard or working standard weight or measure to be prepared by such person as it may think fit and such secondary standard or working standard weight or measure shall be verified and authenticated by such authority as may be specified by rules made under this Act and every such verification and authentication shall be made in the manner specified under the Central Act.

(1) Every secondary standard or working standard shall conform to standards established by or under the Central Act and shall be verified with the reference standard or secondary standard, as the case may be, in such manner and at such intervals as may be specified by or under the Act and shall, if found on such verification to conform to the standards established by or under that Act, be stamped.

(2) Where any secondary standard or working standard is stamped under -section (1), a certificate shall be separately issued showing the date on which such standard or measure was stamped.

(3) Every verification and stamping referred to in sub-section (1) shall be made by such person or authority as may be prescribed.

(4) A secondary standard or working standard which is not verified and stamped in accordance with the provisions of sub-section (1) shall not be deemed to be a secondary standard or working standard, as the case may be, and shall not be used for the verification of any working standard or, as the case may be, of any weight or measure, not being a national prototype or a reference standard or secondary standard.

(5) Every secondary standard shall be kept at such place and in such custody as may be prescribed.

15. Where the State Government is of opinion that by reason of the size or nature of any secondary standard or working standard, it is not desirable or practicable to put a stamp thereon, it may direct that instead of putting a stamp on such secondary standard or working standard, a certificate may be issued to the effect that such secondary standard or working standard conforms to the standards established by or under the Central Act and every secondary standard or working standard so certified shall be deemed to have been duly stamped under this Act on the date on which such certificate was issued.
CHAPTER V
MANUFACTURE, REPAIR OR SALE OF WEIGHTS OR MEASURES

16. (1) No person shall make, manufacture, repair or sell any weight or measure unless he holds a valid license issued in this behalf by the Controller authorising such person to do so:

Provided that a person who bonafide repairs in his premises any weight or measure owned by him shall not be required to take out a license referred to in this sub-section if he, in the opinion of the Controller,—

(a) has the technical competence and the necessary equipment to repair such weight or measure, or
(b) having the necessary equipment for the repair of such weight or measure in his possession, has persons in his employment who have the technical competence to repair such weight or measure.

(2) Every license issued under this section-

(a) shall be in such form as may be prescribed,
(b) shall be issued on payment of such fees as may be prescribed,
(c) shall be valid for such period as may be specified therein,
(d) may be renewed from time to time, and
(e) may contain such conditions and restrictions as may be prescribed.

(3) Every license issued under any Sikkim Law relating to weights and measures shall, if in force immediately before the commencement of this Act, continue to be in force until the expiry of the period of its validity or until the cancellation thereof, whichever is earlier, and may be renewed under this Act if an application for its renewal is made in the prescribed form at least one month before the expiry of the period of its validity.

(4) A person who intends to commence, after the commencement of this Act, business as a maker, manufacturer, repairer or seller of any weight or measure, shall make an application in such form as may be prescribed for the issue of a license and every license so issued may be renewed if an application for its renewal is made in the prescribed form at least one month before the expiry of the period of its validity.

(5) The Controller may, if he is satisfied that the maker, manufacturer, repairer or seller, as the case may be, of any weight or measure was prevented by sufficient cause from making application for the renewal of his license before the expiry of the period of the validity thereof, permit him to make the application within a further period of one month from the date of expiry of the said period on payment by him of such further fee, not exceeding the fee which is payable for the issue of the license.

(6) On receipt of an application for the issue of a license under this section the Controller may, if he is satisfied, after making such inquiry as he may think fit' that the applicant fulfils the prescribed conditions, issue such license:

Provided that no application for the issue of a license shall be rejected unless the applicant has been given a reasonable opportunity of making representation against the proposed action.

(7) No application for the renewal of a license issued under this Section shall be rejected unless-

(a) the holder thereof has given a reasonable opportunity of showing cause against the proposed action, and
(b) the Controller is satisfied that-

(i) the application has not been made within the time specified in this section, or
(ii) the applicant has made any statement in, or in relation to, the application for the issue or renewal of the license which is incorrect or false in any material particular, or
(iii) the applicant has contravened any provision of Central Act or any rule made thereunder or of this Act or any rule made thereunder.
(8) The Controller may require every repairer licensed under this Act to furnish to the State Government security for such sum, not exceeding two thousand rupees, as may be prescribed, to enable that Government to compensate any owner of weight or measure for any loss or damage occasioned by such repairer.

(9) Nothing in this section shall apply to the sale by a user (who is not a maker, manufacturer, dealer or repairer) or any weight or measure of such description as may be prescribed.

(10) Every license issued or renewed under this Act shall be displayed in a conspicuous place in the premises where the licensee carries on his business.

17. (1) The Controller may, if he has any reasonable cause to believe that the holder of any license issued, renewed or continued under this Act has made any Statement in, or in relation to, any application for the issue or renewal of the license which is incorrect or false in any material particular or has contravened any provision of the Central Act or any rule made thereunder or of this Act or any rule made thereunder, suspend such license, pending the completion of any inquiry or trial against the holder of such license:

Provided that no such license shall be suspended unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(2) The Controller may, if he is satisfied after making such inquiry as he may think fit that the holder of a license has made a false or incorrect Statement of the nature referred to in sub-section (1), or has contravened any law referred to in that sub-section, cancel such license:

Provided that no such license shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the proposed action.

(3) Every person whose license has been suspended shall, immediately after such suspension, stop functioning as such licensee and shall not resume business as such licensee until the order of such suspension has been vacated.

(4) Every licensee whose license has been suspended or cancelled shall, immediately after such suspension or cancellation, as the case may be, surrender such license to the authority by which such license was issued.

(5) Every licensee whose license has been cancelled shall, within a period of thirty days from the date of such cancellation (or within such further period, not exceeding three months from such date, as the Controller may, on sufficient cause being shown, allow), dispose of the weights or measures which were in his possession, custody or control on the date of such cancellation, and in the event of his failure to do so, the Controller or any other officer authorised by him, in writing, in this behalf may seize and dispose of the same and distribute the proceeds thereof in such manner as may be prescribed.

18. Save as otherwise provided in the Central Act, no person shall,-

(a) make or manufacture any weight or measure unless such weight or measure conforms to the standards established by or under the Central Act;

(b) make or manufacture any weight or measure with indications thereon of any weight or measure other than the units specified by or under the Central Act.

19. No weight or measure which is required by or under this Act to be verified and stamped shall be sold, used or kept for use unless it has been verified and stamped.

20. (1) Every maker, manufacturer, repairer or dealer and every person to using any weight or measure in any transaction or for industrial production or for protection shall maintain such records and registers as may be prescribed, and, if required so to do by an Inspector, shall produce such records and registers before the Inspector for inspection.

(2) Notwithstanding anything contained in sub-section (1), if the Controller is of opinion that having regard to the nature or volume of the business carried on by any maker, manufacturer, dealer, repairer or user of any weight or measure, it is necessary so to do, he may, by order, exempt such maker, manufacturer, dealer, repairer or user from the operation of that sub-section.
CHAPTER VI

VERIFICATION AND STAMPING OF WEIGHTS OR MEASURES.

21. (1) Every person having any weight or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended to be, used by him in any transaction or for industrial production or for protection, shall before putting such weight or measure into use, have such weight or measure verified at such place, and during such hours as the Controller may, by general or special order, specify in this behalf (hereinafter referred to as the specified place or specified time).

(2) Every weight or measure referred to in sub-section (1) shall be re-verified at such periodical intervals as may be prescribed.

(3) Every Inspector shall, for the purpose of verification of any weight measure, attend the specified place (within the local limits of his jurisdiction) at the specified time and verify every weight or measure which is brought to him at such place and within such time and shall, if he is satisfied that such weight or measure conforms to the standards established by or under the Central Act, put his stamp thereon: Provided that where any weight or measure is such that it cannot, or should not be moved from its location, the Inspector shall take such steps for the verification of such weight or measure as may be prescribed.

(4) Where any verification has been made under sub-section (3), the Inspector shall grant to the person referred to in sub-section (1) a certificate in the prescribed form indicating therein the particulars of the weight or measure verified and stamped by him.

(5) Where the Controller is of opinion that by reason of the size or nature of any weight or measure, it is not desirable to put a stamp thereon, he may, by an order in writing, direct that instead of putting a stamp on such weight or measure, a certificate may be issued to the effect that such weight or measure conforms to the standards established by or under the Central Act and every weight or measure so certified shall be deemed to have been duly verified and stamped under this Act.

22. Every certificate or verification granted under this Act shall be displayed in a conspicuous place in the premises where such weight or measure is being, or is intended to be, used in any transaction or for industrial production or for protection.

23. (1) A weight or measure which is, or is deemed to be, duly verified and taped under this Act shall be deemed to conform to the standards established by or under the Central Act at every place within the State of Sikkim unless it is found on inspection or verification, that such weight or measure does not conform to the standards established by or under that Act.

(2) No weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall require to be re-stamped merely by reason of the fact that it is being used at any place within the territory of the State of Sikkim other than the place at which it was originally verified and stamped:

Provided that where a verified weight or measure, installed at one place, is dismantled and re-installed at a different place, such weight or measure shall not be put into use unless it has been re-verified and stamped notwithstanding that periodical re-verification of such weight or measure has not become due.

CHAPTER VII

INSPECTION, SEARCH, SEIZURE AND FORFEITURE.

(1) An Inspector may, within the local limits of his jurisdiction, inspect and test, at all reasonable times, any weight or measure which -

(i) is being, or is intended to be, used or

(ii) is in the possession, custody or control of any person, or

(iii) is in or any premises,

in such circumstances as to indicate that such weight or measure is being, or is intended or likely to be, used in any transaction or for industrial production or protection and may also verify whether such weight or measure is in conformity with the standards established by or under the Central Act.
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(2) For the purpose of ascertaining the correctness of any weight or measure used in any transaction, any Inspector may also test the weight or measure of any article sold or delivered to any person in the course of such transaction.

25. (1) An Inspector may, if he has any reasonable cause to believe that an offence punishable under this Act has been or is likely to be committed in respect of any weight or measure or that any weight or measure does not conform to the standard established by or under the Central Act, require, at all reasonable times, the person having the custody or control of such weight or measure which -

(i) is used by such person or is caused by such person to be used by any other person, or
(ii) is in the possession, custody or control of such person for use, or
(iii) is kept in or on any premises for use in any transaction or for industrial production or for protection.

(2) The Inspector may also require the production of every document or other record relating to the weight or measure referred to in sub-section (1) and the person first mentioned in that sub-section shall comply with such requisition.

(3) On inspection, whether under section 24 or under this section, the Inspector may obliterate the stamp on any weight or measure -

(a) which does not, or cannot be made to, conform to the standards established by or under the Central Act:

Provided that where the Inspector is of opinion that the defect or error in such weight or measure is not such as to require immediate obliteration of the stamp he shall serve a notice on the user of such weight or measure informing him of the defect or error found in the weight or measure and calling upon him to remove the defect or error within such time, not exceeding eight days, as he may specify and shall –

(i) if the user fails to remove the defect or error within that period, obliterate the stamp, or
(ii) if the defect or error is so removed as to make the weight or measure conform to the standards established by or under the Central Act, verify such weight or measure and put his stamp thereon;

(b) which does not admit of proper adjustment owing to its being broken, indented or otherwise defective;

(c) which, since the last verification and stamping, has been repaired re-adjusted but does not, after such repair or re-adjustment, conforms to the standards established by or under the Central Act;

(d) which, being due for verification, has not been submitted for such verification.

26. (1) An Inspector may, if he has any reason to believe, whether from any information given to him by any person and taken down by him in writing or from personal knowledge or otherwise, that an offence punishable under this Act has been or is likely to be committed in relation to any weight, measure or other goods which are sold, delivered or distributed by weight, measure or number, enter, at all reasonable times, into any premises -

(i) where such weight or measure is used, or kept or believed to be kept for use in any transaction or for industrial production or for protection,

(ii) where such goods are manufactured, packed, distributed or sold kept or offered for sale in packaged form

and inspect or verify any weight measure or the net contents, by weight, measure number, of any package, and may also examine any document or other record relating thereto.

(2) An Inspector may at all reasonable times enter into any premise for such purposes other than those speciaed in sub-section (1), as may be prescribed.

27. (1) Where the Controller has reason to believe that any weight or measure, liable to be seized under this Act, or any document or thing in relation to any weight or measure, will be, in his opinion useful for or relevant to, any proceeding under this Act, is secreted in any place, he may search or authorise any officer, not below the rank of an Inspector, to search for such weight or measure, document or thing, and the general provisions relating to search under the Code of Criminal Procedure in force in Sikkim shall apply to every such search.
(2) Every authorisation made by the Controller under sub-section (1) shall be deemed to be a search warrant referred to in the general provisions relating to searches under the Code of Criminal Procedure in force in Sikkim.

28. (1) An Inspector may seize and detain any weight or measure in relation to which an offence under this Act appears to have been committed or which is likely to be used in the commission of such offence, and may also seize and detain any goods sold or delivered, or cause to be sold or delivered, by such weight or measure:

Provided that where any goods seized under this sub-section are subject to speedy or natural decay, the Inspector may dispose of such goods in such manner as may be prescribed.

(2) Where any weight or measure or any article is seized and detained under sub-section (1), the Inspector may also seize and detain any document or other record relating to such weight, measure or article.

29. If, on verification of any commodity in form, the net weight, measure or number of commodity contained in the package or container is found to agree with the net contents thereof, as stated on the label thereon, the Inspector shall, where the person from whom such commodity was obtained for verification is—

(a) the manufacturer or packer or such commodity, get the commodity re-sealed or re-packed, as the case may be, or
(b) a person who buys or sells such commodity, in whole sale or retail, acquire such package or container on payment in cash to such wholesaler or retailer the market price of the commodity contained in such package or container.

30. Every false or unverified weight or measure seized under the provisions of this Act shall be liable to be forfeited to Government.

CHAPTER VIII
Provisions with regard to Commodities in Packaged Form Sold or Distributed within the State.

(1) The provisions of the Central Act with regard to commodities in packaged form shall, as far as may be, apply to every commodity in packaged form which is distributed, packed, sold, kept, offered or exposed for sale in the State of Sikkim as if those provisions were applicable to trade or commerce within the State subject to the modification that any reference therein to the Central Government and the Central Act shall be construed as references, respectively to the State Government and this Act.

(2) An Inspector may, from time to time, inspect the weight or measure, or count the number, of the commodity contained in any package which is—

(i) kept at any place where the commodity is packed, or
(ii) kept, offered or exposed for sale, or
(iii) sold, delivered, held in possession or is in the process of delivery,

within the State of Sikkim with a view to determining whether the package contains quantity or number of the commodity as specified on it or on the label thereon.

(3) Where the Inspector finds, after weighing, measuring or counting, that any package does not contain the quantity or number of the commodity, as specified on it or on the label thereon, or does not conform to the provisions of the Central Act or any rule or order made thereunder, he may seize such package and may also, by order, prohibit the sale of each package which is similar to the seized package and may so mark or seal each such package as to indicate clearly that the sale or delivery of such package has been prohibited, and no such package shall be sold or kept, offered or exposed for sale or delivery or otherwise disposed of unless—

(i) the contents of such package have been brought into conformity with the provisions of the Central Act or any rule or order made thereunder, by the manufacturer, packer or distributer thereof, or

Power of Inspector to seize any weight or measure.

Inspector to re-seal or re-pack where net contents are found to have been correctly stated.

Forfeiture.

Provisions of the Central Act relating to packaged commodities to apply to packaged commodities sold or distributed within the State.
(ii) the disposal thereof has been authorised by the Controller.

(4) No person shall keep in any place, where any transaction is made, any commodity in packaged form which is not sale, and if any commodity in packaged form is kept in such place in contravention the provisions of this sub-section, such Commodity shall be presumed to have been kept in such place for sale.

CHAPTER IX
Provisions with regard to the Sale of Commodities in any other form.

Sale of commodities by number.

32. (1) Where the sale of any commodity is made by number and the number of the commodity delivered to the purchaser in pursuance of such sale is lesser than the number paid for, the seller shall be deemed to have used a false measure.

(2) Where, in relation to any commodity sold by number, there is a custom or usage of delivering a fixed number or such commodities in addition to the number of commodities paid for, such custom or usage shall, on and from the commencement of this Act, cease, and if the seller delivers to the purchaser the additional number of commodities in accordance with such custom or usage, he shall be deemed to have used a false measure and the purchaser shall be deemed to have abetted the use of such false measure.

Sale of Commodities by heaps.

33. (1) Where any commodity is sold by heaps the approximate weight, measure or the number of commodity contained in each heap shall be conspicuously announced by the seller or his agent, if any, by word of mouth or by written notice placed on each heap:

Provided that no such announcement shall be necessary in the case of a heap the market price of the contents of which does not exceed one rupee.

(2) Where, on weightment, measurement or counting of any commodity sold by heap, it is found that the weight, measure or number, determined by such weighment, measurement or counting is less than the approximate weight, measure or number announced by the seller or his agent and the deficiency is more than five per cent of such announced weight, measure or number, the seller shall be deemed to have used a false weight or measure.

CHAPTER X
Offences and Penalties

Penalty for manufacturing, etc., of non-standard weights or measure

(a) makes or manufactures, or causes to be made or manufactured (except were he is permitted under the Central Act so to), any weight or measure in accordance with any standards other than the standards established by or under the Central Act, or

(b) (i) sells or otherwise transfers, or causes to be sold or other transferred, or

(ii) lets, or causes to be let, on hire, any weight or measure which has been manufactured in accordance with any standards other than the standards established by or under the Central Act, shall be punished with imprisonment for a term which may extend to one year, and, for the second or subsequent offence, with imprisonment, for a term which may extend to five years and also with fine.

Penalty for counterfeiting of seals, etc.

35. Whoever -

(i) counterfeits any seal specified by or under this Act or the Central Act, or

(ii) sells or otherwise disposes of any counterfeit seal, or

(iii) possesses any counterfeit seal, or

(iv) counterfeits any stamp whether made under this Act or the Central Act or any rule made under either of those Acts, or

(v) removes any stamp made, whether Under this Act Or the Central Act or any rule made under either of those Acts, and tampers with any stamp so made, or

(vi) removes any stamp made whether under this Act or the Central Act or any rule made under either of those Acts, and affixes the stamp so removed on, or inserts the same into, any other weight or measures, or
(vii) wilfully increases or diminishes or alters in any way any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence with imprisonment for a term which may extend to five years and also with fine.

(2) Whoever obtains, by unlawful means, possession of any seal specified by or under this Act or the Central Act and uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Act or the Central Act shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(3) Whoever, being in lawful possession of a seal specified by or under this Act or the Central Act uses, or causes to be used, such seal without any lawful authority for such use, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(4) Whoever sells, offers or exposes for sale or otherwise disposes of any weight or measure which, he knows or has reason to believe bears thereon a counterfeit stamp, shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

36. (1) Except where he is permitted under the Central Act so to do, whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity, article, etc. by any weight measure or number other than the standard weight, measure or number, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, imprisonment for a term which may extend to one year and also with fine.

(2) Whoever renders, or causes to be rendered, any service in terms of any weight, measure or number other than the standard weight, measure or number, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

37. (1) Whoever keeps any weight or measure other than the standard weight or measure in any premises in such circumstances as to indicate that such weight measure is being, or is likely to be, used for any -

(a) weighment or measurement, or
(b) transaction or for industrial production or for protection, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

(2) Whoever, in selling any article or thing by weight, measure or number, delivers, or causes to be delivered, to the purchaser any quantity or number of that article or thing less than the quantity or number contracted for or paid for; or
(i) in purchasing any article or thing by weight, measure or number, receives, or causes to be received, from the vendor any quantity or number of that article or thing in excess of the quantity or number contracted for or paid for; or
(ii) in obtaining any service by weight, measure or number, obtains that service in excess of the service contracted for or paid for, shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(3) Whoever enters, after the commencement of this Act, into any contract or other agreement (not being a contract or other agreement for export) in which any weight, measure or number is expressed in terms of any standard other than the standard measure or number established by or under the Central Act, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.
Paragraph 38. Whoever, in relation to any specified class of goods, undertakings or users of weights or measures, uses in any transaction or for industrial production or for protection, any weight, measure or number, other than the weight, measure or number specified by rules made under Section 10, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Paragraph 39. Except where is permitted under the Central Act so to do, whoever in relation to any goods or things which are sold, transferred, distributed or delivered, or any service rendered, —
   (a) quote any price or charge, or makes any announcement with regard to the price or charge, or
   (b) issues or exhibits any price list, invoice, cash memo, or other document, or
   (c) prepares or publishes any advertisement, poster or other document, or
   (d) indicates the weight, measure or number of the net contents of any package on any label, carton or other thing, or
   (e) expresses in relation to any transaction, industrial production or protection, any quantity or dimension, otherwise than in accordance with the standard units of weight, measure or numeration, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Paragraph 40. Whoever, being required to obtain a licence under this Act, makes, manufactures, repairs or sells any weight or measure, without being in possession of a valid licence, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Paragraph 41. A licensee who after the suspension or cancellation of the licence issued, renewed or continued under Act, omits or fails to stop function as a licensee under this Act, shall be punished with imprisonment for a term which may extend to one year.

Paragraph 42. Except where he is permitted under the Central Act so to do, whoever makes or manufactures any weight or measure which,—
   (a) though ostensibly purports to conform to the standards established by or under that Act does not actually conform to the said standards, or
   (b) bears thereon any indication of weight or measure which is not in conformity with the standards of weight or measure established by or under that Act, whether such indication is or is not in addition to the said standards shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Paragraph 43. Whoever sells, uses or keeps for use any weight or measure which, being required to be verified and stamped under this Act, has not been so verified and stamped shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Paragraph 44. Whoever, being required by section 20 to maintain any record or register omits or fails to do so, or being required by an Inspector to produce any records or registers for his inspection, omits or fails to do so, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Paragraph 45. Whoever, being required by section 21 to present any weight or measure for verification or reverification omits or fails, without any reasonable cause, to do so shall be punished with fine which may extend to five hundred rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.
46. Whoever, being required by an Inspector, or any person authorized by or under this Act to exercise the powers of an Inspector, to produce before him for inspection any weight or measure, or any document or other record relating thereto, omits or fails, without any reasonable cause, to do so, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

47. Whoever obstructs the entry of an Inspector, or any person authorized by under this Act to exercise the powers of an Inspector, into any premises for the inspection or verification of any weight or measure or any document or other record relating thereto or the net contents of any packaged commodity or for any other prescribed purpose shall be punished with imprisonment for a term which may extend to two years and, for the second or subsequent offence, with imprisonment for a term which may extend to five years.

48. Whoever prevents the Controller or any officer authorised by the Controller in this behalf, from searching any premises or from making any seizure of any weight, measure, packaged goods, document, record or label, shall be punished with imprisonment for a term which may extend to two years and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

49. (1) Whoever manufactures, distributes, packs, sells or keeps for sale, or has in his possession for sale, any commodity in packaged form shall, unless each such package conforms to the provisions of section 31, be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(2) Whoever manufactures, packs, distributes or sells, or causes to be manufactured, packed, distributed or sold, any commodity in packaged form knowing or having reason to believe that the commodity contained in such package is lesser in weight, measure or number than the weight, measure or number, as the case may be, started on the label thereon, or it does not conform to the provisions of the Central Act or any rule or order made thereunder, shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

50. Whoever is deemed under section 32 to have used, or abetted the use of, any false measure, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to five years, or with both.

51. Whoever sells any commodity by heaps without complying with the provisions of section 33, shall be punished with fine which may extend to one thousand rupees, and for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both:

Provided that nothing in this section shall apply to the sale, as scrap, of any rejected weight or measure which has been defaced in the prescribed manner.

52. Whoever alters or otherwise tampers with any licence issued or renewed under this Act or any rule made thereunder otherwise than in accordance with any authorisation made by the controller in this behalf, shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to one year, or with both.

53. Whoever sells, delivers or disposes of, or causes to be sold, delivered or disposed of, any weight or measure which has been rejected on verification under this Act or the Central Act, or any rule made under either of the said Acts, shall be punished with imprisonment for a term which may extend to one year, and with fine which may extend to two thousand rupees, or with both:

Penalty for contravention of section 25.
Penalty for contravention of section 26.
Penalty for contravention of section 27.
Penalty for contravention of section 28.
Penalty for contravention of section 29.
Penalty for contravention of section 30.
Penalty for contravention of section 31.
Penalty for sale or delivering rejected weights and measure.
Penalty for personation of officials.
Penalty for giving false information or maintaining false record or registers.

55  (1) Whoever gives information to an Inspector which be may require or ask in the course of his duty and which such person either knows or has reason to believe to be false or does not believe to be true shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

(2) Whoever, being required by or under this Act so to do maintains any record or register, which is false in any material particular, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Wilful verification or disclosure in contravention of law

56  (1) If any Inspector or any other officer exercising powers under this Act or any rule made thereunder wilfully verifies or stamps any weight or measure in contravention of the provisions of this Act or of any rule made thereunder, he shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(2) If any Inspector or other officer who enters into any premises in the course of his duty wilfully discloses except in the performance of such duty, to any personment any information obtained by him from such premises with regard to any trade secret or any secret in relation to any manufacturing process, he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Vitiatious search

57. An Inspector or any other officer exercising powers under this Act or any rule or order made thereunder who knows that there are no reasonable grounds for so doing, and yet -

(a) searches, or causes to be searched, any house, conveyance or place, or
(b) searches any person, or
(c) seizes any weight, measure or other movable property, shall, for every such offence, be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both.

Penalty for contravention of provision not separately provided for.

58. Whoever contravences any provision of this Act for the contravention of which no punishment has been separately provided for in this Act, shall be punished with fines which may extend to two thousand rupees.

Presumption to be made in certain cases.

59. (1) If any person -

(a) makes or manufactures, or causes to be made or manufactured, false weight or measure, or
(b) uses, or causes to be used, any false or unverified weight or measure in any transaction or for industrial production or for protection, or
(c) sells, distributes, delivers or otherwise transfers, or causes to be sold, distributed, delivered or otherwise transferred, any false or unverified weight or measure. It shall be presumed, until the contrary is proved, that he had done so with the knowledge that weight or measure was a false or unverified weight or measure, as the case may be.

(2) If any person has in his possession, custody or control any false or unverified weight or measure in such circumstances as to indicate that such weight or measure is likely to be used in any transaction or for industrial production or for protection, it shall be presumed, until the contrary is proved, that such false or unverified weights or measure was possessed, held or controlled by such person with the intention of using the same in any transaction or for industrial production or for protection.

When employer to be deemed to have abetted an offence.

60. (1) Any employer who knows or has reason to believe that any person employed by him has, in the course of such employment, contravened any provision of this Act or any rule made thereunder, shall be deemed to have abetted an offence against this Act. Provided that no such abetment shall be deemed to have taken place is such employer has, before the expiry of seven days from the date -

(a) on which he comes to know of the contravention, or
(b) has reason to believe that contravention has been made, intimated writing to the Controller the name of the person by whom such contravention was made and the date and other particulars of such contravention.
15

(2) Whoever is deemed under sub-section (1) to have abetted an offence against this Act shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Explanation.- Dismissal or termination of service of an employee after the expiry of the period specified in the proviso to sub-section (1) shall not absolve any employer of his liability, under this sub-section.

61. (1) If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, Secretary or other officer, he shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.- For the purposes of this section:

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

62. Notwithstanding anything contained in the law relating to criminal procedure force in Sikkim,-

(a) no court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by the Controller or any other officer authorized in this behalf by the controller by general or special order;

(b) no court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Act;

(c) any offence punishable under section 34, 36, 37, 38, 39, 40, 43, 49, 50,51or sub-section (3) of section 69 may be tried summarily by a Magistrate and no sentance of imprisonment for a term exceeding one year shall be passed in the case of any conviction for an offence which is tried summarily under this section.

63 (1) Any offence punishable under section 37,38,39, 40,42, 43, 44, 45 46, 49, 51, 53, 58 or sub-section (3) of section 69 may whether before or after the institution of the prosecution, be compounded, by the Controller or such other Officer as may be authorised in this behalf by the Controller, on payment for credit to the State Government of such sum as the Controller or such other officer may specify:

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded.

(2) Nothing in sub-section (1) shall apply to a person who commits the same or similar offence when a period of three years from the date on which the first offence, committed by him, was compounded.

Explanation - For the purpose of this sub-section, any second or subsequent offence committed after the expiry of period of three years from the date on which the offence was previously compounded, shall be deemed to be first offence.

(3) Where an offence has been compounded under sub-section (1), no proceeding or further proceeding, as the case may be, shall be taken against the offender, in respect of the offence so compounded, and the offender, if in custody, shall be discharged forthwith.

(4) No offence under this Act shall be compounded except as provided this section.

64. The provisions of the Indian Penal Code, in so far as such provisions relate to offences with regard to weights or measures, shall not apply to any offence which is punishable under this Act.
CHAPTER XI

Miscellaneous

Transfer or transmission of business.

65. (1) Where the business of a person licensed under this Act is transmitted by succession, intestate or testamentary, the heir or legatee, as the case may be, shall not carry on the business of such licensee either in his own name or in any other name, unless the heir or legatee has, before the expiry of sixty days after the date of such transmission, made to the Controller an application for the issue of a licence in accordance with the provisions of this Act;

Provided that nothing in this section shall be deemed to prohibit the heir or legatee from carrying on business as such licenses for the aforesaid period of sixty days, and, if he has applied for such licence, until he is granted the licence, or is, by notice in writing informed by the Controller that such licence cannot be granted to him.

(2) Where the business of any person licensed under this Act is transferred by sale, gift, lease or otherwise, the transferee or lessee, as the case may be, shall not carry on such business either in his own name or in any other name, unless he has obtained a licence to carry on such business.

Licence neither saleable nor transferrable.

66. A licence issued or renewed under this Act shall not be saleable or otherwise transferable.

Appeals.

67. (1) Subject to the provisions of sub-section (2), an appeal shall lie from every decision under Chapter V, VI, VII, VIII or IX of this Act, of-  
(i) an Inspector,  
(ii) an additional Controller, to the Controller, and  
(b) from every decision of the Controller under Chapter V, VI-, VIII, IX of this Act, not being a decision made in appeal under clause (a), to the State Government of any officer specially authorised in this behalf by the Government.

(2) Every such appeal shall be preferred within sixty days from the date of the decision appealed against:—

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order as it may think fit, confirming, modifying or reversing the decision appealed against, or may send back the case with such direction as it may think fit for fresh decision after taking additional evidence, if necessary.

(4) Every appeal shall be preferred on payment of such fees, not exceeding twenty-five rupees, as may be prescribed.

(5) The State Government may on its own motion or otherwise call for and examine the record of any proceeding (including a proceeding in appeal) in which any decision or order has been made, for the purpose of satisfying itself as to the correctness legality or propriety of such decision or order and may pass such orders thereon as it may think fit:—

Provided that no decision or order shall be varied under this sub-section so as to prejudicially affect any person unless such person has been given reasonable opportunity of showing cause against the proposed action.

Levy of fees.

68. The State Government may, by rules made under section, 69, levy such fees not exceeding -

(a) one hundred rupees, for the issue or renewal of licence for making manufacturing, repairing or selling any weight or measure,  
(b) fifty rupees, for the alteration of any licence,  
(c) five thousand rupees, for the verification of any weight or measure,  
(d) ten rupees, for the adjustment of any weight or measure,  
(e) ten rupees, for the issue of a duplicate of a licence or certificate verification,  
(f) one rupee, for every one hundred words or less, for the grant copies of any document, not being a document of a confidential nature.  
(g) twenty five rupees, for any appeal preferred under this Act.
69. (1) The State Government may, by notification, make rules to give to the
provision of this Act.

(2) In particular, and without prejudice to the generality of the fore-going
power, such rules may provide for all or any of the following matters, namely—

(a) the class of goods, undertaking or users in relation to which no
transaction, dealing or contract shall be made or had except by such
weight, measure, or number,

(b) the place at which, and the custody in which, the following standards
shall be kept, namely:—

(i) reference standards;

(ii) secondary standards;

(iii) working standards;

(c) the person by whom or authority by which and the place at which the
following standards shall be verified, authenticated and stamped,

(i) secondary standards,

(ii) working standards;

(d) the form in which and the manner in which an application shall be
made for the issue or renewal of a licence to carry on business as a
maker, manufacturer, repairer or dealer of any weight or measure;

(e) the form which and the conditions, limitations and restrictions
subject to which any licence may be issued and the period of validity
of such licence;

(f) the sum to be furnished by a repairer as security of a licensee;

(g) the description of weight or measure which may be sold by a user,

(h) disposal of weights or measures after cancellation of licence and the
distribution of the proceeds thereof;

(i) the records and the registers relating to weights or measures to be
verified by makers, manufacturers, repairers or dealers;

(j) the period within which weights or measures shall be verified or
re-verified;

(k) the steps to be taken for verifying any weight or measure which
can-not be moved from its location;

(l) the form in which a certificate of verification of any weight or
measure shall be granted;

(m) subject to the provisions of section 26, the purposes for which an
Inspector may enter any premises;

(n) the manner of disposal of seized articles which are subject to speedy
or natural decay;

(o) manner of defecement of rejected weights or measures;

(p) the form in which appeals may be preferred and the procedure for
the hearing of appeals;

(q) the amounts of fees which may be levied and collected for each of
the matters specified in section 68;

(r) any other matter which is required to be, or may, be, prescribed,

(3) In making any rule under this section, the State Government may
provide that a breach thereof shall be punishable with fine, which may extend
to one thousand rupees,

(4) The power to make rules under this section shall be subject to the
condition of the rule being made after previous publication in the official
Gazette.

(5) Every rule made under this Section shall as soon as may be after it is
made, be laid before the State Legislature.

70. (1) Where any type of weight or measure manufactured by a licensed
manufacturer is such that all the weights or measures of that type
manufactured by him within the State of Sikkim is intended to be sold,
distributed or delivered therein, the State Government may, by notification,
direct that the model of every such type of weight or measure shall be
submitted for approval in accordance with the provisions of section 36, 37
and 38 of the Central Act, and thereupon the provisions of the said section 36,
37, 38 shall become applicable to such model, and references in those
sections to the "Central Government" and the "Centra Act" shall be
construed as references respectively to the "State Government" and
"this Act".

Power to make rules.

Power of State Government to make provision of central Act relating to approval of models applicable to models of weights or measures intended to be used exclusively within the State.
18

(2) Where the State Government makes a direction under sub-section (1) in relation to any type of weight or measure, any contravention of the provisions of sections 36, 37 or 38 of the Central Act in relation to that type of weight or measure shall be an offence punishable under this Act and the punishment provided therefore in the Central Act shall be deemed to the punishment provided therefore in this Act as if the said provisions relating to punishments were enacted by this Act.

71. The provisions of this Act, in so far as they relate to the verification and stamping of weights or measures used for industrial production or for protection, shall not apply to any factory exclusively engaged in the manufacture of any arm, or ammunition, or both, for the use of the Armed Forces of the Union.

72. (1) On and from the commencement of this Act, the provisions contained in Notification No.9250-1999/B dated the 8th March, 1966 and all other Sikkim Laws in force in Sikkim relating to matters for which provisions have been made in the Act shall cease to have any force and effect.

(2) Without prejudice to the provisions contained in the Sikkim Interpretation and General Clauses Act, 1937, with respect to repeals, any appointment, notification, rule, order, registration, licence, certificate, notice, decision, approval, authorisation or consent made, issued or given, under any Sikkim law shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued or given under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS.

The Parliament is competent to establish the Standards of Weights and Measures vide Entry 50 of List 1 - Union List of the Seventh Schedule of the Constitution. Accordingly the Parliament has enacted the Standards of Weights and Measures Act, 1976 (Act No. 60 of 1976). All the matters relating to the enforcement of the said standards are covered by Entry 33 - A of List 3 - Concurrent List. Since a new set of standards of weights and measures has been established by the aforesaid Central Act, it has become necessary for this State Government to take immediate steps for the enactment of a legislation for enforcement of the said standards.

The Bill seeks to achieve the aforesaid objects.

PADAM BAHADUR GURUNG
MINISTER - IN - CHARGE.

By Order,

R. K. GUPTA
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS
In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the Speaker has been pleased to order the pre-publication of the following Bill:

BILL NO. 3 OF 1980.

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) BILL, 1980.

A

BILL

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

WHEREAS, it is expedient to amend the Gangtok Municipal Corporation Act, 1975 (IV of 1975) in the manner hereinafter appearing:

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

1. (1) This Act may be called the Gangtok Municipal Corporation (Amendment) Act, 1980.
   (2) It shall be deemed to have come into force on the 11th day of December, 1979.

2. After sub-section (4) of section 3 of the Gangtok Municipal Corporation Act, 1975 (IV of 1975), the following sub-sections shall be added, namely:—

"(5) If before the expiry of the term of the first Councillors nominated under sub-section (3) no new Councillors have been elected as required under sub-section (4), the State Government may by order published in the Official Gazette, appoint an officer (hereinafter referred to as Administrator) for the Corporation for a period of one year or until the reconstitution of the Corporation, whichever is earlier."
(6) When an order is issued under sub-section (5) the following consequences shall ensue:—

(a) all the powers, functions and duties of the Corporation, its Chairman, Vice-Chairman and Committee, if any, shall be exercised, performed and discharged by the Administrator until the reconstitution of the Corporation;

(b) the administrator shall be deemed in law to be the Corporation Chairman, Vice-Chairman or Committee, if any, as the occasion may require;

(c) such salary and allowances as the State Government may, by order, in that behalf fix, shall be paid to the Administrator out of the Corporation Fund;

(d) notwithstanding anything in the Act, the Administrator may review any act done or decision taken by the out-going Corporation Chairman, Vice-Chairman or Committee in the exercise or performance of their powers and duties under the Act.”

3. (1) The Gangtok Municipal Corporation (Amendment) Ordinance, 1979, (Ordinance No. 6 of 1979) is hereby repealed.

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

STATEMENT OF OBJECTS AND REASONS.

The Government felt the necessity of amending section 3 of the Gangtok Municipal Corporation Act, 1975 (IV of 1975) in order to provide for the appointment of an Administrator Gangtok Municipal Corporation pending the reconstitution of the Corporation and accordingly the Gangtok Municipal Corporation (Amendment) Ordinance, 1979 (Ordinance No. 1979) was promulgated by the Governor on the 11th day of December, 1979.

This Bill seeks to replace the said Ordinance.

ATHUP LEPCHA,
Minister-in-charge
Department of Local Self Government and Housing.

By Order,

R. K. GUPTA
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the Speaker has been pleased to order the pre-publication of the following Bill:

BILL No. 4 OF 1980
THE SIKKIM SALARIES AND ALLOWANCES (AMENDMENT) BILL, 1980.

A
B I L L

further to amend the Sikkim salaries and Allowances Act, 1977 (4 of 1977).

WHEREAS it is expedient to amend the Sikkim Salaries and Allowances Act, 1977 (4 of 1977) in the manner hereinafter appearing:

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

1. (1) This Act may be called the Sikkim Salaries and Allowances (Amendment) Act, 1980.
   (2) It shall be deemed to have come into force on the 25th day of October, 1979.

2. In the Sikkim Salaries and Allowances Act, 1977 (4 of 1977) —
   (a) in sub-section (2) of section 3 for the words "and the Speaker" Schedule the words", "the Speaker and the Deputy Speaker" shall be substituted.
   (b) in the Schedule for entry 4, the following shall be substituted:—
       "4. Deputy Speaker Rs. 1,750/- Rs.225/-"

STATEMENT OF OBJECTS AND REASONS
It is felt that the present salary of the Deputy Speaker of the Sikkim Legislative Assembly is not commensurate with the responsibilities and functions he has to discharge. It is proposed to revise the same to bring it to the level of a Minister.

The Bill seeks to achieve the aforesaid object.

N. B. Bhandari
Chief Minister
Member-in-charge.

By Order,

R. K. GUPTA
Secretary
SIKKIM
GOVERNMENT
AZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 16

Gangtok, Tuesday, March 18, 1980

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

No. SLAS/892 /204/79-80. Dated Gangtok, the 17th March, 1980

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

BILL NO-5 of 1980

THE POLICE (SIKKIM AMENDMENT) BILL, 1980.

A BILL

to amend the Police Act 1861 (No V of 1861 in its application to the State of Sikkim.

WHEREAS it is expedient to amend the Police Act, 1861 (No V of 1861 in its application to the State of Sikkim for the purposes and in the manner hereinafter appearing:

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

1. (1) This Act may be called the Police (Sikkim Amendment) Act, 1980. Short title and (2) It shall come into force on such date as the State Government may, by commencement.

2. The Police Act, 1861 (hereinafter referred to as the said Act), shall, in its application to the State of Sikkim, be amended in the manner hereinafter provided.

3. After section 34 of the said Act, the following sections shall be inserted Insertion of new section 34 A. and 34 B.

34A(1)—If, in the opinion of the Magistrate of the district or Superintendent of Police of the district or sub-divisional Police officer, it is necessary so to do for the purpose of preventing annoyance to, or injury to the health of, the public or any section thereof, or for the purpose of maintaining public peace and tranquility, he may, by order, prohibit, restrict, regulate or impose conditions on the use or operation, in any area within his jurisdiction or in any vehicle within such area, of microphones, loudspeakers or other apparatus for amplifying etc., human voice or for amplifying music or other sounds.
(2) The State Government may, on its own motion or on the representation of any person or persons aggrieved, modify, alter or cancel any order made under sub-section (1).

(2) A Police-officer, not below the rank of Sub-Inspector, may take such steps or use such force as may be reasonably necessary for securing compliance with any order made under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) and may seize any microphone, loudspeaker or other apparatus used or operated in contravention of the order.

(4) A Police-officer, who seizes any microphone, loudspeaker or other apparatus under sub-section (3), may also at the same time seize any vehicle in which such microphone, loudspeaker or other apparatus is being carried or conveyed or is being kept at that time: Provided that any Police-officer of the Police-station within the limits of which the vehicle is seized, not below the rank of Sub-Inspector, may release such vehicle on a bond for such sum not exceeding five hundred rupees as he deems reasonable being executed by the owner of the vehicle in favor of the State Government to produce the vehicle at the time of the investigation or the trial, and to surrender the vehicle, if directed to be forfeited under sub-section (5).

(5) Any person who contravenes any order made by the Magistrate of the district or Superintendent of Police of the district or any sub-divisional Police-officer under sub-section (1) or any such order as modified altered by the State Government under sub-section (2) shall, on conviction before a Magistrate, be liable to a fine which may extend to one hundred rupees and the Court trying an offence under this section may also direct the forfeiture of any microphone, loudspeaker or other apparatus seized under sub-section (3) or any vehicle seized under sub-section (4) or released under the proviso to that sub-section.

(6) The provisions of this section shall be in addition to and not in derogation of the powers conferred by any other section of this Act.

34B (1) Any person who sells or attempts to sell tickets for admission to a place of entertainment, except under the orders of, and at the place provided for and price fixed in this behalf, by the proprietor of the entertainment shall on conviction before a Magistrate, be liable to imprisonment for a term which may extend to three months or fine which may ex-tend to one hundred rupees or with both.

(2) Any Police-officer not below the rank of Head-Constable may take into custody, without warrant, any person who, in his view, commits any offence punishable under sub-section (1) or seize any tickets in respect of which he is satisfied that any such offence has been committed.

(3) A Court trying any offence punishable under sub-section (1) may, without Prejudice to any order or further order or orders that may, in its opinion, be passed in the case, direct the forfeiture of any ticket which may have been seized under sub-section

Explanation; In this Section:
(a) "entertainment" means any exhibition, performance, amusement, game or sport to which persons are admitted on production of tickets, and
(b) the expression "proprietor" in relation to any entertainment includes any person responsible for the management of such entertainment.
STATEMENT OF OBJECTS AND REASONS

It has been felt necessary to amend the Police Act, 1861 in its application to this State with a view to provide for prohibition, regulation and impositions of conditions on the use of microphones etc and prohibition of sale of tickets for admission to an entertainment except under orders of and at the place provided for and price fixed by the proprietor of the entertainment.

This Bill seeks to insert two new sections namely Sections 34A and 34B in the Police Act, 1861, to achieve the aforesaid objects.

N. B. BHANDARI
Chief Minister.

By Order,

R. K. GUPTA
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

No. SLAS/899/204/79-80.  Dated Gangtok, the 17th March, 1980

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

Bill No. 6 1980.

The Sikkim Appropriation Bill, 1980.

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, 1979-80.

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

short title

1. This Bill may be called the Sikkim Appropriation Bill, 1980.

Issue of Rs.2,77,77,000.

2. From and out of the Consolidated Fund of the State of Sikkim there ay be paid and applied sum not exceeding that specified in column 3 of e Schedule amounting to two crores seventy seven lakhs seventy seven thousands of Rupees towards defraying the charges which will come course for payment during the financial year 1979-80, 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.
# SCHEDULE
(See section 2 & 3)

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<td>24. Tourism</td>
<td>Revenue</td>
<td>50 - 50</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td>27737 - 30 - 27777</td>
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</tbody>
</table>

**STATEMENT OF OBJECTIVE 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 Consoli- dated 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 1979-80.

SHERAB PALDEN
Minister-in-Charge
Department of Finance

By Order,

R. K. GUPTA
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
SIKKIM

GOVERNMENT GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No.18 Gangtok, Tuesday, March 18, 1980

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION


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

BILL No. 7 of 1980

THE SIKKIM APPROPRIATION BILL OF 1980

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, 1980-81.

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

1. This Bill may be called the Sikkim Appropriation Bill, 1980.

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

3. The sums authorized to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Bill shall be appropriated for the services and purpose expressed in the Schedule in relation to the said year.

Issue of Rs.41,60,23,000 out of the Consolidated Fund of the State of Sikkim for the Financial year 1980-81

Appropriation.
<table>
<thead>
<tr>
<th>No. of Vote</th>
<th>SERVICES &amp; PURPOSES</th>
<th>Voted by the Legislative Assembly</th>
<th>Charged on the Consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. State Legislature</td>
<td>Revenue 725</td>
<td>60</td>
<td>785</td>
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<td>Capital 5</td>
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<tr>
<td>Governor Revenue</td>
<td>-</td>
<td>631</td>
<td>631</td>
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<td>7</td>
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<td>2. Cabinet</td>
<td>Revenue 1467</td>
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<td>3. Agriculture</td>
<td>Revenue 22507</td>
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<td>Capital</td>
<td>2640</td>
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<td>4. Animal Husbandry &amp; Dairy Development</td>
<td>Revenue 10429</td>
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<td>10429</td>
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<tr>
<td>Capital</td>
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<td>2590</td>
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<td>5. Local Self Government</td>
<td>Revenue 5184</td>
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<td>6. Co-operation</td>
<td>Revenue 1931</td>
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<td>1070</td>
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<td>1070</td>
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<td>7. Ecclesiastical Department</td>
<td>Revenue 1056</td>
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<td>8. Education</td>
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<td>9. Power &amp; Irrigation</td>
<td>Revenue 20228</td>
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<td>10. Establishment Department</td>
<td>Revenue 283</td>
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<td>Capital</td>
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<tr>
<td>11. Excise (Abkari)</td>
<td>Revenue 570</td>
<td></td>
<td>570</td>
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<tr>
<td>Capital</td>
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<tr>
<td>12. Finance Department</td>
<td>Revenue 764</td>
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<tr>
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<td>13. Income Tax &amp; Sales Tax</td>
<td>Revenue 224</td>
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<td>224</td>
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<td>Capital</td>
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<td>14. Other Expenditure of the Finance Department</td>
<td>Revenue 2071</td>
<td>4065</td>
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<td>15. Food &amp; Civil Supplies</td>
<td>Revenue 1191</td>
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<td>16. Forest, Fisheries &amp; Soil conservation</td>
<td>Revenue 26633</td>
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<td>Capital</td>
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<td>17. Motor Vehicles</td>
<td>Revenue 334</td>
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<td>18. Sikkim Nationalised Transport</td>
<td>Revenue 21108</td>
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<td>19. Home Department</td>
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<td>20. Administration of Justice</td>
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<td>21. Police</td>
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<td>SUMS NOT EXCEEDING</td>
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<td>Voted by the Legis-</td>
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<td>Charged on the Conso-</td>
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<td>lolidated Fund</td>
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<td>(In thousands of Rupees)</td>
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<td>22.</td>
<td>Land Revenue</td>
<td>Revenue 5335</td>
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<td>Capital 358</td>
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<td>23.</td>
<td>Law Department</td>
<td>Revenue 307</td>
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<td>24.</td>
<td>Medical &amp; Public Health and Social Welfare</td>
<td>Revenue 17593</td>
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<td></td>
<td>Capital 3350</td>
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<td>17593</td>
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<td>25.</td>
<td>Panchayat &amp; Rural Works</td>
<td>Revenue 29970</td>
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<td>Capital 48</td>
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<td>26.</td>
<td>Planning &amp; Development</td>
<td>Revenue 1175</td>
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<td>Capital 9</td>
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<td>27.</td>
<td>Press, Publicity &amp; Cultural Affairs</td>
<td>Revenue 3663</td>
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<td></td>
<td></td>
<td>Capital 548</td>
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<td>28.</td>
<td>Public Works, Roads Bridges &amp; Water Supply</td>
<td>Revenue 74185</td>
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<td></td>
<td>Capital 48380</td>
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<td>29.</td>
<td>Tourism</td>
<td>Revenue 2380</td>
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<td>30.</td>
<td>Industries &amp; Labour</td>
<td>Revenue 7960</td>
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<td></td>
<td>Capital 5987</td>
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<td></td>
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<td>7960</td>
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</tr>
</tbody>
</table>

Total: 407248

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 1980-81.

SHERAB PALDEN
Minister-in-Charge
Department of Finance.

By Order,

R. K. GUPTA
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS
The Governor is pleased to appoint Shri D. P. Choudhuri, a Senior Advocate of the Calcutta High Court, as Advocate General for the State of Sikkim with immediate effect.

T. S. GYALTSHEN,
Chief Secretary,
Government of Sikkim.
Notification No. 1176(510) L.R. (S) Dated Gangtok, the 14th March, 1980

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 extension of Namchi Bazar, South District, it is hereby notified that a piece of land comprising cadastral plot Nos. 281/333, 283, 287, 288,289, 291, 292/340, 293, 294, 294/374 situated at Singithang Block bounded in the North: Present Bazar compound and Boomtar Road, South: Phatman Rai, DF of Samchu Kazini and DF of Gorkha Lama, East: Boundary of Boomtar Block, West : Government khasland and DF of Gega and c.s. plot Nos. 2 & 5 situated at block Boomtar which is bounded in Namthang Road, South: Boomtar Road, East: Sanman Tamang's DF, West: P. Bazar compound measuring more or less 6.68 acres is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid Blocks-

This notification is made, under the provisions of section 4 of Act I of 1894 to all to whom it may concern.

A plan of land may be inspected in the office of the District Collector, South District, Namchi.

In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorize 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, file an objection in writing before the District Collector, South District, Namchi.

By Order of the Governor.

P.T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
SIKKIM
GOVERNMENT
GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 21                                               Gangtok, Monday, March 24, 1980

SIKKIM NATIONALISED TRANSPORT
GOVERNMENT OF SIKKIM

GENERAL TERMS AND CONDITIONS OF CARRIAGE OF GOODS

Clause No: 1.

Every consignment shall (except as otherwise agreed in writing) be accompanied by a consignment note or declaration in which shall be stated:—

(a) The full names and addresses of the sender and the consignee;
(b) The station or place of destination and the route by which the Consignment is to be conveyed;
(c) Where practicable the total weight of the consignment.

Clause No: 2

The Sikkim Nationalized Transport shall carry the consignment packed either insured or at the owner's risk:

Provided that the term "at the owner's risk" used in the consignment note shall only mean that the consignor would be liable for any loss or damage to the consignment which are lying with the Sikkim Transport if such loss or damage was not caused by any negligence on the part of the Sikkim Nationalised Transport.

Clause No: 3.

The Sikkim Nationalised Transport shall not guarantee delivery of consignment within any specified period and shall not be liable for loss, damage, deviation, misdelivery, delay or detention of consignment any part thereof unless occasioned by the neglect or default on the part of the Sikkim Nationalised Transport.

Clause No: 4

(a) In the event of any interruption of communications (including imposition of gate timings) on the booked and customary route due to cause beyond the control of the Sikkim Transport, the Sikkim Nationalised Transport at its own discretion and on its own liability may cause the traffic to be diverted through the shortest route in order to meet its operational convenience.

(b) Notwithstanding the change of route or of the carrier or of enhanced freight, any consignment note held in respect of the consignment shall be equally operative over the route by which the consignment is conveyed.
Clause No: 5

The Sikkim Nationalised Transport shall be liable for every act of its agents. Its liability shall be termed as the liability of an insurer in insured consignments against all risks. Unless the loss or injury or damage of those goods while they were in the course of transit, is caused by the act of God or is the consequence of inherent vice in the thing carried or is attributable to consignor's own fault, the Sikkim Nationalised Transport shall still be liable even, if, under the circumstances, it was found to have acted with reasonable care and prudence:

Provided that its liability shall be limited to the value declared and not the value of the actual tents of the package consigned.

Clause No: 6.

The consignee or any holder of the receipt of consignments or its authorized agent should ascertain the date and time of arrival of consignment from the Sikkim Nationalised Transport's nearest booking office or its Head Office and the delivery of goods shall be taken from its vehicles or warehouses within one hour arrival failing which detention charges as given in the Schedule shall be charged.

Clause No: 7.

The Sikkim Nationalised Transport shall reserve the right to reweigh and remeasure consignment before delivery at the delivery station without assigning any reason thereon. This shall be done before the presence of the consignee or the holder of the receipt or his duly authorised agent and it shall collect any undercharge before effecting delivery of such consignments.

Clause No: 8.

The Sikkim Nationalised Transport shall deliver the goods to the consignee or the holder of the receipt or his duly authorised agent in the like order and condition as received by it. The consignee or the holder of the receipt or his duly authorised agent shall have the right of recourse of action against the Sikkim Nationalised Transport for all claims arising thereon. Such claim be made in writing to the General Manager within the period as mentioned in Clause No: 15 after the termination of the transit of the consignment, or the part of the consignment in respect of the claim arises.

Clause No: 9.

The transit shall unless otherwise previously determined, be deemed to be an end on the goods reaching its terminus.

Clause No: 10.

The Sikkim Nationalised Transport shall reserve the right to refuse goods for transportation without assigning any reason thereon.

Clause No: 11.

The Sikkim Nationalised Transport shall reserve the right to dispose of perishable goods undelivered after 48 hours of arrival, without giving any notice, if the consignee is unable for no fault of the Sikkim Nationalised Transport, or is unwilling to take delivery.

Clause No: 12.

(a) The Sikkim Nationalised Transport shall reserve the right to dispose other than perishable goods lying undelivered after 30 days of arrival, at the expiration of one clear day after the receipt by the consignee or the holder of the receipt or his duly authorised agent of notice in writing (or by telephone if so) towards this effect or if refused by the consignee or not delivered because the name and address of the consignee are not known or cannot be ascertained and in either case the sender fails to take delivery or to give instructions take disposal.

(b) The Sikkim Nationalised Transport may sell the same and pay the proceed of such sale, after deduction of freight and demurrage charges in relation thereto, and shall (without prejudice to any claim or right which the sender or consignee may have against the Sikkim Nationalised Transport otherwise arising under these conditions) discharge the Sikkim Nationalised Transport from all liability in respect of such consignments or part of the consignment.
Clause No: 13

The Sikkim Nationalised Transport shall not be responsible if any goods are detained, seized or confiscated en-route or at the destination by authorised agencies of Government.

Clause No: 14

(a) The Sikkim Nationalised Transport shall have the right to entrust the goods to any other transporter or carrier. In the event of the goods being so entrusted by it to another transporter or carrier, it shall, as between the consignor and the Sikkim Nationalised Transport, be deemed to be its agent.

(b) Notwithstanding the delivery of goods to such transporter or carrier, it

Clause No: 15

No suit shall lie against the Sikkim Nationalised Transport in respect of any consignment without a claim being made in writing to the General Manager in that behalf and preferred within 45 days from the date of booking, or 48 hours in case if perishables and 30 days in case of non-perishables from the date of arrival at destination by the party concerned. All claims in respect of shortages shall only be entertained if delivery has been effected in the presence of an Official of the Sikkim Nationalised Transport not below the grade of Junior Traffic Assistant.

Clause No: 16.

The Consignor in all cases shall be responsible for any consequence or any incorrect or false declaration pertaining to the goods delivered to the Sikkim Nationalised Transport for carriage.

Clause No: 17

The competent Court shall have jurisdiction in respect of all claims arising out of the consignment of goods entrusted to the Sikkim Nationalised Transport for carriage.

Note

(a) The Sikkim Nationalised Transport shall carry goods as packed at the Nationalised Transport' risk under the conditions of the Freight Insurance Scheme and mentioned in No:5, details of which shall be provided on request.

(b) Goods dispatched under the Express Delivery Scheme shall be accepted for carriage under the special condition applied to that service. Details of which shall be provided in request.

SCHEDULE

(Ref. Condition 5)

(a) Delivery at Sikkim Nationalised Transport's vehicles:

<table>
<thead>
<tr>
<th>Delivery at Sikkim Nationalised Transport's vehicles:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full truck loads</td>
</tr>
<tr>
<td>5 tones — Rs. 20.00 per hour.</td>
</tr>
<tr>
<td>3 &quot; — Rs. 15.00 &quot;</td>
</tr>
<tr>
<td>1 tone — Rs. 10.00 &quot;</td>
</tr>
<tr>
<td>Jeep — Rs. 8.00 &quot;</td>
</tr>
</tbody>
</table>

(b) Delivery at Sikkim Nationalised Transport's Warehoused:

<table>
<thead>
<tr>
<th>Delivery at Sikkim Nationalised Transport's Warehoused:</th>
</tr>
</thead>
<tbody>
<tr>
<td>50 Paise per quintal or part thereof for every 24 hours or part thereof</td>
</tr>
</tbody>
</table>

GENERAL MANAGER,
SIKKIM NATIONALISED TRANSPORT,
G ANGTOK.
GOVERNMENT OF SIKKIM
ESTABLISHMENT DEPARTMENT

No. 5(143)324/Gen/Est.    Dated Gangtok, the 20th March, 1980

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution the Governor is hereby pleased to make the following rules, namely:—

1. SHORT TITLE AND COMMENCEMENT

(a) These rules may be called "The Sikkim State Services (Regulation of Seniority) Rules, 1980."
(b) These rules shall come into force with effect from the dates of Constitution of the respective Services enumerated in Rule 2.

2. APPLICATION

These rules shall apply to persons appointed to the following Services:—

(a) State Civil Service;

(b) State Police Service; and

(c) State Forest Service.

3. DEFINITIONS

In these rules, unless the context otherwise requires:—

(a) "Commission" means the Sikkim Public Service Commission;
(b) "Government" means the Government of Sikkim;
(c) "Governor" means the Governor of Sikkim;
(d) "Member of Service" means a member of any of the three services enumerated in Rule 2 above.
(e) "Officer" means a member of the Service;
(f) "Service" means any of the Services detailed in Rule 2.
(g) "State" means the State of Sikkim;
4. The Seniority of the members of the Service shall be determined separately in respect of each Service in the manner specified below:—

(a) person appointed at the Initial Constitution of the Service shall rank senior to persons appointed thereafter;
(b) the seniority inter-se of the persons appointed at the Initial Constitution shall be arranged in the following manner:—

(i) persons holding posts of Secretaries/Heads of Departments shall be senior to all others, their inter-se seniority being determined by the date of their appointments as Secretary/Head of Department;
(ii) the relative seniority inter-se of the remaining persons shall be determined on the basis of their length of service in the gazetted grade;

Provided that persons, who have held non-gazetted posts initially, shall be given weight in respect of their non-gazetted service at the rate of one year for every five years of non-gazetted service:

Provided further that if two persons including Secretaries/Heads of Departments have the same date of seniority, the person who was appointed earlier to a gazetted post shall rank senior; and if the date of appointment to gazetted post is also the same, the person older in age shall rank senior.

(c) the seniority of members of the Service who are recruited on the results of competitive examination in any year shall be ranked inter-se in the order of merit in which their names appear in the result of that competitive examination; recruited on the basis of the earlier examination shall rank senior to those recruited on the basis of later examination.

Provided that if a person appointed to the Service fails to qualify himself for substantive appointment within the prescribed period of probation, the Governor shall determine whether the date of his appointment for the purpose of this Rule shall be postponed by a period not exceeding the period by which his probation is extended;

(d) the relative seniority inter-se of persons recruited by selection shall be determined on the basis of the order in which their names are arranged in the selection list prepared in consultation with the Commission;

Provided that where persons promoted initially on a temporary basis are subsequent appointed to the service on a substantive basis in an order different from the order of merit indicated at the time of their temporary promotion, seniority shall follow the order of subsequent appointment and not the original order of merit;

(e) the relative seniority of direct recruits and promotes shall be determined according to the rotation of vacancies between direct recruits and promoted and shall be determined by the dates of their substantive appointment the Service.

(f) the seniority of persons who are appointed to the service by a method other than by selection or by examination shall be determined ad-hoc by the State Government by a special order.

5. **POWER TO RELAX**

Where the Governor is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing and in consultation with the Commission, relax any of the provisions of these rules with respect to any class or category of persons or posts.

T. S. GYALTSHEN,
Chief Secretary,
Government of Sikkim.
In exercise of the powers conferred by Section 3 of the Essential Commodities Act 1955 (10 of 1955) and by virtue of the authority delegated under Ministry of Agriculture and Irrigation (Department of Food) Notification No.G.S.R. 475(E) dated the 24th July, 1976 and with the prior concurrence of the Government of India, the Government of Sikkim hereby makes the following Order:-

1. (1) This Order may be called the Sikkim Salt (Manufacture, Distribution and Movement) Control Order, 1980.

   (2) It extends to the whole of Sikkim.

   (3) It shall come into force on the date of publication in the Official Gazette.

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

   (a) 'salt' means any salt including Rock salt imported from Pakistan except-

      (i) khari,
      (ii) saltpetre,
      (iii) bitterns,
      (iv) denatured salt,
      (v) black salt,
      (vi) block salt;

   (b) 'district nominee' means a person appointed as such by the District Magistrate and holding a licence in Form 'B' annexed to this Order;

   (c) 'retail dealer' means any person licensed as a retail dealer in Form 'C' annexed to this Order.
(d) 'licensing authority' means the District Magistrate and includes any officer appointed as such by the District Magistrate;

(e) 'salt source' means any of the places mentioned in Schedule II annexed to this Order and includes any other place from which salt is imported into Sikkim;

(f) 'State Government means the Government of Sikkim;

(g) 'block salt' means fused in blocks made by melting any variety of salt in a furnace or by any other process but excludes black (medicinal) salt and refined salt in granular form;

(h) 'iodised salt' means salt mixed with potassium iodate.

3. (1) The licensing authority may, on receiving an application as a Form 'A' of Schedule I annexed to this Order, and having regard to the supplies of salt and the interest of public, grant or refuse to grant a licence and shall, in case of refusal, record its reason thereof in an order and communicate the same to the applicant.

(2) Where the licensing authority is satisfied that a licensee has contravened any of the provisions of this Order or the conditions of the licence, it may, after giving an opportunity to the person concerned to show cause against the action proposed against him, for reasons to be recorded in writing, suspend, revoke or refuse to renew his licence.

4. An appeal against an order under sub-clause (1) or sub-clause (2) of clause 3 shall lie to the Secretary, Food and Civil Supplies within a period of thirty days from the date of such order:

Provided that the Secretary, Food and Civil Supplies may, if he thinks fit, transfer any appeal preferred to him to the Joint Secretary-cum-Commissioner, Department of Food and Civil Supplies for disposal.

5. (1) No person shall sell or offer to sell salt unless he holds a licence in Form 'B' or Form 'C' annexed to this Order.

(2) No person shall import salt from any source as mentioned Schedule II in any district in Sikkim without holding a licence Form 'B' annexed to this Order.

(3) No district nominee shall sell or offer to sell or otherwise disposed of salt except under the orders of the District Magistrate or to person holding a retailer's licence in Form 'C' annexed to the Order.

6. No person shall carry, cause to be carried or offer for carriage by road or river, salt from any place in Sikkim to any place outside its territory except under and in accordance with the terms of a permit issued the State Government or by an officer authorised by it in this behalf.

7. (1) The District Magistrate may direct that any consignment of salt received within his district either by road or river shall be delivered to any person named by him upon payment by such person of such charges and in such manner as he may specify.

(2) The District Magistrate may also direct that any person holding any stock of salt shall sell the whole or any specified part thereof to such person or class of persons and in such manner as may be specified by him.

8. No consignment of salt shall be taken delivery of by any person unless the railway receipt in respect of the consignment has been attested by the District Magistrate or any officer authorised by him in this behalf.

9. (1) The price hereinafter referred to as the wholesale price, to be charged by a license in Form 'B', shall not exceed ten percent over and above the cost of salt at salt source plus incidental charges as may be determined by the District Magistrate.
3

(2) No retail licensee in Form "C" shall sell salt at a price exceeding fifteen percent over and above the wholesale price plus incidental charges as may be determined by the District Magistrate.

Provided that in the case of rock salt imported from Pakistan, the price fixed by the Government of India for such salt shall be deemed to be the cost of salt at salt sources for the purposes of this clause.

**Explanation:**— Incidental charges means the freight, cartage and coolie charges and includes such other charges as the District Magistrate may consider reasonable.

10. The licensing authority or any person not below the rank of Inspector of Food and Civil Supplies Department authorised by it in this behalf, may—

(i) direct any person carrying on business in salt to maintain such record and furnish such information as he may specify;
(ii) inspect or cause to be inspected any books or documents belonging to or under the control of any person or firm carrying on business in salt;
(iii) enter or search any premises where any transaction connected with salt has been, is being or is about to be, carried out;
(iv) seize or authorise the seizure of any salt in respect of which he has reason to believe that a contravention of this order has been made.

By order and in the name of the Governor of Sikkim.

SONAM WANGDI, I.A.S.,
Secretary to the Government of Sikkim,
Food and Civil Supplies Department,
Gangtok.
Application for grant of a licence under the Sikkim Salt (Manufacture, Distribution and Movement) Control Order, 1980.

(See Sub-Clause (1) of clause 3)

1. Name of applicant.......................... .......................... 
2. Parentage................................................................. .......................... 
3. Permanent address.............................................. .......................... 
4. Address of the place of business for which licence is applied for....................... .......................... 
5. Type of licence applied for (whether in Form ’B’ or ‘C)........................ .......................... 
6. Since how long applicant was in the trade as importer or retailer................. .......................... 
7. Volume of salt business in previous two years; .......................... .......................... 

1978 .......................... .......................... 
1979

(i) I/we have carefully read the conditions of the license and the Sikkim Salt (Manufacture, Distribution and Movement) Control Order, 1980 and I/we agree to abide by them.

(ii) (a) I/we have not previously applied for such licence in this district or
(b) I/we applied for such licence in this district on.............................and was/were

.................. granted a licence on—.................. was not/were not granted

licence.

Note:—cross out (a) or (b) as the case may be.

Date.......................... .......................... 

(Signature of the applicant) .......................... 

District ..........................
LICENCE IN FORM 'B'

(See sub-clause (b) of clause 2 and sub-clause (1) of clause 5)

LICENCE TO ACT AS A DISTRICT NOMINEE FOR SALT

1. Registered No...................................................
2. Name of licensee...................................................
   Parentage..................................................
   Residence...................................................
3. Place of business (as District Nominee)..........................
4. This licence is valid in.......................District upto...............

(Signature of Licensing Authority)

Conditions of licence.

(1) The licensee shall maintain a register in English of daily accounts showing separately in respect of salt from each different salt sources:—

   (a) the opening balance of each day;
   (b) the quantities received on each day;
   (c) the quantities sold on each day;
   (d) the closing balance at the end of each day.

(2) The licensee shall prominently display at his business premises a list of current prices in English and local language of salt from each different salt sources. .

(3) The licensee shall maintain such other register and make such returns and display such notices as the District Magistrate may direct.

(4) The licensee shall not refuse to sell or withhold from sale any salt in his possession in such quantities at such times to such persons and in such manners the District Magistrate may direct.

(5) The licensee shall render all necessary facilities at all reasonable times to such persons as may be authorised by the District Magistrate for the inspection of his shop, godown, or any used for the storage or sale of salt.

(6) The licensee shall furnish correctly such information as may, form time to time, be demanded from him and shall carry out such instructions as may, from time to time, be given by the District Magistrate or by any officer authorised by him in this behalf.

(7) The licensee (District Nominee) shall maintain a reserve as directed by the District Magistrate.

(8) Any contravention of the conditions of licence by the licensee or by his agent or servant or any other person who can reasonably be presumed to have been acting in his behalf, will render the licensee liable to cancellation of his licence without prejudice to any other action that may be taken against him.
LICENCE IN FORM ’C’

(See sub-clause (c) of clause 2 and sub-clause (1) of clause 5)
(Licence to act as retail dealer in salt)

1. Registered No..................................Licence No.......  
2. Name of Licensee..................................................  
3. Parentage..............................................................  
   Residence..............................................................  
4. This Licence is valid in...........................................  
   District upto..........................................................

(Signature of Licensing Authority)

Conditions of Licence.

1. The licensee shall maintain a register in English of daily accounts showing separately in respect of salt from each different salt sources:—

   (a) the opening balance of each day;  
   (b) the quantities received on each day;  
   (c) the quantities sold on each day;  
   (d) the closing balance at the end of each day;

2. The Licensee shall prominently display at his business premises a list of current prices in English of salt from each different salt sources.  
3. The licensee shall maintain such other register and make such returns and display such other notices as the District Magistrate may direct.  
4. The licensee shall not refuse to sell or withhold from sale any salt in his possession in such quantities at such times, to such persons and in such manner as the District Magistrate may direct.  
5. The Licensee shall render all necessary facilities at all reasonable times to such persons as may be authorised by the District Magistrate for the inspection of his shop, godown or any other place used for the storage or sale of salt.  
6. The licensee shall furnish correctly such information as may, from time to time be demanded from, him and shall I carry out such instructions as may, from time to time be given by the District Magistrate or by any officer authorised by him in this behalf.  
7. The licensee (District Nominee) shall maintain a reserve as directed by the District Magistrate.  
8. Any contravention of the conditions of licence by the licensee or by his agent or any other person, who can reasonably be presumed to have been acting in his behalf, will render the licensee liable to cancellation of his licence without prejudice to any other action the may be taken against him.
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Sambhar</td>
<td>(5)</td>
</tr>
<tr>
<td>(2)</td>
<td>Pachbadra</td>
<td>(6)</td>
</tr>
<tr>
<td>(3)</td>
<td>Didwana</td>
<td>(7)</td>
</tr>
<tr>
<td>(4)</td>
<td>Kharogadha</td>
<td>(8)</td>
</tr>
</tbody>
</table>
LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION

NO. 1/LL/80.

Dated Gangtok, the 25th March, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 25th day of March, 1980, is hereby published for general information.

SIKKIM ACT NO. 1 OF 1980.

THE SIKKIM APPROPRIATION ACT, 1980.

AN ACT to authorise payment and appropriation of certain further sum from and out of the Consolidated Fund of the State of Sikkim for the services of the Financial year, 1979-80.

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

1. This Act may be called the Sikkim Appropriation Act, 1980.

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 two crores seventy seven lakhs seventy even thousands of rupees towards defraying the charges which will come in course for payment during the financial year 1979-80, in respect of the services specified in column 2 of the Schedule.

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.
<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICES AND PURPOSES</th>
<th>Voted by the Legislative Assembly</th>
<th>Charged on the Consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Cabinet</td>
<td>Revenue 200</td>
<td>-</td>
<td>200</td>
</tr>
<tr>
<td>3.</td>
<td>Agriculture</td>
<td>Revenue 700</td>
<td>-</td>
<td>700</td>
</tr>
<tr>
<td>5.</td>
<td>Local Self Government</td>
<td>Revenue 7</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>6.</td>
<td>Co-operation</td>
<td>Revenue 60</td>
<td>-</td>
<td>60</td>
</tr>
<tr>
<td>9.</td>
<td>Power and Irrigation</td>
<td>Revenue 11041</td>
<td>-</td>
<td>11040</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital 1480</td>
<td>-</td>
<td>1480</td>
</tr>
<tr>
<td>10.</td>
<td>Establishment</td>
<td>Revenue 27</td>
<td>-</td>
<td>27</td>
</tr>
<tr>
<td>11.</td>
<td>Excise (Abkari)</td>
<td>Revenue 55</td>
<td>-</td>
<td>55</td>
</tr>
<tr>
<td>12.</td>
<td>Finance Department</td>
<td>Revenue 60</td>
<td>-</td>
<td>60</td>
</tr>
<tr>
<td>14.</td>
<td>Other expenditure of the Finance Department</td>
<td>Revenue 213</td>
<td>1</td>
<td>214</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital 550</td>
<td>1</td>
<td>551</td>
</tr>
<tr>
<td>17.</td>
<td>Motor Vehicles</td>
<td>Revenue 12</td>
<td>-</td>
<td>12</td>
</tr>
<tr>
<td>18.</td>
<td>Sikkim Nationalised Transport</td>
<td>Revenue 1505</td>
<td>-</td>
<td>1505</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital 2000</td>
<td>-</td>
<td>2000</td>
</tr>
<tr>
<td>19.</td>
<td>Home Department</td>
<td>Revenue 1418</td>
<td>-</td>
<td>1418</td>
</tr>
<tr>
<td>20.</td>
<td>Administration of Justice</td>
<td>Revenue 109</td>
<td>38</td>
<td>147</td>
</tr>
<tr>
<td>21.</td>
<td>Police</td>
<td>Revenue 853</td>
<td>-</td>
<td>853</td>
</tr>
<tr>
<td>22.</td>
<td>Land Revenue</td>
<td>Revenue 527</td>
<td>-</td>
<td>527</td>
</tr>
<tr>
<td>24.</td>
<td>Medical &amp; Public Health</td>
<td>Revenue 725</td>
<td>-</td>
<td>725</td>
</tr>
<tr>
<td>25.</td>
<td>Panchayat &amp; Rural Works</td>
<td>Revenue 5034</td>
<td>-</td>
<td>5034</td>
</tr>
<tr>
<td>27.</td>
<td>Press Publicity and Cultural Affairs</td>
<td>Revenue 72</td>
<td>-</td>
<td>72</td>
</tr>
<tr>
<td>28.</td>
<td>Public Works, Roads, Bridges and Water Supply</td>
<td>Revenue 852</td>
<td>-</td>
<td>852</td>
</tr>
<tr>
<td>29.</td>
<td>Tourism</td>
<td>Revenue 50</td>
<td>-</td>
<td>50</td>
</tr>
</tbody>
</table>

By Order of the Governor,

R. K. GUPTA,
Secretary to the Govt. of Sikkim,
Law & Legislative Department,
Government of Sikkim.
F. No. 16 (82) LL/79.
NOTIFICATION No. 95/H.

Dated Gangtok, the 20th March, 1980.

The following notification No. 56/79-VII, dated 29th February, 1980/ Phalguna 10, 1901(S) of the Election Commission of India, New Delhi, is hereby republished for general information.

NOTIFICATION

Whereas the Election Commission is satisfied that as a result of its poll performance at the general election to the Legislative Assembly of Sikkim held in October 1979, the Sikkim Prajatantra Congress which is a registered unrecognized political party is entitled for recognition as a State Party in the State of Sikkim in terms of paragraph 6 of the Election Symbols (Reservation and Allotment Order, 1968;

And whereas the Commission has decided to recognize the Sikkim Prajatantra Congress as a State Party in the State of Sikkim, and reserve the symbol "Ladder" for the said party in Sikkim;

Now, therefore, in pursuance of clause (b) and clause (c)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 in its notification No. 56/79, dated 28 September, 1979 published as S.O. 557(E) in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated 28 September, 1979, and as amended from time to time, namely:

(1) In TABLE 2 of the said notification, in the entries relating to Sikkim, under columns 2 and 3
   (a) the entry "4. Sikkim Prajatantra Congress.........Ladder" shall be inserted; and
   (b) the existing entry No. 13 shall be renumbered as No. 12.

By Order,

D.K.MANAVALAN,
Chief Electoral Officer,
Sikkim.

Sd/- (K. GANESAN)
Secretary to the Election Commission of India.
LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 2/LL/80.

Dated Gangtok, the 25th March, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 25th day of March, 1980, is hereby published for general information.

SIKKIM ACT NO. 2 OF 1980.

THE SIKKIM APPROPRIATION ACT, OF 1980.

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

BE it enacted by the Legislature of the State of Sikkim in the Thirty-first year of the Re-public of India as follows—

1. This Act may be called the Sikkim Appropriation Act, 1980.

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

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.
<table>
<thead>
<tr>
<th>No. of Vote</th>
<th>SERVICES &amp; PURPOSES</th>
<th>SUMS NOT EXCEEDING</th>
<th>Voted by the Legislative Assembly</th>
<th>Charged on the Consolidated Fund</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(In thousands of Rupees)</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>State Legislature</td>
<td>Revenue</td>
<td>725</td>
<td>60</td>
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<tr>
<td></td>
<td>Governance</td>
<td>Revenue</td>
<td>-</td>
<td>631</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>1467</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Governor</td>
<td>Revenue</td>
<td>22507</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>Cabinet</td>
<td>Revenue</td>
<td>10429</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>5184</td>
<td>-</td>
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<td>3.</td>
<td>Agriculture</td>
<td>Revenue</td>
<td>22507</td>
<td>-</td>
</tr>
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<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>1070</td>
<td>-</td>
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<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>2590</td>
<td>-</td>
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<td></td>
<td>Local Self Government</td>
<td>Revenue</td>
<td>5184</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>610</td>
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</tr>
<tr>
<td>5.</td>
<td>Co-operation</td>
<td>Revenue</td>
<td>1931</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>1070</td>
<td>-</td>
</tr>
<tr>
<td>6.</td>
<td>Ecclesiastical Department</td>
<td>Revenue</td>
<td>1056</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>7.</td>
<td>Education</td>
<td>Revenue</td>
<td>25981</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>3800</td>
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<tr>
<td>8.</td>
<td>Power &amp; Irrigation</td>
<td>Revenue</td>
<td>20218</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>21290</td>
<td>-</td>
</tr>
<tr>
<td>9.</td>
<td>Establishment Department</td>
<td>Revenue</td>
<td>283</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>7</td>
<td>-</td>
</tr>
<tr>
<td>10.</td>
<td>Excise (Abkari)</td>
<td>Revenue</td>
<td>570</td>
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<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>25</td>
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<tr>
<td>11.</td>
<td>Finance Department</td>
<td>Revenue</td>
<td>764</td>
<td>-</td>
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<tr>
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<td>Capital</td>
<td>Revenue</td>
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<tr>
<td>12.</td>
<td>Income Tax 8c Sales Tax</td>
<td>Revenue</td>
<td>224</td>
<td>-</td>
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<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>13.</td>
<td>Other Expenditure of the Finance Department</td>
<td>Revenue</td>
<td>2071</td>
<td>4065</td>
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<tr>
<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>1840</td>
<td>3260</td>
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<td>14.</td>
<td>Food &amp; Civil Supplies</td>
<td>Revenue</td>
<td>1190</td>
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<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>510</td>
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<td>15.</td>
<td>Forest, Fisheries &amp; Soil Conservation</td>
<td>Revenue</td>
<td>26633</td>
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<td></td>
<td>Capital</td>
<td>Revenue</td>
<td>1005</td>
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<td>16.</td>
<td>Motor Vehicles</td>
<td>Revenue</td>
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<td>Capital</td>
<td>Revenue</td>
<td>7</td>
<td>-</td>
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<td>17.</td>
<td>Sikkim Nationalised Transport</td>
<td>Revenue</td>
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<td>Capital</td>
<td>Revenue</td>
<td>5915</td>
<td>-</td>
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<td>18.</td>
<td>Home Department</td>
<td>Revenue</td>
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<td>Capital</td>
<td>Revenue</td>
<td>520</td>
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<td>19.</td>
<td>Administration of Justice</td>
<td>Revenue</td>
<td>326</td>
<td>552</td>
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<td>Capital</td>
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<td>20.</td>
<td>Police</td>
<td>Revenue</td>
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<td>No. of Vote</td>
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<td>Voted by the Legislative Assembly</td>
<td>Sums not exceeding Consolidated Fund (In thousands of Rupees)</td>
<td>TOTAL</td>
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<td>---------------------------------------------------------------</td>
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<td>22</td>
<td>Land Revenue</td>
<td>Revenue 5335</td>
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<td>Capital 358</td>
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<td>358</td>
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<td>Law Department</td>
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<td>24</td>
<td>Medical &amp; Public Health and Social Welfare</td>
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<td>Capital 3350</td>
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<td>Panchayat &amp; Rural Works</td>
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<td>26</td>
<td>Planning &amp; Development</td>
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<td>27</td>
<td>Press, Publicity &amp; Cultural Affairs</td>
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<td>Capital 548</td>
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<td>28</td>
<td>Public Works, Roads Bridges &amp; Water Supply</td>
<td>Revenue 74185</td>
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<td>Capital 48380</td>
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<td>48380</td>
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<td>29</td>
<td>Tourism</td>
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<td>Capital 815</td>
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<td>Industries &amp; Labour</td>
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<td></td>
<td></td>
<td>Capital 5987</td>
<td>-</td>
<td>5987</td>
</tr>
</tbody>
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Total: 407248  8775  416023

By Order of the Governor,

R. K. GUPTA,
Secretary to the Government of Sikkim,
Law & Legislative Department,
Government of Sikkim.
F. No. 16 (82) LL/79.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
In exercise of the powers 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 the duty of collecting the tolls from the owner of goods and fees from vendors having stalls in the Bazars of Gangtok, Deorali and Tadung for the year 1980-81 according to the rates and subject to the exemptions given below:—

1. **SCALE OF FEES TO BE LEVIED ON THE DAY TO DAY BAZAR VEN-DORS HAVING STALLS IN THE BAZARS**

The daily rent shall be paid at the rate of Rs. 0.02 paise per sq. ft. on any sizes of stall irrespective of any kind of stalls put up and articles (merchandise) exposed for sale.

**MISCELLANEOUS**

(i) Goods to the value of Rs. 0.25 to Rs. 1.00
for instance, grass, fuels, vegetable etc. Rs. 0.06 p. each
(ii) Packed Orange Boxes..................... Rs. 0.10 p. each
(iii) Orange packing Baskets............. Rs. 0.03 p. each
(iv) Hide per coolie load...................... Rs. 0.15 p. each
(v) Any good (excluding butter, Ghee, Eggs and cardamom brought and un-loaded in
the bazar viz. coolies, donkeys, mules,
ponies, bullock carts, and all vehicles.
Rs. 0.15 p. P. 40 Kgs.
Rs. 0.08 p. P. 20 Kgs.
Rs. 0.04 p. P. 10 Kgs.

**N.B.** THE TOLLS IS PAYABLE BY THE OWNERS, OF THE GOODS AT THE TIME ON UNLOADING THE GOODS.

**SPECIAL RATES FOR BUTTERS, GHEE, EGGS AND CARDAMOM**

(i) butter and ghee Rs. 0.22 per kg.
(ii) cardamom Rs. 0.50 per 40 kg.
(iii) eggs Rs. 0.06 per doz.
ON DEALERS IN LIVESTOCK

(i) Horses, Ponies and Tatus  Rs. 5.00 each  
(ii) Buffalo  Rs. 4.00 each  
(in) Buffalo Calf  Rs. 2.00 each  
(iv) Buffalo and Bulls  Rs. 4.00 each  
(v) Cows  Rs. 4.00 each  
(vi) Cow Calf  Rs. 2.00 each  
(vii) Goat & Sheep  Rs. 1.50 each  
(viii) Pig  Rs. 3.00 each  
(ix) Pigs under 3 months  Rs. 0.75 each  
(x) Geese and Turkey  Rs. 0.25 each  
(xi) Fowl, Ducks Mynas, Parrots  Rs. 0.12 each  
(xii) Chicken, Pigeons and other birds  Rs. 0.06 each  

EXEMPTION

(1) Building or goods belonging to the Government of India or the State Government.
(2) Sheds built by workmen for making orange boxes on sites allotted by the Government or Orange Depot.
(3) Milk brought for sale in the Bazar.
(4) Barbers, animal sheers and tailors who simply keep their sewing machine for sewing cloths in the Bazar.
(5) Articles, not exposed for sale in the Bazar.
(6) Goods upto the value of 25 paisa, which are the sole property of one person.
(7) Building materials such as stone, stone chip, sand, timber and buttons, cement, iron rods and GI sheets which are brought and unloaded in the bazar by private parties for construction of their own shops, godowns and kitchens at sites allotted by Government, (such materials shall be liable to be taxes when they are brought and unloaded in the bazar for the purpose of sale.
(8) Animals brought into Sikkim from outside for sale in meat stalls located within bazars provided the importers show necessary proof of making the purchase outside Sikkim.
(9) Goods or animals brought to the mouth of the bridge, without being exposed in the bazar for sale.
(10) Goods which are in transit provided they are supported by a challan given by a seller to the purchaser showing clearly the place of despatch and their destination.
(11) Seeds, planting materials, fertilisers and pesticides supplied by the Agricultural Department to farmers through V.L.W. stores shall in Lall Market, Gangtok.
(12) All goods including firewood, dairy produce & poultry supplied by the Denzong Agricultural Co-operative Ltd. to the Defence forces in Sikkim.

NOTE. (2): In case the goods in transit are required to be unloaded in a bazars on account of non-availability of transport they shall be removed within 24 hours failing which the Corporation shall be entitled to charge toll tax on them. When such goods are unloaded or readed in the bazar they should be shown to the Corporation Officer on duty along with the challan before being taken to their destination. In case a part of the goods is sold out at the place of unloading, the toll tax due on them should be paid to the Corporation.

NOTE. (2): The Corporation shall realise toll tax on all the controlled food commodities directly from the retailers dealing in such commodities Food Corporation of India and the and Civil Supplies Department shall not be responsible for payment of this tax.

P, K. PRADHAN,  
Secretary,  
Local Self Government  
Department  
Gangtok.
The following Ordinance promulgated by the President and published in Extraordinary Gazette of India, part II, section 1, dated the 7th March, 1980, is hereby published for general information:—

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ORDINANCE, 1980.

No. 1 OF 1980

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

An Ordinance further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

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 (1) article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1980.
   (2) It shall come into force at once.

2. In section 6 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (hereinafter referred to as the principal Act), in sub-section (1 A), for the words “ten years”, wherever they occur, the words “fifteen years” shall be substituted.

3. In section 8 of the principal Act, in sub-section (2A),—

   (ii) secondly with effect from the expiry of five years, and thirdly with effect from the expiry of ten years, from such commencement;"
(b) in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely:-

"(ii) secondly with effect from the date of expiry of five years, and thirdly with effect from the date of expiry of ten years, from the date on which the revision made under sub-clause (i) takes effect;"

(c) for clause (c), the following clause shall be substituted, namely:-

"(c) in any other case,—
(i) first with effect from the date of expiry of five years from the date on which possession of such property has been surrendered or delivered to, or taken by, the competent authority under section 4, and
(ii) secondly with effect from the date of expiry of five years from the date on which the revision under sub-clause (i) takes effect".

N. SANJIVA REDDY,
President.

________________________

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

By order.

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

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
In accordance with Rule 272 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the following Members are hereby nominated to be the Members second Committee on Rules:—

1. Shri L. B. Basnet
2. Shri J. B. Pradhan
3. Shri N. B. Khatiwada
4. Shri K. N. Upreti
5. Shri Dorjee Tshering Bhutia

The Speaker shall be the ex-officio Chairman of the Committee.

The term of the Committee shall be one year from the date of its nomination, or till a new Committee is constituted in accordance with the Rules.

The Committee on Rules shall function in accordance with Rule 271 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly.

SONAM TSHERING,
Speaker,
Sikkim Legislative Assembly.
In accordance with Rule 267 of the Rules of Procedure and Conduct of Business the Sikkim Legislative Assembly elected on 26th March, 1980, the following Members to be the Members of the second Committee on Estimates:—

1. Shri D.B. Thatal
2. Shri Katuk Bhutia
3. T.B. Limbo
4. Shri P.L. Gurung
5. Shri Ram Lepcha

In exercise of the powers under Rules 210 of the Rules of Procedure and Conduct of Business of the Sikkim Legislative Assembly, Shri D.B. Thatal is hereby appointed as Chairman.

The term of the Committee shall be one year from the date of its election.

The Committee shall function in accordance with Rule 266 and 268 of the Rules of procedure and Conduct of Business in the Sikkim Legislative Assembly.

SONAM TSHERING,
Speaker,
Sikkim Legislative Assembly
In accordance with Rule 265 of the Rules of Procedure and Conduct of Business, the Sikkim Legislative Assembly elected on 26th March, 1980, the following Members to be the Members of the third Committee on Public Accounts: -

1. Shri B. B. Gurung  
2. Shri Dugo Bhutia  
3. Shri Pradeep Yonzon  
4. Shri D. B. Thatal  
5. Shri Tenzing Dadul Bhutia

In exercise of the powers under Rule 210 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, Shri B.B.Gurung is hereby appointed as in Chairman.

The term of the Committee shall be one year from the date of its election.

The Committee on Public Accounts shall function in accordance with Rule 264 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly.

SONAM TSHERING,  
Speaker,  
Sikkim Legislative Assembly.
In accordance with Rule 270 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the following Members are hereby nominated to be the Members of the second Committee on Government Assurances:—

1. Shri Pradeep Yonzon  
2. Shri Garjaman Gurung  
3. Shri B. P. Kharel  
4. Shri Dugo Bhutia  
5. Shri C. B. Rai

In exercise of the powers under Rule 210 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, Shri Pradeep Yonzon is hereby appointed as its Chairman.

The term of the Committee shall be one year from the date of its nomination or till a new Committee is constituted in accordance with the Rules.

The Committee on Government Assurances shall function in accordance with Rule 269 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly.

SONAM TSHERING,  
Speaker,  
Sikkim Legislative Assembly,
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

Notification No. 205/SLAS/79-80/335.

Dated Gangtok, the 26th March, 1980.

In accordance with Rule 9 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the following three Members of the Sikkim Legislative Assembly are hereby nominated on the Panel of Chairman, any one of whom may preside over the House in the absence of the Speaker and the Deputy Speaker when so requested by the Speaker or, in the Deputy Speaker:—

1. Shri Chamla Tshering
2. Shri Pradeep Yonzon
3. Shri J. B. Pradhan

The panel of Chairman shall hold office until a new panel of Chairman is nominated.

SONAM TSHERING,
Speaker,
Sikkim Legislative Assembly,
SIKKIM

GOVERNMENT

PUBLISHED BY AUTHORITY

EXTRAORDINARY

GAZETTE

No. 33                              Gangtok, Friday, April 11, 1980

LAW AND LEGISLATIVE DEPARTMENT
NOTIFICATION


Dated Gangtok, the 5th April, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 5th day of April, 1980, is hereby published for general information.

SIKKIM ACT NO. 3 OF 1980

THE SIKKIM FISHERIES ACT, 1980.

AN

ACT

to provide for conservation, propagation, development and the modes of disposal of fisheries in Sikkim.

Be it enacted by the legislative Assembly of Sikkim in the Thirty-first year of the Republic of India as follows :-

1.  (l) This Act may be called the Sikkim Fisheries Act, 1980.
    (2) It shall extend to the whole of Sikkim.
    (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

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

(i) 'fish' includes shell-fish in all stages of its life including aquatic plants and animals of fisheries value;
(ii) 'fishing gear' means any net, line, rod and line, fishing tackle or other appliances used for the purpose of catching fish;
(iii) 'fishing craft' means any boat manually operated or operated by power used for the purpose of fishing or the transport of fish;
(iv) 'fishing offence' means any offence punishable under this Act or any rule made there under;
(v) 'fishery officer' means any person whom the State Government may, from time to time, appoint by name or as holding an office, to carry out all or any of the purposes of this Act or to do anything required by this Act or any rule made thereunder;
Provided that no police officer below the rank of Sub-Inspector shall be so empowered;

(vi) 'fixed engine' means any net, cage, trap or other contrivance for taking fish fixed in the soil or made stationary in the other way;
(vii) 'notification' means a notification published in the Official Gazette;
(viii) 'private waters' means water which are the exclusive property of any person, or in which any person has for the time being an exclusive right of fishery whether as owner, lessee or in any other capacity and includes tanks, ponds, artificial lake etc excavated at expenses of the owner which have no communication at any season with the natural waters of any river, streams or canals;

Explanation.— Water shall not cease to be private water within the meaning of this definition by reason only that other persons may have by custom a right of fishery therein;

(ix) 'State Government' means the Government of the State of Sikkim;
(x) 'religious water' means water belonging to a religious body or institution and which have by reason thereof and on religious grounds never been fished before;

Explanation.— The provisions of this definition shall not however, debar the State Government to develop such water with fisheries which, however, will not be subjected to commercial use without the consent of the religious body or institution or the persons who may have customs attached to such water;

(xii) 'religious body' means the trustees or any other person who are in charge of a religious institution or in whom the ownership of the religious institution vests for the time being;
(xiii) 'section' or 'sub-section' means a section or sub-section of this Act unless referred to any other Act.

3. (1) The State Government may make rules for the purposes mentioned hereinafter in this section and shall under such rules declare the waters, not being private waters, to which all or any of them shall apply.

(2) The State Government may by notification apply such rules or any of them to any private water with the consent in writing of the owner thereof and of all persons having for the time being any exclusive right of fishery therein.

(3) The State Government may make rules for the propagation and development of fisheries in private waters which may include grant of financial help there for.

Explanation.— Financial help shall include loans, subsidy or grants-in-aid.

(4) Such rules may,-

(a) prohibit or regulate all or any of the following matters -

(i) the erection and use of fixed engines;
(ii) the construction of weirs, bunds and diversion of natural waters for killing fish; and
(iii) the dimension and kinds of fishing gears and modes of their use.

(b) prohibit fishing except under a license and regulate the granting of such licences, the fees payable therefor and the conditions to be inserted therein;

(c) prohibit destruction or attempt to destroy fish by any gear which the State Government may consider harmful or destructive;
(d) prescribe seasons in which the killing or catching or sale of any fish of any prescribed species shall be prohibited;
(e) prescribe a minimum size or weight below which no fish of any prescribed species shall be caught, killed or sold;
(f) prohibit fishing in any specified water for a specified period;
(g) prescribe modes, means, agency and procedures of business of fisheries within and outside the State;
(h) regulate export of fish or specified species of fish outside any area or areas and also prescribe the rate for sale of fish in any market of the State;
(i) regulate and prescribe lease or mortgage of tank, pond or land for construction of pond intended for stocking in such tank or pond with fish of any class;
(j) regulate the possession of fishing craft and gear within any specified limits as may appear to be necessary;
(k) such rules may, among other matters, also provide for the examination of fish in transit within specified limits.

(5) In making any rules under this section the State Government may provide for-

(a) seizure, removal and forfeiture of any apparatus erected or used for fishing in contravention of the rules;
(b) forfeiture of any fish taken by means of any such apparatus;
(c) confiscation of any consignment of fish held or transported in contravention of the rules.

4. The State Government may by notification prohibit in any specified areas the offering or exposing for sale or barter of any fish killed or caught in contravention of any rules made under sub-section (4) of section 3 of this Act. Power to prohibit sale of fish.

5. (1) The breach of any rule made under section 3 or of any prohibition notified under section 4 shall be punishable with imprisonment which may extend to three months or with fine which may extend to five hundred rupees or with both, and when the breach is a continuing one, with a further fine which may extend to ten rupees for each day during which the breach is continued after the first day.

(2) If any person convicted of an offence under this Act, commits a like offence afterwards, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both for each subsequent offence. Penalties.

6. If any person uses any dynamite or other explosive substances in any water with intent thereby to catch or destroy fish that may be therein, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or both. Destruction of fish by explosives and punishment therefor.

7. If any person puts any poison, lime or noxious materials into any water with intent thereby to catch or destroy any fish which maybe therein, he shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or both. Destruction of fish by poisoning and punishment therefor.

8. Notwithstanding anything contained in the Law relating to Criminal Procedure in force in Sikkim, the offences under this Act shall be cognizable and any property used for committing fishing offence may be forfeited to the State. Offence cognizable.

9. (1) Any Fishery Officer, Police Officer or any other person specially empowered by the State Government in this behalf, may, without warrant, arrest any person committing or attempting to commit in his view, any offence punishable under this Act and may detain him for investigation including ascertination of name and residence. Power to arrest without warrant and investigation of offences under this Act.


(2) When the investigation is completed or the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate, if so required.

(3) Should the investigation not be concluded or the name and residence of such person not be ascertained within twenty four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate along with copies of connected papers.

(4) The Magistrate to whom an accused person is forwarded under this section, shall follow the procedure relating to remand as laid down in the Code of Criminal Procedure for the time being in force.

Power of search and investigation.

10. Every Fishery Officer shall have the same power of search and investigation in respect of offences under this Act as that of a Police Officer under the provisions of the law relating to Criminal Procedure for the time being in force in Sikkim.

Power to compound certain offences and charge compensation

11. (1) The State Government may, by notification, empower a Fishery Officer by name or as holding an office -

(a) to accept from person concerning whom evidence exists which if unrebuted would prove that he has committed any fishing offence as described in the first column of the Schedule, a sum of money by way of compensation for the offence with regard to which such evidence exists and on payment of such sum to such officer such person, if in custody, shall be discharged and no further proceedings shall be instituted against him;

(b) to accept compensation as damages for the loss caused to fish life may be assessed by such officer at the prevalent market rate which shall be in addition to the compensation specified in the Schedule.

(c) to release any property that has been seized as liable to confiscation on payment of the value of such property as estimated by such officer and on payment of such value such property shall be released and no further proceedings shall be taken in respect thereof.

(2) The sum of money accepted as compensation under sub-clause (a) of sub-section (1) shall be in no case exceed the amount mentioned in the second column of the Schedule for the particular offence detailed in the first column thereof:

Provided that provision of sub-section (2) shall not limit the act of an officer to charge compensation for different offences collectively if such offences are committed at the same time by a person.

Person performing duties under this Act and protection of action taken on good faith.

12. Person empowered to exercise and execute duties under this Act or rules made thereunder shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code, and no suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Repeal and Savings.

13. All Acts, Rules, Notifications Regulations or Orders in force, permanently or temporarily, in Sikkim for the protection, conservation and development of fisheries immediately before the enforcement and commencement of this Act are hereby repealed, provided that,-

(a) anything done or action taken or proceedings commenced or continued under the repealed Rules, Notifications, Orders, Regulations or Acts, promulgated, made or issued by the competent authority of the time shall be deemed to have been done, taken and commenced or continued under the corresponding provisions of this Act

(b) any appointment, order, regulation or notification made or issued under the provisions of the repealed Rules, Orders, Regulations or Notifications shall in so far as it is not inconsistent with the provision of this Act, be deemed to have been done or made and issued under the provisions of this Act unless and until superseded by any appointment, order, regulation or notification made or issued under this Act.
SCHEDULE OF COMPENSATION

(As provided under section u of the Sikkim Fisheries Act, 1980).

Limits of amounts acceptable as compensation for certain matters of Fishing offences detailed under section 11 of the Act.

<table>
<thead>
<tr>
<th>Description of offences</th>
<th>Maximum amount acceptable as compensation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Fishing with a net having smaller mesh than that prescribed under the rules.</td>
<td>Rs. One hundred,</td>
</tr>
<tr>
<td>2. Fishing without a license.</td>
<td>Rs. One hundred.</td>
</tr>
<tr>
<td>3. Killing, catching or selling or attempting to kill, catch or sell any fish of a size and weight less than the standard prescribed under this Act.</td>
<td>Rs. Twenty-five,</td>
</tr>
<tr>
<td>4. Killing, catching or selling or attempting to do so, any fish of a prohibited species during a close season.</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>5. Fishing with any gear or method other than that permitted under the Rule.</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>6. Using at any one time more than the number of gears permitted under the rules.</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>7. Fishing or attempting to fish in any of the prohibited waters.</td>
<td>Rs. One hundred.</td>
</tr>
<tr>
<td>8. License holder employing or engaging non-licensees to help with their gear while fishing.</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>9. Offering or exposing for sale or barter of any fish, the sale of which is prohibited in any specified area which may be notified under Section 4 of this Act.</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>10. Exporting or attempting to export fishes or fish of any specified species in contravention of the provision of rules.</td>
<td>Rs. One hundred.</td>
</tr>
<tr>
<td>11. Selling or attempting to sell fish for a price above the prescribed market value.</td>
<td>Rs. Fifty.</td>
</tr>
<tr>
<td>12. Possessing tackle or gear unauthorisedly.</td>
<td>Rs. One hundred.</td>
</tr>
</tbody>
</table>

By Order of the Governor,

R. K. GUPTA,

Secretary to the Govt. of Sikkim,
Law & Legislative Department,
Government of Sikkim.

F. No. 16 (75) LL/79.

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No. 34                    Gangtok, Friday, April 11, 1980

LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION
No. 4/LL/80.

Dated Gangtok, the 5th April, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 5th of April, 1980, is hereby published for general information.

SIKKIM ACT NO. 4 OF 1980

THE SIKKIM WEIGHTS AND MEASURES ACT, 1980.

AN

ACT

to provide for the enforcement of the standards of weights and measures established by or under the Central Act and for matters connected therewith or incidental thereto.

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

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Sikkim Weights and Measures Act, 1980. Short title, extent and commencement.
(2) It extends to the whole of the State of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification, appoint and different dates may be appointed for different—

(a) provisions of this Act,
(b) areas,
(c) classes of undertakings,
(d) classes of goods,
(e) classes of weights and measures, or
(f) classes of users of weights and measures,

and any reference in any such provision to the commencement of this Act shall be construed as reference to the coming into force of that provision in such areas, or in respect of such classes of undertakings, goods, weights and measures or users of weights and measures in relation to which this Act has been brought into force.
Act not to apply to inter-State trade or commerce

2. Nothing in this Act shall apply to any inter-State trade or commerce in any weight or measure or in any other goods which are sold, delivered or distributed by weight, measure or number.

Definitions

3. In this Act, unless the context otherwise requires,-
   (a) “additional controller” includes a Joint Controller, Deputy controller and an Assistant Controller appointed under section 5;
   (b) “authorised seal or stamp” means a seal or stamp made under, an in accordance with, the provisions of this Act;
   (c) “Central Act” means the Standards of Weights and Measures Act
   (d) "controller" means the Controller of Legal Metrology appointed the State Government under section 5;
   (e) “counterfeit”, in relation to a seal or stamp, means a seal or stamp which is so made as to resemble an authorised seal or stamp, as the case may be, intending by that resemblance to practice deception, or knowing it to be likely that deception will thereby be practised.

Explanation 1. — It is not essential that the resemblance of the counterfeit seal or stamp to the authorised seal or stamp should be exact.

Explanation 2.— When a person causes a counterfeit seal or stamp to resemble an authorised seal or stamp and the resemblance is such that if a person relies on such seal or stamp, he might be deceived thereby, it shall be presumed, until the contrary is proved that the person so causing the seal or stamp to resemble the authorised seal or stamp intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby he practised;
   (f) "heap" means any unit of a commodity for sale where such sale is intended to be made without any weighment or measurement or, where the sale is made by number, without counting the number;
   (g) "inspector" means a person who is appointed as such under section 5, by whatever name called;
   (h) "mint" means a mint of the Central Government;
   (i) "notification" means a notification published in the Official Gazette;
   (j) "prescribed" means prescribed by rules made under this Act;
   (k) "protection" means the utilisation of any weight or measure, or any reading obtained with the help of any weight or measure, for the purpose of determining whether or not any step is required to be taken to safeguard the well-being of any human being or animal, commodity, vegetation or thing, whether individually or collective;
   (l) "standard weight or measure" means a weight, measure or number which conforms to the standards established in relation thereto by or under Central Act;
   (m) words and expressions used in this Act and not defined but defined in the Central Act shall have the meanings respectively assigned to them in that Act.

Provisions of this Act to override the provision of any other law except the Central Act

4. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act and the Central Act or in any instrument having effect by virtue of any enactment other than this Act or the Central Act.

CHAPTER II
APPOINTMENT OF CONTROLLERS, INSPECTORS AND OTHER OFFICERS.

5. (1) The State Government may, by notification, appoint a Controller of Legal Metrology for the State and as many Additional, Joint, Deputy or Assistant Controllers, Inspectors and other officers and staff as may be necessary for exercising the powers and efficiently discharging the duties conferred or imposed on them by or under this Act.

(2) Every Additional Controller, appointed under sub-section (1), shall exercise such powers, and discharge such functions, of the Controller, as the State Government may, by notification, authorise in this behalf,
(3) The Controller may, by general or special order, define the local limits within which each Additional Controller or each Inspector shall exercise the powers and discharge the duties conferred or imposed on him by or under this Act.

(4) Subject to the provisions of this Act, every Additional Controller and every Inspector shall perform his functions and discharge the duties of his office under the general superintendence, directions and control of the Controller and shall exercise those powers and discharge those duties in the same manner and with the same effect as if they had been conferred or imposed on him direct by or under this Act and not by way of authorisation.

(5) The Controller and every Additional Controller may also –
(a) perform all or any of the functions of; and
(b) exercise all or any of the powers conferred by this Act or any rule or order made thereunder, on an Inspector

(6) Where the Controller is of opinion that it is necessary so to do, he may by an order in writing, authorise an Inspector, or other Officer not below the rank of an Inspector, to adjust any weight or measure in any area within the local limits of his Jurisdiction.

(7) The Controller and every Additional Controller, and every Inspector and every other person authorised to perform any duty by or under this Act, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

8. No suit, prosecution or other legal proceedings shall lie against the Controller or any additional Controller, or any Inspector or any other person authorised to perform any duty by or under this Act in respect of anything which is in good faith done or intended to be done under this Act or any rule or order made thereunder.

CHAPTER III

GENERAL PROVISIONS IN RELATION TO STANDARD WEIGHTS AND MEASURES.

9. (1) Notwithstanding any custom, usage or method of whatever nature, no weight or measure other than the standard weight or measure shall be used or kept in any premises within the State of Sikkim in such circumstances as to indicate that such weight measure is intended, or is likely, to be used for any weighment or measurement.

(2) custom, usage, practice or method of whatever nature which permits a person to demand, receive, or cause to be demanded or received within the State of Sikkim, any quantity of article, thing or service in excess of, or less than, the quantity specified by weight or measure in the contract or other agreement in relation to the said article, thing or service shall be void.

(3) On and from the commencement of this Act, no weight, measure or number, other than the standard weight, measure or number, shall be used in, or form the basis of, any contract or other agreement in relation to any trade or commerce within State of Sikkim.

(4) Any contract or other agreement, which contravenes the provision of sub-section (3), shall be void.

10. (1) The State Government may, by rules made in this behalf, direct that in respect of the class of goods or undertakings or users specified therein-

(a) no transaction, dealing or contract shall be made or had; or
(b) no industrial production shall be undertaken; or
(c) no use of protection shall be made, within the State of Sikkim, except by such weight measure or number as may be specified in the said rules.

(2) Any rule made under sub-section (1) shall take effect in such area, from such future date and subject to such conditions, if any, as may be specified therein.
11. Except where he is permitted under the Central Act so to do, no person shall, in relation to any goods or things which are sold, transferred, distributed or delivered, or any services rendered, within the State of Sikkim,-

(a) quote, or make announcement of, whether by word of mouth or otherwise, any price or charge or

(b) issue or exhibit any price list, invoice, cash memo or other document; or

(c) prepare or publish any advertisement, poster or other document; or

(d) indicate the contents of any package either on itself or on any label, carton or other thing; or

(e) indicate the contents on any container; or

(f) express, in relation to any transaction, industrial production or protection, any quantity or dimension, otherwise than in accordance with the standard units of weight, measure or numeration.

CHAPTER IV

CUSTODY AND VERIFICATION OF STANDARD EQUIPMENTS.

12. Every reference standard, supplied by the Central Government to the State Government, shall be kept at such place and in such custody as may be prescribed, and no such reference standard shall be deemed to be a reference standard and shall be user as such unless it has been verified and authenticated in accordance with the rules made under the Central Act.

Preparation of secondary and working standards.

13. The State Government may cause to be prepared at a Mint as many sets of secondary standard or working standard, verified and authenticated by the Mint in such manner as may be specified under the Central Act, as it may think necessary:

Provided that where the Mint intimates the State Government in writing that it is unable to prepare secondary standard or working standard weight or measure that Government may cause such secondary standard or working standard weight or measure to be prepared by such person as it may think fit and such secondary standard or working standard weight or measure shall be verified and authenticated by such authority as may be specified by rules made under this Act and every such verification and authentication shall be made in the manner specified under the Central Act.

Verification, Stamping and Custody of secondary or working standards.

14. (1) Every secondary standard or working standard shall conform to the standards established by or under the Central Act and shall be verified with the reference standard or secondary standard, as the case may be, in such manner and at such periodical intervals as may be specified by or under that Act and shall, if found on such verification to conform to the standards established by or under that Act, be stamped.

(2) Where any secondary standard or working standard is stamped under sub-section (1), a certificate shall be separately issued showing the date on which such weight or measure was stamped.

(3) Every verification and stamping referred to in sub-section (1) shall be made by such person or authority as may be prescribed.

(4) A secondary standard or working standard which is not verified stamped in accordance with the provisions of sub-section (1) shall not be deemed to be a secondary standard or working standard, as the case may be, and shall not be used for the verification of any working standard or, as the case may be, of any weight or measure, not being a national prototype or a reference standard or secondary standard.

(5) Every secondary standard shall be kept at such place and in such custody as may be prescribed.

Secondary or working standard which may not be stamped.

15. Where the State Government is of opinion that by reason of the size or nature of any secondary standard or working standard, it is not desirable or practicable to put a stamp theron, it may direct that instead of putting a stamp on such secondary standard or working standard, a certificate may be issued to the effect that such secondary standard or working standard conforms to the standards established by or under the Central Act and every secondary standard or working standard so certified shall be deemed to have been duly stamped under this Act on the date on which such certificate was issued,
CHAPTER V
MANUFACTURE, REPAIR OR SALE OF WEIGHTS OR MEASURES

16. (1) No person shall make, manufacture, repair or sell any weight or measure unless he holds a valid licence issued in this behalf by the Controller authorising which person to do so:

Provided that a person who bonafide repairs in his premises any weight or measure owned by him shall not be required to take out a licence referred to in this sub-section if he, in the opinion of the Controller,—

(a) has the technical competence and the necessary equipment to repair such weight or measure; or
(b) having the necessary equipment for the repair of such weight or measure in his possession, has persons in his employment who have the technical competence to repair such weight or measure.

(2) Every licence issued under this section -
(a) shall be in such form as may be prescribed;
(b) shall be issued on payment of such fees as may be prescribed;
(c) shall be valid for such period as may be specified therein;
(d) may be renewed from time to time; and
(e) may contain such conditions and restrictions as may be prescribed.

(3) Every licence issued under any Sikkim Law relating to weights and measures shall, if in force immediately before the commencement of this Act, continue to be in force until the expiry of the period of its validity or until the cancellation thereof, whichever is earlier, and may be renewed under this Act if an application for its renewal is made in the prescribed form at least one month before the expiry of the period of its validity.

(4) A person who intends to commence, after the commencement of this Act, business as a maker, manufacturer, repairer or seller of any weight or measure, shall make an application in such form as may be prescribed for the issue of a licence and every licence so issued may be renewed if an application for its renewal is made in the prescribed form at least one month before the expiry of the period of its validity.

(5) The Controller may, if he is satisfied that the maker, manufacturer, repairer or seller, as the case may be, of any weight or measure was prevented by sufficient cause from making application for the renewal of his licence before the expiry of the period of the validity thereof, permit him to make the application within a further period of one month from the date of expiry of the said period on payment by him of such further fee, not exceeding the fee which is payable for the issue of the licence.

(6) On receipt of an application for the issue of a licence under this section, the Controller may, if he is satisfied, after making such inquiry as he may think fit, the applicant fulfils the prescribed conditions, issue such licence:

Provided that no application for the issue of a licence shall be rejected unless the applicant has been given a reasonable opportunity of making representation against the proposed action.

(7) No application for the renewal of a licence issued under this section shall be rejected unless -
(a) the holder there of has been given a reasonable opportunity of showing cause against the proposed action and
(b) the Controller is satisfied that -
(i) the application has not been made within the time specified in this section; or
(ii) the applicant has made any statement in, or in relation to, the application for the issue or renewal of the licence which is incorrect or false in any material particular; or
(iii) the applicant has contravened any provision of Central Act or any rule made thereunder or of this Act or any rule made thereunder.
(8) The Controller may require every repairer licensed under this Act to furnish to the State Government security for such sum, not exceeding two thousand rupees, as may be prescribed, to enable that Government to compensate any owner weight or measure for any loss or damage occasioned by such repairer.

(9) Nothing in this section shall apply to the sale by a user (who is not a maker, manufacturer, dealer or repairer) or any weight or measure of such description as may be prescribed.

(10) Every licence issued or renewed under this Act shall be displayed in a conspicuous place in the premises where the licensee carries on his business.

Suspension and cancellation of licence.

17. (1) The Controller may, if he has any reasonable cause to believe that the holder of any licence issued, renewed or continued under this Act has made any Statement in, or in relation to, any application for the issue or renewal of the licence which is incorrect or false in any material particular or has contravened any provision of the Central Act or any rule made thereunder or of this Act or any rule made thereunder, suspend such licence, pending the completion of any inquiry or trial against the holder of such licence:
Provided that no such licence shall be suspended unless the holder thereof has been given a reasonable opportunity of showing cause against the propose action

(2) The Controller may, if he is satisfied after making such inquiry as he may think fit that the holder of a licence has made a false or incorrect Statement of the nature referred to in sub-section (1), or has contravened any law referred to in that sub-section, cancel such licence:
Provided that no such licence shall be cancelled unless the holder thereof has been given a reasonable opportunity of showing cause against the propose action

(3) Every person whose licence has been suspended shall, immediately after such suspension, stop functioning as such licensee and shall not resume business as such licensee until the order of such suspension has been vacated.

(4) Every licensee whose licence has been suspended or cancelled shall immediately after such suspension or cancellation, as the case may be, surrender such licence to the authority by which such licence was issued.

(5) Every licensee whose licence has been cancelled shall, within a period of thirty days from the date of such cancellation (or within such further period, not exceeding three months from such date, as the Controller may, on sufficient cause being shown, allow), dispose of the weights or measures which were in his possession, custody or control on the date of such cancellation, and in the event of his failure to do so, the Controller or any other officer authorised by him, in writing, in this behalf may seize and dispose of the same and distribute the proceeds thereof in such manner as may be prescribed.

Manufacture of weights or measures.

18. Save as otherwise provided in the Central Act, no person shall,-

(a) make or manufacture any weight or measure unless such weight or measure conforms to the standards established by or under the Central Act;

(b) make or manufacture any weight or measure with indications thereon of any weight or measure other than the units specified by or under the Central Act.

Prohibition of sale or use of unstamped weights or measures.

19. No weight or measure which is required by or under this Act to be verified and stamped shall be sold, used or kept for use unless it has been verified and stamped.

Maker, manufacturer etc., to maintain records and registers.

20. (1) Every maker, manufacturer, repairer or dealer and every person using any weight or measure in any transaction or for industrial production or for protection shall maintain such records and registers as may be prescribed, and, if required so to do by an Inspector, shall produce such records and registers before the Inspector for inspection.

(2) Notwithstanding anything contained in sub-section (1), if the Controller is of opinion that having regard to the nature or volume of the business carried on by any maker, manufacturer, dealer, repairer or user of any weight or measure, it is necessary so to do, he may, by order, exempt such maker, manufacturer, dealer, repairer or user from the operation of that sub-section.
Chapter VI

Verification and stamping of weights or measures.

21. (1) Every person having any weight or measure in his possession, custody or control in circumstances indicating that such weight or measure is being, or is intended to be, used by him in any transaction or for industrial production or for protection, shall before putting such weight or measure into use, have such weight or measure verified at such place, and during such hours as the Controller may, by general or special order, specify in this behalf (hereinafter referred to as the specified place or specified time).

(2) Every weight or measure referred to in sub-section (1) shall be reverified at such periodical intervals as may be prescribed.

(3) Every Inspector shall, for the purpose of verification of any weight or measure, attend the specified place (within the local limits of his jurisdiction) at the specified time and verify every weight or measure which is brought to him at such place and within such time and shall, if he is satisfied that such weight or measure conforms to the standards established by or under the Central Act, put his stamp thereon: Provided that where any weight or measure is such that it cannot, or should not, be moved from its location, the Inspector shall take such steps for the verification of such weight or measure as may be prescribed.

(4) Where any verification has been made under sub-section (3), the Inspector shall grant to the person referred to in sub-section (1) a certificate in the prescribed form indicating therein the particulars of the weight or measure verified and stamped by him.

(5) Where the Controller is of opinion that by reason of the size or nature of any weight or measure, it is not desirable to put a stamp thereon, he may, by an order in writing, direct that instead of putting a stamp on such weight or measure, a certificate may be issued to the effect that such weight or measure conforms to the standards established by or under the Central Act and every weight or measure so certified shall be deemed to have been duly verified and stamped under this Act.

22. Every certificate or verification granted under this Act shall be displayed in a conspicuous place in the premises where such weight or measure is being, or is intended to be, used in any transaction or for industrial production or for protection.

23. (1) A weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall be deemed to conform to the standards established by or under the Central Act at every place within the State of Sikkim unless it is found on inspection or verification, that such weight or measure does not conform to the standards established by or under that Act.

(2) No weight or measure which is, or is deemed to be, duly verified and stamped under this Act shall require to be re-stamped merely by reason of the fact that it is being used at any place within the territory of the State of Sikkim other than the place at which it was originally verified and stamped:

Provided that where a verified weight or measure, installed at one place, is dismantled and re-installed at a different place, such weight or measure shall not be put into use unless it has been re-verified and stamped notwithstanding that periodical reverification of such weight or measure has not become due.

Chapter VII

Inspection, search, seizure and forfeiture.

24. (1) An Inspector may, within the local limits of his jurisdiction, inspect and test, all reasonable times, any weight or measure which -

(i) is being, or is intended to be, used; or

(ii) is in the possession, custody or control of any person; or

(iii) is in or any premises;

in such circumstances as to indicate that such weight or measure is being, or is intended or likely to be, used in any transaction or for industrial production or protection, and may also verify whether such weight or measure is in conformity with the standards established or under the Central Act.
(2) For the purpose of ascertaining the correctness of any weight or
measure used in any transaction, any Inspector may also test the weight or measure of
any article sold or delivered to any person in the course of such transaction.

25. (1) An Inspector may, if he has any reasonable cause to believe that an
offence punishable under this Act has been or is likely to be committed in respect
of any weight or measure or that any weight or measure does not conform to the standard
established by or under the Central Act, require, at all reasonable times, the person
having the custody or control of such weight or measure which -

(i) is used by such person or is caused by such person to be used by any
other person; or

(ii) is in the possession, custody or control of such person for use; or

(iii) is kept in or on any premises for use in any transaction or for indus-
trial production or for protection.

(2) The Inspector may also require the production of every document or
other record relating to the weight or measure referred to in sub-section (1) and the
person first mentioned in that sub-section shall comply with such requisition.

(3) On inspection, whether under section 24 or under this section, the
Inspector may obliterate the stamp on any weight or measure -

(a) which does not, or cannot be made to, conform to the standard
established by or under the Central Act:

Provided that where the Inspector is of opinion that the defect or error in
such weight or measure is not such as to require immediate obliteration of the stamp
he shall serve a notice on the user of such weight or measure informing him of the
defect or error found in the weight or measure and calling upon him to remove the de-
fect or error within such period, as he may specify and shall-

(i) if the user fails to remove the defect or error within that period,
obliterate the stamp; or

(ii) if the defect or error is so removed as to make the weight or mea-
sure conform to the standards established by or under the Central Act, verify such
weight or measure and put his stamp thereon;

(b) which does not admit of proper adjustment owing to its being bro-
ken, indented or otherwise defective;

(c) which, since the last verification and stamping, has been repaired or
re-adjusted but does not, after such repair or re-adjustment, conforms to the standards
established by or under the Central Act;

(d) which, being due for verification, has not been submitted for such
verification.

26. (1) An Inspector may, if he has any reason to believe, whether from any
information should be given to him by any person and taken down by him in writing or from
personal knowledge or otherwise, that an offence punishable under this Act has been
or is likely to be committed in relation to any weight, measure or other goods which
are sold, delivered or distributed by weight, measure or number, enter, at all reasonable
times, into any premises -

(i) where such weight or measure is used, or kept or believed to be
kept for use in any transaction or for industrial production or for protection;

(ii) where such goods are manufactured, packed, distributed or sold or
kept or offered for sale in packaged form ;

and inspect or verify any weight measure or the net contents, by weight, measure or
number, of any package, and may also examine any document or other record relating thereto.

(2) An Inspector may at all reasonable times enter into any premises for
such purposes other than those specified in sub-section (1), as may be prescribed,

27. (1) Where the Controller has reason to believe that any weight or
measure, liable to be seized under this Act, or any document or thing in relation to any
weight or measure, will be, in his opinion useful for or relevant to, any proceeding
under this Act, is secreted in any place, he may search or authorise any officer, not below
the rank of an Inspector, to search for such weight or measure, document or thing, and
the general provisions relating to search under the Code of Criminal Procedure in force in
Sikkim shall apply to every such search.
Every authorisation made by the Controller under sub-section (1) shall be deemed to be a search warrant referred to in the general provisions relating to searches under the Code of Criminal Procedure in force in Sikkim.

28. (1) An Inspector may seize and detain any weight or measure in relation to which an offence under this Act appears to have been committed or which is likely to be used in the commission of such offence, and may also seize and detain any goods sold or delivered, or caused to be sold or delivered, by such weight or measure:

Provided that where any goods seized under this sub-section are subject to speedy or natural decay, the Inspector may dispose of such goods in such manner as may be prescribed.

(2) Where any weight or measure or any article is seized and detained under sub-section (r), the Inspector may also seize and detain any document or other record relating to such weight, measure or article.

29. If, on verification of any commodity in packaged form, the net weight, measure number of commodity contained in the package or container is found to agree with the net contents thereof, as stated on the label thereon, the Inspector shall, where the person from whom such commodity was obtained for verification is—

(a) the manufacturer or packer of such commodity, get the commodity re-sealed or re-packed, as the case may be; or

(b) a person who buys or sells such commodity, in whole sale or retail, acquire such package or container on payment in cash to such wholesaler or retailer the market price of the commodity contained in such package or container.

30. Every false or unverified weight or measure seized under the provisions of this Act shall be liable to be forfeited to Government.

CHAPTER VIII

PROVISIONS WITH REGARD TO COMMODITIES IN PACKAGED FORM SOLD OR DISTRIBUTED WITHIN THE STATE

31. (1) The provisions of the Central Act with regard to commodities in packaged form shall, as far as may be, apply to every commodity in packaged form which is distributed, packed, sold, kept, offered or exposed for sale in the State of Sikkim as if those provisions were applicable to trade or commerce within the State subject to the modification that any reference therein to the Central Government and the Central Act shall be construed as references, respectively to the State Government and this Act.

(2) An Inspector may, from time to time, inspect the weight or measure, or count the number, of the commodity contained in any package which is—

(i) kept at any place where the commodity is packed; or

(ii) kept, offered or exposed for sale; or

(iii) sold, delivered, held in possession or is in the process of delivery;

within the State of Sikkim with a view to determining whether the package contains the quantity or number of the commodity as specified on it or on the label thereon.

(3) Where the Inspector finds, after weighing, measuring or counting, that any package does not contain the quantity or number of the commodity, as specified on it or on the label thereon, or does not conform to the provisions of the Central Act or any rule or order made thereunder, he may seize such package and may also, by order, prohibit the sale of each package which is similar to the seized package and may so mark or seal each such package as to indicate clearly that the sale or delivery of such package has been prohibited, and no such package shall be sold or kept, offered or exposed for sale or delivery or otherwise disposed of unless—

(i) the contents of such package have been brought into conformity with the provisions of the Central Act or any rule or order made thereunder, by the manufacturer, or distributor thereof; or

Power of Inspector to seize any weight or measure.

Inspector to re-seal or re-pack where net contents are found to have been correctly stated.

Provisions of the Central Act relating to packaged commodities sold or distributed within the state.
(ii) the disposal thereof has been authorised by the Controller.
(4) No person shall keep in any place, where any transaction is made, any commodity in packaged form which is not for sale, and any commodity in package form is kept in such place in contravention the provisions of this sub-section, such commodity shall be presumed to have been kept in such place for sale.

CHAPTER IX

PROVISIONS WITH REGARD TO THE SALE OF COMMODITIES IN ANY OTHER FORM

Sale of commodities by number.

32. (1) Where the sale of any commodity is made by number and the number of the commodity delivered to the purchaser in pursuance of such sale is lesser than the number paid for, the seller shall be deemed to have used a false measure.

(2) Where, in relation to any commodity sold by number, there is a custom or usage of delivering a fixed number or such commodities in addition to the number of commodities paid for, such custom or usage shall, on and from the commencement of this Act, cease, and if the seller delivers to the purchaser the additional number of commodities in accordance with such custom or usage, he shall be deemed to have used a false measure and the purchaser shall be deemed to have abetted the use, of such false measure.

Sale of commodities by heaps.

33. (1) Where any commodity is sold by heaps the approximate weight, measure or the number of commodity contained in each heap shall be conspicuously announced by the seller or his agent, either by word of mouth or by a written notice placed on each heap:

Provided that no such announcement shall be necessary in the case of a heap the market price of the contents of which does not exceed one rupee.

(2) Where, on weighment, measurement or counting of any commodity sold by heap, it is found that the weight, measure or number determined by such weighment, measurement or counting is less than the approximate weight, measure or number announced by the seller or his agent and the deficiency is more than five per cent of such announced weight, measure or number, the seller shall, be deemed to have used a false weight or measure.

CHAPTER X

OFFENCES AND PENALTIES

34. Whoever—

(a) makes or manufactures, or causes to be made or manufactured (except were he is permitted under the Central Act so to do), any weight or measure in accordance with any standards other than the standards established by or under the Central Act; or

(b) sells or otherwise transfers, or causes to be sold or otherwise transferred; or

(ii) lets, or causes to be let, on hire, any weight or measure which has been manufactured in accordance with any standards other than the standards established by or under the Central Act, shall be punished with imprisonment for a term which may extend to one year, and, for the second or subsequent offence, with imprisonment, for a term which may extend to five years and also with fine.

35. (1) Whoever—

(i) counterfeits any seal specified by or under this Act or the Central Act; or

(ii) sells or otherwise disposes of any counterfeit seal; or

(iii) possesses any counterfeit seal; or

(iv) counterfeits any stamp whether made under this Act or the Central Act or any rule made under either of those Acts; or

(v) removes any stamp made, whether under this Act or the Central Act or any rule made under either of those Acts, or tampers with any stamp so made; or

(vi) removes any stamp made, whether under this Act or the Central Act or any rule made under either of those Acts, and affixes the stamp so removed on, or inserts the same into, any other weight or measures; or
(vii) wilfully increases or diminishes or alters in any way any weight or measure with a view to deceiving any person or knowing or having reason to believe that any person is likely to be deceived thereby, shall be punished with imprisonment for a term which may extend two years and, for the second or subsequent offence with imprisonment for a term which may extend to five years and also with fine.

(2) Whoever obtains, by unlawful means, possession of any seal specified by or under this Act or the Central Act and uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Act or the Central Act shall be punished with imprisonment for a term which may extend to two years, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(3) Whoever, being in lawful possession of a seal specified by or under this Act or the Central Act uses, or causes to be used, any such seal for making any stamp on any weight or measure with a view to representing that the stamp made by such seal is authorised by or under this Act or the Central Act shall be punished with imprisonment for a term which may extend to two years, and for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(4) Whoever sells, offers or exposes for sale or otherwise disposes of any weight or measure which, he knows or has reason to believe bears thereon a counterfeit stamp, shall be punished with imprisonment for a term which may extend to two years and for the second or subsequent offence, imprisonment for a term which may extend to five years and also with fine.

36. (1) Except where he is permitted under the Central Act so to do, whoever sells, or causes to be sold, delivers, or causes to be delivered, any commodity article or thing by any weight measure or number other than the standard weight, measure or number, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

(2) Whoever renders, or causes to be rendered, any service in terms of any weight, measure or number other than the standard weight, measure or number, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

37. (1) Whoever keeps any weight or measure other than the standard weight or measure in any premises in such circumstances as to indicate that such weight or measure is being, or is likely to be, used for any -

(a) weighment or measurement; or

(b) transaction or for industrial production or for protection, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

(2) Whoever, -

(i) in selling any article or thing by weight, measure or number, delivers, or causes to be delivered, to the purchaser any quantity or number of that article or thing less than the quantity or number contracted for or paid for; or

(ii) in rendering any service by weight, measure, or number renders that service less than the service contracted for or paid for; or

(iii) in buying any article or thing by weight, measure or number, receives, or causes to be received, from the vendor any quantity or number of that article or thing in excess of the quantity or number contracted for or paid for; or

(iv) in obtaining any service by weight, measure or number, obtains that service in excess of the service contracted for or paid for, shall be punished with fine which may extend to five thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

(3) Whoever enters, after the commencement of this Act, into any contract or other agreement ( not being a contract or other agreement for export) in which any weight, measure or number is expressed in terms of any standard other than the standard weight, measure or number established by or under the Central Act, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.
Penalty for contravention of section 10.

38. Whoever, in relation to any specified class of goods, undertakings or users of weights or measures, uses in any transaction or for industrial production or for protection, any weight, measure or number, other than the weight, measure or number specified by rules made under Section 10, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of section 11.

39. Except where is permitted under the Central Act so to do, whoever in relation to any goods or things which are sold, transferred, distributed or delivered, or any service rendered,—

(a) quotes any price or charge, or makes any announcement with regard to the price or charge; or
(b) issues or exhibits any price list, invoice, cash memo, or other document; or
(c) prepares or publishes any advertisement, poster or other document
(d) indicates the weight, measure or number of the net contents of a package on any label, carton or other thing; or
(e) expresses in relation to any transaction, industrial production or protection, any quantity or dimension, otherwise than in accordance with the standard units of weight, measure or numeration, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of section 16.

40. Whoever, being required to obtain a licence under this Act, makes, manufactures, repairs or sells any weight or measure, without being in possession of a valid licence, shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 17.

41. A licensee who after the suspension or cancellation of the licence issued renewed or continued under Act, omits or fails to stop function as a licensee under this Act, shall be punished with imprisonment for a term which may extend to one year.

Penalty for contravention of section 18.

42. Except where he is permitted under the Central Act so to do, whoever makes or manufactures any weight or measure which,—

(a) though ostensibly purports to conform to the standards established by or under that Act does not actually conform to the said standards; or
(b) bears thereon any indication of weight or measure which is not in conformity with the standards of weight or measure established by or under that Act whether such indication is or is not in addition to the said standards, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to three years and also with fine.

Penalty for contravention of section 19.

43. Whoever sells, uses or keeps for use any weight or measure which, being required to be verified and stamped under this Act, has not been so verified and stamped shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of section 20.

44. Whoever, being required by section 20 to maintain any record or register omits or fails to do so, or being required by an Inspector to produce any records registers for his inspection, omits or fails to do so, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

Penalty for contravention of section 21.

45. Whoever, being required by section 21 to present any weight or measure for verification or re-verification omits or fails, without any reasonable cause, to do so, shall be punished with fine which may extend to five hundred rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.
46. Whoever, being required by an Inspector, or any person authorised by or under this Act to exercise the powers of an Inspector, to produce before him for inspection any weight or measure, or any document or other record relating thereto, omits or fails, without any reasonable cause, to do so, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

47. Whoever obstructs the entry of an Inspector, or any person authorised by or under this Act to exercise the powers of an Inspector, into any premises for the inspection or verification of any weight or measure or any document or other record relating thereto or the net contents of any packaged commodity or for any other prescribed purpose shall be punished with imprisonment for a term which may extend to two years and, for the second or subsequent offence, with imprisonment for a term which may extend to five years.

48. Whoever prevents the Controller or any officer authorised by the Controller in this behalf, from searching any premises or from making any seizure of any weight, measure, packaged goods, document, record or label, shall be punished with imprisonment for a term which may extend to two years and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

50. Whoever is deemed under section 32 to have used, or abetted the use of, any false measure, shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to five years and also with fine.

51. Whoever sells any commodity by heaps without complying with the provisions of section 33, shall be punished with fine which may extend to one thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

52. Whoever alters or otherwise tampers with any licence issued or renewed under this Act or any rule made thereunder other than in accordance with any authorisation made by the Controller in this behalf, shall be punished with fine which may extend to two thousand rupees, or with both, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year, or with both.

53. Whoever sells, delivers or disposes of, or causes to be sold, delivered or disposed of, any weight or measure which has been rejected on verification under this Act or the Central Act, or any rule made under either of the said Acts, shall be punished with imprisonment for a term which may extend to one year, and with fine which may extend to two thousand rupees, or with both:

Provided that nothing in this section shall apply to the sale, as scrap, of any rejected weight or measure which has been defaced in the prescribed manner.

54. Whoever personates in any way the Controller or the Inspector or any other officer authorised by the Controller shall be punished with imprisonment for a term which may extend to three years.
### Penalty for giving false information or maintaining false record or registers.

55. (1) Whoever gives information to an Inspector which he may require or ask in the course of his duty and which such person either knows or has reason to believe to be false or does not believe to be true shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

(2) Whoever, being required by or under this Act so to do maintains any record or register, which is false in any material particular, shall be punished with fine which may extend to two thousand rupees, and, for the second or subsequent offence, with imprisonment for a term which may extend to one year and also with fine.

### Wilful verification or disclosure in contravention of law.

56. (1) If any Inspector or any other officer exercising powers under this Act or any rule made thereunder wilfully verifies or stamps any weight or measure in contravention of the provisions of this Act or of any rule made thereunder, he shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

(2) If any Inspector or other officer who enters into any premises in the course of his duty wilfully discloses except in the performance of such duty, to any person any information obtained by him from such premises with regard to any trade secret or any secret in relation to any manufacturing process, he shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

### Vexatious search.

57. An Inspector or any other officer exercising powers under this Act or any rule or order made thereunder who knows that there are no reasonable grounds for so doing, and yet -

(a) searches, or causes to be searched, any house, conveyance or place; or
(b) searches any person; or
(c) seizes any weight, measure or other movable property, shall, for every such offence, be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

### Penalty for contravention of provisions not separately provided for.

58. Whoever contravenes any provision of this Act for the contravention of which no punishment has been separately provided for in this Act, shall be punished with fine which may extend to two thousand rupees.

### Presumption to be made in certain cases.

59. (1) If any person -

(a) makes or manufactures, or causes to be made or manufactured, any false weight or measure, or
(b) uses, or causes to be used, any false or unverified weight or measure in any transaction or for industrial production or for protection, or
(c) sells, distributes, delivers or otherwise transfers, or causes to be sold, distributed, delivered or otherwise transferred, any false or unverified weight or measure, it shall be presumed, until the contrary is proved, that he had done so with the knowledge that weight or measure was a false or unverified weight or measure, as the case may be.

(2) If any person has in his possession, custody or control any false or unverified weight or measure in such circumstances as to indicate that such weight or measure is likely to be used in any transaction or for industrial production or for protection, it shall be presumed, until the contrary is proved, that such false or unverified weight or measure was possessed, held or controlled by such person with the intention of using the same in any transaction or for industrial production or for protection.

### When employer to be deemed to have abetted an offence.

60. (1) Any employer who knows or has reason to believe that any person employed by him has, in the course of such employment, contravened any provision of this Act or any rule made thereunder, shall be deemed to have abetted an offence against this Act:

Provided that no such abetment shall be deemed to have taken place if such employer has, before the expiry of seven days from the date -

(a) on which he comes to know of the contravention; or
(b) has reason to believe that contravention has been made; intimated writing to the Controller the name of the person by whom such contravention was made and the date and other particular of such contravention,
(2) Whoever is deemed under sub-section (1) to have abetted an offence against this Act shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

Explanation.— Dismissal or termination of service of an employee after the expiry of the period specified in the proviso to sub-section (1) shall not absolve any employer of his liability, under this sub-section.

61. (1) If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to punishment if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any Director, Manager, Secretary or other officer, he shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—
(a) "company" means any body corporate and includes a firm or other association of individuals; and
(b) "director", in relation to a firm, means a partner in the firm.

62. Notwithstanding anything contained in the law relating to criminal procedure in force in Sikkim,—

(a) no court shall take cognizance of an offence punishable under this Act except upon a complaint, in writing, made by the Controller or any other officer authorised in this behalf by the controller by general or special order;
(b) no court inferior to that of a Judicial Magistrate of the First Class shall try any offence under this Act;
(c) any offence punishable under section 34, 36, 37, 38, 39, 40, 43, 49, 50, 51 or sub-section (3) of section 69 may be tried summarily by a Magistrate and no sentence of imprisonment for a term exceeding one year shall be passed in the case of any conviction for an offence which is tried summarily under this section.

63. (1) Any offence punishable under section 37, 38, 39, 40, 42, 43, 44, 45, 46, 49, 51, 53, 58 or sub-section (3) of section 69 may whether before or after the institution of the prosecution, be compounded, by the Controller or such other Officer as may be authorised in this behalf by the Controller, on payment for credit to the State Government of such sum as the Controller or such other officer may specify:

Provided that such sum shall not, in any case, exceed the maximum amount of the fine which may be imposed under this Act for the offence so compounded.

(2) Nothing in sub-section (1) shall apply to a person who commits the same or similar offence within a period of three years from the date on which the first offence, committed by him, was compounded.

Explanation,— For the purpose of this sub-section, any second or subsequent offence committed after the expiry of period of three years from the date on which the offence was previously compounded, shall be deemed to be first offence.

(3) Where an offence has been compounded under sub-section (1), no proceeding further proceeding, as the case may be, shall be taken against the offender, in respect of the offence so compounded, and the offender, if in custody, shall be discharge forthwith.

(4) No offence under this Act shall be compounded except as provided by this action.

64. The provisions of the Indian Penal Code, in so far as such provisions relate to offences with regard to weights or measures, shall not apply to any offence which is punishable under this Act.
Transfer or transmission of business.

65. (1) Where the business of a person licensed under this Act is transmitted by succession, intestate or testamentary, the heir or legatee, as the case may be, shall not carry on the business of such licensee either in his own name or in any other name, unless the heir or legatee has, before the expiry of sixty days after the date of such transmission, made to the Controller an application for the issue of a licence in accordance with the provisions of this Act:

Provided that nothing in this section shall be deemed to prohibit the heir or legatee from carrying on business as such licensees for the aforesaid period of sixty days, and, if he has applied for such licence, until he is granted the licence, or is, by notice in writing informed by the Controller that such licence cannot be granted to him.

(2) Where the business of any person licensed under this Act is transferred by sale, gift, lease or otherwise, the transferee or lessee, as the case may be, shall not carry on such business either in his own name or in any other name, unless he has obtained a licence to carry on such business.

Licence neither saleable nor transferable.

66. A licence issued or renewed under this Act shall not be saleable or otherwise transferable.

Appeals.

67. (1) Subject to the provisions of sub-section (2), an appeal shall lie -

(a) from every decision under Chapter V, VI, VII, VIII or IX of this Act, of -

(i) an Inspector;

(ii) an additional Controller, to the Controller; and

(b) from every decision of the Controller under Chapter V, VI, VII, VIII or IX of this Act, not being a decision made in appeal under clause (a), to the State Government of any officer specially authorised in this behalf by the Government.

(2) Every such appeal shall be preferred within sixty days from the date of the decision appealed against:

Provided that the appellate authority may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the said period of sixty days, permit the appellant to prefer the appeal within a further period of sixty days.

(3) On receipt of any such appeal, the appellate authority shall, after giving the parties to the appeal a reasonable opportunity of being heard and after making such inquiry as it deems proper, make such order, as it may think fit, confirming, modifying or reversing the decision appealed against, or may send back the case with such direction as it may think fit for fresh decision after taking additional evidence, if necessary.

(4) Every appeal shall be preferred on payment of such fees, not exceeding twenty-five rupees, as may be prescribed.

(5) The State Government may on its own motion or otherwise call for and examine the record of any proceeding (including a proceeding in appeal) in which any decision or order has been made, for the purpose of satisfying itself as to the correctness, legality or propriety of such decision or order and may pass such orders thereon as it may think fit:

Provided that no decision or order shall be varied under this sub-section so as to prejudicially affect any person unless such person has been given reasonable opportunity of showing cause against the proposed action.

Levy of fees.

68. The State Government may, by rules made under section, 69, levy such fees, not exceeding -

(a) one hundred rupees, for the issue or renewal of licence for making manufacturing, repairing or selling any weight or measure;

(b) fifty rupees, for the alteration of any licence;

(c) five thousand rupees, for the verification of any weight or measure,

(d) ten rupees, for the adjustment of any weight or measure;

(e) ten rupees, for the issue of a duplicate of a licence or certificate of verification;

(f) one rupee, for every one hundred words or less, for the grant of copies of any document, not being a document of a confidential nature;

(g) twenty five rupees, for any appeal preferred under this Act;
The State Government may, by notification, make rules to give effect to the provisions of this Act.

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 class of goods, undertaking or users in relation to which no transaction, dealing or contract shall be made or had except by such weight, measure, or number;
(b) the place at which, and the custody in which, the following standards shall be kept, namely:—
   (i) reference standards;
   (ii) secondary standards;
   (iii) working standard;
(c) the person by whom or authority by which and the place at which the following standards shall be verified, authenticated and stamped, namely:
   (i) secondary standards;
   (ii) working standards;
(d) the form in which and the manner in which an application shall be made for the issue or renewal of a licence to carry on business as a maker, manufacturer, repairer or dealer of any weight or measure;
(e) the form which and the conditions, limitations and restrictions subject to which any licence may be issued and the period of validity of such licence;
(f) the sum to be furnished by a repairer as security of a licensee;
(g) the description of weight or measure which may be sold by a user,
(h) disposal of weights or measures after cancellation of licence and the distribution of the proceeds thereof;
(i) the records and the registers relating to weights or measures to be maintained by makers, manufacturers, repairers or dealers;
(j) the period within which weights or measures shall be verified or re-verified;
(k) the steps to be taken for verifying any weight or measure which cannot be moved from its, location;
(l) the form in which a certificate of verification of any weight or measure shall be granted;
(m) subject to the provisions of section 26, the purposes for which an Inspector may enter any premises;
(n) the manner of disposal of seized articles which are subject to speedy or natural decay;
(o) manner of defacement of rejected weights or measures;
(p) the form in which appeals may be preferred and the procedure for the hearing of appeals;
(q) the amounts of fees which may be levied and collected for each of the matters specified in section 68;
(r) any other matter which is required to be, or may be, prescribed,

In making any rule under this section, the State Government may provide that a breach thereof shall be punishable with fine, which may extend to one thousand rupees.

The power to make rules under this section shall be subject to the condition of the rule being made after previous publication in the official Gazette.

Every rule made under this section shall as soon as may be after it is made, be laid before State Legislature.

Power to make rules.

Where any type of weight or measure manufactured by a licensed manufacturer is such that all the weights or measure of that type manufactured by him within the State of Sikkim is intended to be sold, distributed or delivered therein, the State Government may, by notification, direct that the model of every such type of weight or measure shall be submitted for approval in accordance with the provisions of section 36, 37, and 38 of the Central Act, and thereupon the provisions of the said section 36, 37 and 38 shall become applicable to such model, and references in those sections to the "Central Government" and the "Central Act shall be construed as references respectively to the "State Government" and "this Act".
(2) Where the State Government makes a direction under sub-section (1) in relation to any type of weight or measure, any contravention of the provision of sections 36, 37 or 38 of the Central Act in relation to that type of weight or measure shall be an offence punishable under this Act and the punishment provided therefore in the Central Act shall be deemed to be the punishment provided therefore in this Act as if the said provisions relating to punishments were enacted by this Act.

The provisions of this Act, in so far as they relate to the verification and stamping of weights or measures used for industrial production or for protection, shall not apply to any factory exclusively engaged in the manufacture of any arm or ammunition or both for the use of the Armed Forces of the Union.

(1) On and from the commencement of this Act, the provisions contained in Notification No. 9250-1999/B dated the 8th March, 1966 and all other Sikkim Laws in force in Sikkim relating to matters for which provisions have been made in this Act shall cease to have any force and effect.

(2) Without prejudice to the provisions contained in the Sikkim Interpretation and General Clauses Act, 1977, with respect to repeals, any appointment, notification, rule, order, registration, licence, certificate, notice, decision, approval, authorisation or consent made, issued or given, under any Sikkim law shall, if in force at the commencement of this Act, continue to be in force and have effect as if made, issued or given under the corresponding provisions of this Act.

By Order of the Governor

R.K. GUPTA,
Secretary to the Government of Sikkim
Law & Legislative Department,
Government of Sikkim.
F. No, 16 (60) LL/78.
LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 5/LL/80.

Dated Gangtok, the 5th April, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 5th day of April, 1980, is hereby published for general information.

SIKKIM ACT NO. 5 OF 1980.

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) ACT, 1980.

AN

ACT

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

WHEREAS, it is expedient to amend the Gangtok Municipal Corporation Act, 1975 (IV of 1975) in the manner hereinafter appearing:

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

1. (1) This Act may be called the Gangtok Municipal Corporation (Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 11th day of December, 1979.

2. After sub-section (4) of section 3 of the Gangtok Municipal Corporation Act, 1975 (IV of 1975), the following sub-sections shall be added, namely:

"(5) If before the expiry of the term of the first Councillors nominated under sub-section (3) no new Councillors have been elected as required under sub-section (4), the State Government may by order published in the Official Gazette, appoint an officer (hereinafter referred to as Administrator) for the Corporation for a period of one year or until the reconstitution of the Corporation, whichever is earlier."
(6) When an order is issued under sub-section (5) the following consequences shall ensue:—

(a) all the powers, functions and duties of the Corporation, its Chairman, Vice-Chairman and Committee, if any, shall be exercised, performed and discharged by the Administration until the reconstitution of the Corporation;

(b) the administrator shall be deemed in law to be the Corporation Chairman, Vice-Chairman or Committee, if any as the occasion may require;

(c) such salary and allowance as the State Government may by order, in that behalf fix, shall be paid to the Administrator out of the Corporation Fund;

(d) notwithstanding anything in the Act, the Administrator may review any act done or decision taken by the outgoing Corporation, Chairman, Vice-Chairman or Committee in the exercise or performance of their powers and duties under the Act.”

Repeal and savings.

3. (1) The Gangtok Municipal Corporation (Amendment) Ordinance, 1979, (Ordinance No. 6 of 1979) is hereby repealed.

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

By Order of the Governor,

R.K. GUPTA,
Secretary to the Government of Sikkim,
Law & Legislative Department,
Government of Sikkim.
F. No. 16 (6) LL/77

PRINTED AT THE SIKKIM GOVERNMENT PRESS
LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 6/LL/80.

Dated Gangtok, the 5th April, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 5th day of April, 1980, is hereby published for general information.

SIKKIM ACT NO. 6 OF 1980.

THE SIKKIM SALARIES AND ALLOWANCES (AMENDMENT) ACT, 1980.

AN ACT


WHEREAS it is expedient to amend the Sikkim Salaries and Allowances Act, 1977 (4 of 1977) in the manner hereinafter appearing:

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

1. (1) This Act may be called the Sikkim Salaries and Allowances (Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 25th day of October, 1979.

2. In the Sikkim Salaries and Allowances Act, 1977 (4 of 1977) —

(a) in sub-section (1) of section 1, for the words “Sikkim Salaries and Allowances Act”, the words “Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act” shall be substituted.

(b) in sub-section (2) of section 3 for the words “and the Speaker” the words “the Speaker and the Deputy Speaker” shall be substituted.

(c) in the Schedule for entry 4, the following shall be substituted:—’

“4. Deputy Speaker Rs. 1,750/- Rs.225/-”

By Order of the Governor,

R. K. GUPTA,

Secretary to the Government of Sikkim, 
Law & Legislative Department, 
Government of Sikkim. 
F. No. 16(60)LL/78.
NOTIFICATION

NO. 7/LL/80.

Dated Gangtok, the 5th April, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 5th day of April, 1980, is hereby published for general information.

SIKKIM ACT NO. 7 OF 1980.
THE POLICE (SIKKIM AMENDMENT) ACT, 1980.

AN ACT
to amend the Police Act, 1861 (No V of 1861) in its application to the State of Sikkim.

WHEREAS it is expedient to amend the Police Act, 1861 (No V of 1861), in its application to the State of Sikkim for the purposes and in the manner hereinafter appearing:

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

1. (1) This Act may be called the Police (Sikkim Amendment) Act, 1980.
   Short title and commencement.

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

2. The Police Act, 1861 (hereinafter referred to as the said Act), shall, in its application to the State of Sikkim, be amended in the manner hereinafter provided.

3. After section 34 of the said Act, the following sections shall be inserted namely:-

   "34A (1) If, in the opinion of the Magistrate of the district or Superintendent of Police of the district or sub-divisional Police officer, it is necessary so to do for the purpose of preventing annoyance to, or injury to the health of, the public or any section thereof, or for the purpose of maintaining public peace and tranquility, he may, by order, prohibit, restrict, regulate or impose conditions on the use or operation, in any area within his jurisdiction or in any vehicle within such area, of microphones, loudspeakers or other apparatus for amplifying human voice or for amplifying music or other sounds.

   (2) The State Government may, on its own motion or on the representation of any person or persons aggrieved, modify, alter or cancel any order made under sub-section (1)."
(3) A Police-officer, not below the rank of Sub-Inspector, may take such steps or use such force as may be reasonably necessary for securing compliance with any order made under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) and may seize any microphone, loudspeaker or other apparatus used or operated in contravention of the order.

(4) A Police-officer, who seizes any microphone, loudspeaker or other apparatus under sub-section (3), may also at the same time seize any vehicle in which such microphone, loudspeaker or other apparatus is being carried or conveyed or is being kept at that time; Provided that any Police-officer of the Police-station within the limits of which the vehicle is seized, not below the rank of Sub-Inspector, may release such vehicle on a bond for such sum not exceeding five hundred rupees as he deems reasonable being executed by the owner of the vehicle in favour of the State Government to produce the vehicle at the time of the investigation or the trial, and to surrender the vehicle, if directed to be forfeited under sub-section (5).

(5) Any person who contravenes any order made by the Magistrate of the district or Superintendent of Police of the district or any sub-divisional Police-officer under sub-section (1) or any such order as modified or altered by the State Government under sub-section (2) shall, on conviction before a Magistrate, be liable to a fine which may extend to one hundred rupees and the Court trying an offence under this section may also direct the forfeiture of any microphone, loudspeaker or other apparatus seized under sub-section (3) or any vehicle seized under sub-section (4) or released under the proviso to that sub-section.

(6) The provisions of this section shall be in addition to and not in derogation of the powers conferred by any other section of this Act.

34B (1) Any person who sells or attempts to sell tickets for admission to a place of entertainment, except under the orders of, and at the place provided for and price fixed in this behalf, by the proprietor of the entertainment shall on conviction before a Magistrate, be liable to imprisonment for a term which may extend to three months or fine which may extend to one hundred rupees or with both.

(2) Any Police-officer not below the rank of Head-Constable may take into custody, without warrant, any person who, in his view, commits any offence punishable under sub-section (1) or seize any tickets in respect of which he is satisfied that any such offence has been committed.

(3) A Court trying any offence punishable under sub-section (1) may, without prejudice to any order or further order or orders that may, in its opinion, be passed in the case, direct the forfeiture of any ticket which may have been seized under sub-section (2).

Explanation:— In this Section:—

(a) "entertainment" means any exhibition, performance, amusement, game or sport to which persons are admitted on production of tickets, and

(b) the expression "proprietor" in relation to any entertainment includes any person responsible for the management of such entertainment,

By Order of the Governor,

R.K. GUPTA,  
Secretary to the Govt, of Sikkim,  
Law & Legislative Department,  
Government of Sikkim.  
F. No. 16 (105) LL/80.
HIGH COURT OF SIKKIM
GANGTOK

Notification No. 36/HCS/ESTT.

Dated Gangtok, the 20th March, 1980.

In exercise of powers conferred under Clause (2) of Article 229 of the constitution of India, Hon'ble the Chief Justice has been pleased to order that High Court Establishment (Appointment and conditions of service) Rules, 1979, shall come into force with effect from 1st December, 1979.

By Order,

REGISTRAR.
HIGH COURT OF SIKKIM
GANGTOK

NOTIFICATION NO. 37/HCS.

RULES

High Court Establishment (Appointment and Conditions of Service)

RULES - 1979.

In exercise of the powers conferred by Clause (2) of Article 229 of the Constitution of India, the Chief Justice of the High Court of Sikkim, with the approval of the Governor Sikkim so far as the rules relate to salaries, allowances, leave or pension, hereby makes the following rules regulating the appointment, condition of service and conduct of persons serving on the staff attached to the High Court.

PART - I

1. These rules may be called the High Court Establishment (Appointment and Conditions of Service) Rules, 1979.

2. In these rules, unless there is anything repugnant in the subject or the context :-

(a) "Chief Justice" means the Chief Justice of the High Court of Sikkim and includes any Judge appointed by the President under Article 223 to perform the duties of the Chief Justice,

(b) Competitive Examination means the examination in such papers, such other practical tests like typing stenography, etc. and such viva-voce test or other tests as may be prescribed by the Chief Justice from time to time for different posts.

(c) "Constitution" means the Constitution of India.

(d) "The Court" means the High Court of Sikkim.

(e) "Member of the Establishment" means any person holding office against any post on the staff of the High Court.

(f) "Office Judge" means any judge who is nominated by the Chief Justice either generally or by a special order to deal with any matter connected with the establishment of the High Court.

(g) "Recognised University means any University incorporated by law in India or any other University which is declared by the Chief Justice to be recognised University for the purpose of these rule.

(h) "Registrar" shall wherever the context permits, include the "Deputy Registrar".
PART - II

General. 3. The establishment of the High Court shall consist of the posts specified in Schedule I to these Rules as modified from time to time by the Chief Justice in pursuance of the powers delegated vide Home Department Notification No. H(GA)/XIII/75/13 dated 10th June, 1975 or in consultation with the State Government, where necessary.

Appointment. 4. The post of the Registrar shall be normally filled by selection from out of the members of the Superior Judicial Service. But if no suitable Officer is available then it may be filled by promotion from the members of the High Court, staff, either on temporary or on permanent basis. In case, no suitable officer is available from either of these two sources, a member of the Superior Judicial Service of any other State may be brought on deputation.

Deputy Registrar. 5. Appointment to the post of Deputy Registrar shall be made by selection from the Sikkim Judicial Service as a tenure post for such period as the Chief Justice may order or promotion from amongst the Secretary to the Chief Justice, Assistant Registrars or Readers, on the basis of seniority-cum-merit.

Secretary to the Chief Justice. 6. The post of the Secretary to the Chief Justice shall be filled by promotion from amongst the Assistant Registrars, Private Secretaries and Readers at the discretion of the Chief Justice.

Assistant Registrars. 7. Appointment to the post of Assistant Registrars shall be made by promotion from out of Private Secretaries and office Superintendents, who are Graduates, on the basis of seniority-cum-merit or by selection from amongst the officers of the State Judicial Service on tenure basis for such period as the Chief Justice may order.

Office Superintendents. 8. Office Superintendents shall be appointed on promotion out of Stenographers, Grade II, Upper Division Assistants, Junior Accountants and Accountants on the basis of seniority-cum-merit.

Reader to Judge. 9. Appointment to the post of Reader shall be made by competitive examination. The candidates must be Law Graduates. The members of the High Court Establishment will also be entitled to compete in the examination.

Private Secretary. 10. Appointment to the post of Private Secretary to the Chief Justice or to a Judge shall be made by promotion out of Graduate Stenographers, Grade I, but if none is available from out of the High Court Establishment then by direct recruitment out of Graduate candidates possessing the qualifications of Stenographer, Grade I, as prescribed.

Court Officer. 11. The Court Officer shall be appointed by promotion from amongst the Upper Division Assistants, Accountants and Stenographers, Grade II & III on the basis of seniority-cum-merit.

Senior Accountant. 12. For the post of Senior Accountant, the minimum qualification shall be Bachelor's Degree in Commerce or equivalent educational qualification with 5 years experience in accounts or Higher Secondary or equivalent qualification with 10 years experience in accounts. The post will ordinarily be filled by promotion from amongst the High Court staff but if no person with the above qualifications is available then by direct recruitment on the basis of competitive examination.

Accountant. 13. The Accountant/Junior Accountant shall be appointed by direct recruitment on the basis of competitive examination. The candidates must possess the following qualifications:

(i) Bachelor's Degree in Commerce or equivalent educational qualification; or

(ii) Higher Secondary or equivalent, educational qualification with 5 years' experience in accounts.

Stenographers. 14. (i) The post of Stenographer, Grade III, shall be filled by direct recruitment out of candidates having qualifications laid down in the Sikkim Government Services (Revised Pay) Rules, 1978. Persons working in High Court Establishment would be free to compete in the test.

(ii) The posts of Stenographers, Grade II&I, shall be filled by promotion from out of the Stenographers of the lower category on the basis of seniority-cum-merit, but if none is available then by direct recruitment having qualifications prescribed in Sikkim Government Services (Revised Pay) Rules, 1978 in respect of the grade of Stenographers required
15. The minimum qualification for the post of Librarian shall be a Degree or Diploma in Library Science or a Bachelor’s Degree of any recognised University with three year’s experience in library work or a Higher Secondary with five years’ experience in library work. The post may be filled by promotion from amongst the High Court staff possessing the necessary qualifications and by direct recruitment if no candidate from the High Court staff is available.

16. The qualification for the post of Assistant Librarian shall be a Certificate in Library Science or a Bachelor’s Degree with two years’ experience in library work or a High Secondary with three years’ experience in Library work. The post may be filled by promotion from amongst the High Court staff possessing the necessary qualifications and by direct recruitment if no candidate from the High Court staff is available.

17. (i) Fifty per cent posts of Upper Division Assistants shall be filled by direct recruitment from Graduates by a competitive examination. Graduate clerks on the establishment of the High Court will also be entitled to compete.
(ii) The remaining fifty percent posts shall be filled by promotion from the clerk on the establishment of the Court on seniority-cum-merit basis.

18. (i) Appointment to the posts of lower Division Assistants shall be made by direct recruitment on the basis of a competitive examination.
(ii) The minimum qualification for the post of Lower Division Assistant shall be second Division in Matriculation or Higher Secondary part I Examination, Higher Secondary Part II, Pre-University, Pre-Medical, Pre-Engineering, F.A., F. Sc., or any other equivalent examination.
(iii) The candidate must also posses a working knowledge of Hind and Nepali and a minimum speed of 30 words per minute in typewriting.

19. A Restorar may be appointed by promotion out of Class IV staff working in the High Court Establishment possession an educational qualification equivalent to Matriculation or High Secondary. If no such candidate is available in the High Court establishment then by direct recruitment out of persons having this qualification.

20. All officers having any dealing with public money or holding any of the Following posts shall on appointment give such security as the Registrar may from time to time prescribe:-

(i) Senior Accountant/ Accountant/ Junior Accountant.
(ii) Librarian.
(iii) Court Officer and
(iv) Stationery Assistant.

21. Notwithstanding anything contained in these rules, the Chief Justice may, by general or special order, impose special terms and conditions in the case of persons appointed to any post by direct recruitment.

PART III
CONDITIONS OF SERVICE

22. (a) The rate of scales of pay, to which the holders of the posts specified in the first column of the First Schedule are respectively entitled, shall be equivalent to the posts of Sikkim Government in fourth column of the Schedule as allowed from time to time.
(b) Save as otherwise expressly provided, the conditions of service of Registrar shall be regulated:-

(a) In case he is brought on deputation then by the terms of deputation.
(b) If he is a member of the Superior Judicial Service then by relevant Rules applicable to him; and
(c) In case he has been promoted from the High Court staff then by the High Court Establishment (Appointment and Conditions of Service) Rules, 1979.

23. (a) In case he is brought on deputation then by the terms of deputation.
(b) If he is a member of the Superior Judicial Service then by relevant Rules applicable to him; and
(c) In case he has been promoted from the High Court staff then by the High Court Establishment (Appointment and Conditions of Service) Rules, 1979.
Salary.

(c) In case the Registrar is brought on deputation he would be governed by the terms of the deputation and if he is a member of the Sikkim/Superior Judicial Service, he shall draw the same pay as is admissible in the time-scale or the Supertime grade of the Service as the case may be. If, however, he is promoted from the High Court Establishment, he shall draw the same pay as is admissible to a member of the service in the time-scale. In addition, the Registrar shall draw a special pay of Rs.200/- per mensem irrespective of his drawing pay in the time-scale or Supertime grade of the Superior Judicial Service or in any other personal pay scale.

Authority competent to make appointment, promotions, seniority etc.

23. All matters of appointments, promotions, and seniority of the members of the Non-Gazetted staff of the High Court Establishment shall be decided by the Office Judge or by the Registrar, if so authorised, and those of the Gazetted staff by the Chief Justice or by the Office Judge, if so authorised by the Chief Justice.

Appeals.

24. An appeal shall lie against all orders passed by the Registrar under the foregoing rules, to the Chief Justice, who may either dispose of himself or make it over to the Office Judge. If an order is passed by the Office Judge an appeal shall lie to the Chief Justice. The order of the Chief Justice passed whether in appeal or in the first instant shall be final, subject to the power of review, which may be exercised in exceptional cases of hardship or injustice.

25. (1) In all matters relating to seniority, leave, promotion, and other matters regarding the conditions of service for which no provision or insufficient provision has been made in these rules, the rules and orders for the time being in force and applicable to the Government Servants appointed to corresponding or comparable Civil services and posts in connection with the affairs of the State of Sikkim, shall apply, mutatis mutandis to the members of the Establishment subject to such modifications, variations and exceptions, if any, as the Chief Justices may from time to time specify;

Provided that the powers exercisable under the said rules and orders by the State Government or any authority not lower than the State Government, shall be exercisable by the Chief Justice or by such person as he may, by general or special order, direct and that powers exercisable under the said rules and orders by any other authority shall be exercisable by the Registrar.

Provided further that the scales of pay and dearness and other allowances including compensatory allowances and house rent allowance granted to the members of the Establishment shall continue to be governed by the rules and orders of Sikkim Government in force on the date of enforcement of these rules;

Provided that it shall be competent for the Chief Justice to revise from time to time scales of pay and allowances of the employees of this Court so as to bring them at par with the scales of pay and allowances which may be sanctioned by the Government of Sikkim from time to time for the corresponding or comparable categories of employees.

Any question arising as to which rules or orders are applicable to the case of any person serving on the staff attached to the High Court shall be decided by the Chief Justice.

(2) In particular and without prejudice to the generality of sub-rule (1), the Sikkim Government Servants' Discipline and Appeal Rules, as in force at the relevant time, shall apply in matters of discipline and punishment; subject to the following modifications:

(i) The expression "Government Servant", occurring in these rules, shall be construed to mean the members of the High Court staff;

(ii) Rule 4(i) shall be numbered as 4(i) (a) and the following Rule shall be inserted and numbered as 4 (i) (b);

" Imposition of fine by the appropriate authority not exceeding one month's pay for dereliction of duty or other cause of like nature, by the non-gazetted member of the Establishment."

(iii) In Rule 12, for the word "Chogyal" the words "Chief Justice" shall be substituted;

(iv) In Rule 13, for the word "Government", the words "Chief Justice" shall be substituted;
(v) In Rule 14, for the word Government", the words "Chief Justice" shall be substituted;

(vi) For the Schedule, the following Schedule shall be substituted:

<table>
<thead>
<tr>
<th>Class of Officer Authority</th>
<th>Disciplinary Authority</th>
<th>Powers to Exercise</th>
<th>Appellate Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gazetted Grades I and II</td>
<td>Chief Justice or Office Judge, if so authorised</td>
<td>All</td>
<td>Chief Justice if the order is passed by Office Judge and Full Court if the order is passed by the Chief Justice.</td>
</tr>
<tr>
<td>Non Gazetted Grades III &amp; IV</td>
<td>Office Judge or Registrar if so authorised</td>
<td>All</td>
<td>Chief Justice or Office Judge, if so authorised.</td>
</tr>
</tbody>
</table>

(3) Nothing in these rules shall debar the Chief Justice from altering on appeal or otherwise, an order of punishment, including adverse remarks recorded in a character roll or of appointment, not provided for above, which may be passed by the Registrar or the office Judge.

(4) Liability to transfer:— Every member of the Establishment shall be liable to transfer under the orders of the Chief Justice anywhere within the state of Sikkim.

(5) Where the Chief Justice is satisfied that the operation of any rule caused under hardship in any particular case, he may by order dispense with or relax the requirements of that rule to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner, provided that the case is not dealt with in a manner less favorable to the officers or officials concerned than in accordance with the rules. **Power to relax rules in favour of individuals.**

By Order.

REGISTRAR.
<table>
<thead>
<tr>
<th>1. Designation</th>
<th>Permanent Post</th>
<th>Temporary Post</th>
<th>Grade and scale of pay on the Govt. side.</th>
<th>Special pay</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Registrar</td>
<td>1</td>
<td>—</td>
<td>Class 1 Rs. 1200-501450-Eb</td>
<td>Rs. 200/-</td>
<td>In case the post is held by a member of the Superior Judicial Service, he will draw the pay of his own grade including Special Pay of Rs.200/- per mensem. If he is on deputation he will governed by the terms of deputation.</td>
</tr>
<tr>
<td>2. Deputy Registrar</td>
<td>1</td>
<td>—</td>
<td>Class I Rs.900-40-1180- Eb Rs.150/-</td>
<td>Rs.150/-</td>
<td>If the post of Deputy Registrar is held by a member of the Sikkim Judicial Service he shall draw the pay of his own grade in addition to the special pay of Rs.150/- per mensem.</td>
</tr>
<tr>
<td>3. Secretary to Chief Justice</td>
<td>1</td>
<td>—</td>
<td>Class II Rs. 780-30-990-Eb-35-1200-Eb-40-1600</td>
<td>Rs.150/-</td>
<td>—</td>
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<tr>
<td>4. Assistant Registrar</td>
<td></td>
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<td>Class II Rs. 660-25-910-Eb-30-1240-Eb-40-1400</td>
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<tr>
<td>5. Reader</td>
<td>2</td>
<td></td>
<td>Class II Rs. 660-25-910-Eb-30-1240-Eb-40-1400</td>
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<td>6. Private Secretary</td>
<td>2</td>
<td></td>
<td>Class II Rs.660-25-910-Eb-30-1240-Eb-40-1400</td>
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<tr>
<td>Designation</td>
<td>Permanent Post</td>
<td>Temporary Post</td>
<td>Grade and Scale of Pay on the Government side.</td>
<td>Special Pay</td>
<td>Remarks</td>
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<td>2. Head Assistant</td>
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<td>1</td>
<td>Class III Rs.450-12-570-EB-15-720-EB-20-800</td>
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<td>3. Court Officer</td>
<td>1</td>
<td>—</td>
<td>Class III Rs.510-15-630-EB-18-720-EB-20-900</td>
<td>Rs.50/-</td>
<td>—</td>
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<td>5. Asstt. Librarian</td>
<td>—</td>
<td>1</td>
<td>Class III Rs.410-10-580-EB-12-700</td>
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<td>10. Accountant</td>
<td>—</td>
<td>1</td>
<td>Class III Rs.450-12-570-EB-15-720-EB-20-800</td>
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<td>11. Jr. Accountant</td>
<td>1</td>
<td>—</td>
<td>Class III Rs.410-10-580-EB-12-700</td>
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<tr>
<td>12. Upper Division</td>
<td>2</td>
<td>—</td>
<td>Class III Rs.410-10-580-EB-12-700</td>
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<td>13. Lower Division Asstt.</td>
<td>4</td>
<td>1</td>
<td>Class III Rs.380-7-450-EB-8-530-EB-10-550</td>
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<td>14. Restorer</td>
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<td>Class III</td>
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<td>Rs. 340-6-388-7-500</td>
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<td>15. Driver</td>
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<td>Rs. 350-6-410-7-550</td>
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<td>16. Book Binder</td>
<td>1</td>
<td>—</td>
<td>Class III</td>
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<td>Rs. 340-6-388-7-500</td>
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<td>17. Usher</td>
<td>2</td>
<td>—</td>
<td>Class IV</td>
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<td>Rs. 320-5-390-6-450</td>
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<td>18. Head Peon</td>
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<td>320-5-390-6-450</td>
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<td>19. Mali</td>
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<td>Class IV</td>
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<td>Rs. 310-5-3 30-5-400</td>
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<td>20. Peon</td>
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<td>Class IV</td>
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<td>Rs. 300-4-340-5-380</td>
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<td>21.Chowkidar</td>
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<td>Class IV</td>
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<td>22.Ftrash</td>
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<td>Class IV</td>
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<td>Rs. 300-4-340-5-380</td>
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<tr>
<td>23. Sweeper</td>
<td>1</td>
<td>—</td>
<td>Class IV</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rs. 300-4-340-5-380</td>
<td></td>
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</tr>
</tbody>
</table>
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

Notification No. 16(107)LL/80/Home.

Dated Gangtok, the 29th April, 1980.

In exercise of the powers conferred by sub-section (1) of section 3 of Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (No. 7 of 1980) State Government hereby empowers the Secretary of the Government of Sikkim Department of Food and Civil Supplies, if satisfied, with respect to any person that with a view preventing him from acting in any manner prejudicial to the maintenance of supplies of commodities essential to the Community, it is necessary so to do, to make an order directing that such person be detained.

By Order

M. P. PRADHAN,

Chief Secretary to the Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
It is hereby notified for general information that the days enumerated in the Schedule below shall be observed as public holidays by the High Court of Sikkim during the year, 1980.

**SCHEDULE**

<table>
<thead>
<tr>
<th>Name of Holidays</th>
<th>Dates on which these fall</th>
<th>Days of the Week</th>
<th>No. of holidays</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Sundays</td>
<td></td>
<td></td>
<td>52</td>
<td></td>
</tr>
<tr>
<td>All Second Saturdays except for the months of January to March.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>New Year's Day</td>
<td>1st January</td>
<td>Tuesday</td>
<td>1</td>
<td>Vacation</td>
</tr>
<tr>
<td>Magh Sankranti</td>
<td>14th &amp; 15th Jan</td>
<td>Monday &amp; Tuesday</td>
<td>2</td>
<td>Vacation</td>
</tr>
<tr>
<td>Republic Day</td>
<td>26th January</td>
<td>Saturday</td>
<td>1</td>
<td>Vacation</td>
</tr>
<tr>
<td>Dol Jatra (Holi)</td>
<td>1st March</td>
<td>Saturday</td>
<td>1</td>
<td>Vacation</td>
</tr>
<tr>
<td>Good Friday</td>
<td>4th April</td>
<td>Friday</td>
<td>1</td>
<td></td>
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<tr>
<td>State Day</td>
<td>16th May</td>
<td>Friday</td>
<td>1</td>
<td></td>
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<tr>
<td>Saga Dawa</td>
<td>29th May</td>
<td>Thursday</td>
<td>1</td>
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<tr>
<td>Id-ul-Fiter</td>
<td>13th August</td>
<td>Wednesday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Independence</td>
<td>15th August</td>
<td>Friday</td>
<td>1</td>
<td></td>
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<tr>
<td>Pang Lhabsol</td>
<td>26th August</td>
<td>Tuesday</td>
<td>1</td>
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<tr>
<td>Janam Ashtami</td>
<td>1st September</td>
<td>Monday</td>
<td>1</td>
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<tr>
<td>Gandhi Jayanty</td>
<td>2nd October</td>
<td>Thursday</td>
<td>1</td>
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<tr>
<td>Lhabab Thuchen</td>
<td>30th October</td>
<td>Thursday</td>
<td>1</td>
<td>Vacation</td>
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<tr>
<td>Birthday of Guru Nanak</td>
<td>22nd November</td>
<td>Saturday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Kagyet Dance</td>
<td>6th December</td>
<td>Saturday</td>
<td>1</td>
<td>Vacation</td>
</tr>
<tr>
<td>Losoong</td>
<td>8th to 12th December</td>
<td>Monday to Friday</td>
<td>5</td>
<td>Vacation</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>25th December</td>
<td>Thursday</td>
<td>1</td>
<td>Vacation</td>
</tr>
</tbody>
</table>

**Vacation:**

(b) Puja vacation from 17th October, 1980 to 9th November, 1980.
(c) Losoong & Christmas vacation from 6th December, 1980 to 31st December, 1980.

**Note:**

1. This list does not indicate Bhanu Jayanti (13th July, 1980) and Tibetan New Year's Day (17th February) which fall on Sundays.
2. This list also does not include the Second Saturdays in the months of November & December which fall during the vacations.

G. S. KALRA, REGISTRAR.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 16(7)D1/79/80         Gangtok dated 21st March 1980

NOTIFICATION

SIKKIM KHADI AND VILLAGE INDUSTRIES BOARD RULES, 1980

In exercise of the powers conferred by section 33 of the Sikkim Khadi and Village Industries Act, 1978 (Act No. 11 of 1978) the Government of Sikkim hereby makes the following rules, namely:

CHAPTER I
PRELIMINARY

1. These rules may be called the Sikkim Khadi and Village Industries Board Rules, 1980.

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

a) "Act" means the Sikkim Khadi and Village Industries Board Act, 1978 (Act No. 11 of 1978);

b) "Board" means the Sikkim Khadi and Village Industries Board established under section 3 of the Act;

c) "Chairman" means the Chairman of the Board appointed under sub-section (b) of section 4;

d) "Chief Accounts Officer" means an officer appointed under section 5 of the Act;

e) "Executive Officer" means the Executive Officer of the Board appointed under section 11A;

f) "Financial Adviser" means the Financial Adviser appointed under section 5 of the Act;

g) "Financial Year" means the year commencing on the 1st day of April and ending on 31st March;

h) "Form" means forms appended to these rules;

i) "Government" means the Government of Sikkim;

j) "Secretary" means the Secretary of the Board appointed under sub-section (d) of section 4;

k) "Section" means the section of the Act.
CHAPTER II

BOARD OFFICE, MEMBERS' DISQUALIFICATIONS, ALLOWANCES AND STANDING FINANCE COMMITTEE

Office of the Board
3. The Office of the Board shall be located at Gangtok or such other place as the State Government may direct.

Terms of Office
4. Save as here-in-after provided, a member of the Board shall hold office for a period of three years unless the Board is dissolved by the Government under section 35.

Disqualifications for membership of the Board
5. A person shall be disqualified for being appointed as, and for being, a member of the Board if he —

(a) is found to be a lunatic or a person of unsound mind; or
(b) has been adjudged insolvent; or
(c) has been convicted of an offence involving moral turpitude; or
(d) has directly or indirectly any interest in any subsisting contract with or in any work being done for the Board except as a shareholder (other than a director or a managing agent) in a company as defined under the Companies Act: Provided that in the case of being a shareholder, he will disclose to the Government the nature and extent of shares held by him in such a company:
Provided further that membership of a co-operative Society shall not be a disqualification so long as the person concerned is not a director; or
(e) has any financial interest in any business or undertaking dealing with Khadi or any Village Industries as defined in sub-sections (c) and (d) of section 2; or
(f) in the opinion of the Government, has failed or is unable to carry out his duties; or
(g) absents himself from three consecutive meetings of the Board without the leave of the Board.

Removal from the Board
6. The Government may, by notification in official Gazette, remove from office any member of the Board who is or becomes subject to any of the disqualifications mentioned in Rule 5:
Provided that before issuing such notification, the Government shall give an opportunity to the member concerned to show cause against such removal.

Casual Vacancies
7. A member appointed to fill a casual vacancy shall hold office for so long as the member whose place he fills, would have been entitled to hold office.

Salary and allowances
8. (1) The Chairman, the Vice-Chairman and the Secretary and non-official members of the Board shall not be entitled to any salary but shall draw such honouraria and other allowances from the funds of the Board as the Government may, from time to time, fix. They shall also draw traveling and daily allowance for journeys performed for attending the meetings of the Board and for the purpose of discharging such duties as may be assigned to them by the Board in accordance with the rules and orders issued by the State Government from time to time at the rates admissible to Class I officers of the Government.
(2) Save as provided under sub-clause (c) of section IIA of the Act, the remuneration, allowances and other conditions of the service of the Executive Officer shall be such as may be fixed by the Board with the prior approval of the State Government.

Standing Finance Committee
9. (1) The Board shall constitute, under section 12 of the Act, Standing Finance Committee, from among the members of the Board, other than the Chairman the Vice-Chairman and the Secretary consisting of not more than three and not less than two members. The Executive Officer shall act as Secretary of the Standing Finance Committee. The Executive Officer and the Financial Adviser and the Chief Accounts Officer shall have the right to attend every meeting of the Committee but shall not have the right to vote thereat.
(2) Tenure of the Standing Finance Committee shall be for a period of three years.

(3) The Standing Finance Committee shall deal with all applications to the Board for sanction of financial assistance and all sanctions pertain to, the Budget and other financial matters of the Board which are not within the powers of any officer under the control of the Board.

CHAPTER - III
POWERS OF THE CHAIRMAN, VICE CHAIRMAN, EXECUTIVE OFFICER, FINANCIAL ADVISER AND CHIEF ACCOUNTS OFFICER.

10. (1) The Chairman shall be responsible for the proper functioning of the Board and the implementation of its decisions and discharge of its duties under the Act.

(2) In particular, the Chairman shall

(a) cause the important papers and matters to be presented to the Board as early as practicable;
(b) issue directions as to the method of carrying out the decisions of the Board;
(c) maintain or cause to be maintained an account of the receipts and expenditure of the Board;
(d) present a draft annual report of the working of the Board to the Board for approval and submit the report as approved by the Board to the Government. The report approved by the Board shall be circulated to the members of the Board for their information;

(3) The Chairman shall exercise administrative control over all departments and officers of the Board;

(4) The Chairman may sanction expenditure on contingencies, supplies and services and purchase of articles required for working of the office of the Board and for the execution of measures in furtherance of the object of the Act;

(5) The Chairman may exercise such financial powers subject to necessary provisions in the budget as are delegated to him by the Board from time to time;

(6) The Chairman shall be the controlling officer in respect of Bills regarding travelling and daily, allowances payable to himself or the other members and other officers of the Board.

11. (1) The Vice Chairman shall exercise such of the powers and perform such of the duties as may be delegated to him by the Chairman.

(2) He shall, in the absence of the Chairman, exercise all the powers and perform all the duties of the Chairman unless otherwise directed by the Chairman or the Government.

12. (1) The Secretary shall work under the general control of the Chairman who may delegate to him such powers and duties as may be considered necessary including the following powers and duties —

(a) convening of meetings of the Board under the directions of the Chairman;
(b) drawing up agenda for each meeting under the direction of the Chairman and supplying the same to each member of the Board along with the notice of the meetings;
(c) maintenance of the minutes of the meetings of the Board;
(d) furnishing to the State Government all reports including annual reports and returns and necessary documents required under the Act or under these rules;
(e) preparation of the Annual Budget of the Board in consultation with the Financial Adviser and Accounts Officer.
(2) The Secretary shall keep a record of the members of the Board and their addresses. If a member changes his address, he shall notify his new address to the Secretary who shall thereupon enter his new address in the record. But if the member fails to notify his new address, the address on the official record shall for all purposes be deemed to be the member's address.

Power of the Executive Officer

13. (1) The Executive Officer shall work under the control of the Chairman and/or under the direction of the Secretary. He shall be entitled to attend all the meetings of the Board but shall not be entitled to vote.

(2) He shall —

(a) supervise and control the work of the officers and servants employed by the Board;
(b) implement the decisions taken by the Board;
(c) frame annual Budget Estimates and Supplementary Budget Estimates under the direction the Secretary and place them before the Board along with the views of the Financial Adviser and Chief Accounts Officer;
(d) administer the contributory provident fund of the Board when established;
(e) sanction contingent expenditure to the extent of power delegated to him by the Board from time to time;
(f) examine applications for assistance, both grants and loans, and place them before the Board for sanction;
(g) have the right to refer to the Board any matter having financial implication which in his opinion ought to be brought to the notice of the Board;
(h) have the right to record his views in consultation with the Financial Adviser and Chief Accounts Officer on every proposal involving expenditure from the funds of the Board, prior to the consideration and approval of such proposals by the Board;
(i) undertake such other duties and exercise such other powers as may be assigned to him by the Board or the Chairman.

Power of the Financial Adviser and Chief Accounts Officer

14. In the discharge of his functions, the Financial Adviser and Chief Accounts Officer shall -

(a) advise the Board on all matters relating to receipt and expenditure;
(b) have the right to attend every meeting of the Board but shall not have the right to vote thereat. He shall also have the right to refer to the Board any matter having financial implications which in his opinion ought to be brought to its notice;
(c) scrutinise and supervise the preparation of the budget of the Board, the compilation of the annual and other financial statements and the manner in which the accounts of the Board are to be maintained made available to audit;
(d) have the right to record his views on every proposal involving expenditure from the funds of the Board prior to the consideration and approval of such proposals by the Board;
(e) have authority to advise the Board that a particular decision affecting the general financial policy of the Government should be referred to Government for consideration;
(f) arrange for the maintenance of proper accounts of the Board;
(g) arrange internal checking and inspection of the accounts of the Institution receiving financial assistance from the Board;
(h) cause preparation of annual report and statement of accounts for submission to Government and to the Commission;
(i) arrange for the maintenance of proper accounts and arrange disbursement of contributory provident fund of the Board;
(j) undertake such other duties and exercise such other powers as may be assigned to him by the Board.
CHAPTER IV

POWERS OF CONTRACTS, GRANTS, LOANS AND BORROWING

15. (1) The Board may, in connection with its trading and other activities, delegate such powers to the Chairman, the Secretary or Financial Adviser or Executive Officer, for entering into contracts, signing of agreements or execution of bonds or undertaking on its behalf, as it may think fit:

Provided that the amount or value of the contract or agreement does not exceed ten thousand rupees.

(2) The Board, in the case of any contract or agreement exceeding rupees ten thousand, shall seek approval of the Government prior to its execution.

(3) All contracts or agreements entered into by or on behalf of the Board shall be in writing, signed and sealed with the common seal of the Board by any of the persons as mentioned under sub-rule (1) above.

(4) Any person authorised under sub-rule (1) to enter into contract on behalf of the Board shall not be personally liable for any act done on its behalf and any liability arising out of such contract shall be discharged from the moneys of the Board.

16. (1) The Board shall disburse grants in accordance with and at rates and on terms sanctioned by the Government in respect of each industry, from time to time.

The Government on its own motion or on the recommendation of the Board or of the Khadi and Village Industries Commission, modify or supersede the financial rates and terms previously sanctioned.

(2) The Board may reduce the rates at which grants are payable in individual cases to such extent, as it thinks necessary but shall not enhance such rates except with the prior approval of the Government.

(3) Grants and subsidies shall be paid only to Institutions approved by the Board or registered under the law, for the time being in force.

17. (1) The Board shall advance loans in accordance with and at rates and terms sanctioned by the Government in respect of each industry, from time to time.

(2) The Board shall not be competent to modify, amend or otherwise vary the provision of the loan rules.

(3) The Government may, on its own initiative or on the recommendation of the Board, modify or amend the loan rules. The modification or amendment will have effect from the date it is made by the Government.

18. The Board may, with the previous sanction of the Government, borrow on the security of its funds or assets for the purposes specified in the Act and in accordance with sub-section (2) of section 25 of the Act.

CHAPTER V

ANNUAL PROGRAMME, BUDGET, ACCOUNTS AND FUNDS

19. (1) The programme of work referred to in section 18 of the Act shall be prepared well in advance for the next financial year and shall be forwarded to the Government before the 30th of September or any other date fixed therefore by the Government, preceding the said financial year.

(2) A Supplementary programme, if any, under section 20 shall be prepared by the Board in any financial year and shall be forwarded to the Government before the 30th June in that year or any other date fixed by the State Government.

20. (1) The budget estimates (separately for 'Khadi and Village Industries') of the Board for every financial year beginning on the 1st day of April and ending on the 31st day of the March following shall be prepared by the Secretary or such officer as may be empowered by the Chairman in this behalf, sufficiently in advance of the date fixed in sub-rule (3) and in accordance with sub-rule (5), (6) and (7)

(2) The Board shall consider and approve in consultation with the financial Adviser, and may incorporate such changes as it thinks fit.
(3) The budget estimates as approved by the Board shall be submitted to be
Government normally by the 15th October, but in no case later than the end of
October of each year. The Board shall forward copies of the budget to the
Khadi and Village Industries Commission for information and remarks, if any

(4) Subject to such orders as may be issued the Government from time to
time, no expenditure shall be incurred by or on behalf of the Board unless
the same is covered by a specific provision in the budget sanctioned by the
Government and expenditure authorised by the competent authority of the
Board.

(5) The budget shall, among other matters include,—
   a) the opening balance,
   b) the estimates receipts by way of funds to be released by the Government
      recovery of interest, refund of loans, and other miscellaneous receipts;
   c) the proposed expenditure separately under "KHADI" and "VILLAGE
      INDUSTRIES" classified under the following heads or such other heads
      as may be deemed suitable with the concurrence of the Financial Advi-
      ser of the Board; and
   d) the matters relating to:—
      (i) administration, (ii) subsidies and grants, (iii) loans, (iv) trading
      accounts, (v) accounts for the purchase of all the raw materials required
      for the manufacturing activities of the Board, (vi) research, (vii) training,
      (viii) information and publicity, (ix) exhibition, conference, seminars, etc.

(6) The expenditure under the above heads shall be further classified
under the following sub-heads:—
   a) Central office of the Board and all other items of the administrative
      expenditure not included under sub-heads (b) and (c) of sub-rule (5)
   b) Khadi Scheme; and
   c) Village Industries Scheme.

(7) Each of the Sub-heads shall contain the following secondary unitil
appropriation—
   a) pay and allowances of the officers;
   b) pay and allowances of the establishment;
   c) allowances and honourarium, etc;
   d) travelling allowances;
   e) other charges - contingencies, etc.

Supplementary
Estimates 21. If during any financial year for any reasons, substantial modification of the Budget
estimates as finally approved by Government is likely to be involved, the Board
shall submit for approval to the Government, supplementary estimates in the
term and on such dates as the Government, by order, from time to time, direct

Funds of the
Board 22. (1) All moneys received by the Board shall be deposited in the Bank as may be
approved by the Government and shall be credited to an account entitled
"The Sikkim Khadi and Villages Industries Fund", as the case may be.

(2) The account of the Board shall be operated upon by such officers jointly or
individually as may be authorised by the Board.

(3) The Board may invest any part of its funds which is not immediately required
for any purpose in such securities or short-term deposits as may be approved
by the Government, from time to time.

(4) The Government while approving the budget may sanction the payment of
grant or grants to cover the revenue deficit and loan to cover the gap in rsour-
ces in these funds. Such grants and loans may be disbursed in advance or by
instalments or in such manner as the Government may determine.

Annual Report 23. (1) The Annual Report, referred to in section 28 of the Act shall be prepared by
the Secretary under the direction of the Chairman and shall be laid before the
Board for approval and shall be forwarded to the Government before the expiry
of the period specified in the said section.
(2) The Annual Report shall be in such form as the Government, may from time to time, direct and contain particulars, inter-alia to indicate full details of the following—

(a) budget estimates and the actual expenditure;
(b) production and sale of Khadi;
(c) production and sale of products of Village Industries;
(d) production and sale of charkhas and other implements;
(e) employment data for each scheme in operation;
(f) training of personnel.

(3) The Secretary, shall, under the direction of the Chairman, prepare monthly progress reports, statement, and returns. The Board shall submit to the Government and the Khadi and Village Industries Commission—

(a) monthly statement of accounts showing the details of disbursement made by the Board;
(b) monthly statement of accounts showing the drawings from the funds of the Board;
(c) quarterly progress report on Khadi and Village Industries specified or deemed to be specified in the schedule to the Khadi and Village Industries Commission Act, 1956.

24. (1) Within three months of the close of the financial year, the annual statement of accounts referred to in sub-section (2) of section 29 shall be prepared in the prescribed manner showing the financial result of various schemes, works or undertakings of the Board in that year for submission to the Government and the Khadi and Village Industries Commission.

(2) The accounts shall be maintained by the Secretary or any other officer duly authorised by the Chairman with the approval of the Government in the forms and registers mentioned below or in such manner or with such additions and alterations as may be prescribed by the Government—

<table>
<thead>
<tr>
<th>Form No.</th>
<th>Type of Form</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>VIII</td>
<td></td>
<td>Cash Book.</td>
</tr>
<tr>
<td>IX</td>
<td></td>
<td>Subsidiary accounts to Cash Book.</td>
</tr>
<tr>
<td>X</td>
<td></td>
<td>Classified abstract of receipts/ disbursements.</td>
</tr>
<tr>
<td>XI</td>
<td></td>
<td>Register of securities,</td>
</tr>
<tr>
<td>XII</td>
<td></td>
<td>Receipt of payment to the Board</td>
</tr>
<tr>
<td>XIII</td>
<td></td>
<td>Register of Cheque Book.</td>
</tr>
<tr>
<td>XIV</td>
<td></td>
<td>Register of stock of Receipt</td>
</tr>
<tr>
<td>XV</td>
<td></td>
<td>Register of stock of Furniture.</td>
</tr>
<tr>
<td>XVI</td>
<td></td>
<td>Register of Advance/Permanent/</td>
</tr>
<tr>
<td>XVII</td>
<td></td>
<td>Annual accounts of receipts/ expenditure.</td>
</tr>
</tbody>
</table>

25. Notwithstanding anything contained in these Rules, the Government may require special reports from the Board and lay down the manner and the form in which such reports shall be made or may require from the Board, answers to question upon which the Government may need informations. The Government may also require the Board to furnish true copy of each or any contract, agreement, understanding or arrangement entered between the Board and any other party.
CHAPTER VI
MISCELLANEOUS

Power to write off losses. 26. (1) The Board may 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 of public money due to theft, vis major or the negligence of individuals or such other cases;

(b) loss of irrecoverable advance other than loans;

(c) the deficiency and depreciation in the value of stores subject to the conditions that the loss does not disclose a defect of system, the amendment of which requires the orders of the Government.

(2) The Board shall take suitable action against the person or persons responsible for the loss and send a report to the Government on the action taken.

(3) Notwithstanding anything contained hereinafore, the losses occasioned by irrecoverable loans shall not be written off without the previous sanction of the Government.

Custody of common seal. 27. The common seal of the Board shall remain in the custody of the Executive Officer of the Board.

Power to add, amend, substitute or alter the rule 28. Notwithstanding anything contained in these Rules, the Government may, from time to time, add, amend, substitute or alter such rules as may be deemed necessary.

T. S. GYALTSEN,
Chief Secretary,
Government of Sikkim
### Receipts

<table>
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<tr>
<th>Date</th>
<th>Item or Serial No.</th>
<th>From whom received</th>
<th>Particulars</th>
<th>Amount</th>
<th>Cash Book</th>
<th>Initials of responsible authority.</th>
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</thead>
</table>

### Disbursement

<table>
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<tr>
<th>Date</th>
<th>Voucher or SL.No.</th>
<th>To whom paid</th>
<th>Particulars</th>
<th>Budget Head</th>
<th>Amount</th>
<th>Initials of responsible authority.</th>
</tr>
</thead>
</table>

### Opening Balance

|Rs. | Rs. |

| Carried Over. |

| Brought | Rs. | Rs. |

| Carried Over. |

### Form No. IX

**SUBSIDIARY ACCOUNT TO CASH BOOK**

**Receipts**

- **Name of scheme**
- **Period of Scheme**
- **Recurring Liability**
- **Non-recurring Liability**
- **Sanctioned View**

**Total**

**Detailed, if any.**

**DISBURSEMENTS**

<table>
<thead>
<tr>
<th>Date</th>
<th>Voucher No.</th>
<th>To whom paid</th>
<th>Particulars</th>
<th>Amount</th>
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</table>

| Cash | Bank |

| Initials of responsible authority. |

| Carried Over. |
### FORM NO. X (PART-II)
CLASSIFIED ABSTRACT OF RECEIPT, 19 - 19

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<th>Serial Number</th>
<th>Head of Account</th>
<th>April Voucher Number</th>
<th>April Amount</th>
<th>May Voucher Number</th>
<th>May Amount</th>
<th>Progressive Total</th>
<th>March Voucher Number</th>
<th>March Amount</th>
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<tr>
<th>Serial Number</th>
<th>Head of Account</th>
<th>April Voucher Number</th>
<th>April Amount</th>
<th>May Voucher Number</th>
<th>May Amount</th>
<th>Progressive Total</th>
<th>March Voucher Number</th>
<th>March Amount</th>
<th>Progressive Total</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

### FROM NO. X (PART-III)
CLASSIFIED ABSTRACT OF DISBURSMENT FOR……………..

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Head of Account</th>
<th>Original Grant modification during the course of the year</th>
<th>Final Grant at the end of the year</th>
<th>Outlay to the end of previous year brought forward</th>
<th>Transaction of the year</th>
<th>Progessive Total</th>
<th>MARCH</th>
<th>REMARK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Authority and particulars</td>
<td>Amount addition or deduction</td>
<td>Voucher Amt Number</td>
<td>Voucher Amt Number</td>
<td>Voucher Amt Number</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Head of Account</th>
<th>Original Grant modification during the course of the year</th>
<th>Final Grant at the end of the year</th>
<th>Outlay to the end of previous year brought forward</th>
<th>Transaction of the year</th>
<th>Progessive Total</th>
<th>MARCH</th>
<th>REMARK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Authority and particulars</td>
<td>Amount addition or deduction</td>
<td>Voucher Amt Number</td>
<td>Voucher Amt Number</td>
<td>Voucher Amt Number</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Head of Account</th>
<th>Original Grant modification during the course of the year</th>
<th>Final Grant at the end of the year</th>
<th>Outlay to the end of previous year brought forward</th>
<th>Transaction of the year</th>
<th>Progessive Total</th>
<th>MARCH</th>
<th>REMARK</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Authority and particulars</td>
<td>Amount addition or deduction</td>
<td>Voucher Amt Number</td>
<td>Voucher Amt Number</td>
<td>Voucher Amt Number</td>
<td>Amount</td>
<td></td>
</tr>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Rs.   Rs.   Rs.   Rs.   Rs.   Rs.   Rs.
## Register of securities for the period from

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Date of Purchase</th>
<th>Particular of securities</th>
<th>AMOUNT Purchase Value</th>
<th>Face Value</th>
<th>Safe Custody Receipt Number</th>
<th>INTEREST DUE Date Due</th>
<th>Amount Interest Date</th>
<th>Amount received</th>
<th>Initials of Accountant</th>
<th>Date</th>
<th>Amount Received</th>
<th>Initials of Accountant</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

|          |                  |                          |                       |           |                             |                       |                       |                 |                         |      |                 |                         |

**REMARKS**

<table>
<thead>
<tr>
<th>Rs.</th>
<th>Rs.</th>
<th>Rs.</th>
<th>Rs.</th>
</tr>
</thead>
</table>

## FORM NO. XII

**RECEPTS FOR PAYMENT TO THE BOARD**

KHADI AND VILLAGE INDUSTRIES BOARD

(Counterfoil)

<table>
<thead>
<tr>
<th>Book No.</th>
<th>Receipt</th>
<th>Book No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Received from: 

Rs. on account of: 

(NOT TRANSFERABLE)

Place: 

Date: 19.

Cashier and Secetary: 

SIKKIM KHADI & VILLAGE INDUSTRIES BOARD

Cashier and Secetary: 

SIKKIM KADHI & VILLAGE INDUSTRIES BOARD.

Sikim Khadi & Village Industries Board
### Register of Cheque Books

<table>
<thead>
<tr>
<th>Number of Cheque Books</th>
<th>Initials of the Secretary</th>
<th>Date of completion</th>
<th>Date initials of the Accountant for having received and Examined the counterfoil</th>
</tr>
</thead>
</table>

### Register of Stock Receipt Book

<table>
<thead>
<tr>
<th>Date</th>
<th>From whom received</th>
<th>No. and date of the communication with which received</th>
<th>No. of books (each from) received</th>
<th>No. of receipt forms received</th>
<th>Nos. borne by the books</th>
<th>Nos. borne by the receipt forms</th>
<th>To whom issued</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Issued</th>
<th>Balance in Stocks</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of books issued</td>
<td>No. of forms issued</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Voucher No. &amp; Date</td>
</tr>
<tr>
<td>--------</td>
<td>------------------</td>
</tr>
<tr>
<td>1</td>
<td>(2)</td>
</tr>
</tbody>
</table>

**FORM NO. XVI**  
REGISTER OF ADVANCE-PERMANENT/ TEMPORARY

<table>
<thead>
<tr>
<th>Issuing authority</th>
<th>To whom made</th>
<th>Particulars of the advance</th>
<th>Payments</th>
<th>Amount paid</th>
<th>Date of payment of the advance</th>
<th>Date</th>
<th>Made</th>
<th>Amount</th>
<th>Repayments</th>
<th>Dated initials of the Accountant</th>
<th>Balance</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></td>
<td>(11)</td>
<td></td>
</tr>
</tbody>
</table>

Rs. Rs. Rs.
FORM NO. XVII
Annual Account for the year 19 -19 Relating to grant for………………………………………………………….

<table>
<thead>
<tr>
<th>Head Account</th>
<th>Receipt during the year</th>
<th>Remark</th>
<th>Grant Payment</th>
<th>Expenditure during year</th>
<th>Excess or savings over net grant</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Original</td>
<td>Net</td>
<td>Head of Account</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Head Account</th>
<th>Receipt during the year</th>
<th>Remark</th>
<th>Grant Payment</th>
<th>Expenditure during year</th>
<th>Excess or savings over net grant</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Original</td>
<td>Net</td>
<td>Head of Account</td>
<td></td>
</tr>
</tbody>
</table>

Opening balance Rs. Rs. Rs. Rs. Rs.

Closing Balance

II. Particular of advance, permanent and temporary, outstanding at end of the year.

<table>
<thead>
<tr>
<th>Particular</th>
<th>Amount</th>
</tr>
</thead>
</table>

III. Particular of securities etc.

<table>
<thead>
<tr>
<th>Particular of securities</th>
<th>Purchase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approximate Value</td>
<td></td>
</tr>
<tr>
<td>Market Value</td>
<td></td>
</tr>
</tbody>
</table>

IV Particular of closing balance

<table>
<thead>
<tr>
<th>Particular of closing balance</th>
<th>Secretary, Sikkim Khadi and Village IndustriesBoard</th>
</tr>
</thead>
</table>

AUDIT CERTIFICATES

Certificated that the above accounts have been audited and found correct.

Auditor / Account-General
Sikkim

By order of the Governor

_________________
Secretary to the Government of Sikkim.
GOVERNMENT OF SIKKIM  
HOME DEPARTMENT  
NOTIFICATION

No. 14/Home/80  
Dated Gangtok, the 14th April, 1980.

The following notification published in the gazette of India extraordinary is re-published for general information:-

" No. 3/1/80-States  
GOVERNMENT OF INDIA  
BHARAT SARKAR  
MINISTRY OF HOME AFFAIRS  
(GRIH MANTRALAYA)  

New Delhi, the 2nd April, 1980.

S. O. In exercise of the powers conferred by sub-clause (a) of clause (1) of article 80 of the Constitution of India, read with clause (3) of that article, the President is pleased to nominate to the Council of States the following four persons namely:-

1. Dr. Lokesh Chandra.  
2. Shri Scato Swu.  
3. Shri Khushwant Singh.  

to fill the seats of the four nominated members to the council of States who retired on 2nd April, 1980 on the expiration of their terms of office.

Sd/- B.G. Deshmukh  
Additional Secretary to the Govt, of India.

Tashi Tsering,  
Deputy Secretary to the Govt, of Sikkim.  
Home Departments.
NOTIFICATION

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

IN TABLE 4 of the said notification—

(a) against item 3. Bihar, under column 2, insert the entries—

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>Aeroplane</td>
</tr>
<tr>
<td>31</td>
<td>Basket containing vegetables</td>
</tr>
<tr>
<td>32</td>
<td>Cultivator cutting crop</td>
</tr>
<tr>
<td>33</td>
<td>Coconut tree bearing fruits</td>
</tr>
<tr>
<td>34</td>
<td>Clock</td>
</tr>
<tr>
<td>35</td>
<td>Cock</td>
</tr>
<tr>
<td>36</td>
<td>Chepcha</td>
</tr>
<tr>
<td>37</td>
<td>Deer</td>
</tr>
<tr>
<td>38</td>
<td>Eagle about to fly</td>
</tr>
<tr>
<td>39</td>
<td>Flaming Torch</td>
</tr>
<tr>
<td>40</td>
<td>Flower</td>
</tr>
<tr>
<td>41</td>
<td>Goat</td>
</tr>
<tr>
<td>42</td>
<td>Hurricane Lamp</td>
</tr>
<tr>
<td>43</td>
<td>Hand pump</td>
</tr>
<tr>
<td>44</td>
<td>Jug</td>
</tr>
<tr>
<td>45</td>
<td>Mithun</td>
</tr>
<tr>
<td>46</td>
<td>Naga</td>
</tr>
<tr>
<td>47</td>
<td>Peacock</td>
</tr>
<tr>
<td>48</td>
<td>Plough</td>
</tr>
<tr>
<td>49</td>
<td>Radio</td>
</tr>
<tr>
<td>50</td>
<td>Spade</td>
</tr>
<tr>
<td>51</td>
<td>Sparrow</td>
</tr>
<tr>
<td>52</td>
<td>Tractor</td>
</tr>
<tr>
<td>53</td>
<td>Two cultivators returning after cutting crop’;</td>
</tr>
</tbody>
</table>

(a) against item 10. Madhya Pradesh, under column 2, insert the entries—

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>35</td>
<td>Aeroplane</td>
</tr>
<tr>
<td>36</td>
<td>Bucket</td>
</tr>
<tr>
<td>37</td>
<td>Basket containing vegetables</td>
</tr>
<tr>
<td>38</td>
<td>Cultivator cutting crop</td>
</tr>
<tr>
<td>39</td>
<td>Coconut tree bearing fruits</td>
</tr>
<tr>
<td>40</td>
<td>Cock</td>
</tr>
<tr>
<td>41</td>
<td>Cultivator winnowing grain</td>
</tr>
<tr>
<td>42</td>
<td>Deer</td>
</tr>
<tr>
<td>43</td>
<td>Eagle about to fly</td>
</tr>
<tr>
<td>44</td>
<td>Goat</td>
</tr>
<tr>
<td>45</td>
<td>Horse</td>
</tr>
<tr>
<td>46</td>
<td>Hurricane Lamp</td>
</tr>
<tr>
<td>47</td>
<td>Lotus</td>
</tr>
<tr>
<td>48</td>
<td>Mug</td>
</tr>
<tr>
<td>49</td>
<td>Pigeon</td>
</tr>
<tr>
<td>50</td>
<td>Scales</td>
</tr>
<tr>
<td>51</td>
<td>Tiger</td>
</tr>
<tr>
<td>52</td>
<td>Two cultivators returning after cutting crop’; and</td>
</tr>
<tr>
<td>53</td>
<td>Woman’; and</td>
</tr>
</tbody>
</table>
(c) against item 17. Rajasthan, under column 2 insert the following entries—

"22. Aeroplane
23. Fish
24. Lotus
25. Sewing Machine."

[No. 56/79-VIII]

By order,

Sd/-K. GANESAN,
SECRETARY

NOTIFICATION

S.O. Whereas the Election Commission has decided to register Gandhi Kamaraj National Congress as an unrecognised political party in the State of Tamil Nadu under the provisions of paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968;

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

In TABLE 3 of the said notification, under columns 1 and 2, after the entry "Tripura State Congress for Democracy..........Tripura" insert the entry "13, Gandhi Kamaraj National Congress..........Tamil Nadu."

[No. 56/79-1X]

By order,

Sd/- (K. GANESAN)
SECRETARY.

Davy K. MANAVALAN,
Chief Electoral Office,
Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
In exercise of the powers conferred by section 117 of the Sikkim Cooperative Societies (Act No. 12 of 1978) the Government of Sikkim hereby makes the following rules, namely:
THE SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
CHAPTER I
PRELIMINARY

1. **Short title and application:**
   (1) The Rules may be called the Sikkim Co-operative Societies Rules, 1980

   (2) They shall extend to whole of the State of Sikkim.

   (3) They shall come into force with effect from the...........................1980

2. **Definitions**

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

   (a) 'the Act' means the Sikkim Co-operative Societies Act, No. 1978
       (Act No................1978)

   (b) borrowed Capital' means the loans, deposits and other borrow-
       ings of a society including bonds issued by it.

   (c) 'Decree' means any decree of a civil court and includes any
       order, decision or award refered to in the Act,

   (d) 'Decree holder, means any society or person including the
       Government in whose favour a decree has been passed.

   (e) 'Default' means failure on the part of the society,. member or
       other persons to repay to the Financing Bank or any other
       society, a loan or any other amount due to it within the
       time fixed for repayment or to return to the society within the
       time fixed for finished goods in respect of raw material advanced
       or to keep any other obligation for the fulfilment of which
       time limit has been specified in the bye-laws ;

   (f) 'Defaulter' means any society, member or other person commit-
       ting default,

   (g) Defunct society means a society classified as such during the
       course of an audit or enquiry or inspection or after reasons to
       be recorded in writing declared as such by the Registrar :

   (h) Financing bank means the State Co-operative Bank, registered
       under the Act;

   (i) Form means a form appended to these Rules.
(j) 'General Body' in relation to any society means all the member of the society and in relation to a co-operative society which has provided for the constitution of a representative general body all the delegates or representatives constituting the representative general body elected in accordance with the provisions of the Bye-laws of such a co-operative society or the rules approved by the Registrar and the word 'member' in relation to general body or general meeting wherever occurring in these rules or bye-laws of such a co-operative society shall always be construed as such delegate or representative;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER II
REGISTRATION OF SOCIETIES

3. Application for Registration

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

(a) four copies of the proposed bye-laws of the society,

(b) a certificate from the financing bank stating the credit balance in favour of the proposed society therein,

(c) a list of persons who have contributed to the share capital, together with the amount contributed by each of them and the entrance fee paid by each of them,

(d) a scheme showing the details explaining as to the economic soundness of the proposed society.

(e) such other documents as may be specified by the Registrar by a special or general order.

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

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

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

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

4. Registration

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

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

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

5. Refusal to register

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

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

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

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

(b) area of operation of the society;

(c) objects of the society;

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

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

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

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

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

(i) in case of credit societies :-
   (i) maximum loan admissible to a member;
   (ii) maximum rate of interest on loans to members;
   (iii) conditions on which loans may be granted to members and penalties for misapplication of loans so advanced;
   (iv) procedure for granting extension of time for repayment of loans and advances;
   (v) consequences of default in payment of any sum due;
   (vi) circumstances under which a loan may be recalled;

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

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

(m) Procedure for expulsion of members;

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

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

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

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

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

(s) disposal of net profits;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8. **Model bye-laws**

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

9. **Classification of societies:**

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

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

(i) Thrift and Urban Credit Society.
(ii) Agricultural Credit Society.
(iii) Agricultural Non-Credit Society.
(iv) Multi-Purpose society which includes amongst its primary object, the object of societies refered in (ii) and(iii) above.
(v) Urban Thrift & Credit Co-operative Bank.
(vi) Co-operative Bank.
(b) "Producers Society" means a society (such as, (i) Industrial Producers Society, (ii) Weavers' Society, (iii) Labour and Construction Society, (iv) Motor Transport Society, (v) Industrial Service Society,) formed with the object of producing and disposing of goods as the collective property of its members and includes a society formed with the object of the collective disposal of the labour of the members of such society.

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

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

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

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

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

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

(h) Others

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

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

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

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

10. Maintenance of Registers:

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

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

11. Registration File

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

   (a) Registered bye-laws of the society.
   (b) An index of amendment of bye-laws.
   (c) All registered amendments to the bye-laws duly entered in the index along with certificates of registration of amendments
   (d) Certificate of registration.
   (e) A copy of the Act.
   (f) A copy of these Rules.
(2) The above file shall be open for inspection at all times during working hours to the Registrar or any other officer authorised by him and every member of the society.

12. Amendment of Bye-laws:

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

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

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

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

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

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

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

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

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

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

14. Procedure for direction by Registrar for amendment of bye-laws:

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

(2) The notice referred to in sub-rule (1) shall specify, -
(a) the text of the existing bye-law and the amendment proposed to it, or the text of the existing bye-law which is proposed to be deleted; and
(b) the period within which such amendment should be sent to the Registrar for registration after getting it passed by the general meeting.

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

14. Change in name of Society:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MEMBERS OF SOCIETIES AND THEIR RIGHTS
AND LIABILITIES

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

No person shall be admitted as a member of a society unless-
(i) he has applied in writing in the form, if any, prescribed
by a society or in the form, if any, specified by the Registrar for
membership;

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

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

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

19. Disqualification for membership:

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

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

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

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

21. Withdrawal of membership:

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

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

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

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

22. Valuation of shares:

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

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

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

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

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

23. Procedure for transfer of shares:

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

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

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

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

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

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

24. Nomination of persons:

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

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

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

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

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

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

25. Registration of nominations:

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

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

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

27. Expulsion of members:

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

28. Procedure for expulsion of members:

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

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

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

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

Paise

(i) Application for registration of a society 20 each
(ii) Certificate of registration 20 each
(iii) Bye-laws of societies 20 per 200 words part thereof
(iv) Amendment of bye-laws of a society 20 —do—
(v) Order of cancellation of the registration of a society 20 —do—
(vi) Audit memorandum of a society 20 —do—
registration of that society. Where the chief promoter fails to convene a meeting as aforesaid, it shall be convened by any person authorized in that behalf by the Registrar. The Registrar or any other person duly authorised by him in this behalf may attend such meeting.

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

(a) Election of a president of the meeting;

(b) Admission of new members;

(c) Receiving a statement of accounts and reporting all transactions entered into by the promoter up to 14 days before the meeting;

(d) Constitution of a provisional committee until regular elections are held under the bye—laws. The provisional committee shall have the same powers and functions as the committee elected in accordance with the bye-laws;

(e) Fixing the limit up to which funds may be borrowed;

(f) Any other matter which has been specifically mentioned in the bye-laws.

33. General Meetings :

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

34. Constitution of the representative general body :

(1) A society with limited liability (including the State Co-operative Bank) may, if its area of operation extends to the whole of the State of Sikkim provide in its bye-laws for the constitution of a representative general body. Where a society so provides in its bye-laws to constitute a representative general body, it shall, with the permission of the Registrar, divide its members into different groups, on a territorial or other basis.

(3) The bye-laws of such society may specify the number or proportion of the members of the representative general body, their election and their voting rights. The members of the representative general body shall represent each group referred to above and shall be elected.
(a) by all the members of the society;
(b) by only that particular group of members of a society to which such representatives belong.

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

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

(5) Each delegate shall have one vote.

(6) A member shall cease to be a delegate if he-
(a) ceases to be a member of the society,
(b) resigns his office as delegate.

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

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

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

(a) 4 nominees of the Government;
(b) 1 delegate representing each society;
(c) 1 delegate of bank defined in the Act;
(d) for all other members 1 delegate for every 25 members (fractions being neglected).

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

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

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

36. Annual statements of accounts:

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

(i) receipts and payments during the previous co-operative year in Form D
(ii) the profit and loss account for the year, in Form E, and
(iii) the balance sheet as at the close of the year in Form F.

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

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

37. Supersession of the committee:

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

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

Every society shall maintain the following accounts and books:

(i) A register of members in Form G.

(ii) Register of shares.

(iii) A register of bonds, where necessary.

(iv) Minute book recording proceedings of general meetings.

(v) Minute book recording proceedings of committee meetings.

(vi) Cash book.

(vii) General ledger and personal ledgers.

(viii) Stock register, where necessary.

(ix) Property register, where necessary.

(x) Register of audit objections and their rectifications.

(xi) Liability register, where necessary.

(xii) Such other accounts and books as may be necessary and as from time to time be specified by the Registrar.

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

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

40. Certifying copies of entries in books:

For the purpose specified in sub-section (1) of section 51 and rule 26 copies of any document or entry in a book of a society shall be certified-

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

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

41. Preservation and destruction of book and records etc.:

The books and records of a society shall be preserved as per Schedule 1. A list of records destroyed from time to time shall be prepared and kept by the secretary.

42. Qualifications of paid staff:

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

   (i) State Co-operative bank

   (ii) Credit resource societies

   (iii) Consumers societies

   (iv) Agricultural society

   (v) Producers' societies

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

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

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

RIGHTS AND PRIVILEGES OF SOCIETIES

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

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

(2) A register of such declarations shall be kept by the society in Form 1.

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

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

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

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

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

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

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

45. Issue of Bonds:

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

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

46. Bonds Redemption Fund:

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

47. Maintenance of Liquid Resources and Distribution of Assets:

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

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

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

48. Restrictions on Loans to be granted by societies:

(i) No society shall make a loan to:

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

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

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

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

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

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

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

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

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

50. Credit Limits by non-credit societies:

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

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

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

51. Manner of recalling of Loans:

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

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

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

53. **Loans and subsidies by Government:**

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

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

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

**CHAPTER VI**

**PROPERTIES AND FUNDS OF SOCIETIES**

54. **Distribution of profits:**

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

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

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

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

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

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

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

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

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

55. **Co-operative Education Fund**:

(1) The Registrar shall constitute and maintain with the State co-operative Bank a Fund to be known as 'Co-operative Education Fund' and administer it subject to such regulations as he may frame with the prior approval of the State Government.

(2) Every society shall make an annual contribution to the Co-operative Education Fund a sum calculated at two per cent of its net profits during the year subject to a maximum of Rs 2500. Such contribution shall be made within 3 months from the date on which the accounts are duly audited and certified in accordance with the provisions of the Act and these Rules.

56. **Objects and Investment of Reserve Fund**:

(1) A reserve fund maintained by a society shall belong to the society and shall be utilized to meet unforeseen losses. No member shall have any claim to a share in it.

(2) A society shall invest or deposit its reserve fund in one or more of the modes mentioned in Section 60.

(3) A society may subject to the approval of the Registrar and subject to such conditions as he may impose, use in its business —

   (i) up to one-fourth of its reserve fund, if the owned capital is less than the borrowed capital;
(ii) up to one-half of its reserve fund, if the owned capital is equal
to or exceeds the borrowed capital;

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

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

57. Writing off of Debts and other sums due:

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

58. Restrictions on transactions with non-members:

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

CHAPTER VII
AUDIT, INQUIRY, INSPECTION, AND SURCHARGE

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

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

Explanation:

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

(ii) For purposes of this rule, “a certified auditor” includes:—
(a) a Chartered Accountant within the meaning of the Chartered
Accountants Act, 1949,
(b) a person who holds a Government diploma in co-operative
accounts or a Government diploma in co-operation and accountancy, or
(c) a person who has served as an auditor in the Co-operation
Department of any State Government or under the Registrar and whose
name has been included by the Registrar in the panel of certified auditors
maintained and published by him in the official Gazette at least once in
every year.
(2) The audit under sub-section (1) of section 64 shall in all cases extend back to the last date of the previous audit and shall be carried out up to the last date of the co-operative year immediately preceding the audit or where the Registrar so directs in the case of any particular society or class of societies such other date as may be specified by the Registrar.

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

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

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

(6) (i) The audit report shall state:-
(a) whether or not the audit officer has obtained all the information and explanations which he required;
(b) whether or not in his opinion the balance sheet and the profit and loss accounts referred to in the report are drawn up in conformity with the law;
(c) whether or not such balance sheet exhibits a true and correct account of the state of affairs of the society according to the best of his information and the explanations given to him and as shown by the books of the society;
(d) whether, in his opinion, books and accounts have been kept by the Society as required under the Act, the Rules and the bye-laws;
(e) whether there has been any material impropriety or irregularity in the expenditure or in the realization of money due to the society; and
(f) whether any net profits are available for distribution amongst the members.

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

(7) The audit report shall also, contain schedules with full particulars of:-
(i) all transactions which appear to be contrary to the provisions of the Act, the Rules or the bye-laws of the society;
(ii) all sums which ought to have been but have not been brought into account by the society;
(iii) any material impropriety or irregularity in the expenditure or in the realization of money due to the society;

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

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

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

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

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

60. Audit Fee:

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

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

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

61. Procedure for the conduct of inquiry and inspection:

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

(a) the name of the person authorized to conduct the inquiry or inspection;
(b) the name of the society whose affairs are to be inquired into or whose books are to be inspected;

(c) the specific point or points on which the inquiry or inspection is to be made, the period within which the inquiry or inspection is to be completed and report submitted to the Registrar;

(d) cost of inquiry;

(e) any other matter relating to the inquiry or inspection.

(2) A copy of every order authorising inquiry under section 66 or inspection under section 67 shall be supplied to the financing bank.

(3) If the inquiry or inspection cannot be completed within the time specified in the order referred to in sub-rule (1) the person conducting the inquiry or inspection shall submit an interim report stating the reasons for failure to complete the inquiry or inspection and the Registrar, if he is satisfied, grant such extension of time for the completion of the inquiry or inspection as he may deem necessary or he may withdraw the inquiry or inspection from the officer to whom it is entrusted and hold the inquiry or inspection himself or entrust it to such other person as he may deem fit.

(4) On receipt of the order referred to in sub-rule (1) the person authorised to conduct the inquiry or inspection shall proceed to examine the relevant books of accounts and other documents in possession of the society or any of its officers, members, agents or servants and obtain such information or explanation from any such officers, members, agents or servants of the society in regard to the transaction and working of the society as he may deem necessary for conduct of such inquiry or inspection.

(5) The person authorised to conduct the inquiry or inspection shall submit his report to the Registrar, on all the points mentioned in the order referred to in sub-rule (1). The report shall contain his findings and the reasons therefor supported by such documentary or other evidence as recorded by him during the course of his inquiry or inspection. He shall also specify in his report the cost of the inquiry or inspection together with reason and recommend the Registrar the manner in which the entire cost or a part thereof may be apportioned amongst the parties specified in section 68. The Registrar shall pass such orders thereon as may be considered just after giving a reasonable opportunity of being heard to the parties concerned.

(6) If the result of any inquiry held under section 66 or an inspection made under section 67 discloses any defects in the working of the society, the Registrar may bring such defects to the notice of the society and if the society is a member of the financing bank, to the notice of that bank. The society shall submit a rectification report in Form J and shall continue to submit such rectification reports to the Registrar till all the defects are
rectified or the irregularities are remedied to the satisfaction of the Register.

(7) The Registrar may also make an order, directing the society or its officers or the financing bank to take such action, as may be specified, in the order to remedy the defects within the time specified therein.

62. **Procedure for assessing damages against delinquent promoters, etc. under section 70:**

(1) On receipt of the report made by the auditor, or person authorised to make inquiry under section 66 or inspection under section 67, or by the liquidator or otherwise, the Registrar or any person authorised by him may make such further inquiries as he may deem necessary regarding the extent to which the person who has taken any part in the organisation or management of a society or any deceased, past or present officer of the society has misapplied or retained, or become liable or accountable, for any money or property of the society or has committed misfeasance or breach of trust in relation to the society.

(2) On the completion of the further enquiries, if any, under sub-rule .

(1), the Registrar or the person authorised by him shall issue a notice to the person or persons concerned furnishing him or them with particulars of the acts of misapplication, retention, misfeasance or breach of trust and the extent of his or their liability involved therein and calling upon him or them to show cause within fifteen days of the date of issue of the notice as to why he or they should not reimburse the society or action should not be taken against him or them under law.

(3) On receipt of the explanations referred to in sub-rule (2), the Registrar or the person authorized by him, if he is satisfied that there are reasonable grounds for holding the person or persons liable, shall frame charges.

(4) The person or persons so charged shall be afforded sufficient opportunity to submit in writing his or their statements in defense and produce such documentary or oral evidence as he or they may like to produce in his or their defense. The Registrar or the person authorized by him may, in his sole discretion permit production of any other documentary or oral evidence, if considered necessary, subsequently.

(5) The Registrar or the person authorised by him shall thereafter record the evidence led by the society or the liquidator or the person or persons concerned and take on record the documents proved by them and shall thereafter fix a date for hearing arguments of the parties.
On the day fixed for hearing under sub-rule (5), the Registrar or the person authorised by him, shall hear the arguments and may pass his final orders on the same day or on any day fixed by him within twenty days from the date on which the hearing was completed. On the day so fixed, the Registrar or the person authorised by him, as the case may be, shall make his final order either ordering repayment of the money or return of the property to the society together with interest at such rate as may be specified by him or to contribute such amount to the assets of the society by way of compensation in regard to misapplication, retention, misfeasance or breach of trust as may be determined or may reject the claim submitted on behalf of the society.

The Registrar or the person authorised by him, may also provide in his order for payment of the costs of the proceedings under this rule or any part of such cost as he thinks just.

The Registrar or the person authorised by him shall furnish a copy of his order, under sub-rule (6) to the parties concerned within ten days of the date on which he makes his final order.

CHAPTER VIII

SETTLEMENT OF DISPUTES

63. Procedure for referring the disputes:

(1) Where a party to a dispute referred in sub-section (1) of section 72 desires to have the dispute determined in accordance with the said section, the party shall apply to the Registrar in writing in Form K stating interalia (i) all the facts constituting the cause of action, (ii) names and addresses of the parties concerned, (iii) facts showing that the subject matter of dispute is not barred by limitation, (iv) relief claimed in terms of money or otherwise, The application shall be duly verified by the applicant.

(2) A party referring the dispute under sub-section (i) of section 72 shall pay a fee of Rs. 2 which shall be deposited in advance in the financing bank to the credit of "the Registrar-Settlement and Execution Expenses Fund", and attach to the application the original pay-in-slip for the deposit before it is delivered in the office of the Registrar personally, or before sending it by registered post along with as may copies of the application as there are parties on the opposite side. The receipt of the application shall be duly acknowledged by the Registrar.
(3) On receipt of the application, the Registrar shall enter it in a register in Form Land allot case No. on the application. Thereafter the Registrar shall issue summons or notice of at least fifteen days to all parties for a preliminary hearing of the application. Each of the parties shall be supplied with a copy of the application along with this notice.

(4) On the date fixed for the preliminary hearing the Registrar shall, after hearing the parties, if any present, determine the maintainability of the application and his findings on the following:

(i) whether there is a dispute,

(ii) whether the dispute comes within the purview of sub-section (1) of section 72,

(iii) whether the dispute is between the parties mentioned in clauses (a), (b), (c), and (d), (e) and (f) of sub-section (1) of section 72,

(iv) whether the dispute is within time according to sub-section (4) of section 72.

If the Registrar is satisfied that the application is maintainable, he shall by order admit the application for decision of the dispute in accordance with the provisions of the Act and Rules.

(5) The Registrar shall thereafter, require claimant to deposit the arbitration fee in the manner and according to the scales of fees prescribed in Rule 67 and shall upon such payment by the claimant, refer the application along with his orders thereon for arbitration.

(6) The Registrar or the arbitrator, as the case may be, shall have power to appoint or remove a guardian for the party to the dispute who is a minor or who by reason of unsound mind or mental infirmity, is incapable of protecting his interest.

(7) The arbitrator shall fix the date, hour and the place of hearing of the dispute.

(8) The arbitrator may issue summons or notices at least fifteen days before the date fixed for the hearing of the dispute requiring —

(i) the attendance of the parties concerned and of witnesses; and

(ii) the production of all books and documents relating to the matter in dispute.

(9) Summons or notices may be served —

(a) by giving or tendering them to the person concerned; or

(b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member of his family; or
(c) by sending it by registered post; or

(d) if none of the means aforesaid are available by affixing it in some conspicuous part of his last known place of abode or business.

(10) Service of summons or notice on the secretary or principal executive officer by whatever designation known, of a society shall be regarded as service on that society.

(ii) Where the serving officer delivers or tenders a copy of the summons personally to the person summoned or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered in token of acknowledgement of service endorsed on the original summons.

(12) The serving officer shall in all cases, in which the summons have been served under sub-rule (11) make an endorsement on, or annex to, the original summons, a return stating the time when and the manner in which the summons was served and the name and address of the person, if any, identifying the person concerned and witnessing the delivery or tender of the summons.

(13) The sufficiency of proof of service of the summons or notice shall be decided by the authority which issued the same.

(14) In case any party to the dispute, who is duly summoned absents himself at the hearing the dispute may be decided ex-parte.

64. Award or Decision:

(1) The Registrar, the arbitrator or other person deciding the dispute shall record a brief note of the evidence of the parties and witnesses who attend, and upon the evidence so recorded and after consideration of any documentary evidence produced by either party shall make an award in accordance with justice, equity, and good conscience; he shall record his award in writing, sign and date it and shall communicate it to the parties.

(2) The award shall contain the number of reference, the names and description of the parties and particulars of the disputes and shall specify clearly the relief granted, the amount decreed, the future interest allowed, if any, and the costs awarded.

(3) If no award is made immediately upon the conclusion of the hearing of the parties, the arbitrator shall fix the date and place of delivery of the award and shall, except for reasons to be recorded in writing, deliver the award on the date so fixed.
The award shall be communicated to the parties by—

(a) pronouncement of the award in the presence of the parties to the dispute; or

(b) registered post to any party which may be absent on such date.

The arbitrator shall have power to order the expenses of determining a dispute or the cost of either party, to be paid by such parties or parties to the dispute as he may think fit.

Provided that the expenses or the costs so awarded shall not exceed per cent of the awarded amount over the arbitration fee deposited by the claimant with the Registrar.

The original records of the dispute and the proceedings before the arbitrator shall be delivered to the Registrar by the arbitrator, after the decision or award has been delivered.

Any document or record tendered by a party may on application be returned to the party after the disposal of the appeal, if any, or after the period of appeal.

A copy of the decision or award shall, on application be given to a party by the Registrar duly certified on payment of the prescribed fee.

On an application by any party to the arbitration proceedings pending before an arbitrator, the Registrar may for reasons to be recorded in writing withdraw the reference from the arbitrator appointed and may decide the dispute himself and give an award in the manner provided in rule 64 or entrust the reference for decision to another arbitrator.

For the purpose of clause (c) of sub-section (1) of section, 73, the Registrar may appoint any person who fulfils such qualification as may be specified by the Registrar to perform the duties of the arbitrator for dispute for a period to be specified in the order, which shall not ordinarily exceed one year but may be extended by the Registrar by further special order for further periods not exceeding one year at a time.

For purposes of sub-rule (1) of rule 66, the Registrar may appoint an arbitrator from :-

(a) Officers of any department of Government; or
(b) Officers, paid-staff or members of any society;
(c) Members of Metropolitan Council and local
(d) Certified Accountants.
67. Arbitration Fee:

(1) The Registrar shall have power to require the person referring a dispute under sub-section (1) of section 72 to deposit in advance with the financing bank to the credit of “Settlement and Execution Expenses Fund” a fee at the rate specified in the Table below, which may be revised by the Registrar from time to time.

**TABLE A**

(Schedule of fee for an arbitration)

<table>
<thead>
<tr>
<th>(1) In respect of disputes relating to claims of money referred to under section 72-</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) (a) in case of claim below Rs. 100</td>
</tr>
<tr>
<td>(b) in case of claims for Rs. 100 or above</td>
</tr>
<tr>
<td>(ii) In case of dispute of non-monetary nature</td>
</tr>
</tbody>
</table>

(2) The arbitrator may be paid out of the fee recovered under sub-rule (1), such fee as the Registrar may think proper.

(3) No fee shall be payable to an arbitrator till the dispute referred to him is finally decided.

(4) The Registrar may, in his discretion remit the whole or any part of the fees collected under sub-rule (1).

(5) All fees deposited in the financing bank to the credit of “Settlement and Execution Expenses Fund” shall be administered by the Registrar in accordance with the Regulations contained in Schedule II.

68. Appearance of professional practitioners etc.:

In the proceedings under Rule 64, any party to the dispute may take the assistance of any other person to represent the case on his behalf, but may not engage a legal practitioner for the purpose. If a legal practitioner is a member of a society and represents the society in these proceedings, the other party to the dispute shall have a right to be represented by a legal practitioner.
CHAPTER IX

WINDING UP OF SOCIETIES

69. Procedure for Issue of Winding up Order:

(1) Before passing an order under section 75 the Registrar shall give an opportunity to the society to show cause against the proposed order. The show cause notice shall be sent to the president of the society at its registered address by registered post acknowledgement due. The notice shall state the grounds on which the order under section 75 is proposed to be made.

(2) After considering the reply from the society, if any, which shall be supported by the resolution of its committee, or if no reply is received by the Registrar within fifteen days of the service of the notice under sub-rule (1), he shall proceed to pass the order for winding up the society.

(3) The order passed under section 75 and sub-section (1) of section 76 shall be communicated to the President of the society in the manner specified under sub-section (4) of section 75 at the registered address of the society. The communication will be complete as soon as the letter containing the order is posted.

(4) The order referred to in sub-rule (3) shall also be published in the official Gazette.

(5) The order referred to in sub-rule (3) shall take effect from the date of order notwithstanding whether or not it is published in the official Gazette and shall operate in favour of all contributors, debtors and any person having custody, possession and control over any assets or record of the society.

70. Appointment of a Liquidator:

(1) Where a liquidator is appointed under sub-section (1) of section 76, the Registrar may limit or restrict his powers by order appointing him or by subsequent order but, otherwise, he shall have the same powers as a liquidator as given in the Act.

(2) The Registrar may remove the liquidator at any time without assigning any reasons and may appoint another liquidator. The liquidator on his removal shall hand over all the property, documents, records etc. relating to the society under liquidation to his successor. A charge report to be signed by the relieved and relieving liquidators shall be drawn and a copy of the same duly signed shall be forwarded to the Registrar.
(3) The liquidator shall be described as the liquidator of particular society in aspect of which he acts and not by his individual name.

71. Procedure to be followed by the Liquidator:

(1) The liquidator shall, as soon as the order of winding up of a society takes effect, publish by such means as he may think proper, a notice requiring all claims against the society to be submitted to him within one month of the publication of the notice.

All liabilities recorded in the account books of a society shall be deemed ipso facto to have been duly submitted to him under this sub-rule.

(2) The liquidator may fix time within which the creditors are to prove their defets or claims. If no claim is made within two months of the order of winding up the liquidator may refuse to entertain such claims.

(3) The liquidator soon after his appointment shall take charge of the books of accounts and other documents of the society and all its assets. There shall be prepared immediately on the relevant date a statement as to the affairs of the society containing the following particulars:

(a) the assets of the society stating separately the cash balance in hand and at bank, if any, and the negotiable securities, if any, held by the society;

(b) its debts and liabilities;

(c) the names and addresses and occupation of its creditors stating separately the amount of secured and unsecured debts and in the case of secured debts, particulars of the securities given;

(d) the debts due to the society and the names, residences and occupations of the persons from whom they are due and amount due; and

(e) Such other information as may be required by the Registrar.

(4) The statement required to be prepared under sub-rule (3) shall be made on the basis of the records of the society, audit reports, and on the basis of the statements made by the members of the committee at the relevant date or by the person who is at that date, the Manager, Secretary or Treasurer or other officer of the society. The liquidator shall examine them on oath. This statement shall be submitted by the liquidator to the Registrar within twenty one days of the date of his appointment or within such extended time not exceeding three months from the date of the said order.
(5) The liquidator shall, after settling the assets and liabilities of the society as they stood on the date on which the order for winding up is made, proceed next to determine the contribution to be made by each of its members or by the estates of deceased members or nominees, heirs or legal representatives of the deceased members or by any officers or former officers to the assets of the society under clauses (b) and (c) of sub-section (2) of section 77. Should necessity arise, he may make a subsidiary order regarding such contributions, and the order shall be enforceable in the same manner as the original order.

(6) As soon as practicable after orders under sub-rule (5) have been passed, the liquidator shall settle a list of contributors with powers to rectify the membership register in pursuance of any order which may be passed by the arbitrator or the Registrar in accordance with the provisions of the Act and Rules and shall cause the assets to be collected.

(7) In settling the list referred to in sub-rule (6), the liquidator shall distinguish between those who are contributors in their own right and those who are contributors as representatives of or liable for the debts of others.

(8) The liquidator may at any time after his appointment require any contributor for the time being on the list of contributors, any trustee, banker, agent or officer of the society to pay, deliver surrender or transfer forthwith to the liquidator any money, property or books or paper in his hands to which the society is prima-facie entitled.

(9) No contributor for the time being on the list shall be allowed by way of set off any money claimed to be due to him or to the estate he represents, from the society in respect of any independent dealing or contract with the society.

(10) All funds in charge of the liquidator shall be deposited in the financing bank in a current account to be opened in the name of the society under liquidation which shall be operated upon by the liquidator. All funds, received by him and relating to the society under liquidation shall be deposited by him in this account within 24 hours of their receipt. All payments account of the society shall be made by cheques drawn by the liquidator in favour of the payee. The liquidator may keep with him a cash balance of Rs. 20 to meet petty expenses on liquidation proceedings.

(11) Any order passed by the liquidator under clauses (b) and (e) of sub-section (2) of section 77 shall be submitted by him to the Registrar for his approval. The Registrar may confirm or modify such order or refer it back to the liquidator for further enquiry or action.
(12) Any person falsely claiming himself as the creditor or the contributory of the society shall be guilty of the offence under section 182 of the Indian Penal Code (Act XIV of 1860) and shall on the application of the liquidator be punished accordingly.

72. Application of Assets of the Society:

Subject to the provisions of rule 73 the assets of the society shall be applied in order of priority indicated below:

(i) Pro-rata payment of all outside liabilities

(ii) Pro-rata repayment of loans and deposits of members

(iii) Pr-rata refund of share capital

(iv) Pro-rata payment of dividend on the shares at the rate not exceeding nine per cent per annum for the period, of liquidation.

73. Preferential Payments:

(1) In the winding up proceedings, there shall be paid in priority to all other debts and liabilities of the society under liquidation:

(a) All Government dues, all revenues, taxes, cesses and rates due from the society to the Central/State Government or to the local authority at the relevant date and having become due and payable within two years next before that date.

(b) All wages or salaries of any employee in respect of services rendered to the society and due for a period not exceeding two months within the twelve months next before the relevant date subject to maximum of Rs. 500.

(c) The debts mentioned in the clauses (a) and (b) shall rank equally amongst themselves and be paid in full unless the assets are insufficient to them in which case they shall abate in equal proportion.

(2) Subject to retention of such sums as may be necessary for the costs and expenses of the winding up, the foregoing debts mentioned in sub-rule (1) shall be discharged forthwith to the extent the assets are sufficient to meet them.

74. Interest on amount due from a Society under liquidation:

The creditor of a society under liquidation may apply to the liquidator for payment of interest on any debt due to him from the society up to the
date of order of the Registrar for winding up. The rate at which the interest may be paid shall be, in the case of the financing bank, the contract rate and in any other case, the rate which may be fixed by the Registrar which shall not exceed the contract rate. Provided that if any surplus assets remain after all the liabilities including the liabilities on shares have been paid off, further interest at rate not exceeding contract rate may be allowed by the Registrar to the creditors from the date mentioned above till the date of repayment of the principal.

75. **Liability due to claimant whose whereabouts not known:**

The amount representing the undischarged liabilities of the society due to creditors whose whereabouts are not known or who could not be paid for any reason whatsoever shall be deposited in the name of the Registrar with the financing bank for being paid to the creditor as and when claimed by him but within a period of three years from the date of winding up order; thereafter, the amount shall be treated as surplus amount and shall be utilized in the manner mentioned in rule 81. The Registrar may, under special circumstances, pay the liabilities claimed even after the stipulated period of three years.

76. **Maintenance of accounts and submission of reports by the Liquidator:**

(1) The liquidator shall keep such books and accounts as may be laid Down by the Registrar or audit officer.

(2) The liquidator shall prepare as at the close of each half year an account of his receipts and payments as a liquidator. A senior auditor shall be appointed by the Registrar as the audit officer who shall audit these accounts on behalf of the Registrar. When accounts are audited by the audit officer, one copy shall kept by the audit officer and the other returned to the liquidator with his report. The liquidator shall produce for purpose of audit all vouchers and accounts and shall furnish such information as may be required by the audit officer. The liquidator shall rectify all irregularities and defects pointed out by audit officer to satisfaction and shall submit to him a rectification report.

(3) No audit fee shall be charged for audit of the accounts under this rule.

77. **Services of Legal Practitioner:**

Whenever it is considered necessary by the liquidator to defend or to institute any legal proceedings for and on behalf of the society under
liquidation, he shall approach the Registrar who shall after considering all
the facts and circumstances of the case provide the services of the legal
practitioner at the cost of the society under liquidation. If the Registrar or
the Government has been impleaded in such proceedings the cost of defend-
ing them by the Registrar or the Government shall also be paid out of the
Funds of the society. If no funds are available with the liquidator arrange-
ments shall be made at Government expense but the cost of such arrange-
ments shall be ultimately recovered from the contributories and paid to the
Government as preferential debt under clause (a) of sub-rule (1) of rule 73.

78. **Action against the delinquent prompters or
members of the committee:**

The liquidator shall make a report to the Registrar for purposes of
taking action under section 70, where, in his opinion, any fraud has been
committed in relation to the society by any person in the promotion, organi-
sation, registration or management of the society under liquidation since
its registration or any deficiency in the assets of the society has been
caused by the breach of trust, or willful negligence or by retaining any
money or other property belonging to the society. This report shall be
submitted to the Registrar as soon as practicable after preparation of
the statement referred to in sub-rule (3) of rule 71. On receipt of this
report, the Registrar shall proceed to take action under Section 70.

79. **Effect of winding up order on Antecedent Trans-
actions:**

(1) Any transfer of shares in a society under liquidation made within
six months next before the relevant date except transfer of shares to the
deceased members heirs or nominee, shall be void and not binding upon
the liquidator notwithstanding anything contained in the Act, Rules or
the bye-laws of the society.

(2) Where a society has been ordered to be wound up, no member
shall alienate his property, movable or immovable, from the date of the
date of the order of winding up and until after the expiry of 15 days
from the date of such order takes effect. Any alienation of the property
made by a member in contravention of this section is avoidable at the option
of the liquidator.

Provided that the provisions of this section shall not apply to any
member who furnishes adequate security to the satisfaction of the
liquidator.
86. Termination of Liquidation Proceeding:

(1) The winding up proceedings of a society shall be completed within one year from the date of the order of the winding up, unless the period extended by the Registrar.

Provided that the Registrar shall not grant extension for a period exceeding six months at a time and three years in the aggregate, and shall immediately after the expiry of one year or such extended period, as the case may be, deem that the liquidation proceedings have been terminated if there are no amounts due to the Government or the financing bank by the society and pass an order terminating the liquidation proceedings.

Explanation

In the case of society which is under liquidation at the time of commencement of the Act, the order for winding up of the society shall be deemed for the purpose of this rule to have been passed on the date of such commencement.

(2) Notwithstanding anything contained in the foregoing sub-rule the Registrar shall terminate the liquidation proceedings on receipt of the final report from the liquidator. The final report of the liquidator shall state that the liquidation proceedings of the society have been closed and the winding up has been conducted and the property and the claims of the society have been disposed of and shall include a statement showing a summary of the account of the winding up including the cost of liquidation the amount (if any) standing to the credit of the society in liquidation, after paying off its liabilities including the share or interest of members, and suggest how the surplus should be utilized.

(3) The liquidator before submitting the final report to the Registrar under Sub-Rule (2) may call a meeting of general body of the society and place the report before it.

81. Disposal of Surplus Assets:

The surplus assets, as shown in the final report of the liquidator of a society which has been wound up, may either be divided by the Registrar with the previous sanction of the Government amongst its members in such manner as may be specified or be devoted to any object or objects provide in the bye-laws of the society. Where the surplus is not so divided amongst the members and the society has no such bye-laws, the surplus shall vest in the Registrar, who shall hold it in-trust and shall transfer it to the reserve fund of a new society registered with a similar object, and serving more or less an area which the society to which the surplus belonged was serving if considered feasible and advisable by the Registrar:
Provided that, where no such society exists or is registered within three years of the cancellation of registration of the society whose surplus is vested in the Registrar, or where the Registrar does not think it desirable and feasible to do so he may distribute the surplus in the manner he thinks, best among any or all of the following:

(a) an object of public utility and of local interest as may be recommended by the members in general meeting;

(b) the financing bank or a federal society with similar objects to which the society of which registration has been cancelled, was eligible for affiliation; and

(c) any charitable purpose as defined in Section 2 of the Charitable Endowments Act, 1890.

82. **Relevant Date:**

The expression "relevant date as appearing in this Chapter shall the date of order of winding up made under sub section (1) of Section 75.

83. **Disposal of Record :**

All the books and records of a society whose registration has been cancelled may be destroyed under the orders of the Registrar after the expiry of a period of three years from the date of cancellation.

84. **Final order of Cancellation :**

The order made by the Registrar under sub-section (1) of Section 79 also be published in the official Gazette.
CHAPTER X
EXECUTION OF AWARDS, DECREES, ORDERS
AND DECISIONS

PART-1
ENFORCEMENT OF CHARGE

85. Application under Section 80:

(1) Every application under Section 80 shall be made to Form M and shall be signed by a person authorised by the committee of a society. It shall be accompanied by an inventory of the proper be sold containing a reasonably accurate description of the same.

(2) No application under sub-rule (1) shall be entertained unless the society making the application deposits the necessary fee for expenses of sale of the property which shall be 5 per cent of the outstanding debt or demand of the society against the defaulter in respect of which the application is made irrespective of the fact whether that much amounts recovered or not by sale of the property subject to charge.

(3) on receipt of the application referred to in sub-rule (1) the Registrar on any other officer authorised by him in this behalf in writing ( hereinafter referred to as the Sales Officer ) shall, if he is satisfied that the particulars set forth in the application are correct, prepare a demand notice in duplicate in Form N, and serve or cause to be served on the member past member, or the nominee, heir or legal representative of the deceased member, if he is present, or upon some adult male member of his family or upon his authorized agent, or when such service cannot be effected, shall affix or cause to be affixed a copy of the demand notice on some conspicuous part of his residence or place where the property subject to, charge is kept. If the member or past member or nominee, heir or legal representative of the deceased member, fails to pay the debt or outstanding demand within the period specified in the notice the Sales Officer shall proceed to sell the property.

(4) The provisions of Part III of this Chapter shall, in so far as they are not repugnant to the subject or context, apply to the sale of the property or interest in the property as if the society which made the application is a decree holder and the member, past member or the nominee heir or legal representative of the deceased member, is a defaulter or judgment debtor.
PART II
EXECUTION OF DECISION, AWARD OR ORDER
BY THE COLLECTOR ACCORDING TO THE
PROVISIONS OF LAND REVENUE CODE

86. Procedure for Execution by the Collector:

(1) Where any decision, award or order providing for the recovery of money is executable by the Collector under clause (a) of Section 81, it shall be executed by a Revenue Officer empowered by the Collector by general or special order to do so (hereinafter referred to as the "Recovery Officer"), in accordance with the provisions of the Act for the time being in force in the State of Sikkim relating to recovery of land revenue, the rules, orders or regulations issued there under from time to time (hereinafter referred to as the "Land Revenue Code"),

(2) When any decree holder desires to have the decree executed through the collector under clause (a) of section 81, he shall apply to the Registrar in form 0 for the issue of a certificate for the recovery of the decretal amount as arrears of land revenue. The application shall be delivered in the office of the Registrar personally and a receipt obtained or sent by registered post.

(3) Soon after the receipt of the above application, the Registrar shall call for the original record of arbitration and shall check up the contents of the application with reference to original record. If he is satisfied about the correctness and genuineness of the application, he or any officer authorised by him shall issue the certificate in Form P to the decree-holder.

(4) Soon after the issue of the certificate referred to in sub-rule (3) the decree holder shall apply in Form Q to the Recovery Officer delivered in person and a receipt obtained or sent by registered post. The application shall be accompanied by:

(a) a certified copy of the award;
(b) original certificate issued by the Registrar under sub-rule (3);
(c) receipted pay-in-slip for deposit of execution fee in the financing bank.

(5) If the application mentioned in sub-rule (4) is complete in all respects and is accompanied by all the documents, the same shall be entered in the Demand Register and given a distinctive case number and shall be dealt with by the Recovery Officer as if it is a suit filed by the decree-holder
against the judgement-debtor. This case number shall be quoted in all processes issued in the case from time to time. He shall thereafter issue various processes for the recovery of the decretal amount according to the Land Revenue Code.

(6) The decree holder shall deposit in the "Settlement and Execution Expenses Fund" an initial lump sum fee of Rs 25/- for issue of process in the execution case. Thereafter, a fee of 5 per cent shall be charged on all sums recovered by the Recovery Officer from the judgement debtor which shall be credited to the aforesaid Fund.

87. Accounting Procedure

(1) All amounts recovered from the judgement debtors by the Recovery Officer shall first be deposited in the current account to be kept in his official designation in the financing bank which shall be operated by him. The payment to decree-holder of all amounts recovered on his behalf during the course of execution proceedings shall be made by the Recovery Officer by crossed cheque drawn on the above current account against the deposits relating to the decree-holder after deducting the recovery fee of 5 per cent on the gross amount recovered.

(2) The Recovery Officer shall keep separate personal ledger account of each decree holder in which all the relevant details of recoveries made with names of defaulters from whom made, payments made to decree-holder from time to time and expenses recovered shall be entered. Individual entries in these ledgers shall be attested by the Recovery Officer in token of its correctness.

(3) A cash book shall be kept in which all recoveries and deposits made in the bank through the bailiffs and all payments made through the bank shall be entered in chronological order on rendition of account by each bailiff at least once in a week. The entries in the cash book and those in the personal ledger accounts shall be interlinked by giving corresponding ledger folio numbers.

(4) A separate account of receipt arid issue of receipt books shall be kept by the Recovery Officer. The receipt books shall remain in the personal safe custody of the Recovery Officer.

(5) Each bailiff shall deposit the amount recovered by him in the financing bank in the current account of Recovery Officer. Each bailiff shall render to the Accountant appointed by the Recovery officer a true and faithful account of all receipts and deposits made by him which shall be entered in the cash book with full clarity and all the entries made in the cash book shall there be attested by the Recovery Officer. Any unusual delay
in deposit of the amount in the financing bank by any bailiff shall be brought to the personal notice of the Recovery Officer by the Account.

(6) The Recovery Officer shall be responsible for the maintenance of true and correct accounts of the recoveries and deposits. He shall also act as the controlling officer in respect of the staff maintained and paid out of the "settlement and Execution Expenses Fund" in accordance with the regulations of the Fund.

88. Mode of payment of Decretal Amount:

(1) All money payable under the certified award shall be paid as follows:

(a) with the Recovery Officer or with any person authorised by him against official receipt;

(b) out of the court to the decree-holder where any payment is made under clause (n), notice of payment shall be made by the Recovery Officer to the decree-holder.

(1) Where any money payable under an award under execution is paid by the judgement debtor to the decree-holder or the award is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, the decree-holder shall certify payment or adjustment to Recovery Officer and he shall record such payment or adjustment in the personal ledger account maintained by him.

(3) The judgement debtor may also inform the Recovery Officer of payments or adjustments and apply to him to issue a notice in Form R to the decree-holder to show cause on a day to be fixed by the Recovery Officer, why such payment or adjustment should not be recorded in the personal ledger account of the decree-holder as having been paid or adjusted in the execution proceedings, and if after service of such notice, the decree holder fails to show cause the Recovery Officer may record the payment or adjustment in the above manner. A payment or adjustment which has not so been recorded as aforesaid, shall not be recognized by the Recovery Officer executing the award.

89. Cost of Execution:

The Recovery Officer executing the award may recover from judgment-debtor in addition to the decretal amount the cost of execution as arrears of land revenue pay the same in the decree-holder.
90. **Transfer of Decrees:**

Where any property to be sold in realization of any decree is situated outside the State of Sikkim, the decree shall be forwarded for execution in accordance with the provisions of the Revenue Recovery Act, 1880 to the Collector of that District where the property of judgement-debtor/defaulter is situated.

**PART III**
**EXECUTION OF DECISION; AWARD OR ORDER**
**BY THE REGISTRAR**

91. **Procedure in Execution:**

(1) Where any decree-holder desires to have the decree executed under provisions of clause (b) of section 81, he shall apply to the Registrar or the officer authorised by the Registrar in this behalf by a special or general order (hereinafter referred to the "Recovery Officer "), in Forms S which shall be signed by the decree-holder. The decree-holder shall indicate whether he desires to proceed against the person of the defaulter or against his movable or immovable property or both and shall state in what way he wants the assistance of the Registrar according to the Act and Rules.

(2) On receipt of the application referred to in sub-rule (1), the Recovery Officer shall call for original record and shall verify the correctness and genuineness of the particulars set forth in the application with the records.

(3) The Recovery Officer shall, on being satisfied about the correctness and genuineness of the application received by him, order execution of the decree:

   (a) by delivery of any property specifically decreed;
   (b) by attachment and sale or sale without attachment of any property;
   (c) by arrest and detention of person;

(4) Where in the proceedings under clause (b) of Section any person requires the issue of any process or objects to any process or objects to any process issued or proposed to be issued, or requires the adjournment of any proceedings, he shall pay the fee as fixed in Schedule II which may be revised by the Registrar from time to time. Thereafter the Recovery Officer shall issue processes.
The provisions of Sections 36 to 74, 135, 135A and Order XXI in the First Schedule of the Code of Civil Procedure, 1908 shall mutatis mutandis apply to the executions ordered under clause (b) of Section 81 and the Registrar or the Recovery Officer as the case may be shall be deemed to be the executins court for the purposes of those sections.

(6) Without prejudice to the generality of the foregoing sub-rule, a demand notice stating therein the relief claimed by the decree-holder shall be prepared in duplicate in Form T by the Recovery Officer who shall send it to the defaulter together with a copy of the application filed by the decree-holder and obtain the signature of the defaulter on the duplicate in token of his having received the demand notice with the copy of the application.

92. Order in which proceedings shall be taken:

Unless the decree-holder has indicated under sub-rule (4) of rule 91 the order in which the property of the defaulter shall be proceeded against, the execution shall ordinarily be taken in the following manner, namely:

(i) Movable property of the defaulter shall be first proceeded against; but nothing in this clause shall preclude the immovable property being proceeded against simultaneously in case of necessity.

(ii) If there is no movable property, or if the sale proceeds of the movable property, or properties attached and sold are insufficient to meet infull the demand of the decree-holder, the immovable property mortgaged to the decree-holder or other immovable property belonging to the defaulter may be pro-ceded against.

93. Rules for seizure and sale of movable property:

In the seizure and sale of movable property the following rules shall observed:

(i) The Recovery Officer shall, after giving previous notice to the decree-holder, proceed to the village where the defaulter resides or the property to be distained is situated and serve the demand upon the defaulter in Form U. If the demand together with the interest and all expenses is not at once paid, the Recovery Officer shall make the distress and shall imme-diately deliver to the defaulter a list of inventory of the property distained.
and an intimation of the place, day and hour at which the distained property will be brought to sale if the amounts due are not previously discharged. If the defaulter is absent, the Recovery Office shall serve the demand notice on some adult member of his family, or on his authorised agent, or when such service cannot be effected, shall affix a copy of the demand notice on some conspicuous part of his residence. He shall then proceed to make the distress and shall fix the list of the property attached on the usual place of residence of the defaulter endorsing thereon the place where the property may be lodged or kept and an intimation of the place day and hour of sale if the amounts due are not previously discharged.

(ii) After the distress is made, The Recovery Officer may arrange for the custody of the property attached with the decree-holder or otherwise.

(iii) If the Recovery Officer requires the decree-holder to undertake the custody of the property, he shall be bound to do so and any loss incurred owing to his negligence shall be made good by the decree-holder. If the attached property is livestock, the decree-holder shall be responsible for providing the necessary food therefore.

(iv) The Recovery Officer may, at the instance of the defaulter or of any person claiming an interest in such property, leave it in the village or place where it was attached, in the charge of such defaulter or person if he enters into a bond in Form V with one or more sureties for the production of the property at the place of sale when called for.

(v) The distress shall be made after sunrise and before sunset and not any other time.

(vi) The distress levied shall not be excessive, that is to say, the property distained shall be as nearly as possible proportionate to the sum due by the defaulter together with interest and all expenses incidental to the distraint, detention and sale.

(vii) If crops attached are standing crops belonging to a defaulter the Recovery Officer may cause them to be sold when fit for reaping or gathering or at his option may cause them to, be reaped or gathered in due season and stored in proper place until sold. In the latter case, the expenses of reaping or gathering and storing such; crops or products shall be defrayed by the owner upon his redeeming the property or from the proceeds of the sale in the event of its being sold.

(viii) The Recovery Officer shall not work the bullocks or cattle or make use of the goods or effects distained and he shall provide the necessary food for the cattle or the livestock distained until the same are sold and the expenses incidental thereto shall be defrayed by
the owner upon his redeeming the property, or from proceeds of the
sale, in the event of its being sold.

(ix) The Recovery Officer may force open any stable, cow house,
granary, godown, out house or other building and he may also enter
any dwelling house, the outer door of which may be open and may
break open the door of any room in such dwelling house for the purpose
of attaching property belonging to a defaulter and lodged therein, pro-
vided always that it shall not be lawful for the Recovery Officer to
break open or enter any apartment in such dwelling house appropriated
for occupation of women except as hereinafter provided.

(x) Where the Recovery Officer may have reason to suppose that
the property of a defaulter is lodged within a dwelling house the outer
door of which may be shut, or within a any apartment appropriate to
women which, by the usage of the country, are considered private, the
Recovery Officer shall represent the fact to the officer-in-charge of the
nearest police station. On such representation, the officer-in charge of
the said station shall send a Police Officer to the spot in the presence
of whom the Recovery Officer may force open the outer door of such
dwelling house in like manner as he may break open the door of any
other room within the house. The Recovery Officer may also in the
presence of the Police officer, after due notice given for the removal
of women and, after furnishing means for their removal in suitable
manner (if they be women of rank who according to the customs of
the country cannot appear in public ) enter the rooms for the purpose
distaining the property of the defaulter, if any, deposited therein
but such property, if found, shall be immediately removed from such
rooms, after which they shall be left free to the former occupants.

(ix) The Recovery Officer shall on the day previous to and on the day
of sale cause proclamation in Form W as also by beat of drum in the
village in which the defaulter resides and in such other place or places as
the Registrar may consider necessary to give the publicity to the time and
place of the property distained.

(xii) No sale shall take place until after the expiration of the period
of fifteen days from the date on which the sale notice has been served
or affixed in the manner specified in clause (i), provided that where the
property seized is subject to speedy and natural decay, or where the
expenses of keeping it in custody are likely to exceed its value, the Recovery
Officer may sell it at any time before the expiry of the said period of fifteen
days unless the amount due is sooner paid.

(xiii) at the appointed time, the property shall be put up in one or more
lots as the Recovery Officer may consider advisable and shall be disposed of to the highest bidder.

Provided it shall be open to the Recovery Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other sufficient reason:

Provided further, that the Registrar or the Recovery Officer may, in his discretion, adjourn the sale to a specified day and hour, recording his reasons for such adjournment.

(xiv) Where the property is sold for more than the amount due, the excess amount, after reducing the interest and the expenses of process and the other charges shall be paid to the defaulter.

(xv) The property shall be paid for in cash at the time of sale or as soon thereafter as the officer holding the sale shall appoint and permit on such terms and conditions, as he may deem fit to impose and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full.

(xvi) Where the purchaser fails in the payment of the purchaser money, any counter deposit made by the purchaser shall be forfeited and credited towards the sale proceeds and the property shall be resold.

(xvii) Where it is proved to the satisfaction of my civil court of competent jurisdiction that any property which has been distained under these Rules has been forcibly or clandestinely removed by any person, the court may order forthwith such property to be restored to the recovery Officer.

(xviii) Where prior to the day fixed for sale, the defaulter or any person acting on his behalf or any person claiming an interest in the property attached, pays the full amount due, including interest and other costs incurred in attaching the property, the Recovery Officer shall cancel the order of attachment and release the property fore with.

(xix) No member of the committee of a society for Recovery of whose dues the sale is being made, shall without the express permission of the Registrar bid either directly or indirectly for the purchase of the property which is subject to charge under section 42.

(xx) No officer or other person having a duty to perform in connection with any sale shall, whether directly or indirectly bid for, acquire or attempt to bid or acquire any interest in the property sold.

(xxi) Where the property is sold, of which actual seizure has been
made, it shall be delivered to the purchaser. Where the property sold is in the possession of any person, delivery thereof to the purchaser shall be made by giving notice to the person in possession prohibiting him delivering possession of the property possession to any other person except the purchaser.

94. Attachment of salary or allowances of public officer or of servant of a Railway Administration or Local Authority or Firm:

Where the movable property to be attached is the salary or allowance or wages of a public officer or of a servant of railway administration or local authority or a firm or a company, the Recovery Officer may issue an order in Form X directing the officer or other person responsible to disburse the salary, that the amount shown in the order shall, subject to the provisions of section 60 of the Code of Civil Procedure, 1908, be with field from the salary or allowance or wages either in one lumpsum or by monthly installments as the Recovery Officer may direct and upon service of the order, the officer or other person responsible to disburse such salary or allowance or wages shall withhold and remit to the Recovery Officer, the requisite amount.

95. Attachment of Decree:

(1) Where the property to be attached is a decree either for the payment of money or for sale in enforcement of mortgage or charge, the attachment shall be made—

   (a) if the decree sought to be attached was passed by the Registrar or by any person to whom a dispute was referred by the Registrar under Section 73 by an order of the Registrar on the application made by the Recovery Officer in this behalf;

   (b) if the decree sought to be attached was passed by a Court and has not been sent for execution to any other Court by the issue to such Court of a notice by the Recovery Officer, requesting such Court, to stay the execution of its decree unless and until—

      (i) the Recovery Officer cancels the notice, or
      (ii) the holder of the decree sought to be executed by the or the judgement-debtor there of applies to the Court receiving such notice to execute its own decree; and
(c) if the decree sought to be attached is pending execution in a Court which did not pass the same, by the Recovery Officer seeking to attach such decree in execution by sending notice referred to in clause (b) to such Court, whereupon the provisions of that clause shall apply in the same manner as if such Court had passed the decree and the said notice had been sent to it in pursuance of the said clause.

(2) Where the Registrar makes an order under clause (a) of sub-rule-(1) or when a Court receives a notice under clause (b) or (c) of the said sub-rule, the Registrar or the Court shall on the application of decree-holder who has got the decree attached or his defaulter proceed to execute the decree and apply the net proceeds in satisfaction of the decree being executed by the Recovery Officer.

(3) The holder of decree sought to be executed by the attachment of another decree of the nature specified in sub-rule (1) shall be deemed to be the representative of the holder of the attached decree to be entitled to execute such attached decree in any mander lawful for the holder thereof.

(4) The holder of decree attached under this rule shall give the Court the Recovery Officer executing the decree such information and aid as may reasonably be required.

(5) On the application of the holder of a decree sought to be executed by the attachment of another decree, The Recovery Officer shall give notice of the order of attachment to the judgement-debtor bound by the decree made by the attached, and no payment or adjustment of the attached decree made by the judgement-debtor after receipt of notice thereof, shall be recognized so long as the attachment remains in force.

96. Attachment of debt, share and other property not in possession of defaulter :

(1) Where the movable property to be attached is —

(a) a debt due to the defaulter in question,

(b) a share in the capital of a corporation or a deposit invested therein, or

(c) other movable property not in the possession of the defaulter except property deposited in or in the custody of any Civil Court, the attachment shall be made by a written order signed by the Recovery Officer prohibiting:

(i) in the case of the debt, the creditor from recovering the
debt and the debtors from making payment thereof until
further order of the Recovery Officer;

(ii) in the case of the share or deposit, the person in whose
name the share or the deposit may be standing from
transferring the share or deposit or receiving any divi-
dend on the shares, the deposit or interest on the deposit;

(iii) in the case of the other movable property except as
aforesaid, the person in possession of it from giving it
over to the defaulter.

(2) A copy of such order shall be sent in the case of the debt, to the
debtor, in the case of the share or deposit, to the proper officer of the
corporation and in the case of the other movable property, (except as afore-
said), to the person in possession of such property. As soon as the debt
referred to in clause (a) of sub-rule (1) or the deposit referred to in clause
(b) of that sub-rule matures, the Recovery Officer may direct the person
concerned to pay the amount to him. Where the share is not withdraw able,
the Recovery Officer shall arrange for its sale through a broker. Where the
share is withdraw able its value shall be paid to the Recovery Officer as soon
as it becomes payable. In the case of the other movable property referred
to in clause (c) of sub-rule (1) the person concerned shall place it in the
hands of the Recovery Officer, as soon as it becomes deliverable to the
defaulter.

(3) A debtor prohibited under clause (a) of sub-rule (1) may pay the
amount of his debt to the Recovery Officer and such payment shall
discharge him as effectually as payment to the party entitled to receive the same.

97. Procedure in attachment and sale of Immovable
Property:

In the attachment and sale or sale without attachment of immovable
property the following procedure shall be observed:—

(i) The application presented under rule 91 shall contain a description
of the immovable property to be proceeded against, sufficient for its
identification and in case such property can be identified by bound-
daries or numbers in record of settlement or survey, the specification
of such boundaries or numbers and the specification of the defaulters share or interest in such property to the best of know:-
ledge and belief of the decree-holder and so far as he has been able
to ascertain it.
The demand notice issued by the Registrar under sub-rule (6) of rule 91 shall contain the name of the defaulter, the amount due including the expenses, if any, and the time allowed due including the expenses, if any, payment, the particulars of the properties to be attached and sold or to be sold without attachment as the case may be. After receiving the demand notice, the Recovery Officer shall serve or cause to be served a copy of the demand notice upon the defaulter or upon some adult male member of his family at his usual place of residence or upon his authorised agent, or if such personal service is not possible shall fix a copy thereof on some conspicuous part of the immovable property about to be attached and sold or sold without attachment, as the case may be.

Provided that where the Recovery Officer is satisfied that a defaulter with intent to defeat or delay the execution proceedings against him is about to dispose of the whole or any part of his property, the demand notice issued by the Registrar under sub-rule (5) of rule 91 shall not allow any time to the defaulter for the payment of the amount due by him and the property of the defaulter shall be attached forthwith.

If the defaulter fails to pay the amount specified in the demand notice within the time allowed, the Recovery Officer shall proceed to attach and shall or sell without attachment, as the application for execution in the manner hereinafter specified.

Where the attachment of immovable property is required before sale the Recovery Officer shall, if possible, cause a notice of attachment to be served on the defaulter personally. Where the personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulter's last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum or other customary mode at some place on or adjacent to such property and at such other place or places as the Registrar or the Recovery Officer may consider necessary to give due publicity to the sale. The attachment notice shall set forth that unless the amount due with interest and expenses be paid within the date therein mentioned the property will
be brought to sale. A copy of the notice shall be sent to the decree-holder. Where the Recovery Officer so directs, the attachment shall also be notified by advertisement in a local newspaper.

(v) Proclamation of sale shall be published by affixing a notice in the office of the Registrar at least thirty days before the date fixed for the sale. Such proclamation shall state the decree-holder and the defaulter the time and place of sale and also shall specify as fairly and accurately as possible:

(a) the property to be sold;

(b) any encumbrance to which the property is liable;

(c) the amount for the recovery of which the sale is ordered; and

(d) every other matter which the Recovery Officer considers material for a purchaser to know in order to judge the nature and value of the property.

(vi) When any immovable property is sold under the Rules, the sale shall be subject to the prior encumbrance on the property, if any. The decree-holder shall, when the amount for the realization of which the sale is held, exceeds Rs 100, furnish to the Recovery Officer within such time as may be fixed by him or the Registrar an encumbrance certified from the Registration department for a period of not less than twelve years prior to the date of attachment of the property sought to be sold. The time for production of the encumbrance certificate may be extended at the discretion of the Recovery Officer or the Registrar. The sale shall be by public auction to the highest bidder, provided that it shall be open to the Recovery Officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons and provided also that the recovery Officer may in his discretion, adjourn the sale to a specified day hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than seven days, a fresh notice shall be issued unless the defaulter consents to waive it. The sale shall be held after the expir of not less than thirty days calculated from the date on which notice of the proclamation was affixed in the office of the Registrar and the place of sale shall be the village where the property to be sold is situated or such
adjoining prominent place of public resort as may be fixed by the Recovery Officer.

(vii) A sum of money equal to 25 percent of the bid shall be deposited by the auction purchaser with the Recovery Officer as soon as his bid is accepted and in default of such deposit, the property shall forthwith be resold.

(viii) The remainder of the purchase money and the amount required for the general stamp for the certificate of sale shall be paid within fifteen days from the date of sale.

Provided that the time for payment of the cost of the stamp, may, for good and sufficient reasons, be extended at the discretion of the Recovery Officer upto thirty days from the date of sale.

Provided further that in calculating the amount to be paid under this clause, the purchaser shall have the advantage of any set-off to which he may be entitled.

(ix) In default of payment within the period mentioned in clause (viii), the deposit may, if the Registrar thinks fit, after defraying the expenses of the sale be forfeited to the Government and the defaulting purchaser shall forfeit all claims to the property or to any part of the sum for which it may subsequently be sold.

(x) Every resale of immovable property in default of payment of the amounts mentioned in clause (viii) within the period allowed for such payment shall be made after the issue of fresh proclamation in the manner and for the period here in before specified for the sale.

(xi) Where a decree-holder purchases the property, the purchase money and the amount due on the decree shall be set off against one another and the Recovery Officer shall enter satisfaction of the decree in whole or in part accordingly. Any surplus of the proceeds of the sale after meeting decretal amount, expenses of sale and other incidental costs or charge shall be paid to the defaulter.

(xii) Where prior to the date fixed for sale the defaulter or any person acting on his behalf or any person claiming an interest in the property sought to be sold tenders payment of the full amount due together with interest and other expenses incurred in bringing the property to sale, including the expenses of attachment, if any, the Recovery Officer shall forthwith release the property after cancelling the order of attachment, if any.
98. Application to set aside sale on deposit:

(1) Where immovable property has been sold by the Recovery Officer, any either owning such property or holding an interest therein by virtue of a title acquired before such sale may apply to have the sale set aside on his depositing with the Recovery Officer —

(a) for payment to the purchaser, sum equal to 2 per cent of the purchase money, and

(b) for payment to the decree-holder, the amount of arrears specified in the proclamation of sale together with interest thereon and the expenses of attachment, if any, and sale and other costs due in respect of such amount less any amount which may since the date of such proclamation have been received by such decree holder.

(2) If such deposit and application are made within thirty days from the date of the Registrar shall pass an order setting aside the sale and shall repay to the purchaser the purchase money so far as it has been deposited, together with the 2 per cent deposited by the applicant.

Provided that if more persons than one have made deposit and application under this rule, the application of the first depositor to the Recovery Officer shall be accepted.

99. Application to set aside sale on ground of irregularity or fraud:

(1) At any time within thirty days from the date of the sale of immovable property, the decree-holder or any person entitled to share in a rateable distribution of the asset or where interests are affected by the sale, may apply to the Registrar to set aside the sale, on the ground of a material irregularity of mistake or fraud in publishing or conducting the sale.

Provided that no sale shall be set aside on the ground aforesaid unless the Registrar is satisfied that the applicant has sustained substantial injury by reason of such irregularity, mistake or fraud.

(2) If the application is allowed, the Registrar shall set aside the sale and may direct a fresh one.

100. Sale when to become absolute:

(1) On the expiration of thirty days from the date of sale, if no application to have the sale set aside is made under rule 98 or 99 or if such application has been made and rejected, the Registrar shall make an order confirming the sale.
Provided that if he shall have reason to believe that the sale ought to be set aside notwithstanding that no such application has been made on grounds other than those alleged in any application which has been made and rejected, he may after recording his reasons in writing set aside the sale,

(2) Whenever the sale of any immovable property is not so confirmed or is set aside the deposit or the purchase money, as the case may be, shall be returned to the purchaser.

(3) After the confirmation of any such sale, the Recovery Officer shall grant a certificate of sale to the purchaser, specifying therein the property sold and the name of the purchaser at the auction and bearing Recovery Officer's seal and signature.

(4) Such certificate shall be conclusive evidence of the fact of the purchase and no proof of the sale or signature of the Recovery Officer shall be necessary unless the authority before whom it is produced shall have reason to doubt its genuineness.

101. Delivery of Possession:

Where the purchaser of immovable property under the foregoing rules is resisted or prevented by any person other then the defaulter claiming to be in lawful possession of the property, from obtaining possession of the immovable property purchased, any court of competent jurisdiction on an application and production of the certificate of sale shall cause the proper process to be issued for the purpose of putting such purchaser in possession, in the same manner as if the immovable property purchased has been decreed to the purchaser by a decision of the court.

102. Sale of immovable property to be proportionate to the amount due:

The Recovery Officer may sell the whole or any portion of the immovable property of a defaulter in discharge of money due provided always that so far as may be practicable, no larger portion of the immovable property shall be sold than may be sufficient to discharge the amount due with interest and expenses of attachment, if any, and sale.
103. Private alienation of property after attachment to be void:

Where an attachment has been made under these Rules, any transfer or delivery of the property attached or of any interest therein and any payment to the defaulter of any debt, dividend or other moneys contrary to such attachment shall be void as against all claims enforceable under the attachment.

Explanation:

For the purposes of this rule, claims enforceable under an attachment include claims for the rateable distribution of assets.

104. Receipts for Payment of amount due:

Every person making a payment towards any money due for the recovery of which application has been made under these Rules shall be entitled to a receipt for the amount signed by the Recovery Officer or other Officer empowered by the Registrar. Such receipt shall state the name of the person making the payment and the subject matter in respect of which the payment is made.

105. Investigation of claims and objections to attachment of property:

(1) Where any claim is preferred, or any objection is made to the attachment of any property under these Rules on the ground that the property is not liable to such attachment, the Recovery Officer shall investigate the claim or objection and dispose of it on merits.

(2) Where the property to which the claim or objection relates, has been advertised for sale, the Recovery Officer may postpone the sale pending the investigation of the claim or objection.

106. Determination of attachment:

Where any property had been attached in execution of a decree, but by reason of the decree-holder's default, the Recovery Officer is unable to proceed further with the application for execution, he shall either dismiss the application or for any sufficient reason adjourn the proceedings to a future date. Upon the dismissal of such application, the attachment shall cease.
107. Attachment in execution of decree of civil courts and rateable distribution of assets:

Where assets are held by the Recovery Officer and before realization of such assets, demand notices in pursuance of applications for execution of decree against the same defaulter have been received from more than one decree-holder and the decree-holders have not obtained satisfaction, the assets after deducting the cost of realization; shall be rateably distributed by the Recovery Officer among all such decree-holders in the manner provided in section 73 of the Code of Civil Procedure, 1908.

108. Attachment before judgment:

(1) Attachment of property prior to award or decree shall be made in the manner provided in the foregoing rules of this Chapter.

(2) Attachment made under sub-rule (1) shall not affect the rights existing prior to such attachment, of those who are not parties to the proceedings in which the attachment was made, nor bar any person holding a decree against the person whose property is attached from applying for the sale of property under attachment in execution of his decree.

(3) Where property is under attachment by virtue of the provisions of this rule and a decree is subsequently passed against the person whose property is attached, it shall not be necessary to file an application for reattachment of the property.

109. Arrest and detention:

(1) A judgment debtor may be arrested in execution of a decree at any hour and on any day, and shall as soon as practicable, be brought before the Recovery Officer and his detention may be in the civil prison or in the Central Jail.

(a) Provided that—for the purpose of making an arrest under this rule no dwelling house shall be entered after sunset and before sunrise;

(b) no outer door of a dwelling house shall be broken open unless such dwelling house is in the occupancy of the judgment-debtor and he refuses or in any way prevents access there to, but when the officer authorized to make the arrest has duly gained access to any dwelling house he may break open the door of any room in which he has reason to believe that the judgment-debtor would be found;

(c) if the room is in the actual occupancy of a woman who is not the judgment-debtor and who according to the country does not appear in
public the officer authorized to make the arrest shall give notice to her that she is at liberty to withdraw, and after allowing a reasonable time for her to withdraw, and giving her reasonable facility for withdrawing, may enter the room for the purpose of making the arrest; and

(d) where the decree in execution whereof the judgment debtor is arrested, is a decree for the payment of money and the judgment debtor pays the amount of the decree and the costs of the arrest to the officer arresting him, such officer shall at once release him.

(2) The Government may, by notification in the Official Gazette, declare that any person or class of persons whose arrest might be attended with danger or inconvenience to the public shall not be liable to arrest in execution of a decree otherwise than in accordance with such procedure as may be prescribed by it in this behalf.

(3) A judgment-debtor, who is arrested under this rule, makes an application before the Recovery Officer expressing his intention to apply within one month before a court of competent jurisdiction to be declared an insolvent and furnishes two sureties to the satisfaction of the Recovery Officer to ensure his appearance before the Recovery Officer whenever required, may be released.

(4) In case a judgment debtor who is released under Sub-rule (3) fails to apply for insolvency within one month or fails to appear before the Recovery Officer, the Recovery Officer may proceed to arrest and detain the sureties in the civil prison as though the sureties themselves are the judgment-debtors.

110. Prohibition of arrest or detention of women in execution of decree for money:

Notwithstanding anything in this Part, the Recovery Officer shall not order the arrest or detention in the civil prison of a woman in execution of a decree for the payment of money.

111. Detention and release:

(1) Every person detained in the civil prison in execution of a decree shall be so detained:

(a) where the decree is for the payment of a sum of money exceeding fifty rupees, for a period of six months, and
(b) in any other case, for a period of six weeks. Provided that he shall be released from such detention before the expiration of the said period of six months or six weeks as the case may be

(i) on the amount mentioned in the warrant for his detention being paid to the Recovery Officer,

(ii) on the decree against him being otherwise fully satisfied, or

(iii) on the request of the person, on whose application he has been so detained and if the Recovery Officer is fully satisfied that the decree was satisfied.

(iv) on the omission of the person, on whose application he has been so detained, to pay subsistence allowance.

Provided also that he shall not be released from such detention without the order of the Recovery Officer.

(2) A judgment debtor released from detention under this rule shall not merely by reason of his release be discharged from his debt, but he shall not be liable to be rearrested under the decree in execution of which he was detained in the civil prison.

PART IV

GENERAL

112. Procedure for recovery of sums due to Government:

The provisions of Part III shall apply in regard to the recovery of any sum due to the Government from a society or from an officer former officer, member or past or deceased member of a society in pursuance of a demand issued by the Registrar or by any authority competent to issue such demand including any costs awarded to the Government in proceedings under the Act as if the Government were a decree holder and the society or officer, former officer, member or past or deceased member of a society, as the case may be, was a defaulter, subject to the following modifications namely:

(1) The Registrar may, of his own motion, take any steps which he may deem suitable in the matter of
such recovery in accordance with the provisions of these Rules and without any application having been made to him in that behalf under these Rules.

(2) It shall not be necessary to deposit any sum by way of costs as required by these Rules.

(3) It shall not be necessary for the Recovery Officer to give the decree-holder previous notice.

(4) It shall not be necessary to send a copy of the attachment notice to the decree-holder.

(5) It shall not be necessary to give notice of the proclamation of sale to the decree-holder.

113. **Recovery Officer not to go behind the decree and the certificate** :

   The Recovery Officer shall not go behind the decree or the certificate issued by the Registrar. He shall not alter it nor shall entertain any objection as to validity or legality or correctness of the decree or the certificate under execution.

   Provided that a decree passed against a person who was dead at the time of passing the decree without bringing his legal representative on the record shall not be executed.

   Provided further that where terms of a decree are ambiguous it will be competent for the Recovery Officer to ascertain its precise terms first before issuing any process for execution.

114. **Questions relating to execution, discharge or satisfaction** :

   (1) All questions arising between the parties to the arbitration proceedings in which award was made or amount certified to be recovered as arrears of land revenue and relating to execution, discharge or satisfaction of the decision, award or order under execution shall be determined by the Recovery Officer, executing the decree, award, decision or order.

   (2) Where a question arises as to whether a person is, or is not the legal representative of a party, such question shall be decided by the Recovery Officer for the purposes of execution, discharge or satisfaction of the decree, award, decision or order under execution.
115. Limitation for execution:

A decree-holder may make an application or applications in succession for execution of his decree. The Recovery Officer shall not refuse execution unless the application is barred by article 136 of the Indian Limitation Act, 1963.

116. Execution by society under liquidation:

(1) The liquidator shall take necessary action to get executed the decree in favour of a society in respect of which he has been appointed the liquidator, in accordance with the provisions of this Chapter.

(2) Any order issued by the liquidator against any contributory shall be executed in the manner prescribed in rules 86 to 90 provided that he shall not be required to deposit the execution charges along with the application for execution.

117. Assistance and information:

A decree-holder applying to execute a decree shall give the Registrar and the Recovery Officer such information and aid as may reasonable be required.

CHAPTER XI

APPEALS AND REVISIONS

118. Procedure regarding appeals and application for revision:

(1) An appeal under sub-section (2) of section 98 or an application for revision under section 99 shall be either presented in person or sent by registered post to the appellate or revising authority.

(2) The appeal or the application for revision shall be in the form of a memorandum and shall be accompanied by the original or certified copy of the order appealed from or sought to be revised.

(3) Every appeal or application for revision shall—

(a) Specify the name and address of the appellant or applicant and also the name and address of the respondents, as the case may be;
(b) state by whom the order appealed from or sought to be revised was made;

(c) set forth concisely and under distinct heads, the grounds of objection to the order appealed from or sought to be revised together with a memorandum of evidence;

(d) state precisely the relief which the appellant or the applicant claims; and

(e) give the date of the order appealed from or sought to be revised.

(4) Where an appeal under sub-section (2) of section 98 is preferred after the said expiry of sixty days specified in sub-section (2) of the said section, it shall be accompanied by a petition supported by an affidavit setting forth the facts on which the appellant relies to satisfy the appellate authority that he had sufficient cause for not preferring the appeal within the said period of sixty days.

(5) On receipt of the appeal or the application for revision, the appellate or revising authority shall as soon as possible examine it and ensure that-

(a) the person presenting the appeal or the application has the locus standing to do so;

(b) it is made within the prescribed time-limit; and

(c) it conforms to all the provisions of the Act and these Rules.

(6) The appellate or revising authority may call upon the appellant or the applicant for revision to remedy the defects, if any, or furnish such additional information as may be necessary, within a period of fifteen days of the receipt of the notice to do so.

It the appellant or the applicant for revision fails to remedy the defects or furnish the additional information called for within the said period, the appeal or the revision petition may be dismissed.

(7) The appellate or the revising authority may before passing orders on the application may call for and obtain from the parties connected with the appeal or revision such further information as is necessary with reference to the examination of the records of enquiry or proceedings.

(8) In the proceedings before the appellate or revising authority, legal practitioners shall be entitled to appear to represent the parties.
(9) The appellate or revising authority shall on the basis of the enquiry conducted and with reference to the records examined pass such order on the appeal or on the application for revision as may seem just and reasonable.

(10) Every order of the appellate or revising authority shall be in writing and it shall be communicated to the appellant or applicant, to such other parties as in the opinion of that authority are likely to be affected by the decision or order and to the officer concerned against whose order the appeal or the application for revision was made.

CHAPTER XII

MISCELLANEOUS

119. Forms of processes:

The forms of various processes to be issued by any authority in exercise of its powers under sub-section (1) of section 118 shall be those given in Schedule III and may be modified or altered by such authority according to exigency.

(1) The following documents shall be treated as public documents:

   (a) The Registration Register.
   (b) The registration certificate of a society.
   (c) The registered bye-laws of a society including registered amendments.
   (d) Any order canceling the registration of a society.
   (e) Annual accounts of a society as audited by the Registrar.
   (f) Any decision of the Registrar or award of the Arbitrator.

(2) Without prejudice to the provisions of sections 123, 124, 128 and 131 of the Indian Evidence Act, 1872, all the public documents shall be open to inspection by any member of the public on payment of a fee of Re/- for each occasion for any lawful purpose.

121. Special rule:

(1) Notwithstanding anything contained in these Rules, the procedure laid down in sub-rule (2) shall apply to a society in which either shares have been subscribed by the Government or liability by way of guarantee
for borrowing exceeding fifty per cent of the working capital of the society has been undertaken by the Government.

Provided that it shall not be incumbent upon such a society to follow the procedure laid down in clauses (i) and (ii) of sub rule (2) if its working capital does not exceed Rs. 1,00,000 or it does not have another society its member.

(2) (i) Notice of all general body meetings shall be given to the Registrar. The Registrar may, of his own motion or on a reference made to him declare the proceedings of the general meetings as invalid, if he is satisfied that the meeting was held without proper notice or without all the members receiving the notice for the meeting if the meeting was not conducted at the appropriate place and time.

(ii) No matter shall, except with the permission or direction or directions of the Registrar be considered either in a meeting of a general body or committee or in a meeting of any smaller body set up under the bye-laws and without the agenda of the meeting being circulated to all members at least fifteen clear days in the case of smaller body thereof and seven days in advance in other cases.

(iii) Should a difference of opinion in respect of any matter arise between a nominated member of the committee and other members thereof, the opinion of the nominated member shall be recorded in the minutes of the proceedings of the meeting and the proceedings shall also be got signed by the nominated member. The chairman, shall as soon as possible, make a reference to the Government on the difference of opinion and seek its decision in the matter. If no such reference is made within seven days of the date of the meeting the Registrar may, on receipt of a report from a nominated member make a reference to the Government for obtaining its decision which shall be final on the issue on which difference of opinion was so recorded.

(3) In a society in which shares have been subscribed by the Government, the Registrar may, after such inquiry as he may deem fit and after giving the person concerned a reasonable opportunity of showing cause, remove any member of the committee who has been guilty of any act or omission resulting in financial loss of the society.

122. Power to exempt from Rules:

The Government may, by general or special order, exempt any society or any class of societies from any of the provisions of these Rules or may direct that such provisions shall apply to such society or class of societies with such modifications and/or conditions as may be specified in the order.
123. **Financing bank to render banking services:**

(1) The financing bank shall render free of charge such banking services to the Registrar as he may require to carry out the purposes of the Act and the Rules.

(2) Without prejudice to the generality of the foregoing sub-rule (1), the financing bank shall render following banking services to the Registrar, namely:

(a) maintenance of "Audit Fee Recovery Fund" in which all receipts and payments on account of audit fee leviable under the Rules shall be recorded.

(b) maintenance of "Settlement and Execution Expenses Fee Fund" in which all receipts relating to the fees leviable under Rules for settlement of disputes and execution of decrees, and the payments from the Fund shall be recorded;

(c) current account to be opened in the name of societies under liquidation to be operated upon by the liquidator;

(d) current account of the Recovery Officer for temporary credit of dues on account of and payment to decree-holder;

(e) current account of the Registrar relating to surplus funds of society whose registration has been cancelled. This account shall be called "Registrar Co-operative Societies Liquidation Account";

(f) "Registrar Co-operative Societies Suspense Account" for keeping account of unclaimed amounts from the assets of society under liquidation; and

(g) Suspense Accounts of Societies under registration.

(3) All the above Funds shall be administered by the Registrar in accordance with the Regulations contained in Schedule II.

(4) The financing bank shall have no claim to the amount standing to the credit of the above accounts and funds from time to time. The Registrar may, however, allow in his discretion some service charges.

(5) The financing bank shall issue pass books separately for each fund and account shall supply the information of the transactions as may be required by the Registrar.

(6) The provisions of these Rule shall apply to all funds held by the financing bank at the commencement of these Rules relating to deposits held by it under the above heads.
124. **Removal of Doubts:**

If any doubt arises as to the interpretation of any of the provisions of these Rules, the matter may be referred to the Government whose decision shall be final.

By Order

Secretary
ANNEXURES

SIKKIM CO OPERATIVE

SOCIETIES RULES, 1980

FORMS AND SCHEDULES

Pages 1 to 39
Application for registration of a Co-operative Society under the Sikkim Co-operative Societies Act, 1977

To
The Registrar of Co-operative Societies
Government of Sikkim
Gangtok

Sir,

I/We, the undersigned being eligible to become members, apply for the registration of a co-operative society with................................................................. liability under the title of.................................................................
........................................having its registered office at.................................................................
taluk..................................-District............................................and its bye-laws.

2. We are enclosing four copies of the said bye-laws duly signed by us together with the following documents:

(a) a certificate from the financing bank as required in sub-rule (i) of rule 3;
(b) a list of persons who have contributed to the share capital together with the amount contributed by each of them and the entrance fee paid by them;
(c) a scheme showing the details explaining as to the economic soundness of the society;
(d) a copy of resolution authorizing a member of the society to sign the application on behalf of the society (in case the applicant is itself a registered society);
(e) A resolution (of the firm, company, society registered under the Societies Registration Act, 1860, public trust or local authority as the case may be) duly authorizing a person to sign the application on its behalf.
(f) the name and address of the Chief Promoter to whom correspondence regarding registration or other matter may be addressed.

3. We also declare that the information given above, including that in the enclosures, is correct to the best of our knowledge and belief.
Signature:

1. Chief Promoter
2. 
3. 
4. 
5. 
6. 
7. 
8. 
9. 
10. 

Note:—

(a) Where all the applicants are individuals, not less than ten who have attained the age of majority and are of sound mind and each being a member of a different family should attest the application and the bye-laws.

(b) Where the applicant is a society, the application and the bye-laws should be signed by a member duly authorized in this behalf by every such society, and

(c) Where the applicants comprise of societies and individuals, by a member duly authorized in this behalf by every such society and ten other members, or where there are less than ten other members, by all of them.
**SIKKIM CO-OPERATIVE SOCIETIES RULES, 1977**

**FROM ‘B’**

(Register of application for registration received in the office of the Registrar/ Additional/Joint/Deputy/Assistant Registrar.)

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Name of the proposed society</th>
<th>Place, Village, and District</th>
<th>Date of receipt</th>
<th>Date of acknowledgment</th>
<th>How received (by post/ hand delivery)</th>
<th>No. and date on which additional information is called</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Prescribed day by which information is called</th>
<th>Date on which information received</th>
<th>No. and date of the report, if any, sent to Government if the Society is not registered</th>
<th>No. and date of registration</th>
<th>Order under which Registration is ferused</th>
<th>Initial</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
</tr>
</tbody>
</table>
**SIKKIM CO-OPERATIVE SOCIETIES RULES, 1977**

**Form ‘C’**

(See sub-rule [1] of rule 10)

Register of co-operative Societies registered or deemed to be registered under the Act.

<table>
<thead>
<tr>
<th>Registered Sr. No.</th>
<th>Full name and address of the society</th>
<th>Area of operation</th>
<th>Date of Registration</th>
<th>Application No.</th>
<th>Class of Societies as per rule</th>
<th>Sub-classes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>2</td>
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<td>3</td>
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<td>4</td>
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<td>5</td>
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<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Page No. and date of Government notifying registration</th>
<th>Initials of Registrar</th>
<th>Date of winding up by the Registrar</th>
<th>Page No. and date of Govt. Gazette notifying winding up</th>
<th>No. and date of cancellation</th>
<th>Initial of the officer authorized by the Registrar to keep the register</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
</tr>
</tbody>
</table>
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form ‘D’
(See Rule No. 36)

Name of the Co-operative Society :
Address :
Registration No.___________ Receipt and Expenditure Account for the year ending 30th June 19
(from 1.7.19……. to 30.6.19…….)

<table>
<thead>
<tr>
<th>Receipts</th>
<th>Rs. P.</th>
<th>Expenditure</th>
<th>Rs. P</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.Share capital withdrawn</td>
<td>1.</td>
<td>2.Members' deposits withdrawn</td>
<td></td>
</tr>
<tr>
<td>2.Loans and deposits by members</td>
<td>2.</td>
<td>3.Loans repaid to Government</td>
<td></td>
</tr>
<tr>
<td>3.Loans and deposits from non-members</td>
<td>3.</td>
<td>4.Loans repaid to Central societies</td>
<td></td>
</tr>
<tr>
<td>4.Loans and deposits from Primary Societies</td>
<td>4.</td>
<td>5.Loans repaid to other societies</td>
<td></td>
</tr>
<tr>
<td>5.Loans and deposits from Government</td>
<td>5.</td>
<td>6.Loans repaid to Government</td>
<td></td>
</tr>
<tr>
<td>6.Loans and deposits from Central Societies</td>
<td>6.</td>
<td>7.Loans granted to members (individuals)</td>
<td></td>
</tr>
<tr>
<td>7.Loans and deposits repaid by members</td>
<td>7.</td>
<td>8.Loans granted to banks and societies</td>
<td></td>
</tr>
<tr>
<td>(a) Banks</td>
<td>(a)</td>
<td>(a) Central Societies</td>
<td></td>
</tr>
<tr>
<td>(b) Other Societies</td>
<td>(b)</td>
<td>(b) Other Societies</td>
<td></td>
</tr>
<tr>
<td>8.Interest received</td>
<td>8.</td>
<td>9.Interest paid on loans and deposits</td>
<td></td>
</tr>
<tr>
<td>9.Sale of goods to : (a) Member</td>
<td>9.</td>
<td>10.Dividend and bonus paid</td>
<td></td>
</tr>
<tr>
<td>(b) Non-members</td>
<td>10.</td>
<td>11.Stock bought</td>
<td></td>
</tr>
<tr>
<td>11.Other Income</td>
<td>11.</td>
<td>12.Purchase of : (a) Members'Products</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Non-members’ Products</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>13.Establishment and contingent charges</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>14.Other items</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>15.Carried to Reserve Fund</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Opening balance cash in hand</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>cash in Bank</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Grand Total</td>
<td></td>
</tr>
</tbody>
</table>

Total

Closing balance cash in hand
cash in Bank
Grand Total
### SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980

**FORM ‘E’**

(See Rule 36)

Name of the Society:

Address:

Registration No.

**PROFIT AND LOSS ACCOUNT**

for the year ending the 30th June 19

<table>
<thead>
<tr>
<th>Last year’s figure</th>
<th>Expenditure</th>
<th>This year’s figure</th>
<th>Last year’s figure</th>
<th>Income</th>
<th>This year’s figure</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>

Rs. P.

<table>
<thead>
<tr>
<th>1. Interest</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Paid</td>
</tr>
<tr>
<td>(b) Payable</td>
</tr>
</tbody>
</table>

| 2. Bank charges |

| 3. Salaries & allowance of staff |

| 4. Contribution to staff Provident Fund |

| 5. Salary & allowance of Managing Director |

| 6. Attendance fees and Traveling Expenses of Director and Committee Members |

| 7. Traveling expenses of staff |

| 8. Rent, rates and taxes |

| 9. Postage, telegram and telephone Charges |

| 10. Printing & Stationery |

<table>
<thead>
<tr>
<th>1. Interest received</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) On loans and advances</td>
</tr>
<tr>
<td>(b) On investments</td>
</tr>
</tbody>
</table>

| 2. Dividend received on shares |

| 3. Commission |

<table>
<thead>
<tr>
<th>4. Miscellaneous income:</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Share transfer fees</td>
</tr>
<tr>
<td>(b) Rent</td>
</tr>
<tr>
<td>(c) Rebate on interest</td>
</tr>
<tr>
<td>(d) Sale of forms</td>
</tr>
<tr>
<td>(e) Other items</td>
</tr>
</tbody>
</table>

<p>| Land income and expenditure accounts |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rs. P.</td>
<td>Rs. P.</td>
<td>Rs. P.</td>
<td>Rs. P.</td>
</tr>
<tr>
<td>11.</td>
<td>Audit fees</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>(Contingencies) General expenses</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Bad debt written off or provision made for bad debt</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Depreciation on fixed assets</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Land income and expenditure Account</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Other items</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Net profit carried to Balance Sheet</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: In the case of marketing societies, consumers’ societies and similar other societies have undertaken trading activities, the Profit and Loss Account shall be divided into two parts showing separately the Trading Account and the Profit and Loss Account. In case of producer societies, processing societies, forest labourers societies and other societies which have undertaken production activities, the manufacturing account shall also be prepared in addition.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
From 'F'
(See rule 36)
Balance sheet of Co-operative Society
_Ltd., as on 30th June, 19...........

Instruction in accordance with which liabilities should be made out

<table>
<thead>
<tr>
<th>Liabilities</th>
<th>Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Contributed by Government and by co-operative societies and different classes of individual members shall be shown separately. Term of redemption or conversion of any redeemable preference shares should be mentioned.</strong></td>
<td><strong>I. Fixed deposits and call deposits with State Coop Bank and other approved bankers should be shown under bankers should “Investment” and not under the heading “Cash and bank balance”.</strong></td>
</tr>
<tr>
<td><strong>II. (a) Statutory Reserve Fund</strong>&lt;br&gt;And other reserve and funds shall be shown separately.&lt;br&gt;(b) Addition and deduction since last Balance-sheet to be shown under each of the Specified heads.&lt;br&gt;(c) Fund in the nature of Reserves and funds created out of any profits for specific purposes should be shown separately.</td>
<td><strong>II. The nature of each investment and the mode of valuation (cost of market value) should be mentioned. If the book value of any security is less than the market value, a remark to that effect should be made against each item.</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Instruction in accordance with which liabilities should be made out</strong></th>
<th><strong>Figure for the previous year</strong></th>
<th><strong>Figure for the Current Year</strong></th>
<th><strong>Figure for the previous year</strong></th>
<th><strong>Figure for the current year</strong></th>
<th><strong>Instructions in accordance with which asset should be made out</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Share Capital: Authorised shares of Rs……… each. Subscribed (distinguish between the various classes of capital and stating the particulars specified below in respect of each class.) Shares of Rs…….. each. Less….. Calls in arrears. Add………… calls in advance.</td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
<td>(a) Cash in hand (b) Cash in Bank: (i) Current Account (ii) Saving Bank Account (iii) Call Deposit Account</td>
</tr>
<tr>
<td>I. Fixed deposits and call deposits with State Coop Bank and other approved bankers should be shown under bankers should “Investment” and not under the heading “Cash and bank balance”.</td>
<td>(a) Statutory Reserve fund. (b) Building Fund. (c) Special Development Fund. (d) Cash and Bank Balance: (i) Fixed deposit</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>I. A. Subscription towards shares</td>
<td>I. Reserve Fund and other funds: (a) Statutory Reserve fund. (b) Building Fund. (c) Special Development Fund. (d) Bad and doubtful debts (e) Investment Depreciation Fund. (f) Dividend Equalization Fund. (g) Bonus Equalization Fund. (h) Reserve for overdue interest. (i) Other funds. (specify)</td>
<td>I. Non-Trustee Securities (d) Shares or Bond of Companies registered under the Companies Act. (f) Fixed deposit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. Investments: (a) Government Securities (b) Other Trustee Securities (c) Non-Trustee Securities (d) Shares of other co-operative societies. (e) Shares or Bond of Companies registered under the Companies Act. (f) Fixed deposit</td>
<td>II. The nature of each investment and the mode of valuation (cost of market value) should be mentioned. If the book value of any security is less than the market value, a remark to that effect should be made against each item.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
III. Staff Provident Fund and any other insurance or Bonus Fund maintained for the benefit of the employees should be shown separately.

IV. The nature of the security should be specified in each case where loans have been granted by Government or state Co-operative Bank. A mention thereof should also be made together with the maximum amount of such guarantee. Loans from (1) Government (2) State co-operative Bank should be shown separately.

V. Unsecured Loans

VI. Deposits from societies and individual should be shown separately.

VI. Current assets

- (1) Stores spare part
- (2) Loose tools
- (3) Stock in trade
- (4) Work in progress

VI. Mode of valuation and stock shall be stated and the amount in respect of raw materials, partly finished and finished goods and store required for consumptions should be stated separately. Mode of valuation of work in progress shall be stated.
**VII. Current liabilities and provision:**  
(a) Sundry creditors  
(b) Outstanding creditors  
(i) for purchases  
(ii) for expenses including salaries of staff, rest, taxes, etc.  
(c) Advances, recoveries  
For the portion for which value has still to be given viz. unexpired subscriptions, premia, commission, etc.  

**VIII. Unpaid dividends**  

**IX. Other items:**  
(a) Prepaid expenses  
(b) Interest accrued but not due  
(c) Other items (to be specified)  

**X. Profit and loss Account:**  
Accumulated Losses not written off from the reserve or any other fund.  

**XI. Current losses,**
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
FORM ‘G’
(See Rule 38)
Register of members

1. serial Number
2. Date of admission.
3. Date of payment of entrance fee.
4. Full name.
5. Address.
6. Occupation.

7. Age on the date of admission.
8. Full name and address of the person nominated by the member under section.
9. Date of nomination.
10. Date of cessation of membership.
11. Reasons for cessation.
12. Remarks

<table>
<thead>
<tr>
<th>Particulars of Shares held</th>
<th>Date</th>
<th>Cash book folio</th>
<th>Application</th>
<th>Allotment</th>
<th>Amount received on</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1st call</td>
</tr>
<tr>
<td>Total amount received</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No. of shares held</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serial No. of shares</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>certificate</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Particulars of shares transferred or surrendered</th>
<th>Date</th>
<th>Cash book folio</th>
<th>No. of shares transferred or refunded</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Cash book folio</td>
<td>Serial No. of shares certificates</td>
<td>No. of shares held</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>cash book folio</th>
<th>Particulars transferred or surrendered</th>
<th>Date</th>
<th>Cash book folio</th>
<th>No. of shares transferred or refunded</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Date</th>
<th>cash book folio</th>
<th>Particulars transferred or surrendered</th>
<th>Date</th>
<th>Cash book folio</th>
<th>No. of shares transferred or refunded</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
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</tbody>
</table>


Declaration under Section 43-(l)

1. ____________________ son of or wife of (aged ____________ years) residing at ______________ being desirous of availing myself of financial assistance from the ______________ society make this declaration as required" by Section 43(1) of the Sikkim Co-operative Societies Act, 1978 that I, __________ own/have interest as a tenant in the land of other immovable property specified below, and I hereby create a charge on the said land or other immovable property/interest therein in favour of the society for securing the financial assistance which the society has granted or may grant and for all future assistance if any, which the society may make to me together with interest and costs and expenses thereon.

<table>
<thead>
<tr>
<th>Name of Village</th>
<th>Name of Taluka</th>
<th>Name of District</th>
<th>Survey No.</th>
<th>Plot Plot No. Hissa</th>
<th>Boundaries/Area South North Acres East West Guntha</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Assessment Rupees Paise</th>
<th>Approximate Value</th>
<th>Encumbrances, if any Nature Amount</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tr>
</tbody>
</table>

In witness whereof, I, Shri ________________________________

hereunder set my hand this ______ day of __________
in the year one thousand hundred and ____________________

Witnesses

Signature of declarant

Signed and delivered by the above named
in the presence of:

1. 

2. 

Attested by
Forwarded with compliments to the Village Officer (*)
with a request to include the particulars of the charge created under the declaration in the Record of Rights and to return the same to the society for its record.

Manager/Agent,

__________________________

Place_________________  

Returned with compliments to the Manager/Agent__________ *
The charge created under the declaration is duly included in the Record of Rights on the________ day of 19___.

Village Officer

Forwarded with compliments to the Sub-Registrar with a request to register the particulars of the charge created under the declaration in his records.

Manager/Agent,

__________________________ *

Place_________________  

Returned with compliments to the Manager/Agent__________
The charge created under the declaration is duly registered.

Sub-Registrar

* put the name of the financing society/bank.

(*) Put the appropriate authority.

N.B Strike out whichever is not applicable. Also put appropriate description of land/property.
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form I
(see sub-rule (2) of Rule 43)
Register of Declaration under Section 43(1) of the Sikkim Co-operative Societies Act, 1978
(Act No. of 1978)

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Date of entry in No. the register</th>
<th>Name of the member</th>
<th>Date of declaration</th>
<th>Name of village in which land situated</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Description of land as per declaration

<table>
<thead>
<tr>
<th>Particulars as per declaration</th>
<th>Share in land</th>
<th>Extent</th>
<th>Remarks</th>
<th>Amount of loan supplied/borrowed</th>
<th>Remarks if any</th>
<th>Signatures of Chairman/Officer</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

| 6 | 7 | 8 | 9 | 10 | 11 | 12 |

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form J
(See sub-rule (9) or rule 59)

Rectification report on the audit/enquiry Report
Name and address of society__________________________________

Period of audit covered__________________Date of audit______________
No.’ and date of communication of audit report/remarks _________________________

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>St. No. of object- ion in Audit/ Enquiry report</th>
<th>Observation made by the Auditor/ Enquiry Office</th>
<th>Explanation of the society</th>
<th>No. and date of the resolution of Committee approving the reply</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form K
(See sub-rule (1) of Rule 63)

Before Shri __________ Joint/Deputy/Assistant Registrar Co-operative Societies, Sikkim, Gangtok

Arbitration Case No. ___________ 19

In the matter of reference of dispute under Section 72 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978).

1. 
2. 
3. Claimant

Versus

1. 
2. 
3. Defendants.

(Name, father's name, occupation and complete postal address of the claimant and defendants).

Claim

1. Facts showing that the matter in dispute falls within the scope of section 72 (1) and is between the parties mentioned therein.
2. Facts showing that the reference is within time as provided under Section 72 (4)
3. Facts constituting the cause of action.
4. Relief either simple or in the alternative which the claimant claims.
5. List of documents to be filed alongwith the claim:
   (i) Copy of the resolution of the managing committee if the society is the claimant.
   (ii) Pay-in-slip for deposit of application fee with the financing bank.

(Claim will be divided in paragraphs consecutively numbered).

Signature_________________________

Claimant through to_____________________________
Verification from Societies
Verified at Gangtok this _______day of_______19
that the contents of this claim are true to the best of information and knowledge (derived from the record of the society which are believed to be true and kept in the regular course of its business).
For Society________________________
Claimant________________________

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form L
(See sub-rule (3) of Rule 63)
Arbitration Cases Register

<table>
<thead>
<tr>
<th>S. No. of the case</th>
<th>Date of institution of the case</th>
<th>Name (s) of claimant</th>
<th>Name (s) of defendants</th>
<th>Nature of claim in brief</th>
<th>Date of Registrar's Order</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Brief decision of Registrar</th>
<th>Sign of Asstt. Registrar</th>
<th>If admitted, date of reference to Arbitrator</th>
<th>Name of Arbitrator</th>
<th>Date of decision by Arbitrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
<td>11</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date of application for Issue of certificate for execution</th>
<th>Date on which certificate under section issued</th>
<th>Asstt. Registrar's Signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>13</td>
<td>14</td>
</tr>
</tbody>
</table>
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form M
[See. sub-rule (1) of Rule 85]

I, having been authorized by the Managing Committee of______ Co-operative Society Ltd., by its resolution No.______ dated the_____19____ a copy of which duly certified signed as true copy of the original is enclosed, submit as under:

(1) That the defaulter who is a member/past member/deceased member of the claimant society has to owe to it a sum of Rs.______ principal and Rs.______ interest till the date of application on account of_________________ and______________. Claimant Society that this amount is still outstanding against him in the books of the claimant society.

(2) That the claimant society has acquired a first charge on the property described in the Schedule annexed herewith for repayment of the above mentioned debt/outstanding demand against the defaulter, which belonged to him/formed part of the estate of deceased member in the head of his legal representative.

(3) That the property described in the annexed Schedule is Saleable under Section 80 of the Act.

Verification
Verified that the contents of this application are true to the best of my knowledge and belief and nothing thereon has been concealed or misrepresented. Verified at Gangtok this______day of______ 197

Signature__________________ for Claimant Society

To
The Registrar
Co-operative Societies
Sikkim, Gangtok

Application under section 80 of the Sikkim Co-operative Societies Act, 1978

Case No.______. Versus

Claimant Society

Defaulter.

* It is now prayed that an order may be made directing aforesaid defaulter to pay aforesaid amount to the claimant society with further interest at_____per cent per annum from the date of this application till realisation and other expenses for the sale as may be assessed by the sales officer, failing which the amount claimed should be paid out of the sales proceeds of the property described in the annexed Schedule in accordance with the provision of the Act and the Rules.

Dated:-through Claimant Society
### ANNEXURE

Schedule of properties, subject to charge under Section 42 of the Act

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Brief description of the property</th>
<th>Name and address of the person in whose custody, possession or control</th>
<th>Place at which the property is lying/deposited/standing</th>
<th>Any other information</th>
</tr>
</thead>
</table>

I declare that what is stated in the above description is true to the best of my knowledge and belief and so far as I have been able to ascertain the interest of the judgment debtor in the property herein specified.

Signature__________________

---

**SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980**

**Form 'N'**

(See sub-rule (3) of Rule 85)

**NOTICE**

In the matter of sale of property of the judgment debtor under 80 of the Sikkim Co-operative Societies Act, 1978.

Case No._______________197

Claimant

Versus

Defaulter

Demand for the recovery of a sum of Rs.______________________________

Whereas the claimant society has applied to the Registrar for the sale of the property described in the annexed Schedule in payment of a sum of Rs._______as principal, Rs_______as interest up to the date of application, plus further interest at_________ % p.a. till realisation and the cost of these proceedings, claimed to be due by the defaulter to the Claimant Society.
And whereas it is claimed that the claimant has first charge on the property of the defaulter aforesaid.

Now, in pursuance of the proviso to section 80 of the Sikkim Co-operative Societies Act, 1978 and the rules thereunder, notice is hereby given to you to appear before the Sales Officer on the day of _______ 197 to show cause why the order under Section 80 of the Act should not be made. Take notice that if you admit the claim or fail to “show cause” against this demand notice on the aforementioned date and time, the amount now claimed by the claimant society should be paid within seven days of receipt of this notice by you with the Sales Officer failing which the property described in the Schedule annexed should be sold and the claim satisfied out of the sale - proceeds of the property according to rules.

Signature

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1979
Form O
(See sub-rule (2) of rule 86)

Application for the issue of Certificate under proviso to clause (a) of section 81 of the Sikkim Co-operative Societies Act, 1978.
In the matter of Arbitration Case No.________________

__________________________  Claimant
__________________________  Versus
__________________________  Defendants

To
The Registrar,
Co-operative Societies
Sikkim
Gangtok

Sir,
The claimants have obtained an award against the defendants jointly/severally in the sum of Rs__________ as principal Rs__________ as interest upto ________ and Rs__________ as cost totalling Rs__________ with future interest at ________ % p. a. on the principal amount till realisation.
2. The amount covered by the award is desired to be recover as arrears of Land Revenue under clause (a) of section of the Act. A certificate under proviso to this clause may be issued to the decree – holder to enable him to apply for the execution of the award through the Collector.

Place_________________________(Full name and address)
Signature________________________Date_________________

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form P
(See sub-rule (3) of Rule 86)

In the matter of Arbitration Case No. __________________________
_________________ Decree-holder (s)
_________________ Versus
_________________ Judgement-debtor (s)
_________________

Certificate

I hereby certify pursuant to proviso to clause (a) of Section 81 of the Sikkim Co-operative Societies Act, 1978 that a sum of Rs_________ principal plus Rs_________ as interest upto________________ and Rs_________ as cost totalling Rs_________ is recoverable from the judgement-debtor above named jointly and severally as arrears Revenue according to the law for the time being in force in the State of Sikkim relating to recovery of land revenue.

Given this________ day of_____197 at Gangtok.

Signature________________________
Seal________________________
In the Court of Recovery Officer, Co-operative Societies, Gangtok:
Recovery Case No. ............ 19

(1) Decree-holder

Versus

(1) Judgment-debtor.

In the matter of recovery of decretal amount as arrears of land revenue under clause (a) of section 81 of the Sikkim Co-operative Societies Act, 1978.

We hereby apply for the execution of the award details of which are given hereinafter in accordance with the law for the time being in force relating to the recovery of land revenue. We/ I undertake to bear all expenses for the execution of this award as may be assessed by the Recovery Officer:

Details of award

(1) Arbitration Case No.
(2) Date of award
(3) Whether any appeal preferred against the award
(4) Payment or Adjustment already made if any against the decretal Amount
(5) Amount of award with other monetary reliefs granted in the award

Principal Rs................
Interest upto............. Rs..............
Cost on Principal amount................Rs...................
Total Rs.........................
Future interest at................
% P. A. from...... ...... till realisation.

(6) Amount certified by the Registrar to be recoverable as arrears of Land Revenue.

Principal...... Rs........
Interest upto ... Rs ...... . .......
Cost Rs..................
Total Rs.............
Future interest at.......%
P. A from ...... . . . .
till realisation of principal amount.
(7) Previous application, if any, with execution case No. .......
and date ........ and results thereof.

(8) Against whom to be executed.

(9) Mode of execution

   (1) Where attachment and sale of movable property (Details given in the
        is required,                                          (annexed Schedule
   (2) Where attachment and sale of immovable (Details given in the
        property)                                           (annexed Schedule

(10) Name of the person who would assist the executing officer on behalf
     the decree-holder.

We/I declare that whatever is stated above is true to our/my
knowledge and belief. We/I also undertake to bear all legal expenses
if in pursuance of the execution proceedings any legal proceedings are
filed by any person against the Recovery Officer which have our/my
authority to defend them on our/my account. We/I also undertake
that if execution is made by arrest or Civil imprisonment, we/I shall
pay all the charges for subsistence and maintenance allowance for the
confinedment/imprisonment of the judgement-debtor.

Gangtok
Date

Signature ..................
Decree-holder.

SCHEDULE
When attachment and Sale of movable/immovable property is

MOVABLE PROPERTY

Name of articles.          Name and address of the person in whose
custody, person or Control.

IMMOVABLE PROPERTY (Give details below)

We/I declare that what is stated above is true to the best of
our/my knowledge and belief.

Signature ..................
Decree-holder

*AYS*
SIKKIM CO-OPERATIVE SOCIETIES RULES,
Form R
(See sub-rule (3) of Rule 88)

(Notice to show-cause why a payment or adjustment should not be recorded).

Recovery Case No....................
................................ Decree-holder
................................ Versus
................................ Judgement-debtor

Whereas the execution of the award in the above named case, the judgement-debtor has applied to the Recovery Officer that a sum of Rs...........................recoverable under the award has been paid/adjusted to the decree-holder or of Court and that the same should be recorded by the Recovery Officer as having been paid by the judgement-debtor against the award being executed.

Now this notice is given to the decree-holder to appear before the Recovery Officer on ...........................day of...............197 to show cause why the payment/adjustment aforesaid should not to be recorded as claimed by the judgement-debtor.

If decree-holders fail in this respect, an ex-parte order is liable to be passed.

Given under the hand and the seal this..........................day of.....................197.

Recovery Officer

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form 'S'
( Sec sub-rule (1) of Rule 91 )

Application of execution under clause (b) of Section 81 of the Sikkim Co-operative Societies Act, 1978 (Act of 1978).

To
The Registrar,
Co-operative Societies,
Sikkim,
Gangtok

In the matter of case No....................
1. ................ Decree-holder
2. ................ Versus
1. ................
2. ............... Judgement-debtor
We/I Hereby apply under clause (b) of Section 81 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978) for the execution of the decision/award order details of which are given hereinafter and a certified copy of which is enclosed:-
(1) Arbitration case No.
(2) Date of decision/award/order.
(3) Whether appeal preferred.
(4) Relief claimed.
(5) Against whom to be executed
(Full names and addresses to be given)

(6) Mode of execution :-
(i) If execution is to be made by attachment or sale of movable or immovable property of the judgement-debtor give, full details and the names of person in whose possession and custody.
(ii) If by arrest and detention (specify the place where the judgement-debtor shall be found).
(iii) Name of the person who would assist the executing officer.

Signature
Verification and under orders

Verified at Gangtok this................day of...................197 that the above statements are true to the best of my knowledge and belief. I undertake to bear all expenses in execution of the decision/award/order.

Signature

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form T
[ See sub-rule (6) of Rule 91 ]

In the matter of execution proceedings under clause (b) of Section 81 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978).

(1) Decree-holder

Versus

(1) Judgment-debtor.

Demand Notice

Whereas the decree-holder applied to the Registrar, under clause (b) of Section 81 of the Sikkim Co-operative Societies Act 1978 (Act No. of 1978) for the execution of the award/order given in case No..............(Certified copy of which is enclosed).

And whereas the judgement-debtor named above is required to comply with the decision/award/order mentioned above and has not so far complied with the same.

Now, in exercise of my powers, I call upon the judgement-debtor to appear before me on...............at...............in my office to show cause why the decision/award order aforesaid should not be executed according to the provisions of the Code of Civil Procedure, 1908 (Act No. V of 1908) by attachment of his property/by arrest or detention of the judgement-debtor.

Given under my seal and signature this..............day of..............197

Signature
Seal
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form U
(See sub-rule (1) of Rule 93)

Before Shri ______________________________ Recovery Office, Officer of the Registrar,
Co-operative Societies, Sikkim, Gangtok.

Execution Case No........................................

Decree-holder.

Versus

Judgement-debtor.

Warrant of attachment of movable property in execution of the decree.

To

The Bailiff,

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

Whereas the judgement-debtor above named was ordered by decree dated the______________
passed by_________________________ in Arbitration Case No.________________________to pay
the amount in the margin and whereas the said sum of Rs._________has not been paid.

Decretal Amount Rs P. These are to command you to attach the movable property of

(i) Principal the said judgement-debtor as set forth in Schedule here into

(ii) Interest annexed or which shall be pointed out to you by the decree-

(iii) Cost holder or his representative or agent, and unless the said judge-

(iv) Cost of execution ment debtor shall pay to you the said sum of Rs. 

(v) Further interest together with Rs.___________ the cost of this attachment to

Total hold the same until further orders from the Recovery Officer.

You are further commanded to return this warrant on or before the______________
day of ___________197 with an endorsement certifying the day on which and the
manner in which it has been executed or why it has not been executed.

Given under my hand and the seal this ___________day of ___________ 19

Seal

Recovery Officer.

Schedule

Description of property

In whose custody,

Recovery Officer.
SIKKIM CO-OPERATIVE FOR SOCIETIES RULES, 1980
Form V
(See clause (IV) of Rule 93)

Form of Bond with sureties for the production of the property at the place of sale in execution of decree.

Decree-holder Versus

Judgement-debtor

Execution Case No.___________________

Know all men by these presents, that we (1)________________ S/o________________ resident of____________________ (Judgement-debtor) (2)________________ S/o________________ resident of_____________________ (Surety No. 1) and (3)____________________ S/o____________________ resident of_____________________ (Surety No. 2) are jointly and severally bound to the Recovery Officer in the above mentioned execution case in the sum of Rs.________________ to be paid to the said Recovery Officer or his successor in office for the time being. For which payment to be made we bind ourselves, and each of us, in the whole, we and each of our heirs, executors and administrators jointly and severally these presents.

Dated this___________________ day of__________ 197 signed and delivered to the said Recovery Officer at Sikkim, Gangtok

Witness:
(1) Signature
(Name and address)
(2) Signature
(Name and address)
Whereas in the above execution case the property given in the attached schedule has been attached by the order of the Recovery Officer in the above execution case and whereas the said property has been attached and left in the charge of the judgement-debtor above named and whereas the said judgement-debtor is required and undertaken to produce the said property at the place, date and time of the sale when called for by the order of Recovery Officer.

Now the condition of the obligation is such that if the above bounded judgement-debtor produces the said property in saleable and good condition on the date and place as may be specified by the order of the Recovery Officer, then this obligation shall be void, otherwise it shall remain in full price and virtue.

Signed and delivered by the above bounded in the presence of witness this__________________day of____________________197
(1)                                                               Sign . (1)
(2)                                                               Sign . (2)
(3)                                                               Sign . (3)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form W
(See clause (XI) of Rule 93)

Execution Case No.______________
Decree-holder
Versus
Judgement-debtor

Proclamation for sale

Notice is hereby given under clause (XI) of Rule 93 of the Sikkim Co-operative Societies Rules 1980 that an order has been passed by the Recovery Officer for the sale of the attached property mentioned in the annexed Schedule in satisfaction of the claim of the decree-holder in Arbitration Case No.______________ mentioned in the margin. The sale will be by public auction______________ and the property will be put to sale in lots. The sale will be of Relief claimed the property of the judgement-debtor.

In the absence of an order for postponement, the sale will be held by (Bailiff) at (time) on (date) at (place) for the amount of the relief claimed and specified in the margin and the cost of attachment or sale being tendered or paid before the knocking down of a lot, the sale will be stopped.
At the sale the public generally are invited to bid either personally or by duly authorized agents.

Given under my hand and seal this____________day of________197

Recovery Officer,

Schedule

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Form X
(See rule 94)

Order to attach Salary of Public Officer or Servant of Railway or Local Authority.

Execution Case No.______________

Versus

Decree-holder

Judgement-debtor

To

____________________

____________________

____________________

Whereas________________(Judgement-debtor) is a (Office of the Judgement-debtor) receiving his salary and allowances at your hand or on your account and whereas______________decree-holder in the said case has applied to the Recovery Officer for the attachment of the salary and allowances of said Shri____________________to the extent of Rs.______________ (decretal amount) due to him under the decree, you are hereby required to withhold the said sum of Rs._______ from the salary arid allowances of the said Shri____________________ in monthly installments of Rs.________________________and to remit the said sum or monthly installments to me.

Given under my hand and seal of the Court this ________________
day of______________197

Recovery Officer
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Schedule I
(Rule 41)
Preservation and Destruction of Account Books and Registers
TO BE RETAINED PERMANENTLY

1. Cash book
2. General Ledger.
3. Loan Ledger.
   (a) Short-term loan
   (b) Long-term loan
4. Ledger of shares or share Registers.
5. Ledger for fixed deposits.
7. Ledger for Provident deposits.
8. Ledger for investments.
9. Ledger for Provident fund.
10. Ledger for Societies Reserve Fund.
11. Ledger for Societies Charity Fund.
12. Ledger for Audit Fee.
13. Ledger for dividend.
14. Share Transfer Register.
15. Call Register of Shares
17. Acquaintance Roll.
18. Register for issuing cheque books.
19. Register for issuing pass books.
20. Register of specimen signatures of depositors and their nominees.
21. Register of members.
   (a) Register of nominal Share-holders.
   (b) Register of ordinary Share-holders.
22. Register of directors.
23. Minute Book
24. Register of officers and their services.
25. Register of organizations.
26. Register of liquidated societies.
27. Register of office bearers of affiliated societies and their specimen
    signatures.
28. Audit Notes and audit statements.
29. Register of Pronotes.
30. Catalogue (library )
31. Register of letters received.
32. Register of letters issued.
33. Lists of record destroyed from time to time.
TO BE RETAINED FOR 6 YEARS

1. Register of disputed cases.
2. Register of Court Fees.
3. Ledger for suspense deposits.
4. Ledger for temporary deposits.
5. Register of Bills of Contingent Register.
6. Collection Register.
7. Register of assessment of normal credit of members.
10. Office Order books
11. Receipt Books (containing counterfoils)
12. Vouchers.

TO BE RETAINED FOR 3 YEARS

1. Budget estimates.
2. Returns and Statements.
3. Service Books of Officers
4. Register of inspection of affiliated societies.
5. Register of Rectification Reports.
6. Register of Property and debt statements.

TO BE RETAINED FOR 2 YEARS

1. Casual Leave Register.
2. Attendance Register.
3. Register of payment of traveling allowance.
4. Register of noting dates of withdrawal of deposits.

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
Schedule II
[Rule 67 (5)]

Regulations regarding the Recovery and Deposits of fees for the Services to be rendered by the Registrar to the Co-operative Societies and their members.

1. Short-title and application

(1) These regulations may be called the Fee Recovery and deposit Regulations, 1980

(2) These regulations shall apply to all the Co-operative Societies registered or deemed to be registered under the Sikkim Co-operative Societies Act, 1975 and the members, past members, heirs, legal representatives, nominees of the deceased members, agents and servants of the Co-operative society, and the staff paid out of this fund defined under Regulation No.3.
2. Definition

Words and expressions defined in the Act and the Rules and used in these Regulations shall have the meanings assigned to them in the Act.

3. Creation of “Settlement and Execution Expenses, Fund”

(1) The Registrar shall create a fund entitled “Settlements and Execution Expenses Fund” (hereinafter called the fund) which shall be administered and operated by him. All fees realizable under the rules on reference of disputes to the Registrar under section 72 and proceedings under Section 80 and 81 shall be paid into this fund and all expenditure on the pay and allowances of bailiffs, process servers and other staff required to man the execution, agency and payment of fees to arbitrators and other contingent expenditure relating to reference of disputes under Section 72 proceedings under section 80 and 81 shall be defrayed out of this Fund.

4. Staff paid out of the Fund

The Registrar may appoint any number of bailiffs and other categories of Staff required to maintain an efficient agency of recovery of dues of co-operative societies and its members, past members, their agents and servants. Registrar will be competent to prescribe their qualifications, conditions of service, the target of recovery to be achieved by them and the scale of their salary and allowances. Registrar shall be the appointing and disciplinary authority for such staff. The powers of disciplinary authority may, however, be delegated by him to any officer subordinate to him. When the disciplinary authority is not the Registrar himself, all appeals against the orders of the disciplinary authority shall lie to him and his decision in appeal shall be final. When the disciplinary authority is the Registrar himself, the appeal shall lie to another officer to be appointed by the Government.

(2) The service of staff paid out of the fund and under the Registrar shall not be Government service. However any person appointed and paid out of this Fund shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

(3) Any person appointed and paid out of this fund shall have to enter into an agreement on non-judicial stamp payable by him which shall be his contract of service.

5. Operation of Fund

(1) Fund shall be kept in the Sikkim State Co-operative Bank Ltd. All payments from this Fund shall be made by cheques which may be signed by any officer who may be authorised by the Registrar.

(2) Payment into the Fund can be, made by any body who desires to make the payment. The said shall accept the deposits from any person and credit the same to this Fund.

(3) The State Co-operative Bank shall supply to the Registrar or any officer authorised by him the monthly details of all deposits into and payments from this fund and the balance standing at the end of each month.

6. Maintenance of other Accounts by the Bank

The State Co-operative Bank shall maintain any other accounts as may be directed by the Registrar in connection with securing the purposes of the Act and the Rules. These accounts shall be operated by the Registrar or any other officer authorised by him.
7. **Creation of Audit Fee Fund**

(1) The Registrar shall create, fund called the "Audit Fee Fund" which shall be operated by the Assistant Registrar (Audit) and maintained with the Sikkim State Bank Ltd.

(2) All the Co-operative Societies shall deposit audit fee in this fund as may be assessed against them from time to time.

(3) The bank shall submit a statement every month to the Assistant Registrar (Audit) in the following form so as to reach him by 5th of every month following the month to which the statement relates:

```
Date of deposit. Name of the Society. Amount deposited
```

(4) On receipt of the above statement, Assistant Registrar (Audit) shall record the payments in relevant accounts of the Society and draw a cheque for the amount representing the total of all the amounts shown in the above monthly statement in favour of the Registrar, Co-operative Societies and send it to the Cashier of his office for deposit into Government Account.
(33)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980

Schedule III

(See Rule—119)

Form 1 Summon in arbitration proceedings to the defendant to answer claim.

Form 2 Summon to legal representative to be added when defendant dies during pendency of arbitration proceedings.

Form 3 Summons for attendance/production of record in any enquiry/inspection/arbitration/liquidation.

Form 4 Proclamation requiring attendance/production of record.

Form 5 Warrant of attachment of property.

Form 6 Warrant of Arrest

Form 7 Warrant of Committal to Civil Imprisonment.

Form 8 Order of release from Civil Imprisonment.

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980

Form I

Summons for disposal of claim under Section 72 of the Sikkim Co-operative Societies Act, 1978.

Arbitration Case No.

Versus

Defendant

To

Whereas a dispute under Section 72 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978) has been referred against you for_______, a copy of which is enclosed, you are hereby summoned to appear before me (Designation of the Officer) in room No_______ on_______.(Date) at___________.(Time) to answer all material questions relating to the dispute. You may be accompanied by a person able to answer all such questions. As the date fixed for
your appearance is appointed for the final disposal of the suit you must be prepared to produce on that day all the witnesses upon whose evidence and all the documents upon which you intend to rely in support of your defence.

Take notice that, in default of your appearance on the day before mentioned the matter will be heard and determined in your absence.

Given under my hand and seal this________________________
day of________________________197

Signature
( Seal of Office)

SIKKIM CO-OPERATIVE SOCIETIES RULES,
Form 2

Summon to legal representative of a deceased defendant.
Arbitration Case No.

Claimant

Versus

Defendent

To,

Whereas the claimant refered a dispute for decision under Section 72 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978) against the defendant and whereas the claimant has refered to me that while the dispute is pending, the defendant has since decreased and made an application alleging that you are the legal representative of the said______________ deceased, and desiring that you be made the defendant in his stead.

You are hereby summoned to attend the proceedings pending before me on_____________________(date) at___________________(time) at_________________(place) to defend the said proceedings and in default of your appearance, the said dispute will be heard and determined in your absence.

Given under my hand and seal this__________________________day of________________________197.

Signature
(Seal of Office)
SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980

Form 3

Summons to Witness

In the matter of Enquiry under Section 66/Inspection under Section 67/Arbitration proceedings under Section 72/Liquidation proceedings under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978) (in names of the societies/names of parties).

To

Whereas your attendance is required in the Enquiry/Inspection Liquidation/Arbitration proceedings pending before me.

Now in exercise of my powers under Section 108 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978) you are hereby required personally to appear before me on the’ (date) at_______ (time) at______________(Place) and to bring with you the record and documents mentioned in the annexed list. If you fail to comply with this order without lawful excuse, you will be subject to consequences of non-attendance laid down in Section 32 and rule 12 of Order XVI of the Code of Civil Procedure 1908.

Given under my hand and seal this_______day of______197.

Signature
(Seal of Office)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
FORM 4

Proclamation Requiring Attendance

Whereas an Enquiry under Section 66/Inspection under Section 6 Arbitration under Section 72/Liquidation under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1973) is pending.

And whereas it has been made to appear before me that the summons issued to Shri_____________________________to appear before me and to produce documents could not be served upon him in the manner prescribed by law, and whereas it appears that the evidence and record/documents required of him are material and he absconds and keeps out of way for purposes of evading the service of the summons, this proclamation is issued requiring the attendance and production of record before me on_________ (date)__________at______ (time) at___________(Place) __________________ and from
day to day until he shall have to depart and if the aforesaid person
fails to attend or attends but fails to produce the required record
on the date and hour aforesaid, he will be dealt with according to law.

Given under my hand and seal this_______________day of
____________________ 197.

Signature
(Seal of Office)

SIKKIM CO-OPERATIVE SOCIETIES RULES, 1980
FORM 5

Warrant of attachment of witness (order 16 rule 10 Code of
Civil Procedure, 1908).

In the matter of

To

The Bailiff_________ Whereas Shri_________________has not, after the
expiration of the period limited in the proclamation issued for his
attendance/production of record, appeared/produced record before/me,
you are hereby directed to hold under attachment the property belong-
ing to the said Shri_________________to the value of_________________
and to submit a return accompanied with an inventory thereof within
_________days.

Given under my hand and seal this________________________
day of____________________ 197.

Signature
(Seal of Officer)
SIKKIM CO-OPERATIVE SOCIETIES RULES 1980

Form 6

Warrant of Committal

(Under Order 16 rule 10 of Code of Civil Procedure, 1908)

In the matter of Enquiry under Section 66 / Inspection under Section 67 / Arbitration under section 72 / Liquidation under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act No. of 1978),

Whereas Shri___________________________has been duly served with a summons but failed to attend or attended but failed to produce the record / absconds and keeps out of the way for purpose of avoiding service of the Summons ;

You are hereby ordered to arrest and bring the said Shri___________________________ before me.

You are further ordered to return this warrant on or before the _______________day of __________________197 with an endorsement certifying the day on and the manner in which it has been executed or the the reasons why it has not been executed.

Given under my hand and seal this _______________day of __________________197 .

Signature
( Seal of Office )
In the matter of Enquiry under Section 66 / Inspection under Section 67 / Arbitration under Section 72 / Liquidation under Section 75 of the Sikkim Co-operative Societies Act, 1978 (Act, No, of 1978)

To

The Officer-in-Charge of Jail at ____________________ Whereas Shri __________________ whose attendance for evidence/production of records which is material in the proceedings pending before me, has been arrested and brought before me in custody and where as said Shri __________________ failed to produce documents and his evidence cannot be taken, and whereas said Shri __________________ has been called upon to give security to my satisfaction for his appearance /production of __________________day of ___________ 1978 which he has failed to do;

This is to require you to receive the said Shri __________________ into your custody in Civil Prison until further orders from me.

Given under my hand and seal this ______________ day of ________ 197

Signature

(Seal of Office)
SIKKIM CO-OPERATIVE SOCIETIES RULES 1980

Form 8

Release order under Section_________ of the_____________Act
In the Court of___________________________
District____________________
Case No.______________ Year______________19_________
The Superintendent of Jail

_____________________

Name of Judgement—Debtor______________ son of
Shri___________ Caste___________ Village/Tehsil__________.
Whereas the above named who was sent to the civil imprisonment
for non-payment of dues by this Court on____________ has made
the payment or has given surety and has asked for exemption from
payment for______________ days, as such he may not be kept under
your custody now.

Therefore, you are hereby ordered to release the said person on
receipt of this order.

Given under my hand and seal of this Court________ day of
______________19

Signature
Collector Grade I/II
(Seal of Office)

* put the relevant Act and Section.
The following notifications No. 56/79-X, dated 24th April, 56/79-XI, dated 25th April, and 56/79-XII, dated 26th April, 1980 of the Election Commission of India, New Delhi are hereby republished for general information:—

NOTIFICATION

S.O. Whereas the Election Commission has decided to register "Jharkhand Mukti Morch" as an unrecognised political party in the State of Bihar under the provisions of paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968;

Now, therefore, in pursuance of the provisions contained in clause (c) of sub-para (i) and sub-para(2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendment in its notification No. 56/79, dated 28th September, 1979 published as S.O. 557 (E) in the Gazette of India, Extraordinary, Part II, Section 3 (ii) dated the 28th September, 1979 and as amended from time to time namely -

IN TABLE 3 of the said notification, under columns 1 and 2, after the entry "13. Gandhi Kamaraj National Congress------Tamil Nadu", insert the entry "14 Jharkhand Mukti Morcha---------Bihar."

(No. 56/79-X)

By order,

Sd/-
K. GANESAN
SECRETARY

NOTIFICATION

S.O. Whereas by its order dated 24th April, 1980 the Election Commission of India has directed that (1) the symbol "Haldhar within Wheel (Chakra Haldhar)" reserved for the Janata Party shall be frozen; and (2) the neither of the two groups shall use the name "Janata Party" simpliciter till the final decision in the main dispute arising out of the application of Dr. Murli Manohar Joshi dated 14th April, 1980;
And whereas by its said order the Commission, in exercise of the powers conferred on it by article 324 of the Constitution read will 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 that behalf, ordered that -

i) the group of the Janata Party presided over by Shri Atal Bihari Bajpayee be known as "Bhartiya Janata Party;  

ii) the said "Bhartiya Janata Party" be recognised as a National Party;  

iii) the symbol 'Lotus' be reserved for the said "Bhartiya Janata Party; and  

iv) the said symbol 'Lotus' be excluded from the list of free symbols for all those States where it is so included;  

Now, therefore, in pursuance of clause (a) and (d) of sub-para (1) and sub-para (2) of paragraph 7 of the Election Symbols (Reservation and Allotment) Order, 1968, the Commission hereby makes the following amendments in its notification No. 56/79, dated 28th September, 1979, published as S.O.557 (E) in the Gazette of India, Extraordinary, Part II, Section 3 (ii) dated 28th September, 1979, and as amended from time to time, namely -

In TABLE 1 appended to the said notification:

For existing entry "5. Janata Party....................Haldhar within Wheel (Chakra Haldhar)" the entry "Bhartiya Janata Party. . . . Lotus" shall be substituted;

In TABLE 4 appended to the said notification :

i) against item No. 3. Bihar, under column 2, the entry "18. Lotus" shall be deleted and the existing entries 19 to 53 shall be renumbered as 18 to 52;  

ii) against item 9. Kerala, under column 2, the entry "7. Lotus" shall be deleted and the existing entries 8 to 18 shall be renumbered as 7 to 17;  

iii) against item No. 10. Madhya Pradesh, under column 2, the entry "47. Lotus" shall be deleted and the existing entries 48 to 53 shall be renumbered as 47 to 52;  

iv) against item No. 11. Maharashtra, under column 2, the entry "28. Lotus" shall be deleted and the existing entries 29 to 49 shall be renumbered as 28 to 48; and  

v) against item No. 17. Rajasthan, under column 2, the entry "24. Lotus" shall be deleted.

and the existing entry 25 shall be renumbered as 24.

(No. 56/79-X)  

By order,  

Sd/-  

K. GANESAN  
SECRETARY  

NOTIFICATION  

S.O. - Whereas the Election Commission is satisfied, on information in its possession and after hearing the counsels and other representatives for both the groups on 23rd and 26th April, 1980, that there are two rival sections or groups of the Janata Party (Secular), a National Party, each of whom claims to be that party, one such section or group being led by Shri Raj Narain and the other being led by Ch. Charan Singh;  

AND WHEREAS the matter requires to be decided by the Commission in terms of paragraph 15 of the Election Symbols (Reservation and Allotment) Order, 1968, (hereinafter referred to as the 'Symbol Orders') as to which of such rival sections or groups is the said Janata Party (Secular);  

AND WHEREAS the above dispute in terms of paragraph 15 of the Symbols Order cannot be decided before the process of nominations closes on the 2nd May, 1980 for the purposes of the general elections to the Legislative Assemblies of the States of Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh which have already been called by the Governors of the respective States on 25th April, 1980 by issuance of Notification under section 15 of the Representation of the People Act, 1951;  

AND WHEREAS the Commission considers that the interest of justice and fair-play none of the above said rival sections or groups of the said Janata Party (Secular) should have an advantage over the other group or section at the said general elections by using the name of the said Janata Party (Secular) or the symbol 'Farmer Ploughing the Field (Khett Jotata Hua Kisan) reserved for that party;  

AND WHEREAS the Commission further considers that in the interest of free and fair elections both the above said rival sections or groups should have the opportunity of contesting the above said general elections on separate symbols reserved for each of them;
NOW BEFORE, 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, pending final orders in the dispute between the two rival sections or groups of the said Janata Party (Secular) referred to in paragraph 1 above, the Election Commission hereby orders that:

i) the Janata Party (Secular) led by Shri Raj Narain be known as 'Janata Party (Secular) - Raj Narain' and the other group of the Janata Party (Secular) led by Ch. Charan Singh be known as Janata Party (Secular) - Ch. Charan Singh';

ii) the said Janata Party (Secular) - Raj Narain and Janata Party (Secular) - Ch. Charan Singh' be granted adhoc recognition as Parties for the only purpose of general elections to the Legislative Assemblies of the States of Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab Rajasthan, Tamil Nadu, and Uttar Pradesh, now in progress;

iii) the symbol 'Bicycle' be reserved for the said 'Janata Party (Secular) - Raj Narain' and the symbol 'Woman' be reserved for the said 'Janata Party (Secular) - Ch. Charan Singh' only in the said nine states.

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

In TABLE 1 appended to the said notification -
1. For the existing entry "6. Janata Party (Secular) Farmer Ploughing the Field (Khet Jotata Hua Kisan)" the following entries shall be substituted –
   "6. Janata Party (Secular) - Bicycle* Raj Narain

* Reserved in the States of Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan Tamil Nadu and Uttar Pradesh for the duration of the elections to Legislative Assemblies called on the 25th April, 1980."

II TABLE 4 appended to the said Notification -

i) against item No. 3 Bihar, under column 2, the entries “2. Bicycle” and “28. Woman” shall be deleted and the existing entries 3 to 27 shall be renumbered as 2 to 26 and entries 29 to 52 shall be renumbered as 27 to 50;

ii) against item No. 4 Gujarat, under column 2, the entry "1. Bicycle" shall be deleted and the existing entries 2 to 15 shall be renumbered as 1 to 14;

iii) against item No. 10, Madhya Pradesh, under column 2, the entries "1. Bicycle" and "52. Woman" shall be deleted and the existing entries 3 to 47 shall be renumbered as 2 to 46;

v) against item No. 15, Orissa, under column 2, the entry "2. Bicycle" shall be deleted and the existing entries 3 to 13 shall be renumbered as 2 to 12;

vi) against item No. 16, Punjab, under column 2, the entry "1. Bicycle" shall be deleted and the existing entries 2 to 22 shall be renumbered as 1 to 21;

vii) against item No. 17, Rajasthan, under column 2, the entry "1. Bicycle" shall be deleted and the existing entries 2 to 24 shall be renumbered as 1 to 23;

viii) against item No. 19, Tamil Nadu, under column 2, the entry "2. Bicycle" shall be deleted and the existing entries 3 to 21 shall be renumbered as 2 to 20;

ix) against item No. 21, Uttar Pradesh, under column 2, the entry "2. Bicycle" shall be deleted and the existing entries 3 to 27 shall be renumbered as 2 to 26.
No. 47      Gangtok, Wednesday, May 21, 1980

HOME DEPARTMENT (ELECTION)

Notification No. 2/H.

Dated Gangtok, the 6th May, 1980.

The following notification No. 23/SKM/80, dated 28th April, 1980 of Election Commission India, New Delhi is hereby republished for general information:—

NOTIFICATION

No. 23/SKM/80 — In exercise of the powers conferred by proviso to rule 12 of the Registration of Electors Rules, 1960, the Election Commission of India, hereby extends the period upto and including the 15th May, 1980, during which every claim for the inclusion of a name in the electoral rolls and every objection to an entry therein shall be lodged, in respect of all the assembly constituencies in the State of Sikkim.

This notification shall be deemed to have taken effect on and from the 16th April, 1980.

By order,

Sd/- (K. GANESAN)
Secretary to the Election Commission of India

DAVY K. MANAVALAN,
Chief "Electoral Officer,
Sikkim.
NOTICE UNDER SECTION 6 OF LAND ACQUISITION ACT, 1894.

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(1 of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76/LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause(1) of Articles 258 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being purpose of the Union, namely Arm's Key Location Plan in the block of Bhusuk, Pam and Namong Elakha Pam-Singtam District East Sikkim, it is hereby declared that the pieces of land comprising cadastral survey plots specified in the Schedule of Properties below measuring more or less 27.76 acres bounded on:—

NORTH}
EAST  | K.L.P. Area in Bhusuk, Pam & Namong blocks excluding holding of Sri T. R.
WEST  | Densapa at Namong Block (c.s. plot Nos. 446, 448, 527 &530)
SOUTH }

is needed for the aforesaid public purpose at the public expense within the aforesaid blocks of Bhusuk, Pam and Namong.

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

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

Schedule of Properties.

<table>
<thead>
<tr>
<th>Paham</th>
<th>c.s.</th>
<th>plot</th>
<th>No.</th>
<th>136</th>
<th>4.36 acres</th>
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<td>292</td>
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<tr>
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<td>&quot;</td>
<td>&quot;</td>
<td>&quot;</td>
<td>136A</td>
<td>2.00 &quot;</td>
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<tr>
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<td>&quot;</td>
<td>136</td>
<td>5.60</td>
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</tr>
<tr>
<td>Namong</td>
<td>&quot;</td>
<td>&quot;</td>
<td>450</td>
<td>1.34</td>
<td>&quot;</td>
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<tr>
<td></td>
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<td>&quot;</td>
<td>449</td>
<td>2.58</td>
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<td>253</td>
<td>0.50</td>
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</table>

27.76 "

P. T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
The following notification No.56/79-XIV, dated 7th May, 1980 of the Election Commission of India, New Delhi is hereby republished for general information:—

NOTIFICATION

S.O- In exercise of the powers conferred by rules 5 and 10 of the Conduct of Elections Rules, 1961 and clause (d) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 and paragraph 18 of the Election Symbols (Reservation and Allotment ) Order, 1968, the Election Commission hereby makes the following further amendments in its Notification No.56/79 dated 28th September, 1979 published as S.O.557(E) in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated 28th September, 1979, which shall be deemed to have been made with effect from 14th April, 1980, namely—

In Table 4 of the said Notification
(a) against item No. 3 Bihar, under Column 2, the entries

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>26</td>
<td>Aeroplane</td>
</tr>
<tr>
<td>27</td>
<td>Basket containing vegetables</td>
</tr>
<tr>
<td>28</td>
<td>Cultivator cutting crop</td>
</tr>
<tr>
<td>29</td>
<td>Coconut tree bearing fruits</td>
</tr>
<tr>
<td>30</td>
<td>Clock</td>
</tr>
<tr>
<td>31</td>
<td>Cock</td>
</tr>
<tr>
<td>32</td>
<td>Chepcha</td>
</tr>
<tr>
<td>33</td>
<td>Deer</td>
</tr>
<tr>
<td>34</td>
<td>Eagle about to fly</td>
</tr>
<tr>
<td>35</td>
<td>Flaming Torch</td>
</tr>
<tr>
<td>36</td>
<td>Flower</td>
</tr>
<tr>
<td>37</td>
<td>Goat</td>
</tr>
</tbody>
</table>

(b) against item No.10, Madhya Pradesh, under Column 2, the entry "12. Flower"shall be deleted; and the existing entries 13 to 49 shall be renumbered as 12 to 48.

[No. 56/79 - XIV]

By order,

Sd/r
K. GANESAN
SECRETARY

Davy K. Manavalan
Chief Electoral Officer, Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No.1(45)77/Acctts Dated 27 May, 1980.

In exercise of the powers conferred by section 8 read with section 7 of the Sikkim Ministers, Speaker, Deputy Speaker and Members of the Legislative Assembly (Salaries and Allowance) Act, 1977, the State Government hereby makes the following rules, namely:—

1. These rules may be called the Sikkim Ministers, Speaker, Deputy Speaker and Members (Travelling Allowance) Amendment Rules, 1980.

2. They shall be deemed to have come into force on the 25th day of October, 1979.

Amendment of Rule 3. In clause (ii) of Sub-rule (D) of Rules 3 of the Sikkim Ministers, Speaker, Deputy Speaker and Members (Travelling Allowance) Rules, 1977, in the heading above the table of rates -

(i) for the words "Ministers and Speaker" the words "Ministers, Speaker and Deputy Speaker" shall be substituted.

(ii) for the words "Ministers of State and Deputy Speaker, the words Ministers of State" shall be substituted.

M. P. Pradhan,
Chief Secretary,
Government of Sikkim.
SIKKIM
GOVERNMENT GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 51     Gangtok, Saturday, May 31, 1980

LAW AND LEGISLATIVE DEPARTMENT
NOTIFICATION
No. 8/LL/80.
Dated Gangtok, the 24th May, 1980.

SIKKIM SUPERIOR JUDICIAL SERVICE RULES, 1980.

In exercise of the powers conferred by the proviso to article 309 read with article the Constitution of India, the Governor of Sikkim, in consultation with the High Court of Sikkim makes the following rules regulating the recruitment and the condition of service of persons appointed to the Sikkim Superior Judicial Service:—

1. SHORT TITLE AND COMMENCEMENT: (1) These rules may be called the Sikkim Superior Judicial Service Rules, 1980.

(2) They shall be deemed to have come into force on the 8th day of March, 1978.

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

(1) "appointment to the service" means an appointment to a cadre post, whether on permanent, temporary or officiating basis, or on probation;

(2) "cadre post" means a post, whether permanent or temporary in the service;

(3) "Chief Justice" means the Chief Justice of the High Court of Sikkim;

(4) "direct recruit" with its grammatical variations and cognate expressions, means a person-who at the time of his appointment to the service is not already in judicial service and who is appointed to the service in accordance with the provisions of rule 8;

(5) "High Court" means the High Court for the State of Sikkim;

(6) "member of the service" means a person—

(a) who, immediately before the commencement of these rules, holds a cadre post except on deputation from outside the State; or

(b) who is appointed to a cadre post in accordance with the provisions of these rules;

(7) "promoted officer" means a member of the service who is not a direct recruit;

(8) "service" means the Sikkim Superior Judicial Service.
CONSTITUTION OF THE SERVICE: The service shall consist of-
(a) persons holding any of the posts mentioned in Appendix 'A' immediately before the commencement of these rules; and
(b) persons appointed to the service in accordance with the provision of these rules.

NOTE:—The persons holding or appointed against any of the cadre post, whether before or after the commencement of these rules, on deputation from outside the State of Sikkim shall not ipso facto become member of the service.

NATIONALITY OF CANDIDATES:-

(1) A candidate for appointment to the service must be-
(a) a citizen of India; or
(b) a subject of Nepal; or
(c) a subject of Bhutan; or
(d) a Tibetan refugee who came to India before the 1st January, 1962, with the intention of permanently settling in India; or
(e) a person of Indian origin who has migrated from Pakistan, Burma, Shri Lanka (formerly Ceylon) and East African Countries of Kenya, Uganda and United Republic of Tanzania (formerly Tanganyika and Zanzibar) with the intention of permanently settling in India:

Provided that a person belonging to category (b), (c), (d) or (e) shall be a person in whose favour a certificate of eligibility has been issued by the Government and if he belongs to category (e), the certificate of eligibility will be issued for a period of one year after which such person will be retain ed in the service subject to his having acquired Indian citizenship.

(2) A candidate in whose case a certificate of eligibility is necessary may be appointed to the service subject to the necessary certificate being given to him by the Government of India.

DISQUALIFICATION: No person who has more than one wife living or is married to a person who already has a wife or husband living shall be eligible for appointment to any post in the service unless the Governor, for special reasons, exempts such person from the operation of this rule.

POSTS IN SERVICE: The service shall comprise of the posts specified in Appendix "A" to these rules and such other posts of District and Sessions Judge/Additional District and Sessions Judges and Joint Legal Remembrancer as may be created from time to time by the Governor in consultation with the High Court:

Provided that nothing herein contained shall affect the powers of the Governor to add to or reduce the number of the posts specified in Appendix "A" in consultation with the High Court.

RECRUITMENT TO SERVICE: (1) Recruitment to the service shall be made:-
(i) by promotion from the Sikkim Judicial Service; or
(ii) by direct recruitment.

NOTE: Notwithstanding the provisions of sub-rules l(i) and l(ii) persons may be appointed against any of the posts in Appendix "A" on deputation on from the Judicial Service of other States in India for a period of five years from the commencement of these rules. This period of 5 years may be further extended by the Governor in consultation with the High Court if the circumstances so warrant.

(2) of the total number of posts specified in Appendix "A" two-thirds shall be manned by promoted officers and one-third by direct recruits, if filled by promotion or direct recruitment as the case may be:

Provided that nothing in this sub-rule shall prevent the officiating appointment of a member of the Sikkim Judicial Service on any post which is to be filled up by direct recruitment till a direct recruit is appointed.
8. APPOINTMENT OF DIRECT RECRUITS: (1) No person shall be eligible for direct recruitment unless he—

(i) is not less than 35 years and not more than 45 years of age on the first day of January next following the year in which his appointment is made;
(ii) has been for not less than 7 years, an advocate or a pleader and is recommended by the High Court for such appointment.

(2) No person who is recommended by the High Court for appointment under sub-rule (ii) shall be appointed unless he is found physically fit by a Medical Board set up by the Governor and is also found suitable for appointment in all other respects.

9. PROBATION: (1) Direct recruits to the service shall remain on probation for a period of two years and promoted officers if appointed against permanent posts shall remain on probation for a period of one year which may be extended by the Governor in consultation with the High Court so as not to exceed total period of three years in case of direct recruits two years in case of promoted officers.

(2) On the completion of the period of probation, the Governor may, in consultation with the High Court, confirm a direct recruit on a cadre post with effect from a date not earlier than the date on which he joined the service.

(3) If the work or conduct of a direct recruit has, in the opinion of the Governor, not been satisfactory, he may, at any time, during the period of probation or the extended period of probation, if any, in consultation with the High Court, and without assigning any reason, dispense with the services of such direct recruit.

10. REVERSION OF PROMOTED OFFICERS: If the work of a promoted officer officiating on a cadre-post has, in the opinion of the Governor, not been satisfactory, he may, at any time during the period of officiation, in consultation with the High Court—

(i) revert him to his substantive post; or
(ii) deal with him in such other manner as may be warranted by the terms and conditions of his substantive appointment.

11. SENIORITY: The seniority, inter se, of the members of the service shall be determined by the date of confirmation of a post in the service.

12. PAY OF MEMBERS OF THE SERVICE:

(1) The scale of pay of members of the service, other than those placed in selection grade, shall be the senior-scale of the Indian Administrative Service as allowed from time to time.

(2) In the case of a promoted officer, his pay in the aforesaid scale shall be fixed in accordance with the rules and instructions that have been issued or may hereinafter be issued by the Government of India with regard to the fixation of pay in the senior scale of the Indian Administrative Service.

(3) The initial pay of a direct recruit shall be fixed at such stage in the permissible time scale by allowing him one increment for every three completed years of practice at the bar subject to a maximum of seven increments.

13. SELECTION GRADE:

(1) The members of the service shall be eligible for promotion, permanently or provisionally, to one post in the selection grade carrying the same scale of pay as that of selection grade of the Indian Administrative Service as allowed from time to time.

(2) Promotion to the selection grade post shall be made on merit and suitability in all respect with due regard to seniority and no member of the service shall be entitled as of right to such promotion.

14. INCREMENT: (1) An increment shall ordinarily be drawn as a matter of course, unless it is withheld. An increment may be withheld from a member of the service by the competent authority, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of increment, the competent authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increment.
(2) The increment shall become due after completion of every 12 months service in a particular pay scale.

(3) Notwithstanding the provisions of sub-rule (2), the date of increment shall be the 1st day of the month in which a person has joined service or is promoted in a particular pay scale, irrespective of the actual date of joining service or of promotion during that month.

15. DEATH-CUM-RETIREMENT BENEFITS: In respect of death-cum-retirement benefits the members of the service shall be governed by the Sikkim Government Retirement Benefits Rules as amended from time to time.

16. DISCIPLINE, PENALTY AND APPEAL: (1) In matter relating to discipline, penalties and appeals, members of the service shall be governed by the Sikkim Government Servants Discipline and Appeal Rules, as amended from time to time:

Provided that the nature of penalties which may be imposed and the authority empowered to impose such penalties shall, subject to the provisions of any law or rules made under article 309 of the Constitution of India, be as specified in Appendix "B";

Provided further that the competent authority other than the High Court shall, before imposing any penalty, consult the High Court.

(2) The authority competent to make an order under the Sikkim Government Servants, Discipline and Appeal Rules shall be the Governor who shall before passing such order consult the High Court.

17. OATH OF ALLEGIANCE: Every member of the service, unless he has already done so, shall be required to take the oath of allegiance to India and to Constitution of India as by law established.

18. LIABILITY TO TRANSFER: Every member of the service shall be liable to transfer under the orders of High Court anywhere within the State of Sikkim and under the orders of the Governor, made in consultation with the High Court, to any other place in India where he may be required to proceed by the Governor.

19. PUBLICATION OF GROUNDS OF DISMISSAL: If a member of the service is dismissed by the Governor as a result of a departmental inquiry or on conviction on a criminal charge by a Court, the Governor may publish in the Official Gazette the reason for such dismissal, if he is of the opinion that such publication is desirable in public interest.

20. RESIDUARY MATTERS: In respect of leave, traveling allowance and other matters not expressly provided for in these rules, the members of the service shall be governed by such rules as are applicable for the time being to the officers of the rank of Secretary to the Government of Sikkim.

21. POWER TO RELEX: Where the Governor, in consultation with the High Court, is of opinion that it is necessary or expedient so to do, the Governor may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

22. INTERPRETATION: If any question arises as to the interpretation of these rules the same shall be decided by the Governor in consultation with the High Court.
APPENDIX "A"

Details of posts in the Sikkim Superior Judicial Service.

<table>
<thead>
<tr>
<th>DESIGNATION OF THE POSTS</th>
<th>NUMBER OF THE POSTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Legal Remembrancer and Secretary to Government of Sikkim, Law Department.</td>
<td>1 (one)</td>
</tr>
<tr>
<td>2. District and Sessions Judge.</td>
<td>1 (one)</td>
</tr>
<tr>
<td>3. Additional District and Sessions Judges.</td>
<td>1 (one)</td>
</tr>
</tbody>
</table>
## NATURE OF PENALTY

<table>
<thead>
<tr>
<th>Nature of Penalty</th>
<th>Authority Empowered to Impose Penalty</th>
<th>Appellate</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Censure</td>
<td>High Court</td>
<td></td>
</tr>
<tr>
<td>ii. Withholding of increment or promotion, including stoppage at an efficiency bar.</td>
<td>&quot;</td>
<td></td>
</tr>
<tr>
<td>iii. Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders. iv Reduction to a lower post or time-scale or to a lower stage in a time scale. v. Suspension. vi. Removal from the Service which does not disqualify from employment. vii. Dismissal from the Service which ordinarily disqualifies from future employment.</td>
<td>GOVERNOR NIL</td>
<td>&quot;</td>
</tr>
</tbody>
</table>

By order,

B. R. PRADHAN

Secretary to the Government of Sikkim
Law and Legislative Department,
Government of Sikkim

F. No. 16 (52)LL/78.
NOTICE UNDER SECTION 6 OF LAND ACQUISITION ACT, 1894.

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely, for Extension of Namchi Bazar, South District it is hereby declared of the piece of land comprising cadastral plots 281/333, 283, 287, 288, 291, 292, 292/340, 29, 294/374 situated at Singithang Block measuring more or less 6.68 acres bounded on:—

NORTH    Present Bazar compound and Boomtar Road
EAST     Boundary of Boomtar Block
WEST     Present Bazar compound
SOUTH    Phatman Rai, D.F. of Samchu Kazini & D.F. of Gorkha Lama

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

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

A plan of the land may be inspected in the office of the District Collector, South District, Namchi.

By Order of the Governor.

P. T. WANGDI, IAS

Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 4/L.R.(S)

Dated Gangtok, the 5th June, 1980.

NOTICE UNDER SECTION 4 OF LAND ACQUISITION ACT, 1894.

Whereas the function of the Central Government under Land Acquisition Act, 1894 (I of 1894) relation to the acquisition of land for the public purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under cause (1) of Article 258 of the constitution of India.

And whereas it appears to the Governor that land is needed for a public purpose being a purpose of the Union, namely, for construction of Byepass on N.H. 31/A near Gangtok. In the block of Syari, Tathangchen & Rongneck, District East, it is hereby notified that a piece of land comprising site plan plot Nos. marked as 1 to 53 and measuring more or less 35-91 acres bounded on the:-

NORTH  Deorali Bazar, Deer Park, Press building, Tathangchen Private land and Assam Bhusuk Road.
SOUTH  Private land Syari, Tathangchen, Rongnek village.
EAST   Private land Syari.
WEST   Rongnek village.

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

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

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

In the exercise of the powers conferred by the said section read with the said notification, the Governor 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-cum-Sp. L.A.O., Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
The following notification No. 56/79-XV, dated 29th May, 1980 of the Election Commission India, New Delhi is hereby republished for general information:

NOTIFICATION

S.O. Whereas the Election Commission has decided to register "Naga National Party" as an unrecognized political party in the State of Nagaland under the provisions of paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968;

Now therefore, in pursuance of the provisions contained in clause (c) of Sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendment in its notification No. 56/79, dated 28th September, 1979 published as S.O. 557(E) in the Gazette of India, Extraordinary, Part II, Section 3(h) dated the 28th September, 1979 and as amended from time to time namely:

In Table 3 of the said notification, under columns 1 and 2 after the entry "14. Jharkhand Mukti Morcha..............Bihar", insert the entry "15. Naga National Party...... Nagaland".

By order,

Sd/- K. GANESAN,
SECRETARY

DAVY K. MANAVALAN,
Chief Electoral Officer,
Sikkim.
The following order of the Governor of Sikkim dated 13th June, 1980 is published for general information:

"No. SKM/GOV/425/80 — In exercise of the powers conferred by Article 174 (2) (a) of the Constitution, I, B. B. Lai, Governor of Sikkim, hereby prorogue the Legislative Assembly Sikkim which was summoned to meet on Monday, 10th March, 1980.

B. B. LAL

Governor of Sikkim".

By Order

R. K. GUPTA,

Secretary,
Sikkim Legislative Assembly.
In exercise of the powers conferred by section 5 of the Prevention of Black marketing and maintenance of Supplies of Essential Commodities Act, 1980 (No. 7 of 1980), the State Government hereby orders that every person in respect of whom an order of detention has been made under the said Act shall be detained in any one or more of places specified below:-

(a) all Police lock-ups in the State of Sikkim;
(b) State Jail at Gangtok; and
(c) any other place declared as Jail by the State Government.

2. Every person in respect of whom an order of detention has been made under the aforesaid Act shall be governed, excepting classification and interviews, by the same conditions as to maintenance, communications, discipline and punishment for breach of discipline as are applicable to the under trial prisoners kept in police lock-ups or State Jail, as the case may be.

3. The conditions of detention in respect of classification and interviews shall be as under:
   (a) Classification:— The classification of the detenu shall be ordinary class.
   (b) Interviews:— Subject to the direction issued by State Government from time to time, permission for grant of interviews with a detenu shall be granted by the detaining authority, as under:
   (i) Interviews with legal advisers:— Interview with legal advisers in connection with defence of a detenu in criminal case or in regard to writ petitions and the like, may be allowed by prior appointment, in the presence of an officer nominated by detaining authority.
   (ii) Interviews with family members:— A monthly interview may be permitted for members of the family consisting of wife, children or parents of the detenu.
   (c) Supplementing of food from outside:— The detenu may be permitted to supplement his food from outside once a week subject to usual checks by the Jail authorities.
   (d) Supply of Newspapers etc. to the detenu:— The detenu may be allowed access to standard newspapers, in the prison at Government cost and others approved by the State Government at his own cost.

By Order,

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
The State Government announce with profound sorrow, the sad demise of Shri V.V.Giri, former President of India who passed away on Tuesday, the 24th June, 1980. As a mark of respect to his memory State mourning will be observed for seven days from today the 24th June, 1980 during which period flag will be flown at half mast throughout the State on all buildings where it is flown regularly. There will be no official entertainment during the period of mourning.

All Government offices and Institutions shall remain closed on June 25, 1980.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
In exercise of the powers conferred by sub-section (2) of Section 1 of the Police (Sikkim Amendment) Act, 1980 (7 of 1980), the State Government hereby appoints the 4th day of July 1980 as the date on which the said Act shall come into force in the whole of Sikkim.

J. T. DENSAPA,
Secretary,
Home Department.
In exercise of the powers conferred by clause 6 of the proclamation dated, the 30th March 1972, and, in supersession of earlier notifications on this subject, the Government of Sikkim hereby nominates the following officers as Directors on the Board of State Trading Corporation of Sikkim:—

1. Development Commissioner,
2. Secretary, Forests,
3. Secretary Rural Development Department.
4. Secretary Power.
5. Chief Engineer, SPWD in charge of store.
6. Managing Director-S.T.C.S.

As already notified, Shri I. B. Subba, MLA, will be the Chairman of the Board of Directors.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
In pursuance of State Government's decision, a Selection Committee is hereby constituted under the Chairmanship of Shri J. T. Densapa, Home Secretary, Government of Sikkim to select suitable candidates for award of scholarships to prepare them for competitive examination for I.A.S., etc. and for the entrance examination to the Officers Training Institutes for grant of Commission in the Armed Forces.

Following shall be Members of the Committee

Shri T. Chhophel — Member
Shri C. D. Rai — Member
Shri T. P. Sharma—Member
Shri D. K. Manavalan—Member-Secretary

The Committee shall commence functioning with immediate effect and report to the Government from time to time.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
NOTIFICATION
S.O. Whereas the Election Commission, by its Order dated the 24th April, 1980, had frozen the symbol "Haldhar" within Wheel (Chakra Haldhar) reserved for the Janata Party, pending its final decision in the dispute between the two rival groups of the said Janata Party, one led by Shri Atal Bihari Vajpayee and the other led by Shri Chandrasekhar;

And whereas a Petition for Special Leave to Appeal (No. 4885 of 1980) was filed before the Supreme Court of India by Shri Ramakrishna Hegde against the aforesaid Order dated the 24th April, 1980 of the Commission;

And whereas the Supreme Court by is Order dated the 29th April, 1980 in the aforesaid Special Leave Petition directed the Commission that pending the dispute referred to above the said petitioner's group be recognized as a National Party, for the purpose of forthcoming elections, within the meaning of paragraph 7 Election Symbols (Reservation and Allotment) Order, 1968 and a symbol be allotted for the said group on an application forthwith;

And Whereas the said petitioner Shri Ramakrishna Hegde has stated in his letter dated 29th April 1980 that, pending the dispute in the Janata Party referred to above, the Petitioner's Party be called as the 'Janata Party (JP)' and has further indicated the choice of the symbol 'Umbrella' as being the first preference of his party;

Now, therefore, in pursuance of the said order of the Supreme Court and in exercise of its powers conferred on it by article 324 of the Constitution, read with rules 5 and 10 of the Conduct of Elections Rules, 1961, paragraph 3, 6, 7, 8 and 18 of the Election Symbols (Reservation and Allotment) Order, 1968 and all other powers enabling it in that behalf, the Election Commission hereby directs, that for the purpose of the ensuing elections to the Nine State Assemblies –

(i) the group of the Janata Party led by Shri Chandrashekar be recognized adhoc as a National Party under the name of Janata Party (JP);

(ii) the symbol 'Umbrella' be reserved for the said Janata Party (JP); and

(iii) the said symbol 'Umbrella' be omitted from the lists of free symbols from all States where it is so included in the said list.
2. In pursuance of clauses (a) and (d) of sub-para (i) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Commission hereby further directs that the following amendments shall be made to its notification No.56/79 dated 28th September, 1979 published as S.O. 557 (E) in the Gazette of India, Extraordinary Part II, Section 3 (ii) dated 28th September, 1979, and as amended from time to time, namely -

In TABLE 1 appended to the said notification -

I. The following entry shall be included:
   "8. Janata Party (JP)......... Umbrella"

II. In TABLE 4 appended to the said notification -

(i) against item No. 2. Assam, under column 2, the entry "18. Umbrella" shall be deleted and the existing entry 19 shall be renumbered as 18 ;
(ii) against item No. 3 Bihar, Under column 2, the entry "26. Umbrella" shall be deleted and the existing entries 27 to 50 shall be renumbered as 26 to 49;
(iii) against item No. 8. Karnataka, under column 2, the entry "25. Umbrella" shall be deleted;
(iv) against item No. 9. Kerala, Under column 2, the entry "17 Umbrella" shall be deleted;
(v) against item No. 10. Madhya Pradesh, under column 2, the entry "33. Umbrella" shall be deleted and the existing entries 34 to 50 shall be renumbered as 33 to 49;
(vi) against item No. 11. Maharashtra, under column 2, the entry "46. Umbrella" shall be deleted;
(vii) against item No. 12. Manipur, under column 2, the entry "12. Umbrella" shall be deleted;
(viii) against item No. 16. Punjab, under Column 2, the entry "31. Umbrella" shall be deleted;
(ix) against item No. 17. Rajasthan, under column 2, the entry "19. Umbrella" shall be deleted and the existing entries 20 to 23 shall be renumbered as 19 to 22;
(x) against item No. 18. Sikkim, under column 2, the entry "15. Umbrella" shall be deleted;
(xi) against item No. 21. Uttar Pradesh, under column 2, the entry "26. Umbrella" shall be deleted;
(xii) against item No. 24. Arunachal Pradesh, under column 2, the entry "19. Umbrella" shall be deleted;
(xiii) against item No. 25. Chandigarh, under column 2, the entry "21. Umbrella" shall be deleted and the existing entries 22 to 35 shall be renumbered as 21 to 34;
(xiv) against item No. 27 Delhi, under column 2, the entry "26. Umbrella" shall be deleted and the existing entry 27 shall be renumbered as 26;
(xv) against item No. 28. Goa, Daman and Diu, under column 2, the entry "20. Umbrella" shall be deleted, and
(xvi) against item No. 30. Mizoram, under columns the entry "17. Umbrella" shall be deleted.

[ No. 56/79 - XIII ]

By order,

Sd/- K. GANESAN
SECRETARY

(S. R. Sethi)
Deputy Chief Electoral Officer, Sikkim

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
NOTIFICATION

In exercise of the powers conferred under sub-section (1) of section 8 of the Census Act, 1948, a census office has been directed to ask the following question to all person within The limits of the local area for which he is appointed:

Universal :
1. Name            8. Religion
2. Relationship to head  9. Whether Scheduled Caste or Scheduled Tribe
3. Male or Female    10. Name of cast or Tribe
4. Age             11. Literate or illiterate
5. Marital status   12. Educational attainment
6. Mother-tongue    13. Attending school or college
7. Two other languages known

14. A : Worked any time at all last year?
14. B : If yes in 14 A, did you work for major part of last year?

15. A : Main activity last year.
   (i) Name of establishment
   (ii) description of work
   (iii) nature of industry, trade or service
   (iv) class of worker

15. B : If yes in 14 B, any other work any time last year?
   If no in 14 B, work done any time last year?
   If household industry or other work in 15 B,
   (i) Name of establishment
   (ii) description of work
   (iii) nature of industry, trade or service
   (iv) class of worker
16. If 'No' in 14 A or 14 B, seeking or available for work?

Samples:
1. Birthplace
   a) place of birth of enumeration
   b) rural or urban
   c) district
   d) state or country

2. Last residence
   a) place of last residence
   b) rural or urban
   c) district
   d) state or country

3. Reasons for migration
   from place of last residence

4. Duration of residence at the Village or town

5. For all ever-married women
   a) Age at marriage
   b) Number of children
   c) surviving at present Male or female/total
   d) Number of children ever or female/total

6. For currently married women only
   Any child born alive during last one year

Household Schedule:

Part I: Household Particulars

1. Name of head of household.
2. Religion of the head of household.
3. Whether head of household belongs to Scheduled Caste or Scheduled
4. Name of caste or tribe of head of household.
5. Language mainly spoken in the household.
6. Does the household live in owned house?
7. If 'No' in 6, does the household own a house enumeration?
8. Predominant construction material of the house occupied by household:
   a) wall,
   b) roof,
   c) floor.
9. Facilities available to the household ;
   a) Drinking water supply (i) source
      (ii) within premises or outside premises
   b) Electricity
   c) Toilet (for urban areas only)
10. Number of living rooms in occupation of household.
11. Number of married couples usually living in the household.
12. Does the household cultivate land?
13. If 'Yes' in 12, whether owned or rented or owned and rented.
14. If rented, enter local name of tenancy.
15. Total population of household.

Part II: Population Record.

1. Name
2. Relationship to head (indicate serial number of mother within brackets if present in the
   household for children upto ten years).
3. Sex
4. Age
5. Marital status

M.P. PRADHAN,
Chief Secretary,
Government of Sikkim.
THE CONSTITUTION (FORTY-FIFTH AMENDMENT) ACT, 1980

AN ACT

further to amend the Constitution of India.

Be enacted by Parliament in the Thirtieth Year of the Republic of India as follows:-

1. (1) This Act may be called the Constitution (Forty-fifth Amendment) Act, 1980.

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

2. In article 334 of the Constitution, for the words "thirty years", the words "forty years" shall be substituted.

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

By order,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law and Legislative Department,
F.No. II(97)LL/78.
Sikkim Legislative Assembly Secretariat

Notification

No. SLAS/80-81/18/433
Gangtok, dated the 14th August, 1980.

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

No. SKM/Gov/557/80.
12th August, 1980.

ORDER

In exercise of the powers conferred on me by article 174 (1) in Part VI of the Constitution of India, B.B. Lai, Governor of Sikkim, hereby summon the Legislative Assembly of Sikkim to meet on Tuesday, 9th September, 1980 at 1100 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.

R. K. GUPTA,
Secretary.
SIKKIM PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS AND RENT RECOVERY) ORDINANCE, 1980

ORDINANCE NO. 1 of 1980

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

An Ordinance to provide for the speedy eviction of unauthorized occupants from the public premises.

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 clause (i) of article 213 of the Constitution of India, the Governor of Sikkim is pleased to make and promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Sikkim Public Premises (Eviction of Unauthorized Occupants and Rent Recovery) Ordinance, 1980.

(2) It extends to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas in the State.

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

(a) "Appellate Authority" means an Officer appointed by the State Government under sub-section (1) of section 9 of this Ordinance;

(b) "Collector" means the Collector of the district and includes any other officers appointed by the State Government for performing the functions of the Collector under this Ordinance;
"notification" means a notification published in the Official Gazette;

'owner' means —

(i) in relation to any premises belonging to, or taken on lease by, or requisitioned by or on behalf of the State Government; and

(ii) in relation to any premises belonging to, or taken on lease by, a local authority, company or corporation, such local authority, company or corporation, as the case may be;

"person concerned" in relation to any public premises, means any person who is in the use or occupation of the public premises;

"premises" means any land, whether used for agricultural or non-agricultural or any other purposes, or any building or part of a building and includes,

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fitting affixed to such building or part of a building for the more beneficial enjoyment thereof;

"public premises" means any premises belonging to, or taken on lease by the State Government, or local authority, or a Government company or a corporation owned or controlled by the State Government and includes any land requisitioned by or on behalf of the State Government;

Explanation.— In this clause "Government Company" means any company in which not less than fifty one percent of the paid up share capital is held by the State Government.

"prescribed" means prescribed by rules made under this Ordinance;

"rent", in relation to any public premises, means the consideration payable periodically for the authorised occupation of the premises and includes —

(i) any charge for electricity, water or any other services connection with the occupation of the premises;

(ii) any tax (by whatever name called) payable in respect of the premises

Where such charge or tax is payable by the State Government or the corporate authority.

Unauthorised occupation of public premises.

For the purposes of this Ordinance, a person shall be deemed to be in unauthorised occupation of any public premises —

(a) where he has, whether before or after the commencement of this Ordinance, entered into possession thereof otherwise than under and in pursuance of any allotment, lease or grant; or

(b) where he, being an allottee, lessee or grantee, has, by reason of the determination or cancellation of his allotment, lease or grant, in accordance with the terms in that behalf therein contained, ceased whether before or after the commencement of this Ordinance, to be entitled to occupy or hold such public premises; or

(c) where any person authorized to occupy any public premises has, whether before or after the commencement of this Ordinance,—

(i) sub-let, in contravention of the terms of allotment, lease or grant without the permission of the State Government or of any other authority competent to permit such sub-letting, the whole or any part of such public premises; or

(ii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorized to occupy such public premises.

Explanation — For the purpose of clause (a), a person shall not merely by reason of the fact that he has paid any rent be deemed to have entered into possession as allottee, lessee or grantee.
4. (1) If, in respect of any public premises, the Collector is of the opinion that such premises is in the unauthorized occupation of any person or persons, and that such persons or should be evicted, the Collector shall issue a notice in such form and containing such particulars as may be prescribed calling upon all persons concerned to show cause before such date, not being less than fifteen days after the date of the notice as may be specified in the notice, why an order of eviction should not be made and shall cause it to be served in the manner referred to in sub-section (2).

(2) A notice issued under sub-section (1) shall be served personally or by affixing on a conspicuous part of the public premises concerned and in such other manner as be may be prescribed.

(3) A notice served in the manner referred to in sub-section (2) shall be duly served.

5. (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Collector is satisfied that the public premises is in unauthorized occupation, the Collector shall make an order of eviction, for reasons to the recorded therein, directing that the public premises shall be vacated on such date as may be specified in the order, by persons who may be in unauthorized occupation thereof or any part thereof and shall cause a copy of the order to be affixed on a conspicuous part of the public premises.

2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of its publication under sub-section (i), the Collector or any other officer duly authorised by the Collector in this behalf may evict that person from and take possession of the public premises and may for that purpose use such force as may be necessary.

6. (i) Where any person has been evicted from any public premises under section 5, the Collector may, after giving not less than fourteen days notice to persons from whom possession of the public premises has been taken, remove or cause to be removed or dispose of by public auction any property remaining on such public premises including any material of a demolished building or ungathered crop or fruits or trees.

(2) Where any property is sold under sub-section (1), the sale proceeds thereof, shall, after deducting the expenses of the sale and the amount, if any, due to the State Government or the local authority, company or corporation, as the case may be, on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the Collector to be entitled to the same.

Provided that where the Collector is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the appointment of the same, he may refer such dispute to the Civil Court of competent jurisdiction and the decision of the Court thereon shall be final.

7. (1) Where any person is in arrears of rent payable in respect of any public premises, the Collector may, by order, require that person to pay the same within such time and in such installments as may be specified in the order.

(2) Where any person is, or has at any time been in unauthorized occupation of any public premises, the Collector may, having regard to such principles of assessment of damages as may be prescribed, assess the damage on account of the use and occupation of such premises and may by order, require that person to pay the damages within such time and in such installments as may be specified in the order.

3) No order under sub-section (i) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Collector.

8. The Collector shall for the purpose of any inquiry or hearing under Section 5, have same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908(Act V of 1908) when trying a suit, in respect of the following matters namely-

(a) proofs of facts by affidavits;
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(b) summoning and enforcing the attendance of any person and examining him on oath;
(c) requiring the discovery and production of documents;
(d) issue of commission; and
(e) any other matter which may be prescribed.

Appeals.
9. (i) An appeal shall lie from every order of the Collector made in respect of any public premises under section 5 or section 7 of this Ordinance to the appellate authority to be appointed by the State Government.

(2) An appeal under sub-section (1) shall be preferred, —
(a) in the case of an appeal from an order under section 5, within thirty days from the date of publication of the order under sub-section (1) of that section, and
(b) in case of an appeal from an order under section 7, within thirty days from the date on which the order is communicated to the appellant:

Provided that an appeal filed after the expiry of the said period of thirty days may be entertained if the appellant satisfies that he was prevented by sufficient cause from not filing the appeal in time.

(3) Where an appeal is preferred from an order of the Collector, the appellate authority may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate authority as expeditiously as possible.

(5) The costs of any appeal under this section shall be in the discretion of the appellate authority.

Finality of orders.
10. Save as otherwise expressly provided in this Act, every order made by the Collector under section 5 or section 7 or if there is any appeal from any such order, the appellate order under section 9, shall be final and shall not be called in question in any Court.

Offences and penalties.
11. (1) If any person, who has been evicted from any public premises under this Ordinance, again occupies the premises without authority, for such occupation, he shall be punished with imprisonment for a term which may extend to one year or with fine upto five thousand rupees or with both.

(2) Any Magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and such person such be liable to eviction without prejudice to any other action that may be taken against him under this Ordinance.

Power to obtain information.
12. If the Collector has reason to believe that any personal unauthorized occupation of any public premises, the Collector or any other of sell authorised by him in this behalf may require such person or any person to furnished information relating to the names and other particulars of the person in occupation of the public premises and every person so required shall be bound to furnish the information in his possession.

Liability of heirs and legal representatives.
13. (1) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of damages is to be or has been taken before the proceeding is taken during the tendency thereof, legal proceeding may be taken or, as the case may be, continued against the heirs or legal representative of that person.

(2) Any amount due to the State Government or the corporate authority from any person whether by way of arrears of rent or damages or costs shall after the death of the person, be payable by his heirs or legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

Recovery of rent etc. as arrears of land revenue or public demand.
14. If any person refuses or fails to pay the arrears of rent payable under sub-section (i) of section 7 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government or the corporate authority under sub-section (5) of section 9 or any portion of such rent, damages or costs, within the time, if any, specified therefore in the order relating thereto, the Collector shall proceed to recover the amount due as arrears of land revenue or public demand.
15. No Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorized occupation of any public premises or the recovery of the arrears of the rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government or the corporate authority under sub-section (5) of section 9 or any portion of such rent, damages or costs.

16. No suit, prosecution or other legal proceeding shall lie against any person or authority for anything which is, in good faith done or intended to be done in pursuance of this Ordinance or any rules or orders made thereunder.

17. (i) The owners of public premises shall be a party to every proceeding under the provision of this Ordinance.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), the owner shall have a right to produce evidence, and cross-examine witnesses and to prefer an appeal under section 9 against any order of the Collector or made under the provisions of sections 5 and 6 of this Ordinance.

18. (1) The State Government may, by notification, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of any notice required or authorised to be given under this Ordinance and the manner in which it may be served;

(b) the holding of enquiries under this Ordinance;

(c) the procedure to be followed in taking possession of public premises;

(d) the manner in which damages for unauthorized occupation may be assessed and the principles which may be taken into account in assessing such damages;

(e) the manner in which appeals may be preferred and the procedure to be followed in appeals;

(f) any other matter which has to be or may be prescribed.

B.B. LAL,
Governor.

Gangtok : Dated the 12th August, 1980

B.R. Pradhan,
Secretary to the Government of Sikkim.
F.No. 16(74)LL/79.
LAW AND LEGISLATIVE DEPARTMENT  
GOVERNMENT OF SIKKIM  

Notification No. 9/LL/RC/80.  

Dated Gangtok, the 31st July, 1980.  

The following Act of Parliament having received the assent of the President on the 12th February, 1980 and published in a Gazette of India, Extraordinary, Part II, Section I, on 12th February, 1980 is hereby republished for general information.  

THE PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES ACT, 1980  
(Act No. 7 of 1980)  

An Act  
to provide for detention in certain cases for the purpose of prevention of blackmarketing and maintenance of supplies of commodities essential to the community and for matters connected therewith.  

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

1. (1) This Act may be called the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980.  

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

(3) It shall be deemed to have come into force on the 5th day of October, 1979.  

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

(a) "appropriate Government" means, as respect a detention order made by the Central Government or by an officer of the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer of a State Government or as respects a person detained under such order, the State Government;
Power to make orders detaining certain persons

3. (1) The Central Government or a State Government or any officer of the Central Government, not below the rank of a Joint Secretary to that Government specially empowered for the purposes of this section by that Government, or any officer of a State Government, not below the rank of a Secretary to that Government specially empowered for the purposes of this section by that Government, may, if satisfied, with respect to any person that with a view to preventing him from acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community it is necessary so to do, make an order directing that such person be detained.

Explanation.—For the purposes of this sub-section, the expression “acting in any manner prejudicial to the maintenance of supplies of commodities essential to the community” means—

(a) committing or instigating any person to commit any offence punishable under the Essential Commodities Act, 1955, or under any other law for the time being in force relating to the control of the production supply or distribution of, or trade and commerce in, any commodity essential to the community; or

(b) dealing in any commodity—

(i) which is an essential commodity as defined in the Essential Commodities Act, 1955, or

(ii) with respect to which provisions have been made in any such other law as is referred to in clause (a), with a view to making gain in any manner which may directly or indirectly defeat or tend to defeat the provisions of that Act or other law aforesaid.

(2) Any of the following officers, namely:—

(a) district magistrates;

(b) Commissioners of Police, wherever they have been appointed, may also, if satisfied as provided in sub-section (1) exercise the powers conferred by the said sub-section.

(3) When any order is made under this section by an officer mentioned in sub-section (2), he shall forthwith report the fact to the State Government to which he is subordinate together with the grounds on which the order has been made and such other particulars as in his opinion have a bearing on the matter, and no such order shall remain in force for more than twelve days after the making thereof unless in the meantime it has been approved by the State Government.

Provided that where unders section 8 the grounds of detention are communicated by the authority making the order after five days but not later than ten days from the date of detention, this sub-section shall apply subject to the modification that for the words “twelve days” the words “fifteen days” shall be substituted.

(4) When any order is made or approved by the State Government under this section or when any order is made under this section by an officer of the State Government not below the rank of Secretary to that...
Government specially empowered under sub-section (i), the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have section (3) of that section.

4. A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973.

5. Every person in respect of whom a detention order has been shall be liable —

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

(b) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government.

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government of that other State.

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

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

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

7. (i) If appropriate Government has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed, that Government may —

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

thereupon the provisions of sections 82, 83, 84 and 85 of the Code of Criminal Procedure, 1973, shall apply in respect of the said person and his property as if the order directing that he be detained were a warrant issued by the Magistrate; and

(b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order; and if the said person fails to comply with such direction he shall, unless he proves that it was not possible for him to comply therewith and that he had, within the period specified in the order, informed the officer mentioned in the order, of the reason which rendered compliance therewith impossible and of his whereabouts, be punishable with imprisonment for a term which may extend to one year or with fine or with both.

(ii) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under clause (b) of section (1) shall be cognizable.
8. (i) When a person is detained in pursuance of detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

9. (1) The Central Government and each State Government shall, whenever necessary, constitute one or more Advisory Boards for the section (3) of that section.

(2) The constitution of every such Board shall be in accordance with the recommendations of the Chief Justice of the appropriate High-Court.

3) Every such Board shall consist of a Chairman and not less than two other members, and the Chairman shall be a serving Judge of the appropriate High Court and the other members shall be serving or retired Judges of any High Court.

Explanation.—In this section appropriate High Court* means—

(a) in the case of the detention of a person in pursuance of an order of detention made by the Central Government or an officer of the Central Government or the administrator of the Union territory of Delhi or an officer subordinate to such administrator, the High Court for the Union territory of Delhi;

(b) in the case of the detention of a person in pursuance of an order of detention made by any State Government (other than the administrator of a Union Territory) or an officer of such State Government, the High Court for that State; and

(c) in the case of the detention of a person in pursuance of an order of detention made by the administrator of a Union territory (other than the Union territory of Delhi) or an subordinate to such administrator, such High Court as the Central Government may, by order published in the Official Gazett specify with respect to such Union territory.

10. Save as otherwise expressly provided in this Act, in every case where a detention order has been made under this Act, the Government shall, within three weeks from the date of detention of a under the order, place before the Advisory Board constituted by it section 9, the grounds on which the order has been made and the tation, if any, made by the person affected by the order, and in case where the order has been made by an officer referred to in sub-section (2) of section 3, also the report by such officer under sub-section (3) of that section.

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

(2) The report of the Advisory Board shall specify in a part thereof the opinion of the Advisory Board as to whether or not there sufficient cause for the detention of the person concerned.
(3) When there is a difference of opinion among the members forming the Advisory Board, the opinion of the majority of such members shall be deemed to be the opinion of the Board.

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

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

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

13. The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 12, shall be six months from the date of detention:

Provided that nothing contained in this section shall affect the power of the appropriate Government to revoke the detention order at any earlier time.

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

(a) notwithstanding that the order has been made by an officer of a State Government, by that State Government or by the Central Government;

(b) notwithstanding that the order has been made by an officer of the Central Government or by a State Government, by the Central Government.

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

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

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

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

(4) If any person fails without sufficient cause to surrender himself in the manner specified in sub-section (3), he shall be punishable with imprisonment for a term which may extend to two years, or with fine, or with both.
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(5) If any person released under sub-section (i) fails to fulfill any of the conditions imposed upon him under the said sub-section or in the bond entered into by him, the bond shall be declared to be forfeited and any person bound thereby shall be liable to pay the penalty thereof.

Protection of action taken in good faith.

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

17. (1) The Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Ordinance, 1979, is hereby repealed.

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

R.V.S. Peri Sastri,
Secretary to the Govt. of India.

BY order,

B.R. Pradhan,
Secretary to the Govt. of Sikkim
Law and Legislative Department,
F No. 11 (166)LL/79.
Sikkim Government Gazette Extraordinary
Published by Authority

No. 67
Gangtok, Saturday, August 16, 1980

Law and Legislative Department
Government of Sikkim

Notification No. 10/LL/RC/80.

Dated Gangtok, the 16th August, 1980.

The following Act of Parliament received the assent of the President on the 5th April, 1980, and published in a Gazette of India, Extraordinary, Part II, Section I, is hereby published for general information.

Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1980
(No. 35 of 1980)

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

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

1. (1) This Act may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1980.

(2) This Act, except section 4 thereof, shall be deemed to have come into force on the 7th day of March, 1980.

2. In section 6 of the Requisitioning and Acquisition of Immovable Property Act, 1952 (hereinafter referred to as the principal Act), in sub-section (1 A), for the words “ten years”, wherever they occur, the words “fifteen years” shall be substituted.

3. In section 8 of the principal Act, in sub-section (2A),—

(a) in clause (a), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

“(ii) secondly with effect from the expiry of five years, and thirdly with effect from the expiry of ten years, from such commencement:”;

Amendment of section 6.
Amendment of section 8.

Short title and commencement.
(b) in clause (b), for sub-clause (ii), the following sub-clause shall be substituted, namely:—

"(ii) secondly with effect from the date of expiry of five years, and thirdly with effect from the date of expiry of ten years, from the date on which the revision made under sub-clause (i) takes effect;";

c) for clause (c), the following clause shall be substituted, namely:—

"(c) in any other case,—

(i) first with effect from the date of expiry of five years from the date on which possession of such property has been surrendered or delivered to, or taken by, the competent authority under section 4, and

(ii) secondly with effect from the date of expiry of five years from the date on which the revision under sub-clause (i) takes effect."

Amendment of sections 22. In section 22 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

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

5. (1) The Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1980, is hereby repealed. Repeal and Saving

(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 as amended by this Act.

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

By order,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
F. No. 11 (71)LL/78.
In exercise of the powers conferred by sub-section (3) of section 1 of the Sikkim Public Premises (Eviction of Unauthorized Occupants and Rent Recovery) Ordinance, 1980 (Ordinance No. 1 of 1980) the State Government hereby appoints the 22nd day of August, 1980 as the date on which provisions of the said Ordinance shall come into force in the whole of the State of Sikkim.

P. T. WANGDI, IAS

Secretary to the Government of Sikkim,
Land Revenue Department.
The following Act of Parliament having received the assent of the President on the 12th February and published in a Gazette of India, Extraordinary, Part II, Section 1, on 12th February is hereby republished for general information.

THE REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1980
( Act No. 8 of 1980 )

An Act

further to amend the Representation of the People Act, 1950, and the Representation of the People Act, 1951, to provide for the readjustment of assembly constituencies in the State of Sikkim.

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

I. (1) This Act may be called the Representation of the People Amendment) Act, 1980.

(2) It shall be deemed to have come into force on the 1st day of September, 1979.

2. In section 7 of the Representation of the People Act, 1950—

(a) in sub-section (1), for the words "The total number of seats", the words, brackets, figure and letter "Subject to the provisions of sub-section (1A), the total number of seats" shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:—

'(1A) Notwithstanding anything contained in sub-section (1), the total number of seats in the Legislative Assembly of the State of Sikkim, to be constituted at any time after the commencement of the Representation of the People (Amendment) Act, 1980, to be filled by persons chosen by direct election from assembly constituencies shall be thirty-two, of which—

(a) twelve seats shall be reserved for Sikkimese of Bhutia-Lepcha origin;
(b) two scats shall be reserved for the Scheduled Castes of that State; and
(c) one seat shall be reserved for the Sanghas referred to in section 25A.
Explanation.—In this sub-section "Bhuttia" includes Chumbipa, Dopthapa, Dukpa, Kagatay, Sherpa, Tibetan, Tromopa and Yolmo';

(c) in sub-section (2), for the words, brackets and figure "in sub-section (1)` the words, brackets, figures and letter "in sub-section (1) or sub-section (1A)" shall be substituted;

(d) in sub-section (3),—

(i) for the words, brackets, figures and letter "Subject to the provisions of sub-section (3) of section 7A, the extent of each assembly constituency in all the States and Union territories except the assembly constituencies", the words "The extent of each assembly constituency in all the States and Union territories except the assembly constituencies in the State of Sikkim and" shall be substituted;

(ii) after the words and figures "the Delimitation Act, 1972", 76 of 1972, the following shall be inserted, namely:—

"; the extent of each assembly constituency in the State of Sikkim shall be as provided for in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, as amended by section 4 of the Representation of the People (Amendment) Act, 1980".

3. In the Representation of the People Act, 1951, section 5A shall re-numbered as sub-section (1) thereof, and after sub-section (1) as so numbered, the following sub-section shall be inserted, namely:—

'(2) Notwithstanding anything contained in section 5, a person shall not be qualified to be chosen to fill a seat in the Legislative Assembly of the State of Sikkim, to be constituted at any time after the commencement of the Representation of the People (Amendment) Act, 1980, unless—

(a) in the case of a seat reserved for Sikkemese of Bhutia Lepcha origin, he is a person either of Bhutia or Lepcha origin and is an elector for any assembly constituency in the State other than the constituency reserved for the Sanghas;

(b) in the case of a seat reserved for the Scheduled Castes, he is a member of any of those castes in the State of Sikkim and is an elector for any assembly constituency in the State;

(c) in the case of a seat reserved for Sanghas, he is an elector of the Sangha constituency; and

(d) in the case of any other seat, he is an elector for any assembly constituency in the State.

Explanation.—In this sub-section "Bhuttia" includes Chumbipa, Dopthapa, Dukpa, Kagatay, Sherpa, Tibetan, Tromopa and Yolmo.'.


THE SCHEDULE

(See section 4)

AMENDMENTS TO THE DELIMITATION OF PARLIAMENTARY AND ASSEMBLY CONSTITUENCIES ORDER, 1976

In the Delimitation of Parliamentary and Assembly Order, 1976—

(i) in paragraph 5—
(a) for the words "and where such name", the words "where such name" shall be substituted;
(b) after the words "Scheduled Tribes", the words, brackets etc and letters `(BL)`, the seat in that constituency is reserved for the Sikkemese of Bhutia-Lepcha origin shall be inserted;
(c) the following Explanation shall be inserted at the end, namely:

**Explanation.**—In this paragraph, "Bhutia" includes Chumbipa, Dopthapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa and Yomo.

(ii) in Schedule II,—
(a) for entry 18, the following entry shall be substituted, namely:

```
18. Sikkim  ..  ..  32*  2  12
   (Reserved for Sikkemese of Bhutia*-Lepcha origin);
```

(b) in the Note at the end, for the words and figure "*Includes 1 seat reserved for Sangha constituency", the following shall be substituted, namely:

```
*Includes 1 seat reserved for Sangha constituency.
*Includes Chumbipa, Dopthapa, Dukpa, Kagatey, Sherpa, Tibetan, Tromopa and Yolmo.
```

(iii) after Schedule XIX, the following Schedule shall be inserted, namely:

```
SCHEDULE XIX-A
SIKKIM
ASSEMBLY CONSTITUENCIES
```

Serial no., name and extent of constituency

1. **Yoksam.**—Yoksam, Lawing, Dubdi, Gerethang, Ketchopheri, Chojo, Thingling I and Thingling II blocks in Ketchopheri elakha; Chumbung, Nako, Singeng, Singdarang, Darap, Nambo, Topong and Singrapong blocks in Pemoyongtse elakha; and Tingbrom, Singlitam, Melli and Melli-Aching blocks in Melli elakha of West district.

2. **Tashiding (BL).**—Dhupidara, Narkhola, Mangnam, Labdang, Kongri, Gangep, Chungrang, Arithang, Lasso, Tashiding, Yangtey, Onglep and Bhaluthang blocks in Tashiding elakha of West district.

3. **Geyzing.**—Omchung, Geyzing, Kyongsa, Lungjik and Pemoyongtse blocks in Pemoyongtse elakha; Tikjek, Sardong and Lingchoni blocks in Sangacholing elakha; and Yangthang block in Yangthang elakha of West district; and Lekship block in Wak-Sosing elakha of South district.

4. **Dentam.**—Liching, Begha, Srinagi, Gyaten, Karmatar, Sopakha, Maney-bong, Mangmoo, Dentam, Sapung, Bongten Radhukundu and Sankhu blocks in Yangthang elakha of West district.

5. **Barmiok.**—Hee, Martam, Barmiok, Barthang, Hee Patal and Pacharek blocks in Yangthang elakha; and Miyong, Megyong, Chinthang and Barfok blocks in Rinchenpong elakha of West district.
Serial no., name and extent of constituency

6. **Rinchenpong (BL).**—Sangdorji, Hathidunga, Jeel, Boom, Reshi (A) Reshi (B), Rinchenpong, Tadong, Samdong, Sribadam (A) and Sribadam (B) blocks in Rinchenpong elakha; and Takuthang Chuchen, Dethang and Parengao blocks in Chakung elakha of West district; and Sangnath block in Wak-Sosing elakha of South district.

7. **Chakung.**—Tijerbong, Sudlong, Kamling, Singyeng, Mabong, Suntoley, Khani Sirbong, Arubotey, Samsing, Gelling, Chakung Mendogaon, Samdong and Chumbung blocks in Chakung elakha of West district.

8. **Soreong.**—Soreong, Soreong Bazar, Singling, Timberbong, Burikhop, Kartok, Malbasye and Tarpu blocks in Chakung elakha of West district.

9. **Daramdin.**—Rumtek, Burikhop, Lower Daramdin, Lower Thambung, Upper Thambung, Salling, Lungchok, Siktam, Tikpur, Okhey, Ribdi and Bhareng blocks in Daramdin elakha of West district.

10. **Jorethang-Naya bazar.**—Joom block in Chakung elakha of West district; Salghari, Dorop, Dhargaon, Chisopani, Tinek, Poklo- Denchung, Asangthang, Sambung, Kopahe and Mik-Khola blocks in Namchi elakha; and Shyampani, Sorok, Manpur, Kitam and Gom blocks in Kitam elakha of South district.

11. **Ralang (BL).**—Saga, Famtam, Brang and Polot blocks in Brang elakha; Namlung, Lingding, Ralang, Jorang-Biring, Barfong and Dethang blocks in Ralang elakha; and Bakhim, Kewzing, Dalep and Lingzo blocks in Wak-Sosing elakha of South district.

12. **Wak.**—Hingdam, Lamaten, TingMo, Tinkitam, Omchha, Chumlok, Wak, Rayong and Mangbrue blocks in Wak-Sosing elakha; Ben, Namphrik, Rabang and Sangmo blocks in Ben-Namphrik elakha; and Deo block in Temi-Tarku elakha of South district.

13. **Damthang.**—Damthang, Jaguars, Chemchey, Pabong, Boomtar, Salling, Maniramp, Phallidara, Tingrithang, Mamley, Gumba, Pajer, Tinjir, Kamrang and Singtang blocks in Namchi elakha; and Singtam, Bul, Palum and Rong blocks in Namchi elakha; kha of South district.

14. **Melli.**—Melli Bazar, Melli Dara, Kerabari, Suntoley, Sukhbari, Turuk, Rambung, Panchgbaray, Lungchok, Kamarey, Sumbuk, Kartikey, Suntoley (Sumbuk), Paiyong, Rabitar and Sadam blocks in Turuk-Sumbuk elakha of South district.

15. **Rateypani-West Pendam (SC).**—Rabikhola, Tangji, Bigmat, Rateypani and Passi blocks in Rateypani elakha; Kating-Bokran, Pampshok, Nalam Kolbung, Nagi, Palitani, Maneydara, Kabrey, Kanamtek, Tuning, Donok and Mamring blocks in Namthang elakha of South district; and West Pendam block in Namthang elakha of East district.

16. **Temi-Tarku.**—Tanak, Tarku, Temi and Aifaltar blocks in Temi-Tarku elakha; Pabong, Daring, Todey, Reshep, Tokel, Namphing, Barmiok, Thangsin, Chalamthang, Nizarmeng, Rameng and Burul blocks in Barmiok elakha; and Parbing, Fong, Chhuba and Karek blocks in Namthang elakha of South district.

18. Rhenock.—Rhenock, Tarpin, Rhenock Bazar, Mulukey, Sdanglakha and Kyongsa blocks in Rhenock elakha; Biring, Tarethang and Taja blocks in Amba-Tarethang elakha; and Linkey block in pathing elakha of East district.

19. Regu.—Aritar, Dalapchand and Khamdong blocks in Rhenock elakha; and Chuzachaen, Change Lakha, North Regu, South Regu, Rongli Bazar, Singanebas, Premlakha and Subhaney Dara blocks in Chuzachen-Regu elakha of East district.

20. Pathing (BL).—Changay Senti and Pachey-Samsing blocks in Changay-Senti elakha; Amba and Thekabung blocks in Amba-Tarethang elakha; Parkha, Riba, Machong, Latuk and Chuchenphery blocks in Chota and Bara Pathing elakha; and Rolep Lamaten, Lingtam, Phadam chen and Gnathang blocks in Chuzachen-Regu elakha of East district.


22. Khamdong (SC).—Manzing, Tokdey, Nehbrom, Kolthang, Pepthang and Lingmo blocks in Lingmo-Nehbrom elakha; Rangang, Yangang, Gagyong, Satam, Namphok and Sripatam blocks in Yangang elakha of South district; and Singbel, Dungdung, Khamdong, Beng, Thangsing-Bodang and Thasa blocks in Khamdong elakha of East.

23. Djongu (BL).—Upper Djongu and Lower Djongu blocks in Djongu elakha of North district; and Sokphey, Lingi, Upper Paiyong, Lower Paiyong and Kahu blocks in Lingi-Paiyong elakha of South district.

24. Lachen Mangshila (BL).—Lachen block in Lachen elakha; Lachung block in Lachung elakha; Chunghang block in Chunghang elakha; Naganamgor, Singchit, Tung, Miyong, Sentam, Pakshep, Kajor, Singchik, Ringem, Jimcung, Namphok and Mangan Bazar blocks in Mailing elakha; and Sayem, Tanyek, Ramthang, Upper Mangshila, Lower Mangshila, Namok and Thingchen blocks in Phodong elakha of North district.

25. Kabi Tingda (BL).—Jilongong, Tumlong and Phodong blocks in Phodong elakha; Phensang, Labi, Phamtam, Chawang, Men Rong-gong, Kabi - Tingda and Phaney blocks in Phensang-Kabi- Tingda elakha of North district; and Sotak, Nabey and Penlong blocks in Penlong elakha; and Lingdok and Nampung blocks in Rakdorg-Tinkek elakha of East district.

26. Rakdorg-Tintek (BL).—Rakdorg - Tintek blocks in Rakdorg - Tintek elakha; Samdong-Kambal and RaLey-Khase blocks in Samdong elakha; Tumin, Simik and Chandey blocks in Tumin-Chandey elakha; and Patuk, Simik, Aritar and Lingjey blocks in Khamdong elakha of East district.
27. **Martam (BL).**— Sirwani, Sakyong, Chisopani, Rabdang, Chalamthang, BYang, Nagethang, Martam, Phgyong, Nazitam and Trikutam blocks in Song - Martam elakha; and Chhupa, Nemli, Marchak, Samluk, Namin and Tumlabung blocks in Rumtek - Marchak elakha of East district.


29. **Assam-Lingjey (BL).**— Pahm, Bhusuk, Namok, Naitam, Nandok, Lingjey and Assam blocks in Aho-Lingjey - Pahm - Singtam elakha; and Tathangchen, Rongnek and Syari blocks in Thanthangchen elakha of East district.


31. **Gangtok.**— Gangtok block (including (a) Gangtok Town, (b) Gangtok Bazar and (c) Development Area) of East district.

Note:— Any reference in this Table to a district, elakha, block or other territorial division shall be taken to mean the area comprised within that district, elakha, block or other territorial division on the 26th day of April, 1975."

5. (1) The Representation of the People (Amendment) Ordinance, Repeal and saving.

(2) Notwithstanding such repeal, anything done or any action taken under the Representation of the People Act, 1950, the Representation of the People Act, 1951 or the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, as amended by the said Ordinance, shall be deemed to have been done or taken under the Representation of the People Act, 1950, the Representation of the People Act, 1951 or the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, as amended by this Act.

Shri R.V.S. Peri Sastri,
Secretary to the Government of India.

By Order,

B. R. Pradhan,
Secretary to the Government of Sikkim,
Law & Legislative Department,

F. No. ii(19o)LL/80.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
Dated Gangtok, the 21st August, 1980.

CORRIGENDA

In the notification of Govt. of Sikkim in the Department of Home No.133/Home/7/7/DC/80 Gangtok, the 25th July, 1980 published in the Gazette of Sikkim Extraordinary-

(a) in question No. 16, —
in item No. 5 (b), for "Number of Children (c) surviving at present Male/or female/total"

Read

"Number of children surviving at present Male/Female/total";

And

for item no. 5 (d) read 5 (c);

(b) in part I of Household Schedule, in item No. 7, for "If 'no' in 6, does the household own a house enumeration?"

Read

"If 'no' in 6, does the household own a house or house site in the village or town of enumeration ?"
Sikkim Legislative Assembly Secretariat

Notification

No. SLAS/80-81/204/508.  
Gangtok, Dated the 29th August, 1980.

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

BILL NO. 8 OF 1980.


A BILL to provide for imposition of a tax on entertainments and other amusements.

Be it enacted by the Legislative Assembly of Sikkim in the Thirty-first Year of the Republic of India.

1. (1) This Act may be called the Sikkim Entertainment Tax Act, 1980.

   (2) It extends to the whole of Sikkim.

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

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

   (a) "admission to an entertainment" includes admission to any place in which the entertainment is held;

   (b) "agriculture" includes horticulture and livestock breeding;

   (c) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted on payment;

   Explanation: — The exhibition of news reels, documentaries, advertisement, slides and cartoons, whether before or during the exhibition of a feature film is "entertainment";

   (d) "Government" means the Government of the State of Sikkim;

   (e) "notification" means a notification published in the official Gazette;

   (f) "payment for admission" includes—

      (i) any payment made by a person who, having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving tax or more tax is required;
(ii) any payment for seats or other accommodation in a place of enter-
taxment;
(iii) any payment for a programme or synopsis of an entertainment; and
(iv) any payment for any purpose whatsoever connected with an en-
taxment which a person is required to make as a condition of
attending or continuing to attend the entertainment in addition
to the payment, if any for admission to the entertainment;

(g) "proprietor" in relation to any entertainment includes any person res-
ponsible for the management thereof;

Explanation— A person charged with the work of admission to an
entertainment is for purposes of sections 5 and 6 a person responsible for
the management;

(h) "society" includes a company, institution, club or other association of
persons by whatever name called.

Tax on payment for admission entertainments

3. (1) There shall be levied and paid on all payments for admission to any en-
taxtment, a tax called entertainment tax at a rate not exceeding fifty per cent of the
payment for admission where such payment does not exceed one rupee and not exce-
ding seventy-five per cent thereof in any other case as the Government may from
time to time specify by a notification in this behalf and the tax shall be collected by
the proprietor and paid to the Government in the manner prescribed.

(2) If in any entertainment to which admission is generally on payment, any
person is admitted free of charge or on a concessional rate, he would be liable to pay the
same amount of entertainment tax as would be payable by him had he been admitted on
full payment to the class to which he is entitled.

Amount payable on lumpsum subscriptions as contribution or on season tickets

4. Where the payment for admission to an entertainment is made by means of a
lump sum paid as a subscription or contribution to any society or for season tickets ,the
entertainment tax shall be paid on the amount of the lump sum but where the Government
is of the opinion that the payment of a lump sum or any payment for a ticket represents
payment for other privileges, rights or purposes besides the admission to an entertain-
ment, the tax shall be charged on such amount as appears to the Government to repre-
sent the right of admission to entertainments in respect of which the entertainment
tax is payable.

Manner of admission and pay-
ment

5. (1) Save as otherwise provided in this Act, no person, other than a person who
has some duty to perform in connection with the entertainment or a duty imposed
upon him by law, shall be admitted to any entertainment, except with a ticket denoting
that the proper entertainment tax payable under section 3 or section 4 has been paid.

(2) The Government may, on such conditions as may be prescribed, require
the proprietor to pay the amount of the entertainment tax due either—

(a) by stamping the tickets with a seal or with an impressed, embossed, engraved or adhesive stamp (not used before) issued by the Government for the purpose
f revenue and denoting that the proper entertainment tax payable under section 3 or
section 4 has been paid, or

(b) in accordance with returns of the payments for admission to the enter-
taxtment and on account of the tax; or

(c) by a consolidated payment of a percentage, to be fixed by the Government
of the gross sum received by the proprietor on account of payments for admission to
the entertainment and on account of the tax; or

(d) in accordance with results recorded by any mechanical contrivance
which automatically registers the number of persons admitted.

(3) For the purpose of bringing uniformity in the realisation of entertainment
tax the Government shall classify the entertainments in the manner prescribed.

(4) The decision of the Government under sub-section (3) shall be final and
shall not be questioned in any Court of law.

Prohibition against entry and penalty

6. (1) No person liable to pay entertainment tax shall enter or obtain admission
to an entertainment without payment of the tax leviable under section 3 or section 4

(2) Any person who enters or obtains admission to an entertainment in con-
travention of the provision of sub-section (1), shall on conviction before a Magistrate,
be liable to pay a fine not exceeding two hundred rupees and shall in addition be liable
to pay the tax which would have been paid by him.
If any person liable to pay entertainment tax is admitted to a place of enter-

tainment without payment of the tax leviable under section 3 or section 4 the  proprie-

tor of the entertainment to which such person is admitted shall, on conviction before a

Magistrate, be liable in respect of every such contravention to a fine not exceeding rupees

five hundred.

The entertainment tax shall not be charged on payment for admission to

any entertainment where the Government is satisfied—

(a) that the whole of the collections therefrom are devoted to philanthropic, religious or charitable purposes without any deductions for any expenses of the enter-
tainment;or

(b) that the entertainment is of a wholly educational character, or

Explanations: Any question whether any entertainment is of a wholly educational character shall be decided by the Government whose decision shall be final.

(c) that the entertainment is provided for partly educational or partly scien-
tific purposes by a society not conducted or established for profit; or

(d) that the entertainment is provided by a society which is established solely for the purpose of promoting the interest of industry or agriculture or the manufactu-
ring industry, or some branch thereof, or the public health, and which is not conduc-
ted for profit, and consists solely of an exhibition of the products of the industry, or branch thereof for promoting the interest of which the society exists or of materials, machinery, appliances, or food-stuffs, used in the production of those products, or of articles which are of material interest in connection with the question relating to the public health, as the case may be.

The Government may, by general or special order, exempt either partly or wholly any entertainment or class of entertainment or any class of the audience or spectators from liability to the entertainment tax.

Any sum due on account of entertainment tax shall be recovered as an arrear of and revenue.

Any officer authorised by the Government may enter any place of ent-
tertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment, at any reasonable time, for the purpose of checking whether provisions of the Act or of any or of any rules made thereunder are being complied with.

He shall in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction before a Magistrate to a fine not exceeding two hundred rupees.

Every officer authorised under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

The Government may make rules for securing the payment of the enter-
tainment tax and generally for carrying into effect the provisions of the Act and in par-

cular -

(a) for the supply and use of stamps or stamped tickets or for the stamping

of tickets and for securing the defacement of stamps when used;

(b) for classification of entertainments for the purpose of bringing

uniformity in realisation of the entertainment tax;

(c) for the use of tickets covering the admission of more than one person and the calculation of the entertainment tax thereon;

(d) for controlling the use of barriers or mechanical contrivance (including the prevention of the use of the same barrier or mechanical contrivance for payment of a different amount) and for securing proper records of admission by means of barriers or mechanical contrivance.

(e) for the checking of admission, the keeping of accounts and the furnishing of returns by the proprietors of entertainments to which the provisions of sub-section (2) of section 5 are applied or in respect of which the arrangements approved by the Government for furnishing returns are made under the said provisions;

(f) for the renewal of damaged or spoiled stamps;

(g) for the keeping of accounts of all stamps used under this Act,

(h) for the presentation and disposal of applications for exemption from pay-
ment of the entertainment tax, made under the provisions of this Act;

(i) for the exemption from the entertainment tax of any class of the audience or spectators.

Exemptions

Recovery as arrears of land revenue

Entry of autho-
rised persons

Power to make Rules and Penal-
ty for their breach
(2) If any person acts in contravention of, or fails to comply with, any such rules he shall, on conviction before a Magistrate, be liable in respect of each offence to a fine not exceeding two hundred rupees.

### Revocation and Suspension of licence for entertainment

11. Notwithstanding anything contained in any other law and without prejudice to the provisions of section 6, the District Magistrate may by order revoke or suspend any licence for an entertainment granted under any law for the time being in force, if the proprietor of such entertainment is convicted under the provisions of this Act. The order shall be communicated immediately to the proprietor who may appeal to the Government or such officer as the Government may specify in this behalf within one month from the date on which the order is served on him. The order passed in appeal shall be final.

**Explanation** - (1) The order of the District Magistrate shall be deemed to be duly served if a copy thereof is delivered to the proprietor in person or if the District Magistrate is satisfied that such personal service cannot be made, then by affixation of a copy of the order at a prominent place at the site of the said entertainment.

(2) For the purpose of this section the word "licence" shall be deemed to include a licence or permit for any entertainment granted by any authority.

### Prohibition against re-sale tickets

12. (1) Notwithstanding anything contained in any other law for the time being in force a ticket for admission to an entertainment shall not be resold for profit by the purchaser thereof.

(2) Whosoever re-sells any ticket for admission to an entertainment for profit shall be punishable with a fine not exceeding two hundred rupees.

### Repeal and Savings

13. (1) On and from the commencement of this Act, all Sikkim Laws, relating to matters for which provisions have been made in this Act and in force immediately before such commencement, shall stand repealed.

(2) Notwithstanding such repeal, anything done or action taken or proceedings commenced or tax imposed under the repealed Sikkim Laws shall be deemed to have been done, or taken or commenced or imposed under the provisions of this Act as if this Act was in force at the time such thing was done or action taken or proceeding commenced or tax imposed.

### Statement of Objects and Reasons

The Government has felt the necessity of having a comprehensive legislation for the imposition of a tax on entertainments and other amusements on the lines of the Acts in force in other States of the Union.

The subject matter of the proposed Bill is covered by Entry 62 of list II-State List of the Constitution and as such it is within the legislative competence of the State Assembly.

The Bill seeks to achieve the aforesaid object.

ATHUP LEPCHA
Minister-in-charge
Department of Local Self Government and Housing

By Order,

R. K. Gupta
Secretary
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
NOTIFICATION

No. SLAS/80-81/204/515.
Gangtok, Dated the 2nd September, 1980

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

BILL NO. 9 OF 1980
THE SIKKIM PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS AND RENT RECOVERY) BILL, 1980.

A BILL

...
(c) "notification" means a notification published in the Official Gazette;

(d) "owner" means —

(i) in relation to any premises belonging to, or taken on lease by, or requisitioned by or on behalf of the State Government; and

(ii) in relation to any premises belonging to, or taken on lease by, a local authority, company or corporation, such local authorities, company or corporation, as the case may be.

(e) "person concerned" in relation to any public premises; means any person who is in the use or occupation of the public premises;

(f) "premises" means any land, whether used for agricultural or non-agricultural or any other purposes, or any building or part of a building and includes,—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(g) "public premises" means any premises belonging to, or taken on lease by the State Government, or local authority, or a Government company or a corporation owned or controlled by the State Government and includes any land requisitioned by or on behalf of the State Government.

Explanation. — In this clause "Government company" means any company in which not less than fifty one percent of the paid up share capital is held by the State Government.

(h) "prescribed" means prescribed by rules made under this Act;

(i) "rent" in relation to any public premises, means the consideration payable periodically for the authorised occupation of the premises and includes,—

(i) any charge for electricity, water or any other services connection with the occupation of the premises;

(ii) any tax (by whatever name called) payable in respect of the premises, where such charge or tax is payable by the State Government or the corporate authority.

Unauthorised occupation of public premises.

3. For the purposes of this Act, a person shall be deemed to be in unauthorised occupation of any public premises —

(a) where he has, whether before or after the commencement of this Act, entered into possession thereof otherwise than under and in pursuance of any allotment, lease or grant; or

(b) where he being an allottee, lessee or grantee, has, by reason of the determination or cancellation of his allotment, lease or grant, in accordance with the terms in that behalf therein contained, ceased, whether before or after the commencement of this Act, to be entitled to occupy or hold such public premises; or

(c) where any person authorised to occupy any public premises has, whether before or after the commencement of this Act,—

(i) sub-let, in contravention of the terms of allotment, lease on as grant without the permission of the State Government or on requi any other Authority competent to in such sub-letting, the whole or any part of such public public premises; or

(ii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such public premises.

Explanation.— For the purpose of clause (a), a person shall not merely by reason of the fact that he has paid any rent be deemed to have entered into possession as allottee, lessee or grantee.
4. (i) If, in respect of any public premises the Collector is of the opinion that such premises is in the unauthorised occupation of any person or persons, and that such person or persons should be evicted, the Collector shall issue a notice in such form and containing such particulars as may be prescribed calling upon all persons concerned to show cause before such date, not being less than fifteen days after the date of the notice, as may be specified in the notice, why an order of eviction should not be made and shall cause it to be served in the manner referred to in sub-section (2).

(2) A notice issued under sub-section (1) shall be served personally or by affixing on a conspicuous part of the public premises concerned and in such other manner as may be prescribed.

(3) A notice served in the manner referred to in sub-section (2) shall be deemed to have been duly served.

5. (1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Collector is satisfied that the public premises is in unauthorised occupation, the Collector shall make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated on such date as may be specified in the order, by persons who may be in unauthorised occupation thereof or any part thereof and shall cause a copy of the order to be affixed on a conspicuous part of the public premises.

(2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of its publication under sub-section (1), the Collector or any other officer duly authorised by the Collector in this behalf may evict that person from and take possession of the public premises and may for that purpose use such force as may be necessary.

6. (1) Where any person has been evicted from any public premises under section 5, the Collector may, after giving not less than fourteen days notice to persons from whom possession of the public premises has been taken, remove or cause to be removed or dispose of by public auction any property remaining on such public premises including any material of a demolished building or ungathered crop of fruits or trees.

(2) Where any property is sold under sub-section (1), the sale proceeds shall, after deducting the expenses of the sale and the amount, if any, due to the State Government or the local authority, company or corporation, as the case may be, on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the Collector to be entitled to the same:

Provided that where the Collector is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the appointment of the same, he may refer such dispute to the Civil Court of competent jurisdiction and the decision of the Court thereon shall be final.

7. (1) Where any person is in arrears of rent payable in respect of any premises, the Collector may, by order, require that person to pay the same within such instalments as may be specified in the order.

(2) Where any person is, or has at any time been in unauthorised occupation of any public premises, the Collector may, having regard to such principles of assessment of damages as may be prescribed, assess the damage on account of the use and occupation of such premises and may by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

Provided that where the Collector is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the appointment of the same, he may refer such dispute to the Civil Court of competent jurisdiction and the decision of the Court thereon shall be final.

8. The Collector shall for the purpose of any inquiry or hearing under section 5, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908(Act V of 1908) when trying a suit, in respect of the following matters namely —

(a) proofs of facts by affidavits;
(b) summoning and enforcing the attendance of any person and examining him on oath;
(c) requiring the discovery and production of documents;
(d) issue of commission; and
(e) any other matter which may be prescribed.

**Appeal.**

9. (1) An appeal shall be from every order of the Collector made in respect of any public premises under section 5 or section 7 of this Act to the Appellate Authority to be appointed by the State Government.

(2) An appeal under sub-section (1) shall be preferred, —
(a) in the case of an appeal from an order under section 5, within thirty days from the date of publication of the order under sub-section (1) of that section, and
(b) in case of an appeal from an order under section 7, within thirty days from the date on which the order is communicated to the appellant:

Provided that an appeal filed after the expiry of the said period of thirty days may be entertained if the appellant satisfies that he was prevented by sufficient cause from not filing the appeal in time.

(3) Where an appeal is preferred from an order of the Collector, the appellate authority may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate authority as expeditiously as possible.

(5) The costs of any appeal under this section shall be in the discretion of the appellate authority.

**Finality of order.**

10. Save as otherwise expressly provided in this Act, every order made by the Collector under section 5 or section 7 or if there is any appeal from any such order, the appellate order under section 9, shall be final and shall not be called in any Court.

**Offences and penalties.**

11. (1) If any person, who has been evicted from any public premises under this Act, again occupies the premises without authority, for such occupation shall be punished with imprisonment for a term which may extend to one year or with fine upto five thousand rupees or both.

(2) Any Magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and such person shall be liable to such eviction without prejudice to any other action that may be taken against him under this Act.

**Power to obtain information.**

12. If the Collector has reason to believe that any person is in unauthorised occupation of any public premises, the Collector or any other officer authorised by him in this behalf may require such person or any person to furnish information relating to the names and other particulars of the person in occupation of the public premises and every person so required shall be bound to furnish the information in his possession.

**Liability of heirs and legal representative.**

13. (1) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of damages is to be or has been taken dies before the proceeding is taken during the pendency thereof, legal proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

(2) Any amount due to the State Government or the corporate authority from any person whether by way of arrears of rent or damages or costs shall after the death of the person, be payable by his heirs or legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

**Recovery of rent, etc. as arrears of land revenue or public demand.**

14. If any person refuses or fails to pay the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government or the corporate authority under sub-section (5) of section 9 or any portion of such rent, damages or costs, within the time, if any, specified therefor in the order relating thereto, the Collector shall proceed to recover the amount due as arrears of land revenue or public demand.
15. No Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorised occupation of any public premise or the recovery of the arrears of the rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government or the corporate authority under sub-section (5) of section 9 or any portion such rent, damages or costs.

16. No suit, prosecution or other legal proceeding shall lie against any person or authority for anything which is, in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

17. (1) The owners of public premises shall be a party to every proceeding under the provision of this Act.
   (2) In particular, and without prejudice to the generality of the provisions of sub-section (1), the owner shall have a right to produce evidence, and cross-examine witnesses and to prefer an appeal under section 9 against any order of the Collector made under the provisions of sections 5 and 6 of this Act.

18. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.
   (2) In particular, and without prejudice to the generality of foregoing power such rules may provide for all or any of the following matters, namely:—
   (a) the form of any notice required or authorised to be given under this Act and the manner in which it may be served;
   (b) the holding of enquiries under this Act;
   (c) the procedure to be followed in taking possession of public premises;
   (d) the manner in which damages for unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damages;
   (e) the manner in which appeals may be preferred and the procedure to be followed in appeals;
   (f) any other matter which has to be or may be prescribed.

19. (1) The Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980 (Ordinance No. 1 of 1980) is hereby repealed.
   (2) Notwithstanding such repeal, anything done or any action taken under the Ordinance (including any appointment made, notice issued, order made, Notification published, officer duly authorised, assessment made, penalty or fine imposed, information obtained, cost awarded, proceeding taken) shall be deemed to have been done or taken under the corresponding provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The Public Premises (Eviction of Unauthorised Occupants) Act, 1971, provides for the eviction of unauthorised occupants from public premises as defined in the said Act which inter alia means premises belonging to or taken on lease or requisitioned by the Central Government. The said Act has not yet been extended to Sikkim though the question of extension of the said Act, either by a Notification under article 371F(n) or by a Legislation, is under the active consideration of the authorities concerned. The Government has, however, felt that in this State also, as in various other States, there should be a State Legislation providing for speedy eviction of unauthorised occupants from public premises, that is, premises and building belonging to or taken on lease by the State Government and other local authorities and companies or corporation owned or controlled by the State Government including land and building requisitioned by or on behalf of the State Government. With the above objects in view, the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980 (Ordinance No. 1 of 1980) was promulgated by the Governor on the 12th day of August, 1980.

The Bill seeks to replace the aforesaid Ordinance.

SHERAB PALDEN,
Minister-in-charge
Department of Land Revenue

By Order

R. K. GUPTA,
Secretary.
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
NOTIFICATION

No SLAS/80-81/18/517     Gangtok, dated the 3rd September, 1980.

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


BILL NO. 10 of 1980.

A BILL

further to amend the Sikkim Ministers, Speaker, Deputy-Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977 (4 of 1977).

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

1. (1) This Act may be called the Sikkim Ministers, Speaker, Deputy-Speaker and Members of the Legislative Assembly (Salaries and Allowances) Amendment Act, 1980.  

   (2) It shall be deemed to have come into force on the 1st day of August, 1980.

2. In the Sikkim Ministers, Speaker, Deputy-Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977—

   (a) in sub-section (3) of section 3 for the words "two hundred rupees" the words "three hundred rupees" shall be substituted.

   (b) in sub-section (3) of section 5 for the words "five thousand kilometres" the words "eight thousand kilometres" shall be substituted.
STATEMENT OF OBJECTS AND REASONS

It is felt that the present travelling facility and consolidated allowance have become inadequate for the members of the Legislative Assembly. As such it is proposed to revise the same.

The Bill seeks to achieve the aforesaid object.

N.B. BHANDARI
CHIEF MINISTER
Minister-in-charge.

By Order,

R. K. GUPTA,
Secretary.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT

Notification No. l(47A)Not./75-76/1339/RDD.
Dated Gangtok, the 3rd September, 1980.

In exercise of the powers conferred by the proviso to Sub-Section (4) of Section of the Sikkim Panchayat Act, 1963, as amended by the Sikkim Panchayat (Amendment) Act, 1979 (Act No. 5 of 1979) the State Government hereby extends the term of the existing Block Panchayats for a further period of six months immediately with effect from the date of expiry of such term of Block Panchayats as extended vide Notification No. l(47A) Not./75-76/9102/P&RW of 19-2-1980.

By Order,

T. P. SHARMA,
Secretary,
Rural Development Department.
NOTIFICATION

No. SLAS/80-81/204/625

Dated Gangtok, the 6th September, 1980.

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

BILL NO. 11 1980
THE SIKKIM WEIGHTS AND MEASURES (AMENDMENT) BILL, 1980.

A BILL

to amend the Sikkim Weights and Measures Act, 1980 (No. 4 of 1980).

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

1. (1) This Act may be called the Sikkim Weights and Measures (Amendment) Act, 1980. [Short title and extent.]

(2) It extends to the whole of Sikkim.

2. In sub-section (1) of section 25 of the Sikkim Weights and Measures Act, Amendment 1980(No. 4 of 1980), the word "which" occurring after the word "measure" of section 25 shall be deleted and the words "to produce before him for inspection every such weight or measure which" shall be and shall be deemed always to have been added.

STATEMENT OF OBJECTS AND REASONS

It has been felt essential to amend the Sikkim Weights and Measures Act, 1980 (No. 4 because of omission of some words in section 25 (1) of the principal Act. This Bill has been framed with the above object in view.

PADAM BAHADUR GURUNG,
Minister-in-charge.

By Order,

R. K. GUPTA,
Secretary.
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 Check Posts as Police Stations with the local areas specified against each of them as their jurisdictions:

<table>
<thead>
<tr>
<th>Police Station</th>
<th>Jurisdiction</th>
</tr>
</thead>
</table>
5. LACHUNG : East Thankarla bordering Tibet of China region.
    South Upto Bob.
    West Lachungthosa stretching along Taroomchu.
    North Upto Dongkyala.

6. UTTAREY : East Singson khola.
    South Phahit bordering W. B.
    West Cheaya Many banjong bordering Nepal.
    North Kalez khola.

T. NAMGYAL,
By. Inspector General of Police,
Gangtok, Sikkim
LAW AND LEGISLATIVE DEPARTMENT

NOTIFICATION

No. 9/LL/80.
Dated Gangtok, the 18th September, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 16th day of September, 1980, is hereby published for general information.

SIKKIM ACT NO. 10 OF 1980.

AN ACT

further to amend the Sikkim Ministers, Speaker, Deputy-Speaker and Members of the Legislative Assembly (Salaries and Allowances) Act, 1977 (4 of 1977).

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

1. (1) This Act may be called the Sikkim Ministers, Speaker, Deputy-Speaker and Members of the Legislative Assembly (Salaries and Allowances) Amendment Act, 1980.

(2) It shall be deemed to have come into force on the 1st day of August, 1980.

2. In the Sikkim Ministers, Speaker, Deputy-Speaker and Members of Amendment of the Legislative Assembly (Salaries and Allowances) Act, 1977—

(a) in sub-section (3) of section 3 for the words "two hundred rupees" the words "three hundred rupees" shall be substituted.

(b) in sub-section (3) of section 5 for the words "five thousand kilometres" the words "eight thousand kilometres" shall be substituted.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law and Legislative Department,
F. No. 16(II)LL/77.
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on the 16th day of September, 1980, is hereby published for general information.

SIKKIM ACT NO. 11 OF 1980.
THE SIKKIM WEIGHTS AND MEASURES (AMENDMENT) ACT, 1980.

AN ACT
to amend the Sikkim Weights and Measures Act, 1980 (No. 4 of 1980).

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

1. (1) This Act may be called the Sikkim Weights and Measures (Amendment) Act, 1980.

(2) It extends to the whole of Sikkim.

2. In sub-section (1) of section 25 of the Sikkim Weights and Measures Act, Amendment 1980( No. 4 of 1980), the word "which" occurring after the word "measure" of section 25 shall be deleted and the words "to produce before him for inspection every such weight or measure which" shall be and shall be deemed always to have been added.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law and Legislative Department,
Government of Sikkim,
F. No. 16 (60) LL/78.

AN ACT to provide for imposition of a tax on entertainments and other amusements.

Be it enacted by the Legislative Assembly of Sikkim in the Thirty-first Year of the Republic of India.

1. (1) This Act may be called the Sikkim Entertainment Tax Act, 1980.

(2) It extends to the whole of Sikkim.

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

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

   (a) "admission to an entertainment" includes admission to any place in which the entertainment is held;

   (b) "agriculture" includes horticulture and livestock breeding;

   (c) "entertainment" includes any exhibition, performance, amusement, game or sport to which persons are admitted on payment;

   (d) "Government" means the Government of the State of Sikkim;

   (e) "notification" means a notification published in the official Gazette;

   (f) "payment for admission" includes-
       (i) any payment made by a person who, having been admitted to one part of a place of entertainment is subsequently admitted to another part thereof, for admission to which a payment involving tax or more tax is required;

   Explanation:— The exhibition of news reels, documentaries, advertisement, slides and cartoons, whether before or during the exhibition of a feature film is "entertainment":

   (d) "Government" means the Government of the State of Sikkim;

   (e) "notification" means a notification published in the official Gazette;

   (f) "payment for admission" includes-
(ii) any payment for seats or other accommodation in a place of entertainment;
(iii) an payment for a programme or synopsis of an entertainment; and
(iv) any payment for any purpose whatsoever connected with an entertainment which a person is required to make as a condition of attending or continuing to attend the entertainment in addition to the payment, if any, for admission to the entertainment;

(g) "proprietor" in relation to any entertainment includes any person responsible for the management thereof;

Explanation—A person charged with the work of admission to an entertainment is for purposes of sections 5 and 6 a person responsible for the management;

(h) "society" includes a company, institution, club or other association of persons by whatever name called.

Tax on payment for admission to entertainment

3. (1) There shall be levied and paid on all payments for admission to any entertainment, a tax called entertainment tax at a rate not exceeding fifty per cent of the payment for admission here such payment does not exceed one rupee and not exceeding seventy-five per cent thereof in any other case as the Government may from time to time specify by a notification in this behalf and the tax shall be collected by the proprietor and paid to the Government in the manner prescribed.

(2) If in any entertainment to which admission is generally on payment, any person is admitted free of charge or on a concessional rate, he would be liable to pay the same amount of entertainment tax as would be payable by him had he been admitted on full payment to the class to which he is entitled.

Amount payable on lumpsum subscription as contribution or on season tickets

4. Where the payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any society or for season tickets, the entertainment tax shall be paid on the amount of the lump sum but where the Government is of the opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, the tax shall be charged on such amount as appears to the Government to represent the right of admission to entertainments in respect of which the entertainment tax is payable.

Manner of admission and payment

5. (1) Save as otherwise provided in this Act, no person, other than a person who has some duty to perform in connection with the entertainment or a duty imposed upon him by law, shall be admitted to any entertainment, except with a ticket denoting that the proper entertainment tax payable under section 3 or section 4 has been paid.

(2) The Government may, on such conditions as may be prescribed, require the proprietor to pay the amount of the entertainment tax due either—

(a) by stamping the tickets with a seal or with an impressed, embossed, engraved or adhesive stamp (not used before) issued by the Government for the purpose of revenue and denoting that the proper entertainment tax payable under section 3 or section 4 has been paid, or

(b) in accordance with returns of the payments for admission to the entertainment and on account of the tax; or

(c) by a consolidated payment of a percentage, to be fixed by the Government of the gross sum received by the proprietor on account of payments for admission the entertainment and on account of the tax; or

(d) in accordance with results recorded by any mechanical contrivance which automatically registers the number of persons admitted,

(3) For the purpose of bringing uniformity in the realisation of entertainment tax the Government shall classify the entertainments in the manner prescribed.

(4) The decision of the Government under sub-section (3) shall be final and shall not be questioned in any Court of law.

Prohibition against entry and penalty

6. (1) No person liable to pay entertainment tax shall enter or obtain admission to an entertainment without payment of the tax leviable under section 3 or section 4.

(2) Any person who enters or obtains admission to an entertainment in contravention of the provision of sub-section (1), shall on conviction before a Magistrate, be liable to pay a fine not exceeding two hundred rupees and shall in addition be liable to pay the tax which would have been paid by him.
3

(3) It any person liable to pay entertainment tax is admitted to a place of entertainment without payment of the tax leviable under section 3 or section 4 the proprietor of the entertainment to which such person is admitted shall, on conviction before a Magistrate, be liable in respect of every such contravention to a fine not exceeding rupees five hundred.

7. (1) The entertainment tax shall not be charged on payment for admission to any entertainment where the Government is satisfied—

(a) that the whole of the collections therefrom are devoted to philanthropic, religious or charitable purposes without any deductions for any expenses of the entertainment; or

(b) that the entertainment is or a wholly educational character, or

Explanation: Any question whether any entertainment is of a wholly educational character shall be decided by the Government whose decision shall be final.

(c) that the entertainment is provided for partly educational or partly scientific purposes by a society not conducted or established for profit; or

(d) that the entertainment is provided by a society which is established solely for the purpose of promoting the interest of industry or agriculture or the manufacturing industry, or some branch thereof, or the public health, and which is not conducted for profit, and consists solely of an exhibition of the products of the industry, or branch thereof for promoting the interest of which the society exists or of materials, machinery appliances, or food-stuffs, used in the production of those products, or of articles which are of material interest in connection with the question relating to the public health, as the case may be.

(2) The Government may, by general or special order, exempt either partly or wholly any entertainment or class of entertainment or any class of the audience or spectators from liability to the entertainment tax.

8. Any sum due on account of entertainment tax shall be recovered as an arrear of land revenue.

9. (1) Any officer authorised by the Government may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment, at any reasonable time, for the purpose of checking whether provisions of the Act or of any rules made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of any officer so authorised, he shall in addition to any other punishment to which he is liable under any law for the time being in force, be liable on conviction before a Magistrate to a fine not exceeding two hundred rupees.

(3) Every officer authorised under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

10. (1) The Government may make rules for securing the payment of the entertainment tax and generally for carrying into effect the provisions of the Act and in particular,

(a) for the supply and use of stamps or stamped tickets or for the stamping of tickets and for securing the defacement of stamps when used;

(b) for classification of entertainments for the purpose of bringing uniformity in realisation of the entertainment tax;

(c) for the use of tickets covering the admission of more than one person and the calculation of the entertainment tax thereon;

(d) for controlling the use of barriers or mechanical contrivance (including the prevention of the use of the same barrier or mechanical contrivance for payment of a different amount), and for securing proper records of admission by means of barriers or mechanical contrivance;

(e) for the checking of admission, the keeping of accounts and the furnishing of returns by the proprietors of entertainments to which the provisions of sub-section (2) of section 5 are applied or in respect of which the arrangements approved by the Government for furnishing returns are made under the said provisions;

(f) for the renewal of damaged or spoiled stamps;

(g) for the keeping of accounts of all stamps used under this Act,

(h) for the presentation and disposal of applications for exemption from payment of the entertainment tax, made under the provisions of this Act;

(i) for the exemption from the entertainment tax of any class of the audience or spectators.
(2) If any person acts in contravention of, or fails to comply with, any such rules he shall, on conviction before a Magistrate, be liable in respect of each offence to a fine not exceeding two hundred rupees.

11. Notwithstanding anything contained in any other law and without prejudice to the provisions of section 6, the District Magistrate may by order revoke or suspend any licence for an entertainment granted under any law for the time being in force, if the proprietor of such entertainment is convicted under the provisions of this Act. A copy of the order shall be communicated immediately to the proprietor who may appeal to the Government or such officer as the Government may specify in this behalf within one month from the date on which the order is served on him. The order passed in appeal shall be final.

Explanation -

(1) The order of the District Magistrate shall be deemed to be duly served if a copy thereof is delivered to the proprietor in person, or if the District Magistrate is satisfied that such personal service cannot be made, then by affixation of a copy of the order at a prominent place at the site of the said entertainment.

(2) For the purpose of this section the word "licensure" shall be deemed to include a licence or permit for any entertainment granted by any authority.

12. (1) Notwithstanding anything contained in any other law for the time being in force a ticket for admission to an entertainment shall not be resold for profit by the purchaser thereof.

(2) Whosoever re-sells any ticket for admission to an entertainment for profit shall be punishable with a fine not exceeding rupees two hundred.

13. (1) On and from the commencement of this Act, all Sikkim Laws, relating to matters for which provisions have been made in this Act and in force immediate before such commencement, shall stand repealed.

(2) Notwithstanding such repeal, anything done or action taken or proceedings commenced or tax imposed under the repealed Sikkim Laws shall be deemed to have been done, or taken or commenced or imposed under the provisions of this Act as if this Act was in force at the time such thing was done or action taken or proceeding commenced or tax imposed.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of State Law and Legislative Department, Government of Sikkim, F. No, 16 (84)LL/79.
The Government of Sikkim have been pleased to revise the rates of daily wages of workers in the State of Sikkim, borne on muster roll, as specified below:-

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Categories of Workers</th>
<th>Revised daily rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Supervisor</td>
<td>Rs. 9.00</td>
</tr>
<tr>
<td>2</td>
<td>Carpenter Class I</td>
<td>Rs. 17.00</td>
</tr>
<tr>
<td>3</td>
<td>Carpenter Class II</td>
<td>Rs. 14.00</td>
</tr>
<tr>
<td>4</td>
<td>Carpenter Class III</td>
<td>Rs. 12.00</td>
</tr>
<tr>
<td>5</td>
<td>Mason Class I</td>
<td>Rs. 14.00</td>
</tr>
<tr>
<td>6</td>
<td>Mason Class II</td>
<td>Rs. 12.00</td>
</tr>
<tr>
<td>7</td>
<td>Mason Class III</td>
<td>Rs. 10.00</td>
</tr>
<tr>
<td>8</td>
<td>Painter Class I</td>
<td>Rs. 12.00</td>
</tr>
<tr>
<td>9</td>
<td>Painter Class II</td>
<td>Rs. 10.00</td>
</tr>
<tr>
<td>10</td>
<td>Painter Class III</td>
<td>Rs. 9.00</td>
</tr>
<tr>
<td>11</td>
<td>Ordinary Workers male and female</td>
<td>Rs. 8.00</td>
</tr>
<tr>
<td>12</td>
<td>Boys and Girls</td>
<td>Rs. 6.00</td>
</tr>
<tr>
<td>13</td>
<td>Fitter grade II</td>
<td>Rs. 13.00</td>
</tr>
<tr>
<td>14</td>
<td>Fitter Grade III</td>
<td>Rs. 12.00</td>
</tr>
<tr>
<td>15</td>
<td>Welder cum Denter</td>
<td>Rs. 1400</td>
</tr>
<tr>
<td>16</td>
<td>Electrician</td>
<td>Rs. 13.00</td>
</tr>
<tr>
<td>17</td>
<td>Buldozer Operator</td>
<td>Rs. 16.00</td>
</tr>
<tr>
<td>18</td>
<td>Roller Driver</td>
<td>Rs. 13.00</td>
</tr>
<tr>
<td>19</td>
<td>Compressor Operator</td>
<td>Rs. 11.00</td>
</tr>
<tr>
<td>20</td>
<td>Mixer Operator</td>
<td>Rs. 9.00</td>
</tr>
<tr>
<td>21</td>
<td>Stone Crusher Operator</td>
<td>Rs. 11.00</td>
</tr>
<tr>
<td>22</td>
<td>Tractor Helpe</td>
<td>Rs. 9.00</td>
</tr>
<tr>
<td>23</td>
<td>Helper to other machineries</td>
<td>Rs. 8.00</td>
</tr>
<tr>
<td>24</td>
<td>Vibrator Operator</td>
<td>Rs. 900</td>
</tr>
<tr>
<td>25</td>
<td>Pipe Fitter Class I</td>
<td>Rs. 9.50</td>
</tr>
<tr>
<td>26</td>
<td>Pipe Fitter Class II</td>
<td>Rs. 9.00</td>
</tr>
<tr>
<td>27</td>
<td>Assistant Pipe Fitter</td>
<td>Rs. 8.50</td>
</tr>
<tr>
<td>28</td>
<td>Helper Operator</td>
<td>Rs. 10.50</td>
</tr>
<tr>
<td>29</td>
<td>Helper to Filter Operator</td>
<td>Rs. 9.00</td>
</tr>
<tr>
<td>30</td>
<td>Metre Reader cum Bill Clerk</td>
<td>Rs. 9.50</td>
</tr>
<tr>
<td>31</td>
<td>Senior Pipe Fitter</td>
<td>Rs. 11.50</td>
</tr>
<tr>
<td>32</td>
<td>Driver</td>
<td>Rs. 12.00</td>
</tr>
</tbody>
</table>
The rates of daily wages of workers working at various altitude shall be as under:

(a) Upto 8000' altitude. - Workers shall be paid normal wages
(b) From 8001' to 12000 altitude. - Workers shall be paid 50% more than the normal wages.
(c) From 12001' to 16000' altitude. - Workers shall be paid 75% more than the normal wages.
(d) From 16001' and above altitude. - Workers shall be paid double the normal wages.

If a worker consecutively works without being absent during the working period for 6 (six) days in a week, he shall be given one paid holiday on either Sunday or any other Hat Day.

Normal working hours of the workers shall be eight hours in a day.

No person below the age of fourteen years shall be employed in any work.

This notification shall supercede all the previous notifications, office orders, circulars etc through which the wages of various categories of workers were fixed in the past.

The provisions of this notification shall come into force with effect from 1.8.1980.

By Order.

SONAM WANGDI
Secretary,
Labour Department,
HOME DEPARTMENT (ELECTION;)

NOTIFICATION No. 7/H.

Dated Gangtok, the 23rd September, 1980.

The following notification No. 56/79-XVI, dated 12 September, 1980 of the Election Commission of India, New Delhi is hereby republished for general information.

NOTIFICATION

S.O. Whereas the Election Commission of India has decided to register ‘Jammu and Kashmir Peoples Conference’ as an unrecognised political party in the State of Jammu and Kashmir under the provisions of paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968;

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

In Table 3 appended to the said notification, under columns 1 and 2, the entry “16. Jammu and Kashmir Peoples Conference.......................Jammu and Kashmir.” shall be inserted.

[No. 56/79—XVI]

By order,

Sd/- K. GANESAN,
SECRETARY.

TASHI WANGCHUK,
Under Secretary (Election).
LAND REVENUE DEPARTMENT  
GOVERNMENT OF SIKKIM

Notification No. 6/SK/21/ACQ/1/L.R.(S)  
Dated Gangtok, the 19th September, 1980.

(NOTIFICATION UNDER SECTION 6 OF LAND ACQUISITION ACT.)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76/LRD dated the 10th Jan, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of Articles of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Dalapchand-Rongli Elakha Rhenock District East it is hereby declared that a piece of land comprising cadastral plots 109, 283, 284, 279, 285, 286, 1271, 1272, 277, 257 measuring more or less 7.75 acres bounded on:

EAST       Sawa Khola  
WEST       P.F. of Kabirman Gurung  
NORTH      P.F.  
SOUTH      D.F. of self, D.F. OF Dal Bahadur

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

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

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

By Order of the Governor,

P. T. WANGDI, IAS  
Secretary,  
Land Revenue Department,  
Government of Sikkim.
Notification No. 6/SK/21/ACQ/l/L.R.(S) Dated Gangtok, the 19th September, 1980.

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

Whereas the functions of the Central Government under the Land Acquisition Act, 94 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No.12018/12/76/LRD dated 10th Jan, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Dalapchan Elaka Rongli District East it is hereby declared that a piece of land comprising cadastral plots129, 132,134,133,128 (Full) 123, 150, 142, 157,159 (in parts) measuring more or less 10.55acres bounded on:

EAST         Laxmi Narayan Gurung
WEST         Kholcha
NORTH       (Sukha) Laxmi Narayan, Man Bir Rai, Padamlal Chettri, Padamlal
SOUTH       Road, D.F. of Manbir, Indra Bir's D.F.

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

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

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

By Order of the Governor.

P.T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 6/SK/9/ACQ/I/L.R.(S)     Dated Gangtok, the 19th September, 1980.

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

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76/LRD dated the 10th Jan, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of Articles 258 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Rongll Elakha Rhenock District East it is hereby declared that a piece of land comprising cadastral plots 261, 4, and 262 measuring more or less 5.53 acres bounded on:

EAST  Dak bunglow compound
WEST  Sawa Khola
NORTH  Govt. land
SOUTH  Mule track

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

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

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

By Order of the Governor,

P. T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 6/SK/30/ACQ/I/L.R.(S)                  Dated Gangtok, the 19th September, 1980.

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

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76/LRD dated the 10th Jan, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of Articles 258 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the Block of Dalapchan Elakha Rongli District East it is hereby declared that a piece of land comprising cadastral plots 159, 158 in parts measuring more or less 0.75 acres bounded on:

EAST   Jhora
WEST   -do-
NORTH   ROAD
SOUTH  D.F. OF SELF

is needed or the aforesaid public purpose at the public expense within the aforesaid block of Dalapchand.

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

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

By Order of the Governor.

P.T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
No. 86 Gangtok, Thursday, September 25, 1980

LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM

Notification No. 6/SK/31/ACQ/I/L.R.(S) Dated Gangtok, the 19th September, 1980.

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

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. 12018/12/76/LRD dated 10th Jan, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I)f Articles 258 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of army in the block of Changey Elakha Rongli Elakha Rhenock District East it is hereby declared that a piece of land comprising cadastral plots 41, 40, 22 (in full) 23,16, 306, 19, 15, 266, 24 (in parts) measuring, more or less 10.31 acres bounded on:

| WEST    | Road & Sawa Khola              | Dal Bahadur                |
| NORTH   | Kamaldas, Man bir, Dal Bdr., Road | Mule track               |
| SOUTH   | Jang Bdr., Geychulai, Gayiey Lama | Road                    |

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

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

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

By Order of the Governor,

P. T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Notification No. 6/SK/78/ACQ/I/L.R.(S)                      Dated Gangtok, the 19th September, 1980.

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

Whereas the functions of the Central Government under the Land Acquisition Act, 1894(I of 1894) in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. 12018/12/76/LRD dated 10th January, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (I) of Articles 258 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union,namely for Establishment of Army in the block of Dalapchand Elakha Rongli District East it is hereby declared that a piece of land comprising cadastral plots 275 and 276 parts measuring more or less 0.13 acres bounded on:

EAST   Kabirman Gurung
WEST   -do-
NORTH  Mule track
SOUTH  Road

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

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

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

By Order of the Governor.

P. T. WANGDI, IAS

Secretary,
Land Revenue Department,
Government of Sikkim.
Notification No. 6/SK/22/ACQ/I/L.R.(S)                    Dated Gangtok, the 19th September, 1980.

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

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. 12018/12/76/LRD dated the 10th Jan, 1978 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause of Article 258 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for Establishment of Army in the block of Dalapchand Elakha Rongli District East it is hereby declared that a piece of land comprising cadastral plots 310,1279, 312, 313, 314, 319, 317, 307, 289, 292, 290, 18, 19, 20, 416, in parts measuring more or less 8.25 acres bounded on:

<table>
<thead>
<tr>
<th>EAST</th>
<th>ROAD</th>
<th>N: Road</th>
<th>WEST</th>
<th>P F Kabirman</th>
<th>S: Road</th>
<th>S: Jang Bahadur, Dal Bahadur Gayching</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>P F Chitu</td>
<td>E: Kholcha</td>
<td>SOUTH</td>
<td>Harka Bdr. Rai</td>
<td>W: &quot;</td>
<td>W: Jhora</td>
</tr>
</tbody>
</table>

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

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

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

By Order of the Governor,

P. T. WANGDI, IAS

Secretary,
Land Revenue Department,
Government of Sikkim.
In exercise of the powers under Rule 258 and in pursuance of Rule 184 of the Rules of procedure and Conduct of Business in the Sikkim Legislative Assembly, the Hon'ble Deputy Speaker, presiding over the Assembly on 11.p.1980, has been pleased to constitute a Committee of privileges consisting of the following members and to refer the question of privilege raised by Hon'ble Member, Shri N. B. Khatiwada in the House, to the said Committee for examination, investigation and report:—

1. Shri B. B. Lohar — Chairman
2. Shri Pradeep Yonzon — Member
3. Shri Ram Lepcha — Member
4. Shri Dawagyal Pintso Bhutia — Member
5. Shri Dago Bhutia — Member

The Committee shall function in accordance with Rule 259 of the Rules of Procedure and conduct of Business in the Sikkim Legislative Assembly.

By Order,

R. K. GUPTA,
Secretary,
Sikkim Legislative Assembly.
Notification No. 1/L.R. Dated Gangtok, the 29th September, 1980.

The Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Rules, 1980.

In exercise of the powers conferred by sub-section (1) of section 18 of the Sikkim Public Premises Eviction of unauthorised Occupants and Rent Recovery) Ordinance, 1980 the State Government hereby makes the following rules:—

1. These rules may be called the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Rules, 1980.
2. They shall come into force at once.

In these rules, unless the context otherwise requires;—

a) Ordinance means the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance 1980.

b) All other words and expression used but not defined in these rules and defined in the Ordinance shall have the meaning respectively assigned to them in the Ordinance.

1) A notice under sub-section (1) of Section 4 of the Ordinance shall be in SPP Form I appended to these rules.

2) In addition to any mode of service specified in the Act, a notice issued under sub-section (1) of Section 4 of the Ordinance shall be served by delivering or tendering a copy of the notice to the person for whom it is intended or to any adult members of his family, or by sending it by registered post with acknowledgement due in a letter addressed to that person at his usual or last known place of residence or business.

3) Where the copy of the notice under sub-rule (1) is delivered or tendered, the signature of the person to whom a copy so delivered or tendered should be obtained in token of acknowledgement of the service of notice.

4) In respect of a notice issued under sub-section (1) of Section 4 of the Ordinance where the person or the adult members of the family of such person refuses to sign the acknowledgement, or where such person can not be found after using all due and reasonable diligence, and there is no adult members of the family of such person, a copy of the notice shall be affixed on the outer door or some other conspicuous part of residence or usual place of business of such person and the original shall be returned to the District Collector who issued the notice, with a report endorsed thereon or annexed thereto stating that a copy has been so affixed, the circumstances under which it was done so and the name and address of the person, if any, by whom the residence or usual place of business was identified and in whose presence the copy was affixed.
5) If the notice issued under sub-section (I) of Section 4 of the Ordinance can not be served in the manner provided in sub-rule (1), the Collector may, if he thinks fit, direct that such notice shall also be published in at least one local newspaper having circulation in a locality and he may also proclaim the contents of any notice in the locality by beat of drum.

6) Where any notice is to be served on any local authority, company or corporation, it shall be served in the manner provided below:—
   a) Upon any one or more of the partners, secretary, any director or other principal officer of such local authority, company or corporati; or
   b) by leaving it or sending it by registered post addressed to the local authority, company or corporation at its office or if there is no registered office, then at the place where such local authority, company or corporation carries out its business.

Holding of enquiries under section 8

1) Where any person on whom a notice or order under this Ordinance has been served desires to be heard through his representatives, he should authorise such representatives in writing.

2) The Collector or any other officer appointed under the Ordinance shall record the summary of the evidence tendered before him. The summary of such evidence and any relevant documents filed before him shall form part of the records of the proceeding.

Form and manner of service of order & taking possession of public premises.

5. 1) The order of eviction under sub-section (I) of Section 5 of the Ordinance shall be in SPP Form II which shall be served in the manner prescribed under sub-rule (2), (3), (4) & (5) of Rule 3.

2) If any obstruction is offered, or is in the opinion of Collector, likely to be offered, to the taking possession of any premises under the Ordinance, the Collector or any other officer duly authorised by him in this behalf may obtain necessary police assistance.

3) Where any public premises of which possession is to be taken under the Ordinance is found locked, the Collector or any other duly authorised by him in this behalf may either seal the premises or in the presence of two witnesses break open the locks, or open, or cause to be opened, any door, gate or other barrier and enter the premises.

Provided that:—
   a) no entry shall be made into, or possession taken of, a public premises before sunrise or after sunset.
   b) where any public premises is forced open, an inventory of the articles found in the premises shall be prepared in the presence to two witnesses.

Form of notice to remove any property.

6. 1) The Collector may issue a notice to a person concerned, from whom the public premises has been taken, to remove any property remaining on the said premises, giving not less than fourteen days time from the date of service of notice in SPP Form III.

Assessment of damages and found of notice or order.

7. 1) In assessing damages for unauthorised use and occupation of any public premises, the Collector shall take into consideration the following matters, namely:—
   a) the purpose and the period for which the public premises were in unauthorised occupation;
   b) the nature, size and standard of the accommodation available in such premises;
   c) the rent that would have been realised if the premises had been let on rent for the period of unauthorised occupation to a private person;
   d) any damage done to the premises during the period of unauthorised occupation;
   e) any other matter relevant for the purpose of assessing the damages.
2) Where any person is in arrear of rent payable, or, any person is, or has at any time been in unauthorised occupation of public premises, the Collector shall cause to be assessed the arrear of rent payable and damages and serve upon the person concerned, a notice in SPP Forms IV and V calling upon him to show cause within a period of thirty days from the date of issue of notice why an order requiring him to pay the said arrear of rent and damages assessed should not be made.

3) After the disposal of objections filed, if any under sub-section (3) of Section 7 or after disposal of any appeal under Section 9 of the Ordinance, the Collector shall cause to be served upon the person concerned showing the arrear of rent and damages payable in such number of instalments within a period of thirty days from the date of issue of notice in Forms SPP VI and VII. In the event of failure to make payment within the stipulated time, the same shall be recovered as an arrear of land revenue or public demand.

Procedure in appeals.

1. 1) An appeal preferred under Section 9 of the Ordinance shall be in writing shall set forth concisely the grounds of objection to the order appealed against, and shall be accompanied by a copy of such order.

2) On receipt of the appeal and after calling for and perusing the record of the proceedings before the Collector, the Appellate Officer shall appoint a time and place for the hearing of the appeal and shall give notice thereof to the Collector against whose orders the appeal is preferred and to the Appellant and authority in administrative control of the premises.

BY ORDER.

(P.T. WANGDI) IAS
Secretary to the Government of Sikkim
Land Revenue Department.
SPP FORM I
NOTICE
(UNDER SUB-SECTION I OF SECTION 4)

To:

Name Shri/Shrimati/Kumari
Address __________________________
____________________________________

Whereas I, the undersigned, am of opinion, on the grounds specified below, that you are in unauthorised occupation of the public premises mentioned in the Schedule below and that you should be evicted from the said premises:

GROUNDs

Now, therefore, in pursuance of sub-section (I) of Section 4 of the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980 I hereby call upon you to show cause on or before the ___________________________why such an order of eviction should not be made.

SCHEDULE

Date________________________
Signature and seal of the Collector.

This date should be a date not earlier than fifteen days from the date of issue of the notice.

SPP FORM II
ORDER
(UNDER SUB-SECTION (I) OF SECTION )

Whereas I, the undersigned, am satisfied for the reasons, recorded below that Shri/Smt/Kumari ____________________________is/are in unauthorised occupation of the public premises specified in the schedule below:

REASONS

Now, therefore, in exercise of the powers conferred on me by sub-section (I) of Section 5 of the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980 I hereby order the said Shri/Smt/Kumari ____________________________and all persons who may be in occupation of the said premises or any part thereof to vacate the said premises within ___________ days of the date of the publication of this order. In the event of refusal or failure to comply with this order within the period specified above, the said Shri/Smt/Kumari ____________________________and all other person concerned are liable to be evicted from the said premises, if need by the use of such force as may be necessary.

SCHEDULE

Date________________________
Signature and seal of the Collector.
SPP FORM III

NOTICE

(UNDER SUB-SECTION (I) OF SECTION 6)

Name Shri/Shrimati/Kumari

Address________________________________________

Whereas on the ________________________________ you were evicted from the public premises described in the schedule below which was unauthorisedly occupied by you.

Now, therefore, in exercise of the powers conferred on me by sub-section (I) of Section 6 of the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980 I hereby give you notice that after fourteen days of the service of this notice on you, any property remaining on the said premises will be liable to be removed or disposed of by public auction.

In case you hereby desire to take possession of your property and to remove the same from the said premises, you will be permitted to do so on written authority from the undersigned provided any arrears of rent/damages/costs due from you are paid within the said period of fourteen days

SCHEDULE

Date_____________ Signature and seal of the Collector.

SPP FORM IV

NOTICE

(UNDER SUB-SECTION (3) OF SECTION 7)

To:

Name Shri/Shrimati/Kumari

Address ____________________________

Whereas you are/were in occupation of the public premises described in the schedule below:

And whereas a sum of Rs._______________________ being the arrears of rent from ___________ days of 19_________________ up to ___________ day of 19_________________ (both days inclusive) in respect of the said premises is due against you and payable to the Government;

Now, therefore, as required by sub-section (3) of Section 7 read with sub-section (1) of Section 7 of the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980, I hereby call upon you to show cause on or before ________________________________ why an order requiring you to pay the said arrear of rent should not be made.

SCHEDULE

Date_____________ Signature and seal of the Collector.
SPP FORM V
NOTICE
(UNDER SUB-SECTION 3) OF SECTION 7)

To:

Name Shri/Shrimati/Kumari
Address __________________________________________
____________________________________________________________________________________

Whereas I, the undersigned, am satisfied that you are/were in unauthorised occupation of the public premises mentioned in the Schedule below;

And whereas in exercise of the powers conferred on me by sub-section (2) of Section 7 of the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980, I consider the damages amounting to Rs.____________________________________ at the rate of Rs.________________p.m/ p.a. have been caused on account of unauthorised use and occupation of the said premises for the period from ___________________________ to _______________________

Now, therefore, as required by sub-section (3) of Section 7 read with sub-section (2) of Section 7 of the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980, I hereby call upon you to show cause on or before the___________________________, why an order requiring you to pay the said damages should not be made.

SCHEDULE
Date________________________________                                           Signature and seal of the Collector.

SPP FORM VI
ORDER
(UNDER SUB-SECTION (1) OF SECTION 7)

To:

Name Shri/Shrimati/Kumari
Address __________________________________________
____________________________________________________________________________________

Whereas you are/were in occupation of the public premises described in the scheduled below;

And whereas, by a written notice dated____________________you are called upon to show cause on or before_________________ why an order requiring you to pay a sum of Rs.___________________(Rupees __________________________________________________________________) being the rent payable in request of the said premises should not be made;

* And, whereas I have considered your objection and/or the evidence produced by you;
* And, whereas you have not made any objection or produced any evidence before the said date;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980, I hereby require you to pay the sum of Rs.____________________________________(Rupees ______________________________) on or before the________________________________________________.

In case the said sum is not paid within the said period or in the said manner, it will be recovers as arrear of Land Revenue or Public demand.

SCHEDULE
Date________________________________                                           Signature and seal of the Collector.
SPP FORM VII
ORDER
(UNDER SUB-SECTION (2) OF SECTION 7)

Name Shri/Shrimati/Kumari
Address__________________________
____________________________________

Whereas, I, the undersigned, am satisfied that you are/were in unauthorised occupation of the
public premises mentioned in the schedule below;

And, whereas by a written notice dated_____________________you were called upon to show cause
on or before the_____________________ why an order requiring you to pay damages of Rs.____
(Rupees____________________), for authorised use and occupation of the said premises, should not be made;

* And, whereas I have considered your objection and/or the evidence produced by you;
* And, whereas you have not made any objections or produced any evidence before the said date;

Now, therefore, in exercise of the powers conferred on me by sub-section (2) of Section 7 of the
Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980, I hereby
order you to pay the sum of Rs.____(Rupees____________________), assessed by me as damages on account of your unauthorised occupation of the said premises on or before the
_________________________________.

In the event of your refusal or failure to pay the damages within the said period, the amount will
be recovered as an arrear of Land Revenue or Public demand.

SCHEDULE

Date_____________________ Signature and seal of the Collector.

*Strike off portion not required.
THE NATIONAL SECURITY ORDINANCE, 1980
No. 11 of 1980

Promulgated by the President in the Thirty-first Year of the Republic of India.
An Ordinance to provide for preventive detention in certain cases and for matters connected therewith.

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 (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. (1) This Ordinance may be called the National Security Ordinance, 1980.
   (2) It extends to the whole of India except the State of Jammu and Kashmir.
   (3) It shall come into force on the 23rd day of September, 1980.

Definitions.
2. In this Ordinance, unless the context otherwise requires,—
   (a) "appropriate Government" means, as respects a detention order made by the Central Government or a person detained under such order, the Central Government, and as respects a detention order made by a State Government or by an officer subordinate to a State Government or as respects a person detained under such order, the State Government;
   (b) "detention order" means an order made under section 3;
   (c) "foreigner" has the same meaning as in the Foreigners Act, 1946;
(d) "person" includes a foreigner;
(e) "State Government", in relation to a Union territory, means the administrator thereof.

3. (1) The Central Government or the State Government may, if
(a) if satisfied with respect to any person that with a view to preventing him from acting in any manner prejudicial to the defence of India, the relations of India with foreign powers, or the security of India, or
(b) if satisfied with respect to any foreigner that with a view to regulating his continued presence in India or with a view to making arrangements for his expulsion from India,

it is necessary so to do, make an order directing that such person be detained.

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

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

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

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

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

Provided that where under section 8 the grounds of detention are communicated by the officer making the order after five days but not later than ten days from the date of detention, this sub-section shall apply subject to the modification that, for the words "twelve days", the words "fifteen days" shall be substituted.
(5) When any order is made or approved by the State Government under this section, the State Government shall, within seven days, report the fact to the Central Government together with the grounds on which the order has been made and such other particulars as, in the opinion of the State Government, have a bearing on the necessity for the order.

4. A detention order may be executed at any place in India in the manner provided for the execution of warrants of arrest under the Code of Criminal Procedure, 1973.

5. Every person in respect of whom a detention order has been made shall be liable—
   (a) to be detained in such place and under such conditions, including conditions as to maintenance, discipline and punishment for breaches of discipline, as the appropriate Government may, by general or special order, specify; and
   (b) to be removed from one place of detention to another place of detention, whether within the same State or in another State, by order of the appropriate Government:

Provided that no order shall be made by a State Government under clause (b) for the removal of a person from one State to another State except with the consent of the Government, of that other State.

6. No detention order shall be invalid or inoperative merely by reason—
   (a) that the person to be detained thereunder is outside the limits of the territorial jurisdiction of the Government or officer making the order, or
   (b) that the place of detention of such person is outside the said limits.

7. (1) If the Central Government or the State Government or an officer mentioned in sub-section (3) of section 3, as the case may be, has reason to believe that a person in respect of whom a detention order has been made has absconded or is concealing himself so that the order cannot be executed that Government or officer may—
   (a) make a report in writing of the fact to a Metropolitan Magistrate or a Judicial Magistrate of the first class having jurisdiction in the place where the said person ordinarily resides;
   (b) by order notified in the Official Gazette direct the said person to appear before such officer, at such place and within such period as may be specified in the order.

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

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

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under sub-section (3) shall be cognizable.
8. (1) When a person is detained in pursuance of a detention order, the authority making the order shall, as soon as may be, but ordinarily not later than five days and in exceptional circumstances and for reasons to be recorded in writing, not later than ten days from the date of detention, communicate to him the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order to the appropriate Government.

(2) Nothing in sub-section (1) shall require the authority to disclose facts which it considers to be against the public interest to disclose.

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

(2) The constitution of every such Board shall be in accordance with the recommendations of the Chief Justice of appropriate High Court.

(3) Every such Board shall consist of a Chairman and not less than two other members, and the Chairman shall be serving Judge of the appropriate High Court and the other member shall be serving or retired Judges of any High Court.

Explanation.—In this section, "appropriate High Court" means—

(a) in the case of the detention of a person in pursuance of an order of detention made by the Central Government or the administrator of the Union territory of Delhi or an officer subordinate to such administrator, the High Court for the Union territory of Delhi;

(b) in the case of the detention of a person in pursuance of an order of detention made by any State Government (other than the administrator of a Union territory) or an officer of such State Government, the High Court for that State; and

(c) in the case of the detention of a person in pursuance of an order of detention made by the administrator of a Union territory (other than the Union territory of Delhi) or an officer subordinate to such administrator, such High Court as the Central Government may, by order published in the Official Gazette, specify with respect to such Union territory.

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

11. (1) The Advisory Board shall, after considering the materials placed before it and, after calling for such further information as it may deem necessary from the appropriate Government or from any person called for the purpose through the appropriate Government or from the person concerned, and if, in any particular case, it considers it essential so to do or if the person concerned desires to be heard, after hearing him in person, submit its report to the appropriate Government within seven weeks from the date of detention of the person concerned.
(2) The report of the Advisory Board shall specify in a separate part thereof the opinion of the Advisory Board as to whether or not there is sufficient cause for the detention of the person concerned.

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

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

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

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

13. The maximum period for which any person may be detained in pursuance of any detention order which has been confirmed under section 12 shall be twelve months from the date of detention:

Provided that nothing contained in this section shall affect the power of the appropriate Government to revoke or modify the detention order at any earlier time.

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

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

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

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

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

(2) In directing the release of any person under sub-section (1), the appropriate Government may require him to enter into a bond with or without sureties for the due observance of the conditions specified in the direction.
Any person released under sub-section (1) shall surrender himself at the time and place, and to the authority, specified in the order directing his release or cancelling his release, as the case may be.

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

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

Protection of action taken in good faith.

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

Ordinance not to have effect with respect to State laws.

Nothing in this Ordinance shall apply or have any effect with respect to orders of detention, made under any State law, which are in force immediately before the commencement of this Ordinance, and accordingly every person in respect of whom an order of detention made under any State law is in force immediately before such commencement, shall be governed with respect to such detention by the provisions of such State law or where the State law under which such order of detention is made is an Ordinance (hereinafter referred to as the State Ordinance) promulgated by the Governor of that State and the State Ordinance has been replaced—

(i) before such commencement, by an enactment passed by the Legislature of that State, by such enactment; or

(ii) after such commencement, by an enactment which is passed by the Legislature of that State and the application of which is confined to orders of detention made before such commencement under the State Ordinance, by such enactment, as if this Ordinance had not been promulgated.

Nothing in this section shall be deemed to bar the making, under section 3, of a detention order against any person referred to in sub-section (1) after the detention order in for in respect of him as aforesaid immediately before the commencement of this Ordinance ceases to have effect for any reason whatsoever

Explanation.—For the purposes of this section, "State law" mean any law providing for preventive detention on all or any of the grounds on which an order of detention may be made under sub-section (2) of section 3 and in force in any State immediately before the commencement of this Ordinance.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
NOTIFICATION

No. 7(3)Home/80.

Dated Gangtok, the 4th August, 1980.

The following three notifications published in the Government of India Gazette are hereby re-published for information:


    GSR No. 375 (E) - In exercise of the powers conferred by clause (h) of subsection(l) of section 2 of the Arms Act, 1959 (54 of 1959), the Central Government hereby specifies any multiple projectile ammunition in which any projectile has a dimension of 5mm. or more to be prohibited ammunition within the meaning of the said clause.

    2. This notification shall come into force from the date of its publication in the Official Gazette.


    GSR No. 376 (E) In exercise of the powers conferred by section II of the Arms, 1959 (54 of 1959), the Central Government hereby prohibits the bringing into India ammunition of the following description; namely;

    "Any multiple projectile ammunition in which any projectile has a dimension of 5mm. or more."

    2. This notification shall come into force on the date of its publication in the Official Gazette.


    GSR 378(E)- Whereas the Central Government is of opinion that it is necessary and expedient in the public interest to exempt certain persons and class of person and exclude certain description of ammunition from the operation of some of the provisions of the Arms Act, 1959 (54 of 1959).

    2. Now, therefore, in exercise of the powers conferred by section 41 of that Act, the Central Government hereby exempts the licensed dealers and other licensees possessing any multiple projectile ammunition in which any projectile has a dimension of 5 mm. or more, which has been declared to the Government of India in the Ministry of Home Affairs' No. G.S.R. 375(E) dated the 21st June, 1980, from the operation of the provisions of section 7 of that Act subject to the following conditions, namely:-
(a) That the persons or class of persons exempted under this notification shall make a declaration about the quantity of above said prohibited ammunition within one month from the date of publication of this notification in the Official Gazette to the Officer-in-charge of the nearest Police Station or where the prohibited ammunition is in possession of a member of the Armed Forces of the Union, to a Unit Armoury; and

(b) That the above said prohibited ammunition shall not be sold or offered for consideration to anybody and the same shall be got converted into number cartridges within a period of one year from the date of publication of this notification in the Official Gazette.

Tashi Tsering,
Deputy Secretary,
Home Department.
The following order of the Governor of Sikkim dated 13th October, 1980 is published for general information:

"No.SKM/GOV/729/80 —In exercise of the powers conferred by Article 174(2) (a) of the Constitution, I, B.B. Lal, Governor of Sikkim, hereby prorogue the Legislative Assembly of Sikkim which was summoned to meet on Tuesday, 9th September, 1980.

B. B. LAL,
Governor of Sikkim."

By Order

R. K. GUPTA,
Secretary,
Sikkim Legislative Assembly.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
The Government of Sikkim has been pleased to revise the Schedule of Rates for different items of work involved in Building and Road & Bridges construction. The new Revised Rates 1980 will come into force with effect from 1st of October, 1980.

By Order

M. K. PRADHAN,
Chief Engineer,
Buildings, Public Health & Housing,
Sikkim Public Works Department,
Gangtok.
Notification No.7/Acq/700/L.R.(S) Dated Gangtok, the 14th October, 1980.

(Notice under Section 4 of Land Acquisition Act, 1894).

Whereas the function of the Central Government under Land Acquisition Act, 1894 (I of 1894) in relation to the acquisition of land for the public purpose of the Union have been entrusted to the State Government by Notification No. 12018/12/76/LRD dated 10th January, 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 it appears to the Governor that land is needed for a public purpose being a purpose of the Union, namely for construction of Radio Station cum Staff Quarter at Namnam within Municipal Corporation Area, Gangtok (Sikkim), it is hereby notified that a piece of land comprising site plan plots Nos. 1162, 1166, 1167, 1168, and 1169A measuring more or less 3.50 acres bounded on the:

- NORTH Holding of Mr. C.T.Pazo
- SOUTH Kazi Road
- EAST "
- WEST Namnam Road and holding of B.B.Rai

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

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

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

In exercise of the powers conferred by the said section read with the said notification, the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and workman, to enter upon and survey the land 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 the notification is given in the locality, file an objection in writing before the Collector-cum-Special Land Acquisition Officer, Land Revenue Department, Gangtok.

By Order of the Governor.

P.T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
HOME DEPARTMENT (ELECTION)

Notification No. 8/H.

Dated Gangtok, the 28th October, 1980.

The following notification No.55/79 - XVH, dated 30th September, 1980/8th Asvina, 1902(S) of the Election Commission of India, New Delhi, is republished for general information:

NOTIFICATION

S.O.- Whereas the Election Commission of India has decided to register "The Backward and Depressed People's Protection Front" as an unrecognised political party in the State of Tamil Nadu under the provisions of paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968;

Now therefore, in pursuance of the provisions contained in clause (c) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission of India hereby makes the following amendments in its notification No. 55/79, dated 28th September, 1979 published as SO. 557 (E) in the Gazette of India, Extraordinary, Part II, Section 3 (ii) dated the 28th September, 1979 and as amended from time to time, namely —

IN TABLE 3 appended to the said notification, under column 1 and 2, the entry "17. The Backward and Depressed People's Protection Front.... Tamil Nadu" shall be inserted.

[No. 56/79-XVII ]

By Order,

Sd/- K. GANESAN,

SECRETARY.

S. R. SETHI,

Deputy Chief Electoral Officer,
Sikkim.
LAW AND LEGISLATIVE DEPARTMENT
GOVERNMENT OF SIKKIM

Notification No. 12/LL/80

Dated Gangtok, the 29th October, 1980.

The following Act of the Sikkim Legislative Assembly having received the assent of the President on the 16th Day of October, 1980 is hereby published for general information.

SIKKIM ACT NO. 9 OF 1980

SIKKIM PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS AND RENT RECOVERY) ACT, 1980.

AN

ACT
to provide for the speedy eviction of unauthorised occupants from the public premises;

WHEREAS it is expedient to provide for speedy eviction of unauthorised occupants from public premises;

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

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Act, 1980.
(2) It extends to the whole of Sikkim.
(3) It shall be deemed to have come into force on the 22nd day of August, 1980.

Definitions.

2. In this Act, unless the context otherwise requires, —
(a) "Appellate Authority" means an officer appointed by the State Government under sub-section (1) of section 9 of this Act;
(b) "Collector" means the Collector of the district and includes any other officers appointed by the State Government for performing the functions of the Collector under this Act;
(c) "notification" means a notification published in the Official Gazette;
(d) "owner" means —
   (i) in relation to any premises belonging to, or taken on lease by, or requisitioned by or on behalf of the State Government that Government; and
   (ii) in relation to any premises belonging to, or taken on lease by a local authority, company or corporation, such local authorities, company or corporation, as the case may be;
(e) "person concerned in relation to any public premises, means any person who is in the use or occupation of the public premises;
(f) "premises" means any land, whether used for agricultural or non-agricultural or any other purposes, or any building or part of a building and includes,—
   (i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building; and
   (ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;
(g) "public premises" means any premises belonging to, or taken on lease by the State Government, or local authority, or a Government company or a corporation owned or controlled by the State Government and includes any land requisitioned by or on behalf of the State Government;

Explanation.— In this clause "Government company" means any company in which not less than fifty one percent of the paid up share capital is held by the State Government.
(h) "prescribed" means prescribed by rules made under this Act;
(i) "rent" in relation to any public premises, means the consideration payable periodically for the authorised occupation of the premises and includes, —
   (i) any charge for electricity, water or any other services in connection with the occupation of the premises;
   (ii) any tax (by whatever name called) payable in respect of the premises,
where such charge or tax is payable by the State Government or the corporate authority.

3. For the purposes of this Act, a person shall be deemed to be in unauthorised occupation of any public premises —

(a) where he has, whether before or after the commencement of this Act, entered into possession thereof otherwise than under and in pursuance of any allotment, lease or grant; or

(b) where he being an allottee, lessee or grantee, has, by reason of the determination or cancellation of his allotment, lease or grant, in accordance with the terms in that behalf therein contained, ceased, whether before or after the commencement of this Act, to be entitled to occupy or hold such public premises; or

(c) where any person authorised to occupy any public premises has, whether before or after the commencement of this Act,—

(i) sub-let, in contravention of the terms of allotment, lease or grant without the permission of the State Government or of any other Authority competent to permit such sub-letting, the whole or any part of such public premises; or

(ii) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such public premises.

Explanation,— For the purpose of clause (a), a person shall not merely by reason of the fact that he has paid any rent be deemed to have entered into possession as allottee, lessee or grantee.

4. (1) If, in respect of any public premises, the Collector is of the opinion that such premises is in the unauthorised occupation of any person or persons, and that such person or persons should be evicted, the Collector shall issue a notice in such form and containing such particulars as may be prescribed calling upon all persons concerned to show cause before such date, not being less than fifteen days after the date of the notice, why an order of eviction should not be made and shall cause it to be served in the manner referred to in sub-section (2).

(2) A notice issued under sub-section (1) shall be served personally or by affixing on a conspicuous part of the public premises concerned and in such other manner as may be prescribed.

(3) A notice served in the manner referred to in sub-section (2) shall be deemed to have been duly served.

(1) If, after considering the cause, if any, shown by any person in pursuance of a notice under section 4 and any evidence he may produce in support of the same and after giving him a reasonable opportunity of being heard, the Collector is satisfied that the public premises is in unauthorised occupation, the Collector shall make an order of eviction, for reasons to be recorded therein, directing that the public premises shall be vacated, on such date as may be specified in the order, by persons who may be in unauthorised occupation thereof or any part thereof and shall cause a copy of the order to be affixed on a conspicuous part of the public premises.

(2) If any person refuses or fails to comply with the order of eviction within thirty days of the date of its publication under sub-section (1), the Collector or any other officer duly authorised by the Collector in this behalf may evict that person from and take possession of the public premises and may for that purpose use such force as may be necessary.

(1) Where any person has been evicted from any public premises under section 5, the Collector may, after giving not less than fourteen days notice to persons from whom possession of the public premises has been taken, remove or cause to be removed or dispose of by public auction any property remaining on such public premises including any material of a demolished building or ungathered crop or fruits or trees.
(2) Where any property is sold under sub-section (1), the sale proceeds thereof, shall, after deducting the expenses of the sale and the amount, if any, due to the State Government or the local authority, company or corporation, as the case may be, on account of arrears of rent or damages or costs, be paid to such person or persons as may appear to the Collector to be entitled to the same:

Provided that where the Collector is unable to decide as to the person or persons to whom the balance of the amount is payable or as to the appointment of the same he may refer such dispute to the Civil Court of competent jurisdiction and the decision of the Court thereon shall be final.

**Power to required payment of rent or damages in respect of public premises.**

7. (1) Where any person is in arrears of rent payable in respect of any public premises, the Collector may, by order, require that person to pay the same within such time and in such instalments as may be specified in the order.

(2) Where any person is, or has at any time been in unauthorised occupation of any public premises, the Collector may, having regard to such principles of assessment of damages as may be prescribed, assess the damage on account of the use and occupation of such premises and may by order, require that person to pay the damages within such time and in such instalments as may be specified in the order.

(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice, why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the Collector.

**Powers of Collector**

8. The Collector shall for the purpose of any inquiry or hearing under section 5, have the same powers as are vested in a Civil Court under the Code of Civil Procedure 1908 (Act V of 1908) when trying a suit, in respect of the following matters namely-

(a) proofs of facts by affidavits;
(b) summoning and enforcing the attendance of any person and examining him on oath;
(c) requiring the discovery and production of
(d) issue of commission; and
(e) any other matter which may be prescribed.

**Appeals.**

9. (1) An appeal shall lie from every order of the Collector made in respect of any public premises under section 5 or section 7 of this Act to the Appellate Authority to be appointed by the State Government.

(2) An appeal under sub-section (1) shall be preferred,-

(a) in the case of an appeal from an order under section 5, within thirty days from the date of publication of the order under sub-section(1) of that section, and
(b) in case of an appeal from an order under section 7, within thirty days from the date on which the order is communicated to the appellant:

Provided that an appeal filed after the expiry of the said period of thirty days may be entertained if the appellant satisfies that he was prevented by sufficient cause from not filing the appeal in time.

(3) Where an appeal is preferred from an order of the Collector, the appellate authority may stay the enforcement of that order for such period and on such conditions as he deems fit.

(4) Every appeal under this section shall be disposed of by the appellate authority as expeditiously as possible.

(5) The costs of any appeal under this section shall be in the discretion of the appellate authority.

**Finality of orders**

10. Save as otherwise expressly provided in this Act, every order made by the Collector under section 5 or section 7 or if there is any appeal from any such order, the appellate order under section 9, shall be final and shall not be called in question in any Court.
11. (1) If any person, who has been evicted from any public premises under this Act, again occupies the premises without authority, for such occupation, he shall punished with imprisonment for a term which may extend to one year or with fine upto five thousand rupees or both.

(2) Any Magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and such person shall be liable to such eviction without prejudice to any other action that may be taken against him under this Act.

12. If the Collector has reason to believe that any person is in unauthorised occupation of any public premises, the Collector or any other officer authorised by him in this behalf may require such person or any person to furnish information relating to the names and other particulars of the person in occupation of the public premises and every person required shall be bound to furnish the information in his possession.

13. (1) Where any person against whom any proceeding for the determination of rent or for the assessment of damages is to be or has been taken dies before the proceeding is taken during the pendency thereof, legal proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

(2) Any amount due to the State Government or the corporate authority from any person whether by way of arrears of rent or damages or costs shall after the death of the person, be payable by his heirs or legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

14. If any person refuses or fails to pay the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government or the corporate authority under sub-section (5) of section 9 or any portion of such rent, damages or costs, within the time, if any, specified therefor in the order relating thereto, the Collector shall proceed to recover the amount due as arrears of land revenue or public demand.

15. No Court shall have jurisdiction to entertain any suit or proceeding in respect of the eviction of any person who is in unauthorised occupation of any public premises or the recovery of the arrears of the rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or the costs awarded to the State Government or the corporate authority under sub-section (5) of section 9 or any portion of such rent, damages or costs.

16. No suit, prosecution or other legal proceeding shall lie against any person or authority for anything which is, in good faith done or intended to be done in pursuance of this Act or any rules or orders made thereunder.

17. (1) The owners of public premises shall be a party to every proceeding under the provision of this Act.

(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), the owner shall have a right to produce evidence, and cross-examine witnesses and to prefer an appeal under section 9 against any order of the Collector made under the provisions of sections 5 and 6 of this Act.

18. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of foregoing power, such rules may provide for all or any of the following matters, namely :

(a) the form of any notice required or authorised to be given under this Act and the manner in which it may be served;
(b) the holding of enquiries under this Act;
(c) the procedure to be followed in taking possession of public premises;
(d) the manner in which damages or unauthorised occupation may be assessed and the principles which may be taken into account in assessing such damages;
(e) the manner in which appeals may be preferred and the procedure to be followed in appeals;
(f) any other matter which has to be or may be prescribed.
19. (1) The Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980 (Ordinance No. 1 of 1980) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance (including any appointment made notice issued, order made, Notification published, officer duly authorised, assessment made, penalty or fine imposed, information obtained, cost awarded, proceeding taken) shall be deemed to have been done or taken under the corresponding provisions of this Act.

By Order of the Governor.

B. R. PRADHAN,
Secretary to the Government of Sikkim, Law and Legislative Department,
F.No. 16 (74)/LL/79.
HOME DEPARTMENT (ELECTION)

Notification No. 9/H.

Dated Gangtok, the 29th October, 1980.

The following notification No.56/79 - XVIII, dated 9th October, 1980/17th Asvina, 1904(S) of the Election Commission of India, New Delhi, is republished for general information:

NOTIFICATION

S.O.- Whereas by its order dated 9th October 1980 the Election Commission of India has directed that:—

(i) the group led by Shri Chandra Sekhar and recognised ad-hoc as the 'Janata Party';

(ii) the symbol 'Haldhar within wheel (Chakra Haldhar)' reserved hitherto for the Janata Party and which was frozen be revived and the said Janata Party be allowed to use hereafter the said symbol 'Haldhar within wheel (Chakra Haldhar)';

(iii) the name of the Janata Party (JP) and the symbol 'Umbrella' reserved for it, be omitted from the list of National parties; And whereas the Commission has further directed that —

(i) the Bharatiya Janata Party be recognised as a National Party on regular basis;

(ii) the symbol 'Lotus' be reserved for the said Bharatiya Janata Party;

Now, therefore, in pursuance of clause (a) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968 and in supersession of its notification No.56/79-XI, dated 25th April,1980 and No. 56/79-XIII, dated 30th April, 1980 the Commission hereby makes the following amendments in its Notification No. 56/79, dated 28th September 1979 published as SO. 557 (E) in the Gazette of India, Extraordinary, Part II, Section 3(ii) dated 28-9-1979, and as amended from time to time namely—

In TABLE 1 appended to the said notification:

(a) the existing entry "5. Bharatiya Janata Party — Lotus" shall continue on a regular basis; and

(b) for the existing entry "8. Janata Party (JP) Umbrella" the entry "8. Janata Party...............Haldhar within wheel (Chakra Haldhar)" shall be substituted.

By Order,

Sd/- K. GANESAN,
SECRETARY.

S. R. SETHI,
Deputy Chief Electoral Officer,
Sikkim.

ORDER

WHEREAS THE ELECTION COMMISSION IS SATISFIED THAT SHRI BIMAL KUMAR RASAILY, ABOVE DURGA STORE, GANGTOK, EAST SIKKIM A CONTESTING CANDIDATE FOR GENERAL ELECTION TO THE SIKKIM LEGISLATIVE ASSEMBLY HELD IN OCTOBER, 1979 FROM 31-GANGTOK CONSTITUENCY, HAS FAILED TO LODGE AN ACCOUNT OF HIS ELECTION EXPENSES AT ALL REQUIRED BY THE REPRESENTATION OF THE PEOPLE ACT, 1951, AND THE RULES MADE THEREUNDER;

AND WHEREAS THE SAID CANDIDATE, EVEN AFTER THE NOTICE, HAS NOT GIVEN ANY REASON OR EXPLANATION FOR THE FAILURE AND THE ELECTION COMMISSION IS SATISFIED THAT HE HAS NO GOOD REASON OR JUSTIFICATION FOR THE FAILURE;

NOW, THEREFORE, IN PURSUANCE OF SECTION 10A OF THE SAID ACT, THE ELECTION COMMISSION HEREBY DECLARES THE SAID SHRI BIMAL KUMAR RASAILY TO BE DISQUALIFIED FOR BEING CHOSEN AS, AND FOR BEING, A MEMBER OF EITHER HOUSE OF PARLIAMENT OR OF THE LEGISLATIVE ASSEMBLY OR LEGISLATIVE COUNCIL OF A STATE FOR A PERIOD OF THREE YEARS FROM THE DATE OF THIS ORDER.

ORDER

WHEREAS THE ELECTION COMMISSION IS SATISFIED THAT SHRI ANAND SINGAL, M.G. MARG, GANGTOK, EAST SIKKIM A CONTESTING CANDIDATE FOR GENERAL ELECTION TO THE SIKKIM LEGISLATIVE ASSEMBLY HELD IN OCTOBER, 1979 FROM 31-GANGTOK CONSTITUENCY, HAS FAILED TO LODGE AN ACCOUNT OF HIS ELECTION EXPENSES AT ALL REQUIRED BY THE REPRESENTATION OF THE PEOPLE ACT, 1951, AND THE RULES MADE THEREUNDER;

AND WHEREAS THE SAID CANDIDATE, EVEN AFTER THE NOTICE, HAS NOT GIVEN ANY REASON OR EXPLANATION FOR THE FAILURE AND THE ELECTION COMMISSION IS SATISFIED THAT HE HAS NO GOOD REASON OR JUSTIFICATION FOR THE FAILURE;

NOW, THEREFORE, IN PURSUANCE OF SECTION 10A OF THE SAID ACT, THE ELECTION COMMISSION HEREBY DECLARES THE SAID SHRI ANAND SINGAL TO BE DISQUALIFIED FOR BEING CHOSEN AS, AND FOR BEING, A MEMBER OF EITHER HOUSE OF PARLIAMENT OR OF THE LEGISLATIVE ASSEMBLY OR LEGISLATIVE COUNCIL OF A STATE FOR A PERIOD OF THREE YEARS FROM THE DATE OF THIS ORDER.
ORDER

WHEREAS the Election Commission is satisfied that Shri Gauri Shanker Bansal, M.G. Marg, Gangtok, East Sikkim a contesting candidate for general election to the Sikkim Legislative Assembly held in October, 1979 from 31-Gangtok constituency, has failed to lodge an account of his election expenses at all required by the Representation of the People Act, 1951, and the Rules made thereunder;

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

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

ORDER

WHEREAS the Election Commission is satisfied that Shri Malchand Aggarwal, Lall Market, Gangtok, East Sikkim a contesting candidate for general election to the Sikkim Legislative Assembly from 31-Gangtok assembly constituency, held in October, 1979, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

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

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

ORDER

WHEREAS the Election Commission is satisfied that Shri K. B. Pradhan, Lall Market Road, Gangtok, East Sikkim a contesting candidate for general election to the Sikkim Legislative Assembly from 31-Gangtok assembly constituency, held in October, 1979, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

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

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

By Order,

(TASHI WANGCHUK)  (S. C. JAIN)
Under Secretary (Election).  Under Secretary to the Election Commission of India.
THE FOREST (CONSERVATION) ORDINANCE, 1980

No. 17 OF 1980

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

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

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 (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:--

1. (1) This Ordinance may be called the Forest (Conservation) Ordinance, 1980.

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

(3) It shall come into force at once.
2. Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing—

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

(ii) that any forest land or any portion thereof may be used for any non-forest purpose.

Explanation.—For the purposes of this section "non-forest purpose” means breaking up or clearing of any forest land or portion thereof for any purpose other than reforestation.

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

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

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

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

(2) Every rule made 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 of the session immediately following the session or the successive sessions aforesaid, both Houses agree to making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

N. SANJIVA REDDY,
President.

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

By Order,

B.R. PRADHAN,
Secretary to the Govt. of Sikkim,
Law & Legislative Department.
F. No. 11(224)/LL/80

PRINTED AT THE SIKKIM GOVERNMENT PRESS
In honour of Srimati Indra Gandhi and the Women of the State of Sikkim, the State Government have decided to observe the 19th of November, which is the birth of the Prime Minister of India as the Women’s Day in the State.

By Order.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
Notification No. 20/DMG                                      Dated Gangtok, the 14th November, 1980.

NOTIFICATION

The following notification, dated 5th Jan. 1980 of Government of India Ministry of
Steel, Mines and Coal, Department of Mines, New Delhi, are hereby published for general
information.

NOTIFICATION

G.S.R. No. 2 (E). In pursuance of the Notification of the Government of India in the
Ministry of Home, Affairs S.O. No. 756 (E), dated the 23rd November, 1979, the Central
Government hereby appoints the seventh day of January, 1980 as date on which the Mines and
Minerals Regulation and Development) Act, 1957 (67 of 1957), shall come into force in the
State of Sikkim.

By Order,

Sd/- S. VARADAN,

Joint Secretary to the Govt, of India.

(File No. I(18)/76-MVI)

(G. P. PRADHAN)

Secretary.
The following Ordinance promulgated by the Governor on 24th November, 1980, is hereby published for general information.

THE SIKKIM ADVOCATES ORDINANCE, 1980
ORDINANCE NO. 2 OF 1980.

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

An Ordinance

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

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

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance, namely:-

1. (1) This Ordinance may be called the Sikkim Advocates Ordinance, 1980.
(2) It extends to the whole of Sikkim.
(3) It shall come into force at once.

2. In this Ordinance, unless the context otherwise requires.—
   (a) "Advocate" means an Advocate entered in any roll under the provisions of the Advocates Act, 1961 (25 of 1961);
   (b) "Court" means the High Court of Sikkim and all Courts of Civil and Criminal jurisdiction in Sikkim.

3. Notwithstanding anything contained in any other law, on and from the date of commencement of this Ordinance, Advocates shall be entitled to act and plead before all courts in Sikkim.

Gangtok
Dated the 24th November, 1980.

B. B. Lal
Governor.

B.R. PRADHAN,
Secretary to the Government of Sikkim,
F. No. 16 (115) LL/80.
In exercise of the powers conferred by Section 6 of the High Court of Judicature (Jurisdiction and Powers) Proclamation of 1956 read with Adaptation of Sikkim Laws (No. 1) Order, 1975, and all other powers enabling it in this behalf, the High Court of Sikkim makes the following Rules:-

1. These Rules may be called the Sikkim High Court (Judicial Business) Rules, 1980.

2. These Rules will come into force at once.

CHAPTER I
JUDICIAL BUSINESS

PART A- (a) THE PRESENTATION AND RECEPTION OF APPEALS, PETITIONS AND APPLICATIONS FOR REVIEW AND REVISION.

3. All ordinary appeals, petitions and applications for review or revision, written statements, affidavits or other documents sought to be presented shall be filed in duplicate presented by litigants or their Advocates to the Registrar between the hours of 10 a.m. to 4 p.m. on every day which is not a Court holiday. Petitions sent by litigents through post or unauthorised persons for taking some judicial action shall not be entertained but returned per bearing post or per bearer.

All appeals, applications and petitions accompanied by a petition to treat the same as urgent, should, however, be presented personally to the Registrar on any working day before 11a.m. but may, in exceptional cases, be received not later than 1 p.m.

(a) All appeals, petitions or applications, accompanied by a petition to treat the same as urgent, should be set down for hearing the same day, if found to be in order on scrutiny and not refused or returned for amendment under these rules. All other appeal, petitions and applications, if found in order on scrutiny and not refused or returned for amendment, may be put up on the next day.

No appeal, petition or application shall be received unless presented during pours between 10 a.m. and 4 p.m.

4. (a) Every memorandum of appeal and every application, written statement, affidavit, annexures to writ petitions, etc. shall be in the English language and shall be typed in double spacing on one side of the paper only on judicial paper, unless a printed form is prescribed for the purpose by the High Court. It shall be headed “In the High Court of Sikkim” and signed by the appellant or the applicant or by an Advocate on his behalf.
The original typed copy and not the carbon copy shall be filed in the Court. In case any document is required to be filed in duplicate, the duplicate copy shall be the first carbon copy. No memorandum or application or copy thereof will be entertained unless it is legible.

(b) Every memorandum of appeal shall be accompanied by copies of judgment and decree, in any, in the case of Second Appeals, in addition to the above documents, memorandum shall be accompanied by a copy or the judgment of the Court of first instance unless the appellate Court dispenses therewith. In all cases, duplicate type written copies of memorandum of appeal or revision and other essential documents shall be furnished by the appellant or the applicant, as the case may be, both in Civil and Criminal cases.

Section and enactment to be specific. Amendment.

5. Every memorandum of appeal, petition or application shall specify the section of the enactment under which the appeal, petition or application lies.

6. (i) Where the memorandum of appeal or any petition or application is not drawn up in the manner prescribed herein or in the Code of Civil Procedure, the Registrar may either return the same for amendment and refiling within a time not exceeding ten days at a time and forty days in the aggregate, or place it before the Court for proper order

(2) If the memorandum of appeal, petition or application is not amended within the time allowed by the Registrar under sub-rule (1), it shall be listed for orders before the Court.

7. Every memorandum of appeal and every petition and application for review or revision, written statement, affidavit or other documents filed in the Court shall be stamped as required by law and in case it is not stamped or insufficiently stamped, the same shall be placed before the Court for appropriate orders thereon unless the deficiency in the Court.

Fee is made up on the same day.

8. The Registrar is authorised to examine and impound any instrument not duly stamped.

9. If admitted, the records of the lower Courts in First Appeals, Civil Revisions and Second Appeals should be sent for automatically; provided that where the case is proceeding in the lower Court, the Bench admitting the case for hearing may direct that the record of the lower Courts may not be sent for.

Power to impound document not duly stamped.

Where any appeal, application or petition requiring judicial orders from the Court including writ petitions under Article 22b and applications for revision is duly received by the Registrar and after scrutiny is not refused or returned rules, it shall carry an endorsement showing the date of presentation. The Registrar shall then cause it to be entered in the register maintained for the relevant purpose.

(b) PRESENTATION OF PETITIONS FOR REVISION IN CRIMINAL CASES AND CERTAIN OTHER CRIMINAL MATTETS.

10. Every petition for revision of an order shall be accompanied by a copy of the order in respect of which such petition is made.

In the case of petition for revision of the order of an appellate Court, a copy of the order of the Court of the first instance shall also be filed.

11. Copies of all bail applications received in the High Court relating to Criminal cases pending in lower Courts, when bail has already been refused by the lower Courts, shall be supplied to the Advocate-General by the Registrar to enable him to appear, if desired, on behalf of the Government, provided that hearing of any particular case by the Judge whom it is assigned is not delayed by this procedure.

12. Where a petition or application for the transfer of a criminal case from one criminal court to another criminal court in the same Sessions division is made to the High Court, it shall contain an averment, supported by an affidavit or attested copies, that an application for the transfer of the case made to the Sessions Judge and was rejected by him (vide Subsection (I-A) of Section 526 and sub-section (I-C) of Section 528 of the Code of Criminal Procedure, as inserted by Act No. 26 of 1955).
13. Petition for transfer or for revision of an interlocutory order in a pending criminal case shall be accompanied by attested copies of the documents relied on by the petitioner. If admitted, the records should not be sent for unless a Judge specifically so orders.

14. A copy of the petition for transfer shall be supplied to the Advocate-General before it is filed in Court. The petition shall state whether a copy has been supplied in accordance with this rule and if a copy has not been supplied the reasons for not supplying the same shall also be stated to the

PART C. (a) RULES FRAMED BY THE HIGH COURT FOR THE ISSUE OF WRITS OF HABEAS CORPUS UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA READ WITH SECTION 491 (2) OF THE CODE OF CRIMINAL PROCEDURE, 1898.

15. An application for a writ of habeas corpus shall be tiled with the Registrar all be accompanied by an affidavit of the person restrained stating that the application eat his instance and setting out the nature and circumstances of the restraint;

Provided that where the person restrained is unable owing to the restraint the affidavit, the application shall be accompanied by an affidavit to the like effect by some other person, which shall also state the reason why the person restrained is unable to make the affidavit himself; and

Provided further that all communications addressed to the High Court by a person in the custody of a public officer complaining of his detention or the conditions of his detention, whether supported by affidavit or not, shall be laid before the Court for orders as applications under this rule.

16. If the Court is of the opinion that a prima facie case for granting the application is made out, a rule nisi shall be issued calling upon the person or persons against whom the order is sought, to appear on a day to be named therein to show cause why such orders should not be absolute and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with according to law;

Provided, however, that the Court may in any particular case order that the production of the body of the person restrained may be dispensed with.

17. If the Court grants a rule, the applicant shall, unless the admitting Bench orders otherwise, file two typed copies of the application, with copies of annexures for the use of the Court and an additional typed copy or copies, as the case may be of the application for being supplied to the person (s) or authority upon whom the writ is to be served.

18. The summons or notice of rule aforesaid shall be served on the persons against whom the issue of the writ is sought and on such other person as the Court or Judge may direct, and, unless the Court or Judge otherwise directs, there shall be at least eight clear days between the service of the summons of notice and the date named therein for the hearing of the application.

19. (i) If the application for a writ of habeas corpus alleges that the person is confined under such circumstances that the confinement amounts to an offence, the Court may, at the time of issuing a rule nisi, also issue a search warrant, and the person to whom the warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately brought before the Court, which shall make such order as in the circumstances of the case may seem to be proper.

(ii) The provisions of Section 43, 75, 79, 82, 83, and 84 of the Code of Criminal Procedure, shall, so far as may be, apply to all such warrants issued under clause (i) of this rule.
(iii) If the Court issuing a search warrant under clause (i) of this rule has reasons to believe that the person to whom the warrant has been directed may not be able to indentify the person confined, the Court may order a person to be named in the warrant accompany the person to whom the warrant is directed, to assist him in the execution of the warrant.

20. The writ or the warrant shall, alongwith a copy of application and a copy of the order, be served by the Bailiff of the Court or by such person as may be appointed by the Judge. Where the application is by or on behalf of a person detained under any law relating to preventive detention, the writ will be served on the Government and not on the officer detaining the prisoner.

21. The Court may, if necessary, in disposing off such rule, take evidence or direct a Court of Sessions or a Magistrate to take evidence.

22. On the returnable day of such rule, or on any day to which the hearing thereof may be adjourned, if no cause is shown or if the cause is shown and disallowed, the Court shall pass an order that the person or persons improperly detained shall be set at liberty. If the cause is allowed, the rule shall be discharged.

23. Where a person ordered to be set at liberty under the foregoing rule is not present in Court, an order for his release shall be issued forthwith to the authority or person restraining him. The order shall be made returnable, duly executed, immediately after service on the said authority or person, to the Court indicated in the order of release.

24. The order of release shall be served personally, if possible, upon the person to whom it is directed; or, if not possible, or if the order be directed to a Jailor or other public official, by leaving it with a sen ant or agent of the person to whom the order is directed at the place where the person ordered to be released is detained.

25. The order for release made by the Court, or the Judge, shall be sufficient warrant to any Jailor, public official or other persons for the release of the person under restraint.

26. Upon the return and the production of the party on whose behalf the rule was issued, the custody of the detenee shall be under the control and direction of the Court until the disposal of the rule. Pending the hearing, the Court may admit the detenee to bail or remand him to prison if necessary.

27. In disposing of any such rule, the Court may in its discretion make such order for costs as it may consider just.

28. The forms of warrants No. 1 and No. 2 in the Appendix to these rules shall be used in these proceedings.

PART D - RULES FRAMED BY THE HIGH COURT FOR ISSUE OF WRITS OF MANDAMUS, PROHIBITION, QUO WARRANTO AN CERTIORARI UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA.

29. Every application for the issue of any directions, orders or writs including writs in the nature of mandamus, prohibition, quo warranto or certiorari under Article 226 of the Constitution of India, shall set forth all the facts and grounds on which the relief is sought, and shall be supported by an affidavit.

30. The Court may either summarily dismiss the application or order a rule nisi to be issued against the opponent against whom it is sought, as it thinks fit. Any rule so granted shall be made returnable on such day as the Court may direct, but, unless the Court otherwise directs, it shall not be made returnable within less than fourteen days after service thereof on the opponent.

31. If the Court grants a rule, the applicant shall file two typed copies of the application, with copies of enclosures, Tor the use of the Court. He shall also file additional typed copy or copies, as the case may be, of the application for being supplied to the opponent(s).
32. If the Court grants a rule, it may make such interim or interlocutory order in the case, either unconditionally or upon such terms and conditions as the Court thinks just as the nature and circumstences of the case may require.

33. The rule nisi granted as above shall, along with a copy of the application and a copy of the order, if any, made under the last preceding rule, be served on the opponent in the manner prescribed in Order V of the Civil Procedure Code for the service of summons upon a dependant in a suit.

34. An answer to the rule nisi or notice showing cause against such application shall be made in person or through an Advocate by filing an affidavit, engrossed on judicial paper typed in double-spacing and on one side of the paper only, in the office of the Registrar between the hours of 10a.m. and 4 p.m. on any day which is not a Court holiday. Written statement or affidavit sent by a petitioner or respondent to the Registrar of the Court by post shall not be entertained by the Court and it shall be liable to be returned per bearing post. All annexures to writ petitions and written statements or affidavits shall unless they are original documents, be typed and engrossed on judicial paper in double spacing on one side of the paper only.

35. The Court may in its discretion, at any time before a final order is made on the application, order the rule nisi to be served on any party to be effected by any order which the Court may make in the matter. The provisions contained in the last two preceding rules relating to service of the rule and filing of an affidavit in reply shall apply to such a case.

36. No further affidavit or affidavits shall be filed by any party except with the leave of the Court.

37. If cause be shown or answer made upon affidavit putting in issue any material question of fact, the Court may allow oral testimony of witnesses to be taken and for that purpose may adjourn the hearing of the rule to some other date. In such a case either party may obtain summons to witnesses and the procedure in all other respects shall be similar to that followed in original civil suits.

38. The costs of all applications and orders made under this Chapter shall be in the discretion of the Court.

CHAPTER II
MISCELLANEOUS
RULES FOR THE DISPOSAL OF EXECUTIVE AND ADMINISTRATIVE BUSINESS

39. The Honourable the Chief Justice shall be in control of the administrative and executive work of the High Court and its distribution amongst the Honourable Judges, notwithstanding anything contained in the proceeding Rule, the following matters shall invariably be taken up and disposed of at a meeting of the Honourable Judges:-

(i) All matters involving questions of principle and policy;
(ii) All cases relating to amendments to be made to existing laws or to the statutory rules of the Court;
(iii) All matters concerning the High Courts and such or all the Honourable Judges;
(iv) All matters on which the opinion of all the Honourable Judges is invited by the Government;
(v) The suspension of Judges of the Sub-ordinate Judiciary;
(vi) The promotion of Judges of the Sub-ordinate Judiciary;
(vii) Recommendations for the grant of pensions to the Judges of the Subordinate Judiciary where it is proposed to recommend that the full pension earned be not allowed;
(viii) Annual confidential remarks on the work of the Judges of the Subordinate Judiciary;
Any other matter which may be referred by the Honourable Chief Justice to a meeting of the Honourable Judges.

41. The Honourable Judge placed in charge of any branch of the executive or administrative business of the Court may refer any matter relating to that branch to a meeting of the Honourable Judges.

42. Meetings of all the Honourable Judges shall be called by the Honourable Chief Justice when there is business for such meetings.

43. In case of difference of opinion at a meeting the decision shall be in accordance with the opinion of the majority of the Honourable judges present, and in case the Honourable Judges present be equally divided the Honourable the Chief Justice shall have a casting vote.

44. The Registrar or in his absence the Deputy Registrar shall attend all Judges meetings and shall record the proceedings at such meetings.

45. As soon as conveniently may be, after the proceedings of a meeting have been recorded and signed by the Registrar or Deputy Registrar, as the case may be, they shall be signed by the Honourable Chief Justice and circulated to the Honourable Judges.

46. The original proceedings of the meeting shall be kept in the General Record Room in a separate file and shall not be removed from the Court building except by the Registrar with the sanction of the Honourable the Chief Justice.

47. The Honourable the Chief Justice may empower any person holding the post of Registrar or Deputy Registrar of the High Court by name, to perform all or any of the duties of a Judge in charge of any branch of the executive and administrative business of the Court.

48. During the vacation, the administrative and executive work of the High Court may be carried out by the senior Vacation Judge present at the Court, who may in his discretion pass such orders as may be necessary; provided that any matter decided by a Vacation Judge under this Rule, which would otherwise fall for decision by all the Honourable Judges or by the Honourable the Chief Justice, shall be referred to all the Honourable Judges or the Honourable the Chief Justice, as the case may be, for confirmation after the vacations
APPENDIX (SEE RULE 28)
Form of Warrant No. 1 (See rule 16)
SIKKIM HIGH COURT

To the officer-in-charge of (name of jail or lunatic asylum or other place, where the person is detained in custody) or to (name of person).

You are hereby required to have the body of B.C. now a prisoner in your custody (or now in your custody) before the High Court, on the day of next, by of the clock in the forenoon of the same day to be dealt with according to law and you shall then and there abide by such order as shall in that behalf be made by the said Court (if the prisoner is then and there, by the said Court, be ordered to be released, you shall, after the said Court shall have dispensed with his further attendance cause him to be conveyed, under safe and sure custody, back to the said (jail or asylum or other place of custody).

Given under my hand and the seal of the Sikkim High Court, this day of 19.

Registrar.

Note—This warrant is in duplicate. One copy thereof should be signed with your dated signature in token of receipt and forwarded to the High Court with the least possible delay.

Form of Search Warrant No. 2 (See rule 19)
SIKKIM HIGH COURT

To

(The name and designation of the person to whom the warrant is directed).

Whereas information has been laid before this Court that (give the name and description of the person alleged to be illegally detained) is being illegally detained in (describe the house or place where the person illegally detained). This is to authorise and require you, with the assistance of (give the description of the person authorised to accompany the person to whom the warrant is directed) to search for the aforesaid (give the name and description of the person illegally detained) in the (describe the place to which the search is to be confined) and, if found, to produce him forthwith before this Court to be dealt with according to law

Given under my hand and the seal of the Sikkim High Court, the day of 19

Registrar.
No. 105    Gangtok, Tuesday, December 2, 1980

LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM

Notification No. 9(744)L.R.(S)                                    Dated Gangtok, the 17th November, 1980.

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

Where it appears to the Governor that land is likely to be needed for a public purpose
namely for Police Housing Colony in the Block of Tadong, East District, it is hereby notified
that a piece of land comprising cadastral plots 443, 435, 752, 434, 550, 554, 553 and measuring
more or less 4.99 acres bounded on the,

Plot No. 554, 553

East     Jhora
West     Road Reserve
North    Road
South   P.F. of Pem Cheten and Sonam Pintso

Plot No. 435, 443, 752, 434, 550.

East       P.F. of Ben Subba and Ongda
West      D.F. of Tsetenba, P.F. of Sherab Gyatso, Purnanand, D.F. of Nar Bahadur, P. F. of
           Andi Pradhan and D. F. of Ram Prasad
North     Jhora, P.F. of Ongda, Ben Subba
South    P.F. of Ben Subba

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

This notification is made, under the provision of Section 4 of Act 1 of 1894 to all to
whom it may concern.

A plan of the land may be inspected in the office of the District Collector, East Dis-
trict, Gangtok.
In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorise the officers for the time being engaged in the undertaking, with their servants and 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, file an objection in writing before the Collector.

By Order

P.T. WANGDI, IAS
Secretary, Land Revenue Department, Government of Sikkim.
NOTIFICATION

In the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Rules, 1980 framed under the provisions of section 18 of the Sikkim Public Premises Eviction of Unauthorised Occupants and Rent Recovery) Ordinance, 1980 (Ordinance No. 1 of 1980), for the word "Ordinance" wherever it occurs, the word "Act" shall be substituted.

P.T. WANGDI, IAS
Secretary,
Land Revenue Department,
Government of Sikkim.
HOME DEPARTMENT (ELECTION)
NOTIFICATION NO. 11/H

Dated, Gangtok, the 4th December, 1980.

The following order No. 76(SKM-LA/21/79, dated 28th October, 1980/Kartika 6, 1902 (Saka) of the Election Commission of India, New Delhi is published for general information:

ORDER

WHEREAS the Election Commission is satisfied that Shri Shova Kanti Lepcha, Gangtok, East Sikkim a contesting candidate for general election to the Sikkim Legislative Assembly from 21-Loosing Pacheykhani assembly constituency, held in October, 1979, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

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

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

By Order,

(S.C. JAIN)
UNDER SECRETARY TO THE ELECTION COMMISSION OF INDIA.

(S.R. SETHI)
DEPUTY CHIEF ELECTORAL OFFICER,
SIKKIM.
No. 108    Gangtok, Wednesday, December 17, 1980

HOME DEPARTMENT (ELECTION)

NOTIFICATION NO. 12/H

Dated, Gangtok, the 4th December, 1980.

The following Corrigendum No. 56/79-XVIII, dated 25th October, 1980/3 Kartika, 1902 (Saka) and Notification No. 56/79-XIX, dated 14th November, 1980/23 Kartika, 1902 (Saka) of the Election Commission of India, New Delhi are republished for general information:

CORRIGENDUM

S.O. In the Commission's Notification No. 56/79-XVIII, dated 9th October, 1980 published in the Gazette of India, Extraordinary, Part II, Section 3 (ii) dated 23rd October 1980, for the existing entries in sub-para (i) of para 1 of the said notification, read -

(i) the group led by Shri Chandra Sekhar and recognised ad-hoc as the Janata Party (JP) be recognised as the 'Janata Party'.

NOTIFICATION

S.O. Whereas a representation has been made by the Kerala Congress, a recognised State Party in the State of Kerala that the free symbol 'Camel' confuses the electorate in rural areas with that party's symbol 'Horse' and therefore, the symbol 'Camel' be deleted from the list of free symbols in respect of the State of Kerala;

And whereas the Commission is satisfied that the said request of Kerala Congress is reasonable;

Now, therefore, in pursuance of clause (d) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 and paragraph 18 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendments in its Notification No. 56/79, dated 28th September, 1979 published as S.O. 557 (E) in the Gazette of India, Extraordinary, Part II Section 3 (ii) dated 28th September, 1979, namely -

In Table 4 of the said Notification -

(a) against item No. 9. Kerala, under column 2, the entry "3 Camel" shall be deleted; and
(b) the existing entries 4 to 16 shall be renumbered as 3 to 16.

Sd/-
K. GANESAN,
SECRETARY.

(S.R. SEETHI)
DEPUTY CHIEF ELECTORAL OFFICER, SIKKIM.
The following Ordinance promulgated by the Governor on 16th December, 1980, is hereby published for general information:

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) ORDINANCE, 1980.
ORDINANCE NO. 3 OF 1980

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

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

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

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor is pleased to promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Gangtok Municipal Corporation (Amendment) Ordinance, 1980. Short title and Commencement.

(2) It shall come into force at once.

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

Gangtok Dated the 16th December, 1980.

B. B. Lal, Governor.

B.R. PRADHAN, Secretary to the Government of Sikkim.
F. No. 16 (6) LL/1977.
HOME DEPARTMENT (ELECTION)

NOTIFICATION No. 13/H.

Dated Gangtok, the 24th December, 1980.

The following order No. 7 6/SKM-LA/20/79 (i) dated 18th December, 1980 Agraha-
yana 27th, 1902 (Saka) of the Election Commission of India, New Delhi is published for general information.

ORDER

WHEREAS the Election Commission is satisfied that Shri Rinzing Kazi, Pakyong, East Sikkim a contesting candidate for general election to the Sikkim Legislative Assembly from 20-Pathing constituency, held in October, 1979, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made there-under;

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

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

By Order,

(TASHI WANGCHUK)
Under Secretary (Election)  

(S.C. JAIN)
Under Secretary to the Election Commission of India.
The following order No. 76/SKM-LA/19/79 dated 16th December, 1980 Agraha-6th 1902 (Saka) of the Election Commission of India, New Delhi is published for general information.

ORDER

WHEREAS the Election Commission is satisfied that Shri Dilli Ram Dorjee, Rangli, East Sikkim a contesting candidate for general election to the Sikkim Legislative Assembly from 19-Regu assembly constituency, held in October, 1979, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

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

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

By Order,

(TASHI WANGCHUK)
Under Secretary(Election)

(S.C. JAIN)
Under Secretary to the Election Commission of India.
HOME DEPARTMENT (ELECTION) 
NOTIFICATION No. 15/H.

Dated Gangtok, the 24th December, 1980.

The following order No. 76/SKM LA/18/79 dated 11th December, 1980 Agrahaya- 
yana 20th 1902 (Saka) of the Election Commission of India, New Delhi is published for general information.

ORDER

WHERE AS the Election Commission is satisfied that Shri Nanda Lall Dulal, Biring 
(Rhenock), East Sikkim a contesting Candida e for general election to the Sikkim Legislative 
Assembly from 18-Rhenock constituency, held in October, 1979, has failed to lodge an account 
of his election expenses as required by the Representation of the People Act, 1951, and the Rules 
made thereunder;

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

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

By Order,

(TASHI WANGCHUK) 
Under Secretary (Election) 

(S.C. JAIN) 
Under Secretary to the Election Commissioner 
of India.
ORDER

WHERFAS the Election Commission is satisfied that Shri O.T. Lepcha, Chujachen, East Sikkim a contesting candidate for general election to the Sikkim Legislative Assembly from 20-Pathing constituency, held in October, 1979, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

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

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

By Order,

(TASHI WANGCHUK)
Under secretary (Election )

(S.C. JAIN)
Under Secretary to the Election Commission of India.
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<th>CONTENTS</th>
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<td></td>
</tr>
<tr>
<td>X</td>
<td>X-(ii) Nil</td>
<td></td>
</tr>
</tbody>
</table>
HIGH COURT OF SIKKIM

NOTIFICATION

No. 4(16)1979-80/Confldl/HCS/29

Dated Gangtok, the 17th January, 1980.

In partial modification of this Court’s Notification No. 4(16)1979-80/Confldl/HCS/28 Dated 19th December, 1979, it is notified that the period beginning from 20th February, 1980 to 25th February, 1980 instead of 4th February, 1980 to 9th February, 1980 (as notified previously) will be working days of the High Court for the month of February, and Hon’ble Mr. Justice AM. Bhattacharjee, Judge will be on duty during the period.

By Order

G. S. KALRA,
Registrar,
High Court of Sikkim.

OFFICE OF THE DISTRICT & SESSIONS JUDGE, SIKKIM AT GANGTOK
OFFICE ORDER

No. 780-87/D. & S. J.
Dated Gangtok, the 2nd January, 1980.

In the exercise of powers vested in me under section 17(4) of Criminal Procedure 1898, I, hereby empower the District Magistrate, East and in his absence the Deputy District Magistrate, East to dispose of urgent applications in Criminal Cases during my absence on vacation from Gangtok w.e.f. 4.1.1980 to 28.1.1980.

G.S. KALRA,
District & Sessions Judge,
Sikkim at Gangtok.

HOME DEPARTMENT

No. 18(l)Home/79.
Dated Gangtok, the 4th January, 1980.

ADDENDUM

In partial modification of Home Department Notification No. 18(l)Home/79 dated 12th September, 1979, the following may be added at Serial No. 18.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Authority appointed No. as Census Officer</th>
<th>Designation</th>
<th>Jurisdiction</th>
</tr>
</thead>
</table>

T.S. GYALTSHEN,
Chief Secretary,
Government of Sikkim.

NOTIFICATION

No. 2(3)-Home/77.

Dated Gangtok, the 11th January, 1980.

In pursuance of Section 4 (e) of the Sikkim Khadi & Village Industries Board Act 1978, and in consultation with Khadi & Village Industries Commission the Governor is pleased to relieve Shri Loden Tsering of the office of Chairman, Sikkim Khadi & Village Industries Board and to appoint Shri Mohan Prasad Sharma as Chairman in his place, with immediate effect.

T. S. GYALTSEN,
Chief Secretary,
Government of Sikkim.

ESTABLISHMENT DEPARTMENT

Notification No. 260(G)/Est.
Dated Gangtok, the 26th December, 1979.

The Governor of Sikkim has been pleased to redesignate the post of Librarian of High Schools created vide Notification No. 128 Gen/Est, of 2.7.76 as "Librarian Clerk" in the scale of Rs. 380-550 w.e.f. 1.4.77 minimum educational qualification for the post will be matriculate or equivalent;

This is deemed to have been included in the Schedule 12 of Sikkim Govt. Service (Revised Pay) Rules, 78 from the above

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.
Notification No. 264 (G)/Est.
Dated Gangtok, the 29th December, 1979.

The Governor is pleased to sanction the creation of the following posts in the Health and Family Welfare Department with effect from 3.12.79 i.e. the date of approval:-

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the post</th>
<th>No. of post</th>
<th>Scale</th>
<th>Debitable Head</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Child Specialist</td>
<td>1</td>
<td>Rs. 660-1400</td>
<td>&quot;28/0-A-(2) (i) Central Hospital Referral Hospital Gangtok (Plan)</td>
</tr>
<tr>
<td></td>
<td>for STNM</td>
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<td></td>
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<tr>
<td></td>
<td>attached with M.O., School</td>
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</tr>
</tbody>
</table>

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 930/(G)/Est.
Dated Gangtok, the 4th January, 1980.

In exercise of the powers conferred vide Rule 9(1) of the Indian Administrative Service (Cadre) Rules, 1954, the Governor of Sikkim is pleased to re-employ Shri T.S. Gyaltshen as Chief Secretary, Government of Sikkim for a period of three months with effect from 1.1.1980 to 31.3.1980.

By Order
C.D. RAI,
Secretary,
Establishment Department.

Notification No. 930/(G)/Est.
Dated Gangtok, the 4th January, 1980.

In exercise of the powers conferred vide Rule 9(1) of the Indian Administrative Service (Cadre) Rules, 1954, the Governor of Sikkim is pleased to re-employ Shri T.S. Gyaltshen as Chief Secretary, Government of Sikkim for a period of three months with effect from 1.1.1980 to 31.3.1980.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 938(G)/Est.
Dated Gangtok, the 9th January, 1980.

Shri D, Guin Executive Engineer, West Bengal Public Heal Engineering Service, presently on deputation with the Government of Sikkim as Executive Engineer, in the Panchayai and Rural Works Deptt., is hereby released w.e.f. the afternoon of 19.1.80 to enable him to join his parent Department, with instructions to report for duty in that organisation w.e.f. the forenoon of 1.2.80 after availing of the usual joining time from 20.1.80 to 31.1.80.

Accordingly, the period of deputation which expired on the afternoon of 31.12.79 is deemed to have been extended upto 31.1.80.

By Order
L.B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 945(G)/Est.
Dated Gangtok, the 11th January, 1980.

The term of contract extended for one year vide this Department O. O. No. 1075/G/Est. of 2.3.79 in respect of Shri A. T. Sanyal, Director of Agriculture Department, having expired on the afternoon of 31.11.79, the same is hereby extended for another one year w.e.f. 4.11.79 to 31.11.80 on the existing terms and conditions of Contract.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.
Office Order No. 646/G/Est.
Dated Gangtok, the 11th January, 1980.

Amendment of Office Order No. 646/G/Est.
of 29.10.79.

Substitute "Gaindup" for "Garidup" appearing in the serial No. 2 of the Office Order referred to above.

D. T. Bhutia,
Under Secretary,
Establishment Department-

Office Order No. 949/(G)/Est.
Dated Gangtok, the 18th January, 1980.

Dr. S.K. Pradhan C.M.O. (South), Health and Family Welfare Department, is allowed to draw Qualification allowance of Rs. 80/-pm. w.e.f. 31.1.78, i.e. the date of announcement of the result.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 966(G)/Est.
Dated Gangtok, the 19th January, 1980.

Shri Sonam Wangdi IAS, Joint Director, Survey and Settlement Department, is hereby transferred to the Food and Civil Supplies Department as Secretary against the existing vacancy with effect from the date he takes over charge.

By Order and in the name of the Governor.

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 991(G)/Est.
Dated Gangtok, the 25th January, 1980.

The post of Revenue Officer (H.Q.) in the Land Reforms Cell under the Land Revenue Department presently held by Shri D. P. Kaleon is hereby redesignated as Under Secretary on an ad-hoc basis pending
finalisation of the list of posts to be included in the State Civil Service Cadre.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 997(G)/Est.
Date Gangtok, the 25th January, 1980.

Leave for 9 days w.e.f. 17.1.80 to 25.1.80 applied for and being availed of by Shri C.D. Rai, Secretary Establishment Department, is hereby sanctioned as Earned leave with permission to suffix Holidays on 26th and 27th January, 1980.

By Order
L.B. Rai,-
Deputy Secretary,
Establishment Department.

Notification No. 285(G)/Est.
Dated Gangtok, the 28th January, 1980.

It is hereby notified for information of all the Heads of Department that domicil residential certificate issued by sources, other than the District Collector, shall not be accepted as valid.

This is in continuation of this Department Memorandum No. 5(92)229/Gen Est. of 25.9.76.

By Order
L.T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 286 (G)/Est.
Dated Gangtok, the 28th January, 1980.

In amplification of this Department Notification No. 82/Est.dated21.9.74(copy enclosed), the Governor is pleased to order the following:-

(i) The Heads of Department shall continue to fill vacancies in Class III and IV posts, carrying the time scale upto Rs. 410-700 without reference to Establishment Department, Posts of Senior Accounts Clerk/Upper Division Clerk or other posts in the scale of Rs. 410-700 shall be filled in on the basis of seniority, subject to the rejection of the unfit and the promotion shall be confined to departmental candidates only. Fitness or otherwise of a candidate shall be determined after taking into account remarks recorded in the Annual Confidential Rolls. Only in exceptional cases, where suitable persons of required Seniority or merit are not available, the post may be filled by obtaining a person on transfer from some other Department. All such appointment orders shall be endorsed to Establishment Department.

(ii) The Establishment Department will recommend to the Appointing Authority suitable persons for promotion to all posts carrying the time scale of Rs. 450-800 and above required to be filled either on the basis of merit or on the basis of seniority subject to the rejection of the unfit. While making recommendations, the Establishment Department shall consider persons on an inter-departmental basis and draw panels of suitable persons in consultation with separate Departmental Promotion Committees constituted for various categories of posts with the approval of Chief Secretary.

(iii) Promotion of employees shall be made in their respective lines of service, i.e. Head Assistant/Office Superintendent shall be promoted to the posts in the general line and Accountants/Senior Accountants to the posts of Finance & Accounts Service line only.

(iv) All vacancies of Class IV, III and II (Gazetted Grade) shall be filled by local candidates. In the event of local candidates being not available, a certificate to this effect shall be recorded by the appointing authority before selecting non-local candates to any of these posts.

While making initial recruitments for the posts carrying time scale of Rs. 300-380 to Rs. 400-600, Heads of Departments shall ensure strict compliance of the directives contained in this Department Notification No. 82/Est. of 21.9.74,to the extent modified/amplified above.

L. T. TONYOT,
Joint Secretary,
Establishment Department.
Office Order No. (G)/Est. Dated Gangtok, the 28th January, 1980.

CORRIGENDUM TO OFFICE ORDER NO. 967/G/Est. of 21.1.80

Substitute "Additional Chief Engineer (Mech)" for "Additional General Manager (Mech)" occurring in the 1st and 2nd Line of the second para of Office Order referred to above.

L.B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 1013(G)/Est. Dated Gangtok, the 28th January, 1980.

The re-employment service of Shri B. B. Rai, Private Secretary to the Hon’ble Minister for Establishment Department, which expires on the afternoon of 31.1.80 is hereby extended for another one year w.e.f. 1.2.80, to 31.1.81.

By Order
L.B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1022 (G)/Est. Dated Gangtok, the 30th January, 1980.

In partial amendment of this Department O.O. No. 42(G)/Est. of 21.4.79, Shri H.H.E. Young, Manager, Government Tea Garden at Kewzing is hereby allowed to draw the special allowance of Rs. 200/- p.m. w.e.f. 15.6.78 i.e. from the date he took charge of the management of Rolep Tea Garden.

By Order
L.B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1029(G)/Est. Dated Gangtok, the 30th January, 1980.

In continuation of this Department Office Order No. 860/G/Est. of 8.1.79, the retention of lien allowed to Miss Angi Tempo to the post of Administrative Officer, Industries Department, is hereby extended for a further period of one year w.e.f. 23.1.80 to 22.1.81 (AN.)

By Order
L.B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 1035(G)/Est. Dated Gangtok, the 31st January, 1980.

With the approval of the Department of Statistics, Government of India Minis-try of Planning, Department of Statistics as conveyed vide their Office Order No. 1/80 issued under Memo No. PF-749/Est. II dated 2.1.1980, the term of deputation in respect Shri M R. Sood, Deputy Director, Bureau of Economics and Statistics of the Planning and Development Department which expired on the afternoon of 30.11.79 is hereby extended for further two years w.e.f.-1.12.79 to 30.11.81 on the existing terms and conditions of deputation.

By Order
L.B. Rai
Deputy Secretary,
Establishment Department.

FINANCE DEPARTMENT
Office Order No. 191/Fin. Dated Gangtok, the 5th January, 1980.

Mr. Loden Tshering Lepcha, Accounts Officer, Animal Husbandry Department, Government of Sikkim, is hereby declared as Drawing and Disbursing Officer with immediate effect.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 198/Fin. Dated Gangtok, the 10th January, 1980.

Miss Sangay Laden, Assistant Superintendent, Government Institute of Cottage Industries, is hereby declared as Drawing and Disbursing Officer with effect from 4.1.1980 to 13.1.1980.

By Order
L.B. PRADHAN,
Joint Secretary,
Finance Department.
LOCAL SELF GOVERNMENT & HOUSING DEPARTMENT
GANGTOK

Notification No. 15/LSGHD.
Dated Gangtok, the 2nd January, 1980.

In exercise of the powers conferred by Section l(iii) of the Gangtok Rent Control and Eviction Act, 1956(1 of 1956), the State Government hereby fixes the boundaries of the Gangtok Municipal Corporation, notified under Section 3 of the Gangtok Municipal Corporation Act, 1975. as the area of Gangtok Bazar for the purposes of the former Act.

P. K. PRADHAN,
Secretary,
Local Self Government & Housing Department.

Office Order No; 203/4/LSGHD
Dated Gangtok, the 18th January, 1980.

Shri Dilip Kumar Pradhan, Bazar Overseer, Local Self Govt. & Housing Department is hereby terminated from the services with effect from 3.7.79 and declared as deserter.

P. K. PRADHAN,
Secretary,
Local Self Govt. & Housing Deptt.
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<thead>
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<td><strong>10-12</strong></td>
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<td></td>
<td><strong>PART III - Nil</strong></td>
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<td><strong>PART IV - Nil</strong></td>
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<td><strong>PART V - Nil</strong></td>
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<td><strong>PART VI - Nil</strong></td>
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<td><strong>PART VII - Nil</strong></td>
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<td><strong>PART IX - (i) Nil</strong></td>
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<td><strong>PART X - (i) Nil</strong></td>
<td></td>
</tr>
</tbody>
</table>
ESTABLISHMENT DEPARTMENT

Office Order No. 1046(G)/Est.
Dated Gangtok, the 2nd February, 1980.

In continuation of this Department Office Order No. 484/(G)/Est. of 1.9.79, Shri N.K. Pradhan presently on deputation as Assistant Executive Officer in the Gangtok Municipal Corporation, is hereby allowed to draw deputation allowance @ 20% of his grade pay subject to a maximum of Rs. 200/-p.m. w.e.f. 3.9.79 i.e. the date he assumed charge of the post.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 1053/(G)/Est.
Dated Gangtok, the 5th February, 1980.

Consequent on the upgradation of the post of Under Secretary to that of Deputy Secretary in the Local Self Government vide Notification No. 291/Ger/Est of 2.2.80, Shri Tsewang Dorjee, presently holding the post of Under Secretary in the Department, is hereby promoted as Deputy Secretary against the up-graded post w.e.f. 17.1.80 i.e. the date of approval.

He will draw a basic pay of Rs. 900/-p.m. in the scale of Rs. 900-25-1180 Eb-45-1450-Eb-50-1800 plus other allowances admissible under rules.

As usual, he will be on probation for one year.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1064(G)/Est.
Dated Gangtok, the 7th February, 1980.

Consequent on the decision of the Govt. of Sikkim to repatriate Shri M.C. Mathur, Director, Small Scale Industries Department Govt, of Sikkim, once his present term of deputation expires the afternoon of 16.2.80 Shri K. Sherat, Secretary, Heavy Industries, shall take over charge of the Department of Small Scale Industries also with the designation of Secretary, Industries.

As Secretary, Industries, he will be in charge of both heavy and Small Scale Industries.

By Order
C. D. RAI,
Secretary,
Establishment Department.
Office Order No. 1067(G)/Est.
Dated Gangtok, the 8th February, 1980.

In supersession of this Department Office Order No. 8Q7/G/Est. of 4.12.79, Shri S.K. Rai, Divisional Forest Officer of the Forest Department, is hereby allow-ed to relieve from service w.e.f. 6.12.79 (F.N).

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 1074(G)/Est.
Dated Gangtok, the 12th February, 1980.

Mrs. G.K. Pradhan, Assistant Nutrition Officer of Health and Family Welfare Department, is hereby allowed to look after the work of State Nutrition Officer in addition to her own duties on usual charge allowance @ 20% of Rs. 780/-p.m. w.e.f. 8.2.80 i.e. the date of approval untill further orders.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department-

Notification No. 300(G)/Est.
Dated Gangtok, the 12th February, 1980.

NOTIFICATION

The Governor has been pleased to sanction Difficult Area Allowance to the following places falling under Dzongu area at rate prescribed under Rule 19 of the S.G.S (Revised Pay) Rule, 1978 w.e.f. 1.4.77.

1. Barfok.
2. Gor.
4. Hee-Gya thang.
5. Lurn.
7. Lingthem.
8. Lingzayah.
9. Lingdhem.
10. Leek.
11. Leven.
12. pentong.
13. Passingdong.
15. Remon.
17. Sakyong.
18. Salim.
20. Tingvong.
21. Tarang.
22. Gnon.

By Order
Dawa Samdup
Under Secretary,
Establishment Department.

Office Order No. 1Q19(G)/Est.
Dated Gangtok, the 15th February, 1980.

Consequent upon the creation of four posts of Consultant in the scale of Rs. 1200-60-1440-Eb-70-2000 for the STNM Hospital in the Health and Family welfare Department w.e.f. 17.8.79 vide this Department Notification No. 171/Gen/Est. dated 21.9.79, Dr. P.T. Tonyot, Senior Specialist (Anaesthetist) is hereby granted the above scale w.e.f. 7.12.78, i.e. the date on which Dr. T.Paljor was granted the scale.

By Order
LB. RAI,
Deputy Secretary,
Establishment department.

Office Order No. 1084(G)/Est.
Dated Gangtok, the 19th February, 1980.

Shri Pern Tshering Bhutia, Accounts Officer, S.N.T. Department, is hereby transferred to the Education Department vice Shri P.C. Mathur, Accounts Officer of the Department with effect from the date he takes over charge.

On transfer, he will carry his own pay and allowances.

By Order
L.T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 1094 (G)/Est.
Dated Gangtok, the 20th February, 1980.

Shri Dawa Tsering Bhutia, presently on deputation with the S.S.B., Govt. of India, is posted as Dy. Director (Planning) vice Shri Tashi Tongden in the Education Department with effect from the date he assumes charge of the post after repatriation from the S.S.B.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1098 (G)/Est.
Dated Gangtok, the 21st February, 1980.

Shri Lalit Kumar Chhetri, Sr. Accountant of the S.P.W.D., is hereby promoted
as Accounts Officer (Stores) in the Department w.e.f. 10.1-80 i.e. the date of approval vice Shri H.B. Lama, Accounts Officer since transferred to Irrigation Department,

He will draw a basic pay of Rs. 660/- p.m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 plus other allowances admissible under the rules.

As usual, he will be on probation for one year.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1103(G)/Est.
Dated Gangtok, the 23rd February, 1980.

The following inter-departmental transfers and postings are hereby made with immediate effect:

FROM TO
1. Shri G.K.Subba S.N.T. Land Revenue Department as District Collector (North)
2. Shri B.N. Sharma Land Revenue Department S.N.T. Department as Deputy General Manager (Admn), vice 1 above.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1110(G)/Est.
Dated Gangtok, the 25th February, 1980.

Shri Wangchuk Lepcha, Foreman of the S.N.T. Department, is hereby temporarily promoted as Assistant Mechanical Engineer in the Department w.e.f. 22.2.80 i.e. the date of approval vice Shri P.P. Khati, since promoted as Deputy General Manager.

He will draw a basic pay of Rs. 660/- p.m. in the scale of Rs. 660-25-910-EB-30-1240-EB-40-1400 plus other allowances admissible under the rules from the above date.

As usual, he will be on probation one year.

By Order

L.B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1112(G)/Est.
Dated Gangtok, the 25th February, 1980.

Shri R.K. Saxena, a member of the Uttar Pradesh Judicial Service, presently on deputation with the Govt. of Sikkim as Deputy Secretary in the Law and Legislative Department, is hereby released w.e.f. the afternoon of 27.2.80 to enable him to join his new assignment as Addl. Chief Judicial Magistrate, Lucknow, with instruction to report for duty in that organisation after availing of the usual joining time as admissible under the rules.

By Order

L.B.Rai,
Deputy Secretary,
Establishment Department.
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<tr>
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<th>Gangtok, March, 1980</th>
<th>No. 3</th>
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<td></td>
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<td>PART IV-Nil</td>
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<td>PART VI-Nil</td>
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<td>PART VIII-Nil</td>
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<td>PART IX-(i) Nil</td>
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<tr>
<td>PART X-(ii) Nil</td>
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</tr>
</tbody>
</table>
**PART II**

Notifications regarding appointments, postings, transfers leave etc.

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**HIGH COURT OF SIKKIM**  
**Notification No. 30/HCS/ESTT.**

Dated Gangtok, the 20th March, 1980.

Hon'ble the Chief Justice has been pleased to create a temporary post of Assistant Registrar in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400, for the period up to 28th February, 1981.  

Further Hon'ble the Chief Justice has been pleased to appoint Shree Sonam Wangdi Lepcha as Assistant Registrar on the High Court Establishment, with immediate effect against the said post.

By Order.

G. S. KALRA,  
Registrar,  
High Court of Sikkim.

**Notification No. 31/HCS.**  
Dated Gangtok, the 8th March, 1980.

Consequent upon the appointment on promotion of Shri Tsewang Dorjee, Deputy Registrar, as Additional District and Sessions Judge, vide Government of Sikkim Office Order No. 1187/(G)/Est dated 28th February, 1980, the Hon'ble the Chief Justice and Hon'ble Judge have been pleased to relieve him with effect from 8th March, 1980 (A.N.) and he is directed to join his duty as Additional District and Sessions Judge with effect from 10th. 1980.

By Order.

G. S. KALRA,  
Registrar,  
High Court of Sikkim.

**Notification No. 35/HCS/ESTT.**  
Dated Gangtok, the 18th March, 1980.

Hon'ble the Chief Justice has been pleased to create the following temporary posts for the newly created Court of Additional District and Sessions Judge, Gangtok, in the pay scales shown against them for the period up to 28th February, 1981.

<table>
<thead>
<tr>
<th>NAME OF POST</th>
<th>NUMBER</th>
<th>PAY SCALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stenographer to the Additional District and Sessions Judge (Grade - II)</td>
<td>1</td>
<td>Rs. 480-12-600-Eb-15-750-Eb-20-850</td>
</tr>
<tr>
<td>Peshkar</td>
<td>1</td>
<td>- do -</td>
</tr>
<tr>
<td>Ahlmad (in the grade of L.D.A.)</td>
<td>1</td>
<td>Rs. 380-7-450-Eb-8-530-Eb-10-550</td>
</tr>
<tr>
<td>4 Head Peon</td>
<td>1</td>
<td>Rs. 320-5-390-6-450</td>
</tr>
<tr>
<td>5. Peon</td>
<td>1</td>
<td>Rs. 300-4-340-5-380</td>
</tr>
<tr>
<td>6. Sweeper-cum-Chaukidar</td>
<td>1</td>
<td>Rs. 300-4-340-5-380</td>
</tr>
</tbody>
</table>

G. S. KALRA,  
Registrar,  
High Court of Sikkim.

**Notification No. 42/HCS/ESTT.**  
Dated Gangtok, the 31st March, 1980.

Hon'ble the Chief Justice has been pleased to relieve Shree Sonam Wangdi Lepcha, Assistant Registrar (Rules) of this Court, with effect from 31st March, 80 (Afternoon) on being appointed as Civil Judge-cum-Judicial Magistrate, on deputation at Gyalshing. He is directed to join his duty immediately, curtailing his joining time.

By Order

G. S. KALRA,  
Registrar,  
High Court of Sikkim

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**HOME DEPARTMENT**  
**NOTIFICATION**  
No. 51(6)Home/78/2683.  
Dated Gangtok, the 29th March, 1980.

The Governor has been pleased to appoint Shri Sonam Tshering as Personal Secretary to the Hon'ble Chief Minister with effect from the 1st December, 1979 in an honorary capacity.

1. Shri Sonam Tshering will be paid as honorarium a nominal salary of Rs. 1/- per month and will be entitled to the following facilities with effect from the date of his appointment:—
   
i) Rent-free house, or a House Rent Allowance @ Rs.400/- in lieu thereof; and
   
ii) Free use of Government vehicle, or a Conveyance Allowance @ Rs. 350, -per month in lieu thereof

2. Shri Sonam Tshering will be paid as honorarium a nominal salary of Rs. 1/- per month and will be entitled to the following facilities with effect from the date of his appointment:—

3. While holding the post of Personal Secretary, Shri Sonam Tshering will be subject to the provisions of various service rules of the State Government including the Government Servants' Conduct Rules, but will not be precluded from participating in activities connected with the political party to which he belongs.

T. S. GYALTSHEN,  
Chief Secretary,  
Government of Sikkim.
NOTIFICATION
No. 41 (3)/Home/79.
Dated Gangtok, the 28th March, 1980.

Under clause 68 of the Articles of Association of Sikkim Industrial Development & Investment Corporation with effect from the date of notification.

The Governor is further pleased, under clause 73 (i), to appoint Shri K. Sherab as the Managing Director of the Corporation. Shri K. Sherab will draw monthly honorarium of Rs. 250/- from the Sikkim Industrial Development and Investment Corporation.

He will continue to be the Secretary, Industries and draw his own pay and allowances as usual.

T. S. GYALTSHEN,
Chief Secretary,
Government of Sikkim.

ESTABLISHMENT DEPARTMENT

Notification No. 272 (Gen)/Est.
Date Gangtok, the 11th January, 1980.

The Governor of Sikkim has been pleased to sanction the creation of a post of manager in the scale of Rs. 550-20-750-Eb-25-910-Eb-30-1240 with immediate effect.

The expenditure on the above post shall be debitable to budget head “339 Tourism A-4(1) Salaries” (Plan).

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 277 (G)/Est.
Dated Gangtok, the 17th January, 1980.

The Governor of Sikkim has been pleased to sanction the creation of two posts of Assistant Sericulture Officer in the scale of Rs. 660-25-910-Eb-30-1240- with immediate effect.

The expenditure for the above post shall be debitable to Major Head 313 C6(7) Sericulture (Plan).

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 281/(G)/Est.
Dated Gangtok, the 24th January, 1980.

The Governor of Sikkim has been pleased to sanction the creation of the following posts in the Health and Family Welfare Department with immediate effect.

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name of post.</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Chest Specialist</td>
<td>1</td>
<td>Rs. 900-1800 (for STNM Hospital)</td>
</tr>
<tr>
<td>2.</td>
<td>Tuberculosis Specialist</td>
<td>3</td>
<td>Rs. 900-1800 (one each for the Govt. Hospital at Mangun, Nameyi, &amp; Gyalsoling)</td>
</tr>
<tr>
<td>3.</td>
<td>Driver (Temporary)</td>
<td>1</td>
<td>Rs. 350-550 (for Auxiliary Nurse-cum-Midwife Training School in the STNM Hospital)</td>
</tr>
</tbody>
</table>

The expenditure for the posts sanctioned is debitable as under—
SI No. 1, 2. "282" National" Tuberculosis Central Programme NTCP.
SI. No. 3"280" Central Referral Hospital, Plan.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 282 (G)/Est.
Dated Gangtok, the 24th January, 1980.

The Governor of Sikkim has been pleased to sanction the creation of a post of Senior Accounts Clerk in the scale of Rs. 410-10-580-Eb-12-700 in the Local Self Govt. Department with immediate effect.

The expenditure on the above post shall be debitable to Major Head 245-Al(2)(1)-Salaries (Non plan) Demand No. 5.

By Order
L.T. TONYOT,
Joint Secretary,
Establishment Department.
Notification No. 283(G)/Est.
Dated Gangtok, the 24th January, 1980.

The Governor of Sikkim has been pleased to sanction the creation of a post of Driver in the scale of Rs. 350-6-410-7-550 and to upgrade one of the posts of L.D.A. to that of Senior Accounts Clerk in the scale of Rs. 410-10-580-Eb-12-700 in the Law and Legislative Department with immediate effect.

The expenditure on the above posts is debitable to Major Head "252" Al(I)-Salaries.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 287 (G)/Est.
Dated Gangtok, the 28th January, 1980.

The Governor of Sikkim has been pleased to sanction the creation of three posts of Driver, two on regular cadre and one on temporary basis in the scale of Rs. 350-6-410-7-550 in the Home Department w.e.f. 8.180 i.e. date of approval.

The expenditure on the above posts shall be debitable to Major Head "252" Bl(I)-Salaries under Demand No. 2. (for two posts of Driver on regular cadre) and Major Head "252"B2(1)-Salaries under Demand No. 2 (for one post of Driver on temporary basis).

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 290 (G)/Est.
Dated Gangtok, the 31st January, 1980.

The Governor of Sikkim has been pleased to sanction the creation of 10 (ten) posts of Head Lama for the following Higher Secondary Schools in the scale of Rs. 550-20-750-Eb-25-950-Eb-30-1 100 under the Education Department with effect from 27.8-79 i.e. the date of approval:

EAST DISTRICT
1. Singtam High School.
2. Rhenok High School.
3. Dikling High School.
5. Enchey, Higher Secondary School
NORTH DISTRICT.
1. Phodong High School.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 291(G)/Est.
Dated Gangtok, the 2nd February, 1980.

The Governor is pleased to sanction the up-gradation of one of the existing posts of Under Secretary in Local Self Govt. Department to that of Deputy Secretary in the scale of Rs. 900-1800 w.e.f. 17.1.80, i.e. the date of approval.

By Order
L.T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 292 (G)/Est.
Dated Gangtok, the 2nd February, 1980.

The Governor is pleased to sanction the up-gradation of the post of Assistant Director (Language) in Education Department to that of Deputy Director (Language) in the scale of Rs. 900-1800 w.e.f. 17.1.80 i.e. the date of approval.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

The Governor is pleased to sanction the creation of the following posts for
Sericulture Division under Forest Department w.e.f. 2.10.79, i.e. the date of approval to 31-3-1980:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the post</th>
<th>No. of posts</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Range Officer</td>
<td>1</td>
<td>510-900</td>
</tr>
<tr>
<td>2</td>
<td>Accountant</td>
<td>1</td>
<td>450-800</td>
</tr>
<tr>
<td>3</td>
<td>Forester (trained)</td>
<td>2</td>
<td>410-700</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>380-550</td>
</tr>
<tr>
<td></td>
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<td>4</td>
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<td>5</td>
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<td>2</td>
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</tr>
<tr>
<td>6</td>
<td>Peon</td>
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</tbody>
</table>

The expenditure on the posts shall be debitable to Major Head “313-C-Forest-6-Farm Forestry (7) Sericulture”.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 1117(G)/Est.
Dated Gangtok, the 26th February, 1980.

Shri K. L. Kaleon, Asstt Engineer, Mines and Geology Department hereby temporarily promoted as Deputy Director in the Department w.e.f. 19.12.79 against the post created vide Notification No: 217/Gen/Est of 114.80.

He will draw a basic pay of Rs. 900/-p.m. in the scale of Rs. 900-40-1180-Eb-45-1450-Eb-50-1800 plus other allowances admissible under the rules.

The appointment on Contract shall be governed by the following terms and conditions:

1. The appointment shall be terminable with one month's notice on either side. Failure to give one month's notice shall render either party liable to pay/refund one month's salary in lieu thereof.
2. The appointment carries with it the liability to serve in any part of Sikkim.
3. The appointment will be further subject to:
   (i) Production of a certificate of fitness from competent medical authority in the proforma enclosed.
   (ii) Taking of an Oath of allegiance/faithfulness to the Constitution of India (or making of solemn affirmation to that effect in the prescribed form enclosed).
5. Leave shall be admissible as per normal rules of the Government of Sikkim.
6. Gratuity shall be payable at the rate of one half of basic pay last drawn for each completed year of service subject to the condition that the minimum period of service render on contract should not be less than three years. No gratuity shall be admissible if the contract is terminated on account of indiscipline or unsatisfactory discharge of duties.
7. The officers appointed in the Junior Contract Scale (Class II) shall be entitled to T.A and D.A as admissible to Class I Officers.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

ANNEXURE
REVISED TERMS AND CONDITION OF CONTRACT SERVICE

The Governor has been pleased to appoint Shri R. N. Dikahit as Executive Engineer, against the vacancy caused by Shri D. Guin in the Panchayat and Rural Works Department on contract for an initial period of one year in the first instance from the date he assumes charge of the post. He shall draw a basic pay of Rs. 1440/-p.m. in the Class I Senior Contract Scale of Rs. 1200-60-1440-Eb-70-2000 plus other allowances admissible under the rules. Pension if any being drawn by him from his previous organisation shall be protected.

His Contract Service shall be governed by the Terms & Conditions as per Annexure enclosed.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.
8. Reimbursement of the following shall be admissible from home to Gangtok and vice versa on the occasion of joining duty first time and return after the termination of appointment:

(a) First Class railway fare from the place of residence to Siliguri and bus fare from Siliguri to Gangtok for self, wife and one child, provided wife and child, if any, join him within a period of 6 months from the date of appointment.

(b) Cost of transportation of luggage and personnel effect to the extent of 120 Kgs. in case of those in the Junior Contract Scale and 2240 Kgs. in case of those in the Senior Contract Scale if accompanied by family, or 750-Kgs. in case of Junior Contract or 1500 Kgs. in case of Senior Contract Scale if not accompanied by family.

Subject to the condition:

That the expenses incurred for joining duty first time shall be refunded if the officer fails to serve the Government for a minimum period of one year from the date of appointment.

9. His appointment on contract shall not confer on them any right to claim, absorption into regular service at any time. For selection of a particular persons for absorption into regular service, the discretion shall lie with the Government and no reason need be given for one's non-selection.

10. CONDUCT: For regulation of conduct of the contract Officers during the period of contract, the Sikkim Govt. Servants Conducts Rules, 1974 with its amendments thereof will apply.

11. Contract Officers appointed in the previous terms and conditions who wish to come over to the revised terms as laid down in this Notification shall submit their undertaking accepting the revised terms and conditions in the performa appended herewith. In all cases of future appointment on Contract, the candidates shall sign the undertaking accepting the terms and conditions of contract before the appointment is made.

12. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he/she will be liable for removal from service and such other action as Government may deem necessary.

13. A copy of Service Book is also enclosed which may be returned to the Establishment Department after completing the entries in the first page of the Book.

Office Order No. 1127 (G)/Est.
Dated Gangtok, the 28th February, 1980.

The Governor is pleased to appoint Shri Tsewang Dorjee, Deputy Registrar in the High Court of Sikkim, as Additional District & Sessions Judge, Sikkim with immediate effect.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. (G)/Est.
Dated Gangtok, the 29th February, 1980.

CORRIGENDUM OF OFFICE ORDER NO: 267/GEN/EST. OF 31.12.79.

Read "Musician/Singer (Lepcha Section)" instead of "Dancer" occurring at Para 3 of the Order under reference.

Dawa Samdup,
Under Secretary,
Establishment Department.

Office Order No. 1133(G)/Est.
Dated Gangtok, the 29th February, 1980.

Shri B.S. Sharraa, Deputy Secretary (Pay Cell), Establishment Department, is hereby granted terminal Leave for 106 days w.e.f. 3.3.80 to 16.6.80 with permission to prefix holidays on 1st and 2nd March 1980.

On expiry of the above Leave, he will be deemed to have been repatriated back from the Govt. of Sikkim and he will report for duty to his parent Department, New Delhi, on 30.6.80 after availing of joining time including period for journey w.e.f 17.6.80 to 29.6.80.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.
Office Order No. 1141(G)/Est.
Dated Gangtok, the 29th February, 1980.

The Governor has been pleased to upgrade the post of Amji (Tibetan Doctor) to that of Jr. Gazetted grade in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 (Class II) in the Health and Family Welfare Department and to appoint temporarily Shri Tsundu Gyatso, who has been holding the post of Amji in a lower scale till now, on a basic pay of Rs. 660/- p.m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 plus other allowances admissible under the rules with effect from 27.2.80 i.e. the date of approval

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1142/(G)/Est.
Dated Gangtok, the 29th February, 1980.

Mrs. B M. Pradhan, Health Education Officer of Health and Family Welfare Department, is hereby promoted as State Health Education Officer in an officiating capacity for one year we.f. 28.2.80 against the post created vide Notification No: 115/Gen/Est. dated 10.8.79.

During the period of officiation she will draw the minimum of Rs. 780/-p.m. of scale Rs. 780-30-990-Eb-35-1200-Eb:40-1600.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1128(G)/Est.
Dated Gangtok, the 3rd March, 1980.

Consequent on the decisions of the Govt. not to extend the term of contract in respect of Shri C.P. Singh Kakra, Regional Project Officer, Agriculture Department, after 6.4.80 (AN), his contract is terminated with effect from the above date.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 1150(G)/Est.
Dated Gangtok, the 3rd March, 1980.

Shri S. Lama, Addl. General Manager, S.N.T. Department, is hereby allowed to draw 4 months' salary in lieu of equivalent period of referred leave sanctioned vide this Deptt. O.O. No: 711/G/Est. of 14.11.79.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1153(G)/Est.
Dated Gangtok, the 4th March, 1980.

Consequent on the decision of the Govt. not to extend the term of contract in respect of G. P. Srivastava, Director, Health and Social Welfare once the present term expires on 5.4.80 (A.N.), his contract is terminated with effect from the above date.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1154(G)/Est.
Dated Gangtok, the 4th March, 1980.

Consequent on the completion of the current term of deputation of Shri R. N. De. O.S.D. of Industries Department, on the afternoon of 11.3.80, he is repatriated to his parent Deptt w.e.f. 12.3.80 (F N.) on his own request.

He will report for duty to his parent Department after availing of the usual joining time.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1157(G)/Est.
Dated Gangtok, the 3rd March, 1980.

The following temporary promotions and transfers are made in the Agriculture Department to take effect from the dates
they assume charge of the respective posts:

1. Shri Dharnidhar Sharma, Sr. Inspector, is temporarily promoted as Assistant Regional Project Officer and posted to Marchok Regional Centre.

2. Shri Ugen Tsering Bhutia, Sr. Inspector, is temporarily promoted as Assistant Regional Project Officer and posted to Bermiok Regional Centre.

3. Shri Nanda Prasad Pradhan, Sr. Inspector, is temporarily promoted as Assistant Regional Project Officer and posted to Pakyong Regional Centre.

4. Shri Tenzing Dadul, Sr. Inspector, is temporarily promoted as Assistant Regional Project Officer and posted to Mangan Regional Centre.

5. Shri Uchung Bhutia, Sr. Inspector, is temporarily promoted as Assistant Regional Project Officer and posted to Lachung Regional sub-Centre.


7. Shri H.C. Singh, Sr. Inspector, is temporarily promoted as Assistant Regional Project Officer and posted to Namthang Regional Sub-Centre vice Sl. No. 6 above.

8. Shri BB. Gautam, Sr. Inspector, is temporarily promoted as Assistant Regional Project Officer and posted to Dzongu Regional Sub-Centre.

9. Shri Achung Lachungpa, Horticulture Officer of Pangthang Cardamom Prophecy Orchards, is transferred to Maitar as Research Assistant (Coffee) in his own pay, scale and allowances against the post created vide Notification No. 188/Gen/Est. dt. 5th October, 1979.

10. Shri H.B. Thapa, Sr. Inspector, is temporarily promoted as Horticulture Officer vice Sl. No. 9 above.

11. Shri D.K. Mukhia, Sr. Inspector, is temporarily promoted as Agriculture Marketing Officer and posted to Gangtok.

The Promotions are made subject to the usual probation of one year. They will draw (except Sl. No. 8) Rs. 660/- p.m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 plus other allowance admissible under the rules w.e.f. the dates of their assuming charge of the posts.

Their inter-seniority in the Jr. Gazetted grade shall be in the same order as it existed in the lower grade irrespective of the dates of their taking over charge of the posts on promotion being earlier or later.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 1167(G)/Est. Dated Gangtok, the 10th March, 1980.

In continuation of this Department Office Order No: 1079/(Gen)/Est.of 15.2.80, Dr. Pemba T. Tonyot, consequent on his promotion to the scale of Consultation in S.T.N.M. Hospital, is allowed to draw the qualification allowance @ Rs 80/- p.m. with effect from 7.12.78.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 1180(G)/Est. Dated Gangtok, the 10th March, 1980.

With the concurrence of the Government of Kerala as communicated vide their C.S's message No: 147889/Sp.C1/79/CAD dated 16.1.1980., the term of deputation in respect of Shri R. Narayanan, I.A.S., Development Commissioner, Planning & Development Department, with the Government of Sikkim which expired on 31.1.80 is hereby extended for another one year w.e.f. 1.2.80 to 31.1.81.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 1187(G)/Est. Dated Gangtok, the 12th March, 1980.

The Governor has pleased to approve the creation of Mechanical Sub-Division at Singtam under Sikim Public Works Department with effect from 21.2.80 i.e. date of approval.

Consequently a post of Assistant Engineer (Mech) in the scale of Rs. 660-1400 in the above new Sub-Division is created w.e.f. above date.
Expenditure on the above post is debitable to Major Head 259 P.W.A 1
(1) Direction & Administration.

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.
Office Order No. 1192(G)/Est.
Dated Gangtok, the 12th March, 1930.

Shri T. T. Targain, Accounts Officer, Pay and Accounts Office, is hereby temporarily promoted and transferred as Senior Accounts Officer in the Health and Family Welfare Department, in the scale of Rs. 900-40-1180-Eb-45-1450-Eb-50-1800 w.e.f. the date he assumes charges of the posts.

Consequently the following transfers of Accounts Officers are made with immediate effect.

(i) Shri M. B. Ruchal, Accounts Officer of Land Revenue Department, is transferred to Pay and Accounts Office vice Shri Targain since promoted as Senior Accounts Officer (ii) Shri B.B. Rai, Accounts Officer of Health and Family Welfare Department is transferred to Land Revenue Department vice Shri M. B. Ruchal.

Shri T. T. Targain on promotion, will be on probation for one year.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.
Office Order No. 1196(G)/Est.
Dated Gangtok, the 14th March, 1980.

The Governor has been pleased to sanction the creation of two posts of Public Health Nurses in the scale of Rs. 550-20-75QEb-25-950Eb-30-1100 for the A.N.M. Training School at S.T.N.M. Hospital, Gangtok under the Health & Family Welfare Department w.e.f. 21.2.80 i.e. the date of approval.

The expenditure is debitable to Major Head 280-Central Referral Hospital (Plan).

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.
Notification No. 320(G)/Est.
Dated Gangtok, the 14th March, 1980.

The Governor of Sikkim is pleased to sanction the creation of a post of Additional director in Health & Family Welfare Department in the scale of Rs.1250-70-1950Eb-75-21000 w.e.f. 21.2.80 i.e the date of approval.

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.
Office Order No. 1207(G)/Est.
Dated Gangtok, the 18th March, 1980.

The term of contract in respect of Shri S. C. Khanna, Joint Secretary, Local Self Government, which will expire on 21.5.80 (A.N.) is hereby extended for further one year w.e.f. 22.5.80 to 21.5.81 on the existing terms and conditions.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.
Office Order No. 1209 (G)/Est.

Dated Gangtok, the 19th March, 1980.

Consequent on the retirement of Shri S. Lama, Additional General Manager, S. N. T. Shri B. N. Sharma, Deputy General Manager (Admn.), S.N.T., is hereby allowed to look after the duties of Addl. General Manager in addition to his own until further order.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1218 (G)/Est.

Dated Gangtok, the 20th March, 1980.

In partial amendment of this Department O.O. No: 1064/G/Est. of 7.2.80 the contract service of Capt. VS. Thapar, Ex-Superintendent, State Veterinary Hospital of Animal Husbandry Department, is deemed to have been terminated w.e.f. 12.2.80 (A.N) instead of 1.2.80.

He is further granted leave salary for 84 days inclusive of the benefit of one month’s salary in lieu of one month's notice which took effect concurrently with the leave.

Further he is allowed to draw an annual increment @ Rs. 45/- p.m. in the scale of Rs. 900-40-1180-Eb-30-1240-Eb-40-1400 with effect from 1.2.80 thereby raising his pay from Rs. 660/- to Rs. 685/-p.m.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1220 (G)/Est.

Dated Gangtok, the 20th March, 1980.

Shri P.K. Pradhan, Secretary, Local Self Government is relieved of his duties with immediate effect to undergo training on Planning and Rural Development at London, U.K. for the period from 1.4.80 to 25. 7. 80 under the Colombo Plan.

During his absence on training Shri S.C. Khanna, Joint Secretary in the Department, is entrusted to look after the works of the Secretary in addition to his own duties.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 1227(G)/Est.

Dated Gangtok, the 20th March , 1980

Shri Parsuram Poudyal, Income Tax Officer, Income and Sales Tax Department is hereby allowed to cross the probationary period of one year and to draw an annual increment @ Rs. 25/- p.m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 with effect from 1.2.80 thereby raising his pay from Rs. 660/- to Rs. 685/-p.m.

By Order

Dawa Samdup
Under Secretary,
Establishment Department.

Office Order No. 1228(G)/ Est.

Dated Gangtok, the 20th March, 1980.

The following inter-Department transfers in the Health and Family Welfare Department are hereby made with immediate effect:-

1. Dr. B.M. Raj, CM.O. (North), Magan to Namchi as CM.O. (South)
2. Dr. S.C. Pradhan, C.M.O. (North) to officiate as C.M.O. vice Sl. No. (1) above until further orders.

By Order

DAWA SAMDUP,
Under Secretary,
Establishment Department.

Office Order No. 1229(G)/ Est.

Dated Gangtok, the 21st March, 1980.

The term of deputation in respect of Shri Madhusudan Singh of Education Department with the Tashi Namgyal Academy which expired on the afternoon of 31.1.80 is hereby extended for a further period of six months w.e.f. 1.2.80 to 31.7.80 on the existing term and condition of deputation.

By Order

L.B. RAI,
Deputy Secretary,
Establishment Department.
Office Order No. 1233 (G)/Est.
Dated Gangtok, the 22nd March, 1980.

In supersession of Q.Q. No:894/G/Est. of 18.1.79 and its subsequent corrigendum vide Memo No: 2(54)/5818-23/G/Est. of 2.3.79, Shri Lobzang Bhutia, income and Sales Officer, income and Sales Tax Department, is hereby temporarily promoted as Senior Income and Sales Tax Officer with effect from 3.12.77 vice Shri T.P. Ghimirey promoted as Joint Secretary. He will draw a basic pay of Rs. 900/- p.m. in the scale of Rs. 900-40-1180-Eb-45-1450-Eb-50-1800 plus other allowances admissible under the rules.

By Order
L. B. RAT,
Deputy Secretary,
Establishment Department.

Notification No. 326(G)/Est.
Dated Gangtok, the 25th March, 1980.

The Governor of Sikkim has been pleased to sanction the creation of the following posts in the different wings of the Forest Department with effect from 21.2.80 i.e. the date of approval.

(a) UTILISATION CIRCLE

Sl. No. | Name of the Post | No. of Post | Scale of No. Pay
---|---|---|---
1. | Accountant | 2 | Rs. 450-800
2. | Sr. Accounts Clerk | 2 | Rs. 410-700
3. | Kiln operator | 1 | Rs. 450-800
4. | Mech. Overseer | 1 | Rs. 510-900
5. | Peon | 1 | Rs. 300-380
6. | Ranger | 2 | Rs. 510-900
7. | Forester | 4 | Rs. 380-550
8. | Forest Guard | 4 | Rs. 320-450

The expenditure for the above posts is debitable to Head ‘313’C7.3. Logging.

(b) OFFICE OF THE C.C.F.

1. | Sr. Accountant | 1 | Rs. 510-900
2. | Upper Division Clerk | 2 | Rs. 410-700

(c) TERRITORIAL CIRCLE

1. | Ranger | 3 | Rs. 510-900
2. | Forester | 6 | Rs. 380-550
3. | Head Forest Guard | 5 | Rs. 340-500
4. | Forest Guard | 6 | Rs. 320-450
5. | Dak Bungalow Chowkidar | 8 | Rs. 300-380
6. | Sr. Accounts Clerk | 1 | Rs. 410-700
7. | Lower Division Clerk | 1 | Rs. 380-550

The expenditure on the above posts of the two wings are debatable to Head ‘313’ Forests Ci. Direction & Admn.

(d) SILVICULTURE OFFICE

1. | Asstt. Conservator of Forests/Silva | 1 | Rs. 660-1400
2. | Lower Division Clerk | 1 | Rs. 380-550
3. | Peon | 1 | Rs. 300-380

The expenditure on the above posts is debitable to Head ‘313’ C Forest C4(3) Working Plan Schemes.

(e) SOIL CONSERVATION CIRCLE

1. | Accountant | 2 | Rs. 450-800
2. | Lower Division Clerk | 2 | Rs. 380-550
3. | Driver | 1 | Rs. 350-550
4. | Forester | 3 | Rs. 380-550
5. | Forest Guard | 6 | Rs. 320-450

The expenditure on the above posts shall be debited to Head ‘307’A. S & W Conservation Al Direction and Admn.

(f) FISH & WILD LIFE

1. | Sub-Inspector | 1 | Rs. 410-700
2. | Supervisor | 1 | Rs. 410-700
3. | Fishery Guard | 8 | Rs. 320-450
4. | Trout Keeper | 2 | Rs. 340-500
5. | Fisherman | 2 | Rs. 300-380

The expenditure on the above posts are debitable as under.

Sl. No. | Pay
---|---
1. | Rs. 350-6-410-7-550
2. | Rs. 350-6-410-7-550
3. | Rs. 350-6-410-7-550
4. | Rs. 350-6-410-7-550
5. | Rs. 350-6-410-7-550
6. | Rs. 350-6-410-7-550
7. | Rs. 350-6-410-7-550
8. | Rs. 350-6-410-7-550

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.

Notification No. 328/(G) Est./
Dated Gangtok, the 26th March, 1980.

The Governor of Sikkim has been pleased to sanction the creation of a post of Driver in the scale of Rs. 350-6-410-7-550 for Excise (Abk) Department with effect from 18.1.79 i.e. the date of approval.
The expenditure for the post shall be debited to Major Head  " 309- State Excise (Abkari)-Al(l)(I)-Salaries.

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.

Office Order No. 1242 (G)/Est.
Dated Gangtok, the 27th March, 1980.

The Governor is pleased to appoint Shri Sonam Wangdi Lepcha, Assistant Registrar (Rules) in the High Court of Sikkim as Civil Judge-cum-Judicial Magistrate, Gyalshing, on deputation w.e.f the date he assumes charge of the post until further orders.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 1244 (G)/Est.
Dated Gangtok, the 27th March, 1980.

The resignation tendered by Dr. D. P. Singh, Assistant Research Officer (Poultry), Animal Husbandry Department, is hereby accepted with effect from 5.4.80 (FN) i.e. from the day following expiry of the one month's notice.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 1245/G/Est.
Dated Gangtok, the 27th March, 1980.

In partial amendment of Office Order No: 140 (G) Est. of 12.5.76 Shri Mahesh Kumar Rai, Excise Inspector Excise (Abkari) Department is temporarily promoted as Assistant Commissioner of Excise in the Department in the Gazetted Grade Junior scale of Rs. 510-20-710- Eb-25-960 w.e.f. 1.3.77.

He will draw the minimum of the scale plus other allowances admissible under the rules w.e.f. the date of promotion.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 331(G)/Est.
Dated Gangtok, the 28th March, 1980.

The Governor is pleased to sanction the creation of a post of Junior Driver in the scale of Rs. 350-6-410-7-550 for the Man Power Planning Cell under Planning and Development Department with effect from 13.3.1980 i.e. the date of approval, the expenditure will be debitable from the Head  "296-B.I. (I) P&D-B.I(I)(D- Salaries (Plan).

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.
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Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM
Notification No. 43/HCS/ESTT.
Dated Gangtok, the 1st April, 1980.

Hon'ble the Chief Justice has been pleased to create one post of Sweeper for the court of Civil Judge-cum-Judicial Magistrate, Namchi, in the pay scale of Rs. 300-4-340-5-380 on temporary basis, with immediate effect.

G. S. KALRA,
Registrar,
High Court of Sikkim.

Notification No. 45/HCS.
Dated Gangtok, the 7th April, 1980.

Hon'ble the Chief Justice has been pleased to create one post of L.D.A. on the High Court Establishment, in the pay scale of Rs. 380-7-450-Eb-8-530-10-550 on temporary basis, with immediate effect till 28.2.81.

G. S. KALRA,
Registrar,
High Court of Sikkim.

Notification No. 46/HCS/ESTT.
Dated Gangtok, the 21st April, 1980.

In continuation of this Court's Notification No. 6/ HCS, dated 7th June 1979, Hon'ble the Chief Justice of Sikkim has been pleased to sanction charge allowance @ 250/- instead of Rs. 240/- to Shree G.S. Kalra, District & Sessions Judge, Sikkim for holding additional charge for the cost of Registrar, High Court of Sikkim with effect from June 1978 as per the revised pay scale for the post of Registrar i.e., 1250-2100.

G. S. KALRA,
Registrar,
High Court of Sikkim.

Notification No. 47/HCS/ESTT.
Dated Gangtok, the 19th April, 1980.

Hon'ble the Chief Justice has been pleased to revise the pay scale for the post of Office Superintendent from Rs. 510-15-660-Eb-18-720-Eb-20-900 to Rs. 550-20-750-Eb-25-950-Eb-30-1100 with effect from 1.4.77 in the light of scale revised by the Government vide Government Notification No. 8 (Gen)/Est, dated 7th April, 1980.

G. S. KALRA,
Registrar,
High Court of Sikkim.

Notification No. 49/HCS.
Dated Gangtok, the 21st April, 1980.

In pursuance of the powers conferred under proviso third to rule 25(1) of High Court Establishment (condition of service) Rules, 1979, Hon'ble the Chief Justice has been pleased to revise the pay scale for the post of Court Officer from Rs. 510-15-630-Eb-18-720-Eb-20-900 to Rs. 550-20-750-Eb-25-950-Eb-30-1100 with effect from 1-4-77 in the light of the revision of the scale for the post of Office Superintendent by the Government of Sikkim vide Notification No.8 (Gen/Est. dated 7th. April, 1980.

By Order
G. S. KALRA,
Registrar,
High Court of Sikkim.

Office Order No. 50/HCS/ESTT.
Dated Gangtok, the 24th April, 1980.

Hon'ble the Chief Justice has been pleased to sanction Mr. Tshewang Dorjee, Additional District and Sessions Judge, Sikkim at Gangtok, 17 days leave on full pay with effect from 14th April, 1980 to 30th April, 1980.

By Order
G. S. KALARA,
Registrar,
High Court of Sikkim.

HOME DEPARTMENT
Dated Gangtok, the 29th March, 1980.

In pursuance of the decisions taken at the meeting of the representative of various State Transport Undertakings, the Association of State Road Transport Undertakings, the Ministry of Shipping and Transport and the Posts Telegraphs Board held on 5th December, 1978 at
Sanchar Bhawan, New Delhi and communicated vide the Ministry of Shipping and Transport (Transport wing), Government of India letter No. TIC/(7)/78 dated the 22nd March, 1979, the State Government hereby prescribe the following rates and other conditions for carriage of postal mails by the Sikkim Nationalised Transport, effective as from the 1st April, 1979, namely.

(i) The basic of linking of the charges for carriage would be at the rate of one passenger fare as applicable in the Bus Service by which the mail bag is carried on the route concerned;

(ii) The minimum postal subsidy for any route will be Rs. 25/- (Rupees twenty-five) per month.

(iii) The diversion charges will be at the rate of Rs. 2 per Km, irrespective of whether the diversion is in the hilly areas or in plains.

(iv) The existing conductors allowance will be discontinued.

2. The following shall be the conditions and procedure for the carriage of mails by the Sikkim Nationalised Transport, namely -

(a) The Head of the Posts and Telegraphs Circle concerned will ensure expeditious payment of all bills of charges.

(b) It shall be obligatory on the part of the Sikkim Nationalised Transport to carry the mails.

(c) The mail bags would be exchanged at the door of the Bus and the Postal/Railway Mail Service staff would help in their loading/unloading. The responsibility for correct receipt at the point at which the mails are taken over by it and for delivery thereof at the point of unloading will be that of the Sikkim Nationalised Transport.

(d) The Sikkim Nationalised Transport will be responsible for any misplacement, loss or damage of mail bags. However, in case of dispute, the General Manager or Chairman of the Sikkim Nationalised Transport would, in consultation with the Head of the posts and Telegraphs Circle, decide the matter. If, in a rare case, intervention at a higher level is necessary, the matter would be dealt with by the Posts and Telegraphs Board in consultation with the Ministry of shipping and Transport. To avoid any loss of mail bags while in their custody, the Sikkim Nationalised Transport shall take all due care to ensure that the mails are not carried in an insecure manner.

T. S. GYALTSHEN
Chief Secretary, Government of Sikkim.

NOTIFICATION
No. 41 (1)/Home/80.
Dated Gangtok, the 5th April, 1980.

Shri K. Sherab is hereby appointed as a Director on the Board of the State Bank of Sikkim for so long as he holds the post of Finance Secretary.

M. P. PRADHAN,
Chief Secretary, Government of Sikkim.

NOTIFICATION
No. 41(3)/Home/79.
Dated Gangtok, the 24th April, 1980.

Under Clause 73(i) of the Articles of Association of SIDICO, the Governor is pleased to appoint the Secretary in charge of Industries Department as Managing Director of the Corporation. The officer will draw a monthly honorarium of Rs.250/- from the Sikkim Industrial Development and Investment Corporation and will continue to draw his own pay and allowances as usual.

M. P. PRADHAN,
Chief Secretary, Home Department.

NOTIFICATION
No. 44(6)-Home/77.
Dated Gangtok, the 29th April, 1980.

The Governor is pleased to redesignate the Liaison Officer of the State Government in New Delhi as Resident Representative with immediate effect.

R. K. GUPTA,
Additional Secretary, Home Department.
NOTIFICATION
No. 25/Home/80.
Dated Gangtok, the 30th April, 1980.

The Governor of Sikkim is pleased to form a Government Company under the name and style 'SIKKIM FLOUR MILLS LIMITED' with the following promoters:
1. Secretary, Finance Department.
2. Development Commissioner.
3. Secretary, Industries Department.

Further, the Governor of Sikkim is also pleased to constitute the Board of Directors of S.FM. Ltd. consisting of the following:
1. Hon'ble Minister for Industries- Chairman
2. Development Commissioner- Director
3. Managing Director SIDICO- Director
4. Secretary, Food & Civil Supplies Department- Director
5. A Representative from Army- Director

By Order
M.P. PRADHAN,
Chief Secretary,
Government of Sikkim.

ESTABLISHMENT DEPARTMENT
Notification No. 1 (Gen)/Est.
Dated Gangtok, the 1st April, 1980.

The Governor has been pleased to sanction the creation of following temporary posts in the Education Department w.e.f. 6.8.79 i.e. the date of approval.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of post</th>
<th>No. of post</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Asstt. Text Book writer in the scale Bhutia, Lepcha, and of Rs. 550-1100.</td>
<td>4</td>
<td>Limbu Languages.</td>
</tr>
</tbody>
</table>

Expenditure on the posts shall be debitable to major Head 227-A2(4)-Salaries and for the post at Sl. No: 2 & 3 the same shall be debitable to 321-D2(2)(l)-Salaries).

By Order
DAVA SAMDUP,
Under Secretary,
Establishment Department.

Notification No. 2 (G)/Est.
Dated Gangtok, the 1st April, 1980.

The Governor is pleased to sanction the creation of the following posts in the Govt. Institute of Cottage Industries w.e.f. 6.3.1980, i.e. date of approval.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the post</th>
<th>No. of post</th>
<th>scale</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Instructor</td>
<td>3</td>
<td>Rs. 410-700</td>
<td>2 for Carpet Weaving</td>
</tr>
<tr>
<td></td>
<td>Carpet Weaver</td>
<td>1</td>
<td>Rs. 410-700</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Wood Carver</td>
<td>1</td>
<td>Rs. 410-700</td>
<td></td>
</tr>
</tbody>
</table>

Expenditure on the posts at Sl.No. 1 above shall be debitable to Major Heads "321-D2(1)(1) Salaries and for the post at Sl No: 2 & 3 the same shall be debitable to 321-D2(2)(l)-Salaries".

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

On termination of the term of re-employment of Shri T.S. Gyaltshen, the Governor has been pleased to appoint Shri M.P. Pradhan as Acting Chief Secretary to the Government of Sikkim with Effect from 1st April, 1980 until regular arrangements are made.

C. D. Rai,
Secretary,
Establishment Department.

Office Order No. 4 (G)/Est.
Dated Gangtok, the 1st April, 1980.

Consequent on the termination of contract of shri A.P. Barthwal General Manager, S.N.T. Department, with effect from 31-3-80 (AN) vide O.O. No. 1160/G/Est. of 6.3.80, Shri T.C Verma, Additional Chief Engineer (Mechanical) of the Deptt. is entrusted with the responsibility of looking after the works of the General Manager in addition to his own duty on purely temporarily basis till the appointment of General Manager on regular basis.

By Order
L.B. RAI,
Deputy Secretary,
Establishment Department.
Notification No. 3/(G) Est.
Dated Gangtok, the 1st April, 1980.

Consequent on the appointment of Shri M.P. Pradhan, Secretary Finance, as Acting Chief Secretary, Government of Sikkim, the Governor is pleased to order the following postings as interim arrangement, to take effect from 1st April, 1980:—

1. Shri Kunzang Sherab, Secretary, Ecclesiastical Affairs Mines & Geology Scheduled Castes & Scheduled Tribes Welfare Departments is appointed as Secretary, Finance.
2. Shri Tashi Chhophel, Secretary, Information & Public Relations is appointed as Secretary, Ecclesiastical Affairs Department in addition to his present charge.
3. Shri K.C. Pradhan, Secretary, Tourism Department is appointed as Secretary, Industries and Heavy Industry Departments, in addition to his present charge.
4. Shri Jigme Dorjee, Secretary, Culture Department, is appointed as Secretary, Scheduled Tribes and Scheduled Castes Welfare Department, in addition to his present charge.
5. Shri CD. Rai, Secretary, Establishment Department, is appointed as Secretary, Mines & Geology Department, in addition to his present charge.

By Order

L. T. TONYOT
Joint Secretary,
Establishment Department.

Office Order No. 6/(G)/Est.
Dated Gangtok, the 2nd April, 1980.

The Animal Husbandry Department is hereby temporarily placed under the charge of the Development Commissioner, Planning and Development Department, in addition to his own duties with immediate effect until further orders.

By Order

C.D. RAI,
Secretary,
Establishment Department.

Office Order No. 7(G)/Est.
Dated Gangtok, the 2nd April, 1980.

Dr. L. Tenzing, Joint Director of Health and Family Welfare Department, is hereby temporarily promoted to the post of Addl. Director in the same Department created under this Department Notification No. 321/Gen/Est dt. 14.3.80 with immediate effect.

Further, he is entrusted with the responsibility of looking after the work of the post of the Director, Health Services, w.e.f. the afternoon of 5.4-80 on which date he will take over charge of the post from the present D.H.S.

By Order

L.B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 8(G)/Est.
Dated Gangtok, the 2nd April, 1980.

In continuation of this Department Office Order No. 1160/G/Est. of 6.3.80 Shri A.P. Barthawal, General Manager, S.N.T. Department, is hereby allowed to draw 8 days salary in lieu of equivalent amount of leave that he had due to his credit.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 9 (G)/Est.
Dated Gangtok, the 2nd April, 1980.

Shri Taga Khampa, presently on deputation to the Sikkim Time Corporation, is hereby confirmed in the post of Divisional Engineer w.e.f. 12.1.80.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.
Office Order No. 11 (G)/Est.
Dated Gangtok, the 2nd April, 1980.

In partial amendment of this Department of O .O. No. 1192/G/Est of 12.3.80 read with corrigendum No. 2(27)-79/9608-19 of 18.3.80, Shri LB. Rai, Accounts Officer, Health and Family Welfare Department, is transferred to the Pay and Accounts Office vice Shri T.T. Targain and Shri M.B. Ruchal allowed to continue in the same Department.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 4 (G)/Est.
Dated Gangtok, the 3rd April, 1980.

The following Special Allowances sanctioned to the Mechanics of M.T. Section of Police Department vide this Deptt. Notification No. 66/Gen/Est of 7.6.78 having not been included in the Appendix V of the Sikkim Government Services (Revised) Pay Rules, 1978, are hereby deemed to have been included in the above Appendix with effect from 7.6.78, i.e. date of sanction.

Sl. No. | Designation of the post | Amount per month |
-------|------------------------|-----------------|
1.     | Foreman                | Rs. 70/-        |
2.     | Junior Foreman         | Rs. 50/-        |
3.     | Grade I Fitter         | Rs. 40/-        |
4.     | Grade II Fitter        | Rs. 35/-        |
5.     | Grade III Fitter       | Rs. 25/-        |
6.     | Grade IV Fitter        | Rs. 20/-        |

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.

Office Order No. 14/G/Est.
Dated Gangtok, the 3rd April, 1980.

Shri Tshering Pintso Bhutia has been appointed in a temporary capacity to the post of Assistant Engineer in the Sikkim Public Wokks Department and posted at Singtam Mechanical Sub-Division on a monthly pay of Rs. 660/-p.m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 w.e.f. 21.2.80 i.e. the date of his joining.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 17 (G)/Est.
Dated Gangtok, the 7th April, 1980.

The last term of contract in respect of Shri K. Karunakaran Principal I.T.I. or Industries Department having expired on the afternoon of 31.3.80, and his continuation being necessary for the ensuing examination of the I.T.I in July, 1980 the same is hereby extended for a period of four months w.e.f. 1.4.80 to 31.7.80 on the existing terms and conditions of contract.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Notification No. 81 (G)/Est.
Dated Gangtok, the 8th April, 1980.

The Governor has been pleased to sanction the creation of a post of Peon in the scale of Rs. 300-4-340-5-380 for the Production Wing of the Government Institute of Cottage Industries with effect from 17.3.80 i.e. the date of approval.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.
Notification No. 12 (G)/Est.
Dated Gangtok, the 9th April, 1980.

The Governor of Sikkim has been pleased to sanction the creation of 4 posts of Stenographers in the scale of Rs. 410-10-580-Eb-12-700 for the S.Ps holding the charge of the Districts, the Headquarters and the lines in the Police Department w.e.f. 6.8.79, i.e. date of approval.

The expenditure on the above posts is debitable to “255-Police-A4 District police.”

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 21(G)/Est.
Dated Gangtok, the 10th April, 1980.

On her return from the expiry of Maternity leave w.e.f. 29.12.79, Mrs. Wangmu Tenzing P.S. to the erstwhile Minister for Panchayat and Rural Works Department, is hereby posted till 31.3.80 as Under Secretary (Cabinet) against the leave vacancy of Shri D.N. Barfungpa, Under Secretary (Cabinet).

By Order
L.B. RAI,
Deputy Secretary,
Establishment Department.

Notification No. 14 (G)/Est.
Dated Gangtok, the 11th April, 1980.

The Government of Sikkim has been pleased to extend the following temporary posts in the establishment of Educational Technology Cell under the Education Department, created vide this Department Notification No. 207/Gen/Es. Of 9.11.78 for the period ending 28.2.81.

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name of post</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Asstt. Director</td>
<td>1</td>
<td>Rs. 660-1400</td>
</tr>
<tr>
<td>2.</td>
<td>Programme-cum Script Writer</td>
<td>1</td>
<td>Rs. 550-1100</td>
</tr>
<tr>
<td>3.</td>
<td>L.D.C.-cum Typist Driver</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>4.</td>
<td>Driver</td>
<td>1</td>
<td>Rs. 350-550</td>
</tr>
</tbody>
</table>

The expenditure on the above posts is debitable to 800- contingency fund

By Order
L.T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 24(G)/Est.
Dated Gangtok, the 11th April, 1980.

In continuation of this Department Office Order No. 985/G/Est. of 12.2.79, Shri Tashi Densapa, Deputy Secretary, Cultural Department, is granted further extension of two months study leave w.e.f. 1.3.80 to 30.4.80. During this period, he is allowed to retain lien on the post held by him in the Govt. of Sikkim.

By Order
L.B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 27(G)/Est.
Dated Gangtok, the 14th April, 1980.

The following transfers are made in Sikkim Public Works Department with immediate effect:-

1. Shri D.G. Sangdarpa, Divisional Engineer (Bldgs III) is transferred as Divisional Engineer, Store Division.
2. Shri N.K. Kumai, Divisional Engineer Water Supplies is transferred as Divisional Engineer (Bldgs III) vice Sl. No. 1 above.

Shri Dhan Subba, Assistant Engineer, (Sewerage), is entrusted with the duties Of Divisional Engineer (Water Supply) in addition to his own duties untill further orders.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 32 (G)/Est.
Dated Gangtok, the 14th April, 1980.

The Governor of Sikkim is pleased to upgrade the post of Director of Training in Agriculture Department to the grade of Joint Director w.e.f. 12.3.80

Consequently, Shri Pintso Bhutia, Director of Training is hereby allowed to draw a basic pay of Rs. 1200/-p.m. in the scale of Rs.1200-60-1400-Eb-70-2000 plus other allowances admissible under the rules from the above date.

As usual, he will be on probation for one year.
As regards his inter-se seniority in the grade of Joint Director with S/S S. Lama and H.R. Pradhan, will retain his irrespective of the date of promotion being the same.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 33(G)/Est.
Dated Gangtok, the 14 April, 1980.

Shri S. Lama and Shri H.R. Pradhan, Deputy Directors of Agriculture Department, are temporarily promoted as Joint Directors in the Department w.e.f. 12.3.80 i.e. the date of approval.

They will draw a basic pay of Rs. 1200/- p.m. in the scale of 1200-60-1440- Eb-70-2000 plus other allowances admissible under the rules from the above date.

They will be on probation for one year.

As regards inter-se seniority in the grade of Joint Director they will retain their respective seniority as it existed in the lower grade of Dy. Director irrespective of the date of promotion being the same.

By Order

L.B. RAI,
Deputy Secretary
Establishment Department.

Office Order No. 34(G)/Est.
Dated Gangtok, the 14th April, 1980.

The Governor of Sikkim is pleased to grant the scale of Rs. 1200-60-1440- Eb-70-2000 to Shri J.B. Tamang on his own present post of Deputy Director of Agriculture Department w.e.f. 12.3.80.

He will draw basic pay of Rs. 1200/- p.m. in the above scale plus other allowances admissible under the rules from the above date.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 35(G)/Est.
Dated Gangtok, the 14th April, 1980.

Lt Col. J.C. Chattopadhya, Medical Specialist of Health and Family Welfare Department, Govt. of Sikkim, is relieved w.e.f. the afternoon of 31.5.80 from the present post to enable him to report for duty at the Command Hospital Chandigarh, on reversion, after availing of the usual joining time.

By Order

L.B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. (G)/Est.
Dated Gangtok, the 16th April, 1980.

AMENDMENT TO THIS DEPARTMENT NOTIFICATION
NO: 19/GEN/EST. 14.4.80.

Substitute "1.4.79" for "29.3.80, i.e. the date of approval" appearing in the last line of first para of Notification under reference.

DAWA SAMDUP,
Under Secretary,
Establishment Department.

Office Order No. 38(G)/Est.
Dated Gangtok, the 16th April, 1980.

Consequent on the creation of a post of General Manager for the District Department, is hereby deputed to Lal Bahadur Shastri National Academy of Administration, Mussoorie, U.P. to act as a Nepali Language Instructor to the I.A.S. probationers allotted to the State of Sikkim for the period from 20.4.80 to the end of July 1980.

He is authorised to draw normal TA/DA as applicable to the State Government Officers while on duty outside the State plus special allowance @ Rs. 100/- p.m. which shall be paid by the Home Department.

He will, however, draw his pay and allowances for the above period from the Education Department.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 39(G)/Est.
Dated Gangtok, the 18th April, 1980.
Industries Centre under Industries Department vide this Department Notification No: 120/Gen/Est. of 5.8.78, Shri M.G. Kiran, Manager, District Industries Centre in the Department is hereby temporarily promoted in the above post on an officiating capacity w.e.f. 17.3.80 i.e. the date of approval.

During the period of officiation, he will draw the minimum of Rs. 900/-p.m. in the prescribed scale under Rule 39(2) of Sikkim Govt. Service Rule (Part 1, Chapter VII) as amended by Correction ship No. 8.

By Order
L.B. RAI,
Deputy Secretary,
Establishment Department.

Notification No. 21(G)/Est.
Dated Gangtok, the 19th April, 1980.

The Governor has been pleased to sanction the creation of a post of Under Secretary in the Complaint/grievance Cell, Home Department in the scale of Rs. 1660-1400 with effect from 1.1.80.

The expenditure is debitable to Major Head “262(1) (1) Salaries”.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 23 (G)/Est.
Dated Gangtok, the 19th April, 1980.

The Governor has been pleased to sanction the creation of a post of Accountant in the scale of Rs. 450-800 for the Nutrition Cell of the Health and Family Welfare Department w.e.f. 13.3-80, i.e. the date of approval.

The expenditure will be debitable to Major Head “309-E.Food-E.1- Nutrition & Subsidiary Food-El(I)- Direction & Adm.. (Non-Plan).

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 26(G)/Est.
Dated Gangtok, the 19th April, 1980.

The Governor has been pleased to sanction the creation of a post of Personal Assistant in the scale of Rs. 450-800 in the office of the PS. to the Hon'ble Chief Minister on a purely temporary basis w.e.f. 15.3.80. The post shall be co-terminus with the post of P.S. to Hon'ble Chief Minister.

The expenditure on the above post is debitable to Major Head 252-B-1 (1) Salaries.

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.

Notification No. 27 (Gen) /Est.
Dated Gangtok, the 21st April, 1980.

The Governor has been pleased to sanction the creation of posts of Drivers in the following Department in the scale of Rs. 350-550 with effect from 5.4.80, i.e. the date of approval:

<table>
<thead>
<tr>
<th>Name of Deptt.</th>
<th>No. of post created</th>
<th>Debitable budget head</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Information &amp; Public Relation Department</td>
<td>2</td>
<td>285-D3(l) Salaries</td>
</tr>
<tr>
<td>2. Finance Deptt</td>
<td>1</td>
<td>220-&quot;Al(l) (N.P.)</td>
</tr>
</tbody>
</table>

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.

Office Order No. 88/(G)/Est.
Dated Gangtok, the 22nd April, 1980.

The Contract Service of Dr. D. S. Hamal, Emergency Medical Officer, S.T.N.M. Hospital, Health and Family Welfare Department, is hereby terminated with immediate effect.

He will draw one month's salary in lieu of one month's notice as per agreed terms and conditions of his contract.

By Order
D. T. BHUTIA,
Deputy Secretary,
Establishment Department.

Office Order No. 94(G)/Est.
Dated Gangtok, the 23rd April, 1980.

Shri Madhusudan Singh who has been entrusted to look after the duties of the
Director of Education vide 00. No: 1255/G/Est. of 31.3.80 will also continue to act as Principal, T.N. Academy, till a permanent arrangement is made.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 95(G)/Est.
Dated Gangtok, the 23rd April, 1980.

Consequent upon the repatriation of Shri S.B. Raizada to his parent Department, Shri Karma Peda, Assistant Fisheries Development Officer is hereby temporarily promoted as Fisheries Development Officer, Fisheries wing under the Forest Department w.e.f. 21.1.80 i.e. from the date he assumed charge of the post.

On promotion, his basic pay (inclusive of one increment admissible on promotion) is fixed at Rs. 840/-p.m. in the prescribed scale of Rs. 780-30-990-Eb-35-1200 w.e.f. the above date.

He will be on probation for one year.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 101 (G)/Est.
Dated Gangtok, the 24th April, 1980.

In continuation of this Department Notification No. 815/G/Est. of 4.12.79, The Governor has been further pleased to approve the creation of the post of Chief Engineer, irrigation and regularise the temporary promotion of Shri L.B. Chhetri to the said post w.e.f. the date of creation of post.

Shri L.B. Chhetri, in addition, will look after the works of the Rural Works and Panchayat Department also.

By Order

L.B. RAI,
Deputy Secretary,
Establishment Department.

FINANCE DEPARTMENT
Office Order No. 269/Fin.
Dated Gangtok, the 26th March, 1980.

Mr. R.K. Gupta, Addl. Secretary Home Department, is also hereby declared as Drawing and Disbursing Officer Law and Legislative Department, Government of Sikkim, with effect from 17.3.80 to 19.4.80.

By Order

L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 10/Fin
Dated Gangtok, the 15th April, 1980.

Mr S.C. Khanna, Joint Secretary, Local Self Government, Government of Sikkim is hereby authorised to exercise with immediate effect all financial powers that of Head of Department till P.K. Pradhan, Secretary, Local Self Government, Government of Sikkim rejoins his duties.

By Order

L.B.PRADHAN,
Joint Secretary,
Finance Department.
<table>
<thead>
<tr>
<th>PART</th>
<th>CONTENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
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<td>I</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Notications regarding appointments, postings</td>
<td>36-44</td>
</tr>
<tr>
<td></td>
<td>transrs leave etc</td>
<td></td>
</tr>
<tr>
<td>III</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>Nil</td>
<td></td>
</tr>
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<td>V</td>
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</tr>
<tr>
<td>VI</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>VII</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>VIII</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>IX</td>
<td>(i) Nil</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>(ii) Nil</td>
<td></td>
</tr>
</tbody>
</table>
Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM

Notification No. 52/HCS/ESTT.
Dated Gangtok, the 7th May, 1980.
Hon'ble the Chief Justice has been pleased to create one post of Sweeper for the Court of Civil Judge-cum-Judicial Magistrate, Gyalshing, in the pay scale of Rs. 300-4-340-5-380 on temporary basis, with immediate effect.

G. S. KALRA,
Registrar,
High Court of Sikkim.

HOME DEPARTMENT
No. 41(3)Home/80.
Dated Gangtok, the 2nd May, 1980.

The Governor of Sikkim is pleased to appoint Shri T.P. Sharma, Managing Director, Sikkim Time Corporation as Chairman-cum-Managing Director of the Sikkim Time Corporation.

M. P. PRADHAR
Chief Secretary,
Government of Sikkim.

NOTIFICATION
No. 15(2)-Home/79.
Dated Gangtok, the 2nd May, 1980.

Government of Sikkim hereby authorise the use of the area detailed below as a gun emplacement for the period from 8th May to 15th May, 1980 (both days inclusive):—

RANGE B Area bounded by the Grid Reference as under, on the Map sheet No. 784/11 and 784/15 SIKKIM AND BHUTAN Meter Grid scale 1 : 50,000:—

(a) On the Northern side boundary runs along:
   Point 090660 to Point 100660
(b) On the Eastern side boundary runs along:
   Point 100640 to Point 100660
(c) On the Southern side boundary runs along:
   Point 090640 to Point 100640
(d) On the Western side boundary runs along:
   Point 090640 to Point 090660

EXPLANATION:
The area as per grid reference above coincides roughly the area bounded (clockwise) by Nursery, Chogin and Panch mile area.

M. P. PRADHAN
Chief Secretary,
Government of Sikkim.

NOTIFICATION
Dated Gangtok, the 6th May, 1980.

In supersession of Notification No. 9 (Gen)/Est. Ated 13th April, 1977, the Governor of Sikkim is pleased to reconstitute the Board of Sikkim Industrial Development and Investment Corporation Limited and appoint the following Officers as Directors with immediate effect:-

1. Secretary, Finance Department, Government of Sikkim. Director
2. Development Commissioner, Planning & Development Department, Government of Sikkim. Director
3. Secretary, Department of Industries/Director of Industries, Government Sikkim. Director
4. Managing Director Sikkim Industrial Development & Investment Corporation Limited. Director
5. Managing Director State Bank of Sikkim. Director
6. Representative of the Ministry of Industries, Government of India. Nominee Director
7. Representative of industrial Development Bank of India. Nominee Director

The Governor is also pleased to appoint Development Commissioner as Chairman of the Board of Director.

M. P. PRADHAN
Chief Secretary,
Government of Sikkim.

RESOLUTION
No. 2(3)/Home/77.
Dated Gangtok, the 15th May, 1980.

WHEREAS the Scheduled Caste Welfare Board was constituted vide Home
Department Resolution No. 2(3)Home/77 dated June 2, 1979;

AND WHEREAS it is considered necessary to enlarge the said Board to make it more representative;

NOW THEREFORE, the State Government hereby re-constitutes the S.C. Welfare Board to comprise of the following.

Chairman — Shri B.B. Lohar M.L.A.
Non Official Members.
1. Shri D.B. Thatal, M.L.A.,
2. Shri Gokul Singh Cintury, Gangtok.
3. Shri Tilochan Lamichhaney, Khamdong.
4. Shri M.P. Mohara, East District.
5. Shri Laxuman Ghirmerey, South District.
6. Shri Kahar Sing Shetisural, West District.

Official Members.
1. Development Commissioner.
2. Shri D.K. Gazmer.

Member Secretary -Secretary Scheduled Caste & Scheduled Tribe Welfare Department.

In addition, if the Chairman so desires, he may invite not more than three persons to attend any meeting of the Board and the persons so invited, shall be treated as temporary members of the Board.

By Order

M.P. PRADHAN,
Chief Secretary,
Government of Sikkim.

ESTABLISHMENT DEPARTMENT

Notification No. 14 (Gen)/Est.
Dated Gangtok, the 11th April, 1980.

The Government of Sikkim has been pleased to extend the following temporary posts in the establishment of Educational Technology Cell under the Education Department, created vide this Department Notification No. 207/Gen/Est. of 9.11.78 for the period ending 28.2.81.

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of post</th>
<th>No. of post</th>
<th>Scales</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Asst. Directo</td>
<td>1</td>
<td>Rs. 660-1400</td>
</tr>
<tr>
<td>2.</td>
<td>Programme-cum-Script Writer</td>
<td>1</td>
<td>Rs. 550-1100</td>
</tr>
<tr>
<td>3.</td>
<td>L.D.C.-cum-Typist</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>4.</td>
<td>Driver</td>
<td>1</td>
<td>Rs. 350-550</td>
</tr>
</tbody>
</table>

The expenditure on the above posts is debitable to 800-contingency fund.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 103/(G)/Est.
Dated Gangtok, the 25th April, 1980.

Miss S. Basu, Joint Director, G.I.C.I., who retired from service w.e.f. 20.2.80 is hereby deemed to have been confirmed in service.

By Order

L.B. Rai
Deputy Secretary,
Establishment Department.

Notification No. 39 (G)/Est.
Dated Gangtok, the 1st May, 1980.

Notification No. 8(Gen)/Est. Dated the 7th April, 1980, is hereby revoked.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 41 (G)/Est.
Dated Gangtok, the 1st May, 1980.

The Governor has been pleased to sanction the creation of the following posts in the office of the Advocate General under Home Department with effect from 18.4.80, i.e. the date of approval.

1. L.D.C./Typist | 3 | Rs. 380-550 |
2. Driver         | 1 | Rs. 350-550 |
3. Peon           | 4 | Rs. 300-380 |

The expenditures on the above posts shall be debitable to Major Head 214 A1 (1) Salaries.

By Order

DAWA SAMDUP,
Under Secretary,
Establishment Department.

Office Order No. 111/(G)/Est.
Dated Gangtok, the 1st May, 1980.

Consequent on the creation of two posts of Deputy Director in the Information and Public Relations Department
vide this Department Notification No. 111/
Gen/Est. of 8.8.79, Shri AC. Dewan and
Shri U.D. Lama, Assistant Director in the
Department are hereby temporarily pro-
moted to fill up the above posts in the
Scale of Rs. 900-40-1180-Eb-45-1450-Eb-
50-1800 w.e.f. 30.3.80 i.e. the date of approval.
They will be on probation for one year.

By Order

L.B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 112 (G)/Est.
Dated Gangtok, the 1st May, 1980.

With the concurrence of the Govt.
of U.P. conveyed vide their letter No. F-
308/29-Section-I-M-234/75 dated 5th
March, 1980, the term of deputation in respect
of Shri S.K. Sinha, Joint Secretary, Food
and Civil Supplies, Govt. of Sikkim, having
expired on the afternoon of 25.9.79, is
hereby extended for a further period of
one year with effect from 26.9.79 to
25.9.80 on the existing terms and condi-
tion of deputation.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 116/(G) Est.
Dated Gangtok, the 2nd May, 1980.

The Governor of Sikkim is pleased
to sanction the creation of a post of Civil
Judge-cum-Judicial Magistrate for the
North District with effect from 18.4.1980
i.e. the date of approval.

The expenditure on the post shall be
met from Head 214 Civil and Sessions
Court A 2(1) Salaries.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 117(G)/Est.
Dated Gangtok, the 2nd May, 1980.

Shri M. C. Mathur, Principal, T.N.H.S.
School, Education Department, is deemed
to have been in the Gazetted grade w.e.f.
1.4.66

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.
Office Order No. 171(G)/Est.  
Dated Gangtok, the 8th May, 1980.

The contract service of Shri Raj Bahaur, Chief Fire Officer, Police Department, which will expire on 3.7.80 (AN) is hereby extended for a further period of one year w.e.f. 4.7.80 to 3.7.81 on the existing terms and conditions of contract.

By Order  
L. B. RAI,  
Deputy Secretary,  
Establishment Department.

Office Order No. 174(G)/Est.  
Dated Gangtok, the 8th May, 1980.

With the concurrence of Department of Personnel and Administrative Reforms, Govt. of India, New Delhi, conveyed vide their letter No. 738-PU-11/80 of 14.80, the term of deputation in respect of Shri R.L. Kapoor, Budget Office in the Finance Department is extended for further period of one year w.e.f. 20.10.79 to 19.10.80 on the existing terms and conditions of the deputation.

By Order  
L. B. RAI,  
Deputy Secretary,  
Establishment Department.

Notification No. 46 (G)/Est.  
Dated Gangtok, the 9th May, 1980.

The Governor of Sikkim is pleased to sanction the creation of a post of Labour Inspector in the scale of Rs. 510-15-630-EB-18-720-EB-20-900 in the Labour Department with immediate effect.

The expenditure on the post shall be debitable to the Budget head 287. Bl(I)(1)(1) salaries.

By Order  
D.T. BHUTIA,  
Under Secretary,  
Establishment Department.

Notification No. 176 (G)/Est.  
Dated Gangtok, the 9th May, 1980.

The Governor of Sikkim is pleased to upgrade the 2 posts of Assistant Mechanical Engineer in the Gangtok Workshop and Jorethang Divisional Workshop of S.N.T. to that of Deputy General Manager(Mech.) in the scale of Rs. 900-40-1120-EB-45-1450-EB-50-1800 and to approved the temporary promotion of Shri M.K. Dewan and S.M. Rai respectively against the two upgraded posts with effect from 18.4.80 i.e. the date of approval.

As usual, they will be on probation for one year.

By Order  
L. B. RAI,  
Deputy Secretary,  
Establishment Department.

Notification No. 50 (G)/Est.  
Dated Gangtok, the 12th May, 1980.

The Governor has been pleased to sanction the creation of a post of Gestetner Operator in the scale of Rs. 340-500 in the Planning & Development Department with immediate effect.

The expenditure on the post shall be debitable to Major Head 296 Bl(I) P&D-B1 (1)(1) Salaries (Non-Plan).

By Order  
L.T. TONYOT,  
Joint Secretary,  
Establishment Department.

Office Order No. 177(G)/Est.  
Dated Gangtok, the 12th May, 1980.

AMENDMENT TO OFFICE ORDER NO. 698/G/EST. OF 13.11.79  
Substitute "till the date proceeding his retirement from his parent Department" for "two years" occuring in the 4th line of the Office Order referred to above.

By Order  
L. B. Rai,  
Deputy Secretary,  
Establishment Department.

Office Order No. 178(G)/Est.  
Dated Gangtok, the 12th May, 1980.

With the concurrence of the Comptroller and Auditor General of India as conveyed in their letter No: 1445/GE.I/S-160/PP.I of 54.80, the term of deputation of Shri A.C. Saha, Chief Pay and Accounts Officer, Pay and Accounts Office, is extended for a further period of one year.
w.e.f. 4.2.80 to 3.2.81 (A.N) on the existing terms and conditions of deputation.

By Order  
**L. B. Rai,**  
Deputy Secretary,  
Establishment Department.

Office Order No. 180(G)/Est.  
Dated Gangtok, the 12th May, 1980.

Smt. J. Pradhan, Under Secretary, Finance Department, is allowed to hold the post of Deputy Secretary in the Deptt. (vacated by the N. D. Chingappa consequent on his departure for District training to Tamilnadu) purely on ad-hoc basis w.e.f. 22.4.80 i.e. the date of approval till the return of Shri Chingappa after completion training.

By Order  
**L. B. Rai,**  
Deputy Secretary,  
Establishment Department.

Office Order No. 181(G)/Est.  
Dated Gangtok, the 12th May, 1980.

Whereas the Governor is of the opinion that it is in the public interest to do so:

Now, therefore, in exercise of the powers conferred by Rule 99(i) contained in Chapter XII of the Sikkim Government Service Rules, 1974, the Governor hereby gives notice to Shri Dawa Gyalpo, Superintendent of Police, Government of Sikkim, that he, having already attained the age of fifty years on 24.3.1977, shall retire from service with immediate effect. He shall be entitled to salary for three months in lieu of three months' notice.

By Order  
**L. B. Rai,**  
Deputy Secretary,  
Establishment Department.

Office Order No. 182(G)/Est.  
Dated Gangtok, the 13th May, 1980.

Shri T. T. Dorjee, Executive Officer presently on deputation with the Gangtok Municipal Corporation, is hereby allowed to officiate in the senior scale of I.A.S. w.e.f. 1.5.80.  

During the period of officiation, he will draw the minimum of the senior scale.

By Order  
**L. B. Rai,**  
Deputy Secretary,  
Establishment Department.

Office Order No. 183 (G)/Est.  
Dated Gangtok, the 13th May, 1980.

Shri Madhusudhan Singh who was deputed to the T.N. Academy as the Principal vide this Deptt. Office Order No. 763/G/Est. of 5.2.77, is hereby reverted back to his substantive post of Joint Director in the Education Deptt., with immediate effect. He will, however, continue to look after the duties of the Principal, T.N.A., in addition to his own duties of Joint Director until further orders. 

2. Consequently Shri K.L. Bamola who was temporarily promoted as Joint Director subject to review after one year vice Shri Madhusudhan Singh under this Deptt. O.O. No. 8/G/Est. of 6.4.79, is hereby reverted to his substantive post of Deputy Director.

By Order and in the name of the Governor.

By Order  
**L. B. Rai,**  
Deputy Secretary,  
Establishment Department.

Office Order No. 185(G)/Est.  
Dated Gangtok, the 13th May, 1980.

Shri N.D. Chingapa, Deputy Secretary Finance Department, who proceeded for District training to Tamilnadu on 27.11.79 is hereby deemed to have been relieved by the Govt. of Sikkim for the said training from the same day.

By Order  
**L.B. Rai,**  
Deputy Secretary  
Establishment Department.

Notification No. 51 (G)/Est.  
Dated Gangtok, the 14th May, 1980.

With a view to ensuring an effective coordination among the various Departments in the Govt, in the matter of employment, the Governor has been pleased to
order the creation of an Employment Cell under the Establishment Department with immediate effect.

Consequently, the following posts are created for the above Cell:—

<table>
<thead>
<tr>
<th>No. of Post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Under Secretary</td>
<td>Rs. 660-1400</td>
</tr>
<tr>
<td>(ii) L.D.C.</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>(iii) Peon</td>
<td>Rs. 300-380</td>
</tr>
</tbody>
</table>

The expenditures on the subject shall be debitable to Major Head 252-A-1-Secretariat (Non-Plan).

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 52 (G)/Est.
Dated Gangtok, the 14th May, 1980

The Governor is pleased to sanction the creation of a post of Junior Driver in the scale of Rs. 350-550 for the Archives and Archaeological Section of the Culture Department with effect from 5.580, i.e. the date of approval.

Expenditure on the post shall be debitable to Major Head 278-Art & Culture-C1 Direction & Adm-C1(l) Salaries (Plan).

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 56 (G)/Est.
Dated Gangtok, the 17th May, 1980

The Governor has been pleased to regularise the following 20 posts out of 32 post created vide this Department Notification No. 104/Gen/Est. dt. 26.7.79, beyond 29.2.80:-

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Name of the post</th>
<th>No. of post</th>
<th>Scale</th>
<th>debitable head.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Accountant</td>
<td>1</td>
<td>Rs. 450-800</td>
<td>Direction &amp; Admin-A1(l)</td>
</tr>
<tr>
<td>3.</td>
<td>Swimmer</td>
<td>1</td>
<td>Rs. 300-380</td>
<td>Salaries</td>
</tr>
<tr>
<td>4.</td>
<td>Information Asstt.</td>
<td>2</td>
<td>Rs. 512-900</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Trekking Guides</td>
<td>4</td>
<td>Rs. 480-850</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Typist/Receptionist</td>
<td>2</td>
<td>Rs. 380-550</td>
<td>A2 Tourist Information</td>
</tr>
<tr>
<td>7.</td>
<td>Office Peon</td>
<td>3</td>
<td>Rs. 300-380</td>
<td>Formation &amp; Administration</td>
</tr>
<tr>
<td>8.</td>
<td>Swimmer</td>
<td>2</td>
<td>Rs. 300-380</td>
<td>Publicity A2(l)</td>
</tr>
</tbody>
</table>

9. Mali 2 Rs. 300-380 (1) Salaries.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 58(G)/Est.
Dated Gangtok, the 19th May, 1980.

With a view to augmenting Staff strength in the Head Office of the Power Department, the Governor has been pleased to sanction the creation of the following posts with effect from 28.4.80, i.e. the date of approval:-

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Name of post</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Accounts Officer</td>
<td>1</td>
<td>660-1400</td>
</tr>
<tr>
<td>2.</td>
<td>Accountant</td>
<td>2</td>
<td>450-800</td>
</tr>
<tr>
<td>3.</td>
<td>L.D.C.</td>
<td>3</td>
<td>380-550</td>
</tr>
<tr>
<td>4.</td>
<td>Daftry</td>
<td>1</td>
<td>320-450</td>
</tr>
</tbody>
</table>

The expenditure on the posts shall be debitable to Major Head 334-C-Power Projects-Direction & Administration (Plan).

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 59 (G)/Est.
Dated Gangtok, the 19th May, 1980.

With a view to strengthen the Wild Life Wing of the Fisheries and Wild Life Directorate, the Governor is pleased to sanction the creation of the following posts with effect from 28.4.80, i.e. the date of approval:—

OFFICE OF THE CHIEF WILD LIFE WARDEN:

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Name of post</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Asst. Wild Life Officer</td>
<td>1</td>
<td>Rs. 660-1400</td>
</tr>
<tr>
<td>2.</td>
<td>Wild Life Warden</td>
<td>1</td>
<td>Rs. 510-900</td>
</tr>
<tr>
<td>3.</td>
<td>Asstt. Wild Life Warden</td>
<td>1</td>
<td>Rs. 410-700</td>
</tr>
<tr>
<td>4.</td>
<td>Office Superintendent</td>
<td>1</td>
<td>Rs. 510-900</td>
</tr>
<tr>
<td>5.</td>
<td>Upper Division Clerk</td>
<td>1</td>
<td>Rs. 410-700</td>
</tr>
<tr>
<td>6.</td>
<td>Lower Division Clerk</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
</tbody>
</table>

OFFICE OF THE FIELD DIRECTOR:

1. Accountant 1 Rs. 450-800
2. Lower Division Clerk 1 Rs. 380-550

Expenditures on the posts shall be debitable to Major Head 313.C9(l) Direction & Administration C9(l)(I) Salaries.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.
Notification No. 60 (Gen) /Est.
Dated Gangtok, the 19th May, 1980.

The Governor has been pleased to sanction the creation of the following posts in the Tourism Department for their office at Siliguri with effect from 28.4.80, i.e. the date of approval:—

1. Deputy Director         1       Rs. 900-1800
2. Receptionist/Typist    1       Rs. 380-550
3. L.D.C                     1       Rs. 380-550
4. Driver                     1       Rs. 350-550
5. Chowkidar/Peon          1       Rs. 300-380

The expenditures on the posts shall be debit able to Budget Head A-2-Tourism Information & Publicity-A2(I)(I) Salaries.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 190 (G)/Est.
Dated Gangtok, the 19th May, 1980.

This Department Order No. 88(G)/Est. dated 22.4.80 terminatin the contract service of Dr. D.S. Hamal, Emergency Medical Officer, STNM Hospital, Health and Family Welfare Department, is hereby revoked.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 191/G/Est.
Dated Gangtok, the 19th May, 1980.

Leave for 60 days w.e.f. 14.5.80 to 12.7.80 applied for by Shri Karma Topden Secretary to the Hon'ble Chief Minister, and Secretary, Co-Operation Department is hereby sanctioned as earned leave with permission to leave the station.

During his absence on leave, Shri Passang Namgyal, Additional Development Commissioner, Planning & Development Department, is temporarily posted as Acting Secretaty to Hon'ble Chief Minister.

By Order

L. B. RAI,
Deputy Secretary,
Establishedment Department.

Office Order No. 197(G)/Est.
Dated Gangtok, the 17th May, 1980.

The following intra-department transfer and posting of Assistant Engineers are made in the S.P.W.D. with immediate effect:—

FROM         TO
1. Shri B.K. Rai,  Gangtok         Siliguri
   Assistant Engineer
2. Shri Laxuman Pradhan Assistant Engineer.
   Siliguri        Gangtok
   vice Sl.No. 1 above.

By Order

L.B. RAI,
Deputy Secretary,
Establishment Department.
Office Order No. 215(G)/Est.
Dated Gangtok, the 20th May, 1980.

During the absence of Shri Karma Tobden, Secretary, Co-operation Department on leave for two months w.e.f. 14.5.80 to 12.7.80 Shri Thendup Pintso, Deputy Registrar, is appointed as officiating Secretary in the Department w.e.f. 14.5.80.

Further, Shri T. Pintso will, in addition, function as Registrar, Co-operative Societies also during the period.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 225/(G)/Est.
Dated Gangtok, the 20th May, 1980.

Leave for 15 days with effect from 25.5.80 to 8.6.80 applied for by Shri T. Bhutia, Deputy Superintendent of Police (HQ), Police Department, is hereby sanctioned as Examination Leave subject to production of Examination Certificate from the Institution.

By Order
D.T. BHUTIA,
Under Secretary,
Establishment Department.

FINANCE DEPARTMENT

Office Order No. 17/Fin.
Dated Gangtok, the 1st May, 1980.

Shri T.T. Targain, Sr. Accounts Officer, Health & Social Welfare, Government of Sikkim, is hereby declared as Drawing and Disbursing Officer with immediate effect.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 19/Fin.
Dated Gangtok, the 2nd May, 1980.

Shri T. Wangchuk U. S. Election Office, Government of Sikkim, is hereby declared as Drawing and Disbursing Officer until Mr. Sethi, D.C.E.O., resumes his duties from medical leave.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 32 /Fin.
Dated Gangtok/the 13th May, 1980.

During the absence of Shri S.K. Saggar, Administrative Officer, Police Department, Government of Sikkim, on leave w.e.f. 3.5.1980 to 18.5.1980, Shri Tashi Namgyal, Deputy Inspector General of Police, Sikkim, is hereby declared as Drawing and Disbursing Officer.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 38/Fin.
Dated Gangtok, the 17th May, 1980.

Shri D.R. Kharel, Administrative Officer, Wildlife & Fisheries Department, Government of Sikkim, is hereby declared as Drawing and Disbursing Officer and empowered to sign Pay, T.A. & Contingent Bills and also Cheques (Pertaining to works expenditure) with immediate effect.

This cancels the previous Office Orders No. 2(2)72-75/361/Fin. dated 12.9.78 and No. 5(1)77-80/Fin. dated 4.3.80 respectively declaring Shri N.T. Luksom, D.F.O. and Shri K.P. Bhutia, D.F.O. as Drawing and Disbursing Officers.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 39/Fin.
Dated Gangtok, the 19th May, 1980.

Mr. Sherab Gyatso, Under Secretary, Motor Vehicles Department, Government of Sikkim, is hereby declared as Drawing and Disbursing Officer with effect from 12.5.80 to 10.6.80

By Order
L. B. PRADHAN,
Deputy Secretary,
Finance Department.
Office Order No. 45/Fin.
Dated Gangtok, the 22nd May, 1980.

Mr. K.N. Lamtha, Sr. Marketing Officer, Fair Price Shop, Government of Sikkim, is hereby declared as Head of Office and allowed to exercise all the financial powers as contained in Sikkim Financial Rules, 1979. Further, he is also declared as Drawing and Disbursing Officer with immediate effect.

By Order

L. B. PRADHAN,
Joint Secretary,
Finance Department.

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

CHIEF REGISTRAR OF BIRTHS
AND DEATHS

BUROU OF ECONOMICS &
STATISTICS

No.F(3)/79-B&D/222-288/BES.
Dated Gt. the 8th May 1980.

NOTIFICATION

In exercise of the powers delegated vide section 27 of the Registration of Births and Deaths Act 1969 (18 of 1969) the undersigned hereby appoints the officer in-charge of Police Stations at Nayabazar, Jorethang, Singtam and Rangpo to be the Registrars of Births and Deaths for the above towns under sub-section (1) of Section 7 of the Registration of Births and Deaths Act 1969 (18 of 1969).

D.K. MANAVALAN,
CHIEF REGISTRAR OF BIRTHS & DEATHS.

Office Order SITCO/PF/15/77-643
Dated Gangtok, the 12th May, 1980.

Shri Taga Khampa, Manager is hereby promoted to the post of General Manager of Sikkim Time Corporation Ltd., with effect from 1-5-1980.

His salary and allowances will remain the same till a suitable scale is prescribed in the Corporation. However, his special allowance is raised from Rs. 150/- to Rs. 300/- per month with effect from the above date.

By Order.

T.P. SHARMA,
Chairman-Cum-Managing Director.
<table>
<thead>
<tr>
<th>PART</th>
<th>CONTENTS</th>
<th>page</th>
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<td>X (ii)</td>
<td>X - (ii) Nil</td>
<td></td>
</tr>
</tbody>
</table>
Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM
Notification No. 58/HCS/ESTT.
Dated Gangtok, the 13th June, 1980.

Hon'ble the Chief Justice has been pleased to downgrade the post of Stenographer Grade II to, the Court, of Additio-nal District & Sessions Judge, Gangtok, to that of Stenographer Grade HI, in the pay scale of Rs. 410-10-580Eb-12-700, with immediate effect.

G. S. KALRA,
Registrar,
High Court of Sikkim.

Notification No. 59/HCS/ESTT.
Dated Gangtok, the 13th June, 1980.

Hon'ble the Chief Justice has been pleased to create a temporary post of Judg-ment Writer, in the Grade of Stenographer Grade III, on the High Court Establishment, in the pay scale of Rs. 410-10-580Eb-12-700, with immediate effect.

G. S. KALRA,
Registrar,
High Court of Sikkim.

Notification No. 60/HCS/ESTT.
Dated Gangtok, the 21st June, 1980.

Hon'ble the Chief Justice has been pleased to create the following temporary posts, for the Court of District and Sessions Judge, Gangtok, with immediate effect, in the pay scales shown against them :-

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the post.</th>
<th>No. of posts</th>
<th>Pay scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Upper Division Assistant</td>
<td>1</td>
<td>410-10-580Eb-12-700.</td>
</tr>
<tr>
<td>2</td>
<td>Nazir (in the Grade of U.D.A.)</td>
<td>1</td>
<td>410-10-580Eb-12-700.</td>
</tr>
<tr>
<td>3</td>
<td>Junior Librarian. (in the Grade of L.D.A.)</td>
<td>1</td>
<td>380-7-450Eb-8-530Eb-10-550.</td>
</tr>
<tr>
<td>4</td>
<td>Restorar</td>
<td>1</td>
<td>340-6-388-7-500.</td>
</tr>
</tbody>
</table>

G. S. KALRA,
Registrar,
High Court of Sikkim.

Notification No. 61/HCS/ESTT.
Dated Gangtok, the 24th June, 1980.

In continuation of this Court's Notifi-cation No. 46/HCS/ESTT dated Gangtok the 21st March, 1980, Hon'ble the Chief Justice has been pleased to allow Rs. 450/- instead of Rs. 250/- per month as charge allowance to Shri G. S. Kalra, District and Sessions Judge, Sikkim at Gangtok with effect from 1.12.1979 for holding the additional charge of the post of Registrar, High Court. This includes Special Pay of Rs. 200/- which is attached to the post of Registrar to which he is entitled under Rule 38(2) of Sikkim Government Service Rules.

G. S. KALRA,
Registrar,
High Court of Sikkim.

HOME DEPARTMENT
F. No.41(l)Home/78/66.
Dated Gangtok, the 28th May, 1980.

In supersession of Home Department Office Order No. 41(l)Home/78/164, dated the 15th September, 1979, the Governor is pleased to appoint Shri Garjaman Gurung, M.L.A., as Chairman of the Sikkim Distilleries Ltd., Rangpo, with effect from 21st May, 1980 vice Shri T. S.Gyaltsen who has since retired from Government service.

M. P. PRADHAN.
Chief Secretary,
Government of Sikkim.

NOTIFICATION
Dated Gangtok, the 17th June, 1980.

In exercise of the powers conferred by Section 4 (d) of the Sikkim Khadi and Vil-lage Industries Board Act of 1978, the State Government is pleased to appoint Shri R. P. Dhakal as Member Secretary of Sikkim Khadi and Village Industries Board with effect from 20th August 1979.

By Order

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
NOTIFICATION
No. 38(17)Home/75.
Dated Gangtok, the 20th June, 1980.

In supersession of Home Department notification No. 1638/Home/75 dated January, 1975, the State Government hereby nominate the following officers to be its representatives ex-officio on the Board of Directors of M/s Denzong Cinema Ltd.
with immediate effect:

1. Secretary, Local-Self Government Department.
2. Secretary, Finance Department.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.

ESTABLISHMENT DEPARTMENT

Office Order No. 238/(G)Est.
Dated Gangtok, the 21st May, 1980.

In pursuance of this Department Notification No. 19(Gen)/Est. of 14.4.80 read with its amendment vide memo No. 151/(Gen/Est. of 16.4.80, Shri S.K. Sikdar, Special Officer (Crime Branch) of the Police Department, is hereby allowed to draw the special allowance @ Rs. 150/- p.m. w.e.f. 1.4.79.

By Order
L.B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 64(G)/Est.
Dated Gangtok, the 23rd May, 1980.

The Governor is pleased to sanction the creation of a post of Driver in the scale of Rs. 350-550, in the Printing Department w.e.f. 13.5.80, i.e. the date of approval.

The expenditure on the post will be debitable to Major Head 258 Al(I) Salaries (Non-Plan).

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 65(G)/Est.
Dated Gangtok, the 23rd May, 1980.

The Governor is pleased to sanction the creation of a post of Driver in the scale of Rs. 350-550, in the Printing Department w.e.f. 13.5.80, i.e. the date of approval.

The expenditure on the post will be debitable to Major Head 258 Al(I) Salaries (Non-Plan).

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 66(Gen)/Est.
Dated Gangtok, the 23rd May, 1980.

The Governor of Sikkim has been pleased to approve the creation of the State Planning Cell in the Planning & Development Department and creation of the following posts with effect from 13/5/80 i.e. the date of approval.

1. Planning Officer 2 Rs. 780-1600
2. Stenographer (Grade II) 1 Rs.480-850

Consequently, the Man Power Planning Cell in the above Department, is absorbed in the State Planning Cell.

The expenditure on the above posts shall be debitable to Major Head "296" B1(I) P & DB1(I)(1) Salaries (PLAN).

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department

Notification No. 67(G)/Est.
Dated Gangtok, the 23rd May, 1980.

The Governor of Sikkim has been pleased to sanction the creation of two posts of Runner in the scale of Rs.300-4-340-5-380 for distribution of Sikkim Herald in South and West Districts under the Information and Public Relations Department with effect from 13.5.80 i.e. the date of approval.

The expenditure on the above posts shall be debitable to Major Head "285" Inf. &Pub. D4(l)(l)-Salaries (Plan).

By Order
L.T. TONYOT,
Joint Secretary,
Establishment Department.
Office Order No. 240(G)/Est.
Dated Gangtok, the 23rd May, 1980.

Shri Karma L. Gyaltshen has been appointed in a temporary capacity to the post of Planning Officer in the Planning Cell of Planning and Development Department on a monthly pay of Rs. 780/- p.m. in the pay scale of Rs. 780-30-990-EB-35-1200-EB-40-1600 with effect from the date he reports for duty.

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 241(G)/Est.
Dated Gangtok, the 23rd May, 1980.

The Contract Service of Dr. P.C. Sharma, Medical Officer-in-Charge, Namchi District Hospital, Health and Family Welfare Department having expired on the afternoon of 6.6.80 the same is hereby extended for a further period of one years w.e.f. 7.6.80 to 6.6.81 on the existing terms and conditions of contract.

By Order
L.B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 242(G)/Est.
Dated Gangtok, the 23rd May, 1980.

On his failure to report for duty, this Deptt. Office Order No. 1085/G/Est. of 5.3.79 appointing Shri KK. Hazarika as Senior Soil Surveyor in Agriculture Department, is hereby treated as can-celled.

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 246(G)/Est.
Dated Gangtok, the 24th May, 1980.

Shri P.C. Mathur, Accounts Officer, Education Department, is hereby relieved to join his parent Department w.e.f. 1.6.80. He will report for duty to his parent Deptt. after availing of the usual joining time. Consequently, Shri Pern Tshering Bhutia, Accounts Officer of the Deptt. is absorbed against the post caused vacant by Sri Mathur’s reversion w.e.f. the above date.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 271(G)/Est.
Dated Gangtok, the 28th May, 1980.

Shri Lodey Gyatso Chungyalpa has been appointed in a temporary capacity to the post of Planning Officer in the Planning Cell of Planning & Development Department on a monthly pay of Rs. 780/- p.m. in the pay scale of Rs.780-30-990--EB-35-1200EB-40-1600 with effect from the date he reports duty.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 274(G)/Est.
Dated Gangtok, the 31st May, 1980.

In continuation of this Department O.O. No. 118/(G)/Est. of 2.5.80, Shri K.P. Pradhan, O.S. Animal Husbandary Department, is hereby allowed to draw the charge allowance @ 20 percent of the minimum of the scale of Rs. 660-25-910-EB-30-1240-EB-40-1400 for the period w.e.f. 28.4.80 to 27.6.80 for looking after the work of the Assistant Director of the Department in addition to his own.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 275(G)/Est.
Dated Gangtok, the 31st May, 1980.

Leave for 8 days w.e.f. 17.5.80 to 24.5.80 applied for and already availed of by Shri Kunzang Sherab, Secretary Finance Department, is hereby sanctioned as Earned Leave with permission to prefix Gazetted Holidays on 16.5.80 with station leave.

By Order
D.T. Bhutia,
Under Secretary,
Establishment Department.
Office Order No. 276(G)/Est.
Dated Gangtok, the 31st May, 1980.

Shri Tashi Wangdi, a member of the Sikkim Judicial Service presently holding the post of Civil Judge-cum-Judicial Magistrate, South & West Districts, having completed the probationery period of three years, is, in accordance with Rule 10 of the Sikkim Judicial Service Rules, 1975, and with the concurrence of the Hon'ble High Court of Sikkim, confirmed in the service with effect from 10.8.79.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 277(G)/Est.
Dated Gangtok, the 31st May, 1980.

The services of Shri S. M. Rai, Divisional Forest Officer, Forest Department, is hereby extended for a further period of one year w.e.f. 20.6.80 to 19.6.81 in terms of Retirement Rule 100 of the Sikkim Govt. Service Rule.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 279(G)/Est.
Dated Gangtok, the 31st May, 1980.

In continuation of this Department Office Order No. 181(G)/Est. of 12.5.80, Shri T. Namgyal, Deputy Inspector General of Police, shall take over charge of the post of Superintendent of Police (IB.) from Shri Dawa Gyalpo w.e.f. 1.6.80 (F.N.) and accordingly the latter shall stand retired from service from the same day. Shri Dawa Gyalpo shall, however, be entitled to draw three months’ salary in lieu of three months’ notice.

By Order

T. CHHOPHEL,
Secretary,
Establishment Departments

Office Order No. 280(G)/Est.
Dated Gangtok, the 2nd June, 1980.

In partial supersession of this Department O.O. No. 296(G)/Est. of 7.7.79, Shri Ongden Tshering Namchu, Junior Scientist (Physiology), Animal Husbandry Department, is hereby allowed to draw the pay of Rs. 780/-p.m. in the prescribed pay scale of Senior Scientist i.e. Rs. 780-30-990-Eb-35-1200-Eb-40-1600 w.e.f. 7.7.79 i.e. the date of his joining.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 293(G)/Est.
Dated Gangtok, the 3rd June, 1980.

The resignation tendered by Miss Nita Nirash and accepted by the Government vide this Deptt. O. O. No. 946/G/Est. of 11.1.80 is hereby withdrawn.

2. Her absence from 29.7.79 to 22.4.80 is treated as Leave Without Pay subject to review on production of Medical Certificate to the effect that she was sick during or any of the portion of the period.

3. She is further allowed to draw three annual increments @ Rs. 25/-p.m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 w.e.f. 1.4.77, 1.4.78 and 1.4.79 thereby raising her pay from Rs. 710/p.m. to Rs. 735/p.m. to Rs. 760/p.m. and from Rs. 760/p.m. to Rs. 785/p.m. respectively.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 296 (G)/Est.
Dated Gangtok, the 4th June, 1980.

With the concurrence of the Election Commission of India as conveyed in their letter No. A-19/27-GB/4090 of 9.5.80, the initial term of deputation in respect of Shri S. R. Sethi, Deputy Chief Electoral Officer, Election Deptt., having expired on the afternoon of 7.4.80, the same is hereby extended for a further period of one year w.e.f. 8.4.80 to 7.4.81 on the existing terms and conditions of deputation.

By Order

L.B. Rai,
Deputy Secretary,
Establishment Department.
Office Order No. 304(G)/Est.
Dated Gangtok, the 5th June, 1980.

Lt. Col. Shambhu Nath Misra is hereby appointed as Chest Specialist, in the Health & Family Welfare Deptt., on contract for an initial period of 3 years w.e.f. 2.5.1980 i.e. the date of his assuming charge of the post.

The terms and conditions of his appointment as mutually agreed and accepted by him will be as per Annexure enclosed.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 305(G)/Est.
Dated Gangtok, the 6th June, 1980.

With the concurrence of the Government of Bihar, Cabinet Secretariat & Co-ordination Department (Bihar State Archives), as communicated vide their letter No. Estt. 1/80B.S.A 230 of 19.5.80, the term of deputation in respect of Shri Jagdish Tiwari, Deputy Director (Archives), Culture Department having expired on the afternoon of 31.12.79, is extended for a further period of one year w.e.f. 1.1.80 to 31.12.80 on the existing terms and conditions of deputation.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 307(G)/Est.
Dated Gangtok, the 7th June, 1980.

Dr. Sundar Kishore Dewan, has been appointed in a temporary capacity to the post of Medical Officer-in-Charge, Intensive Care Unit S.T.N.M. Hospital in the Health and Family Welfare Department on a monthly pay of Rs. 660/- p. m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 (Gazetted) with effect from 1.5.80. In addition he will draw the Non Practising Allowances @ 50% of the basic pay subject to a maximum of Rs. 600/p. m from the above date.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 308 (G)/Est.
Dated Gangtok, the 7th June, 1980.

Consequent on the creation of ex-cadre post of Asstt. Conservator of Forest (Silviculture) in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 in the Forest Deptt. vide this Deptt. Notification No. 326/G/Est. of 25.3.80, Shri Raghunath Thapa, Range Officer in the Department is hereby promoted to fill up the above post on ad-hoc basis w.e.f. 15.6.80 subject to its regularisation by the State Public Service Commission.

He will draw a basic pay of Rs. 660/- p. m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 plus other allowances admissible under the rules from the above date.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 309G/Est.
Dated Gangtok, the 7th June, 1980.

The post of Deputy Director (Research Epidemiologist) presently held by Dr. R. D. Katiyar in the Animal Husbandary Department, is hereby redesignated as Joint Director, Research.

His pay and allowances will continue to be borne under the I.CAR.Scheme. He will further be the technical and administrative controller of all the research schemes in the Deptt. including Poultry, Sheep and Nutrition Laboratory.

His term of contract which will expire on the afternoon of 15.6.80 is further extended for one year w.e.f. 16.6.80 to 15.6.81 on the existing terms and conditions of contract.

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 310 (G)/Est.
Dated Gangtok, the 9th June, 1980.

The term of contract in respect of Shri BB. Khati, Accounts Officer, Power Department, having expired on 16.11.79 (AN) the same is terminated with effect from the same day.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.
Office Order No. 312 (G)/Est.
Dated Gangtok, the 9th June, 1980.

Consequent upon the creation of a post of Manager, State Guest House, Forest Department in the scale of Rs 660-29-910-EB-30-1240-EB-40-1400 vide this Department Notification No. 74/Gen/Est. Dated 21st June, 1979, Shri E.I. Manuel presently Steward in the State Guest House, is hereby temporarily promoted against the post w.e.f. 19.4.80 i.e. the date of approval.

He will be on probation for one year

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 313 (G)/Est.
Dated Gangtok, the 9th June, 1980.

Shri H.K. Karki, Statistical Officer, Bureau of Economics & Statistics under the Planning and Development Department, who is undergoing training in Junior Certificate course in Statistics in Calcutta and Delhi is allowed to draw City Compensatory Allowance @ Rs. 200/-pm. from the dated he reported for training in the institute.

Further his training is hereby treated as ‘Inservice Training’.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 317 (G)/Est.
Dated Gangtok, the 9th June, 1980.

Dr. D.M. Singh is hereby appointed as Superintendent, Piggery Farm, Tadong, in the Animal Husbandry Department, on contract for a period of two years with effect from 12.5.80 i.e. the date of his assuming charge of the post.

The terms and conditions of his appointment as mutually agreed and accepted by him shall be as per Annexure enclosed.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Notification No. 322(G)/Est.
Dated Gangtok, the 13th June, 1980.

The Governor of Sikkim is pleased to order the following postings/transfers in respect of the following officers with immediate effect:

NAME OF OFFICERS AND PRESENT POST HELD

1. Shri P.K. Basnet, Conservator of Forests (Soil Conservation) Conservator of Forest (Working Plan)
2. Shri L.C. Sinuick, DFO (Sericulture) Officiating Conservator of Forest (Soil Conservation) vice No. 1 above
3. Shri T. Alden, Officiating DFO (Soil Conservation) Officiating DFO (Utilisation) vice Shri CD. Lama
4. Shri CD. Lama, Officiating DFO (Utilisation) Officiating DFO (Soil Conservation) vice No. 3 above
5. Shri J. B. Rai, Officiating DFO, West Officiating DFO (Working Plan) vice Shri Nari Tsering
6. Shri Nari Tsering, Officiating DFO (Working Plan) Officiating DFO, West vice No. 5 above
7. Shri Sonam Topden Lachungpa, ACF (Soil Conservation) Officiating DFO, ACF (Logging) vice No. 6 above
8. Shri Pempa Dahdul, ACF (Logging) Officiating DFO, South vice Shri S.K. Rai since resigned
9. Shri Thendup Palden, Officiating DFO, West vice No. 8
10. Shri Norbu Tsering, ACF Officiating DFO, West vice No. 8

T. CHHOPHEL,
Secretary,
Establishment Department.

Office Order No. 325(G)/Est.
Dated Gangtok, the 16th June, 1980.

Dr. Anand Singh, Ayurvedic Doctor, B.A.M.S. is hereby appointed as Medical Officer, Chakung P.H.C., in the Health & Family Welfare Department, on contract for an initial period of three years w.e.f. 27.2.80 i.e. the date of his assuming charge of the post.

The terms and conditions of his appointment as mutually agreed and accepted by him will be as per Annexure enclosed.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

ANNEXURE

REVISED TERMS AND CONDITIONS OF CONTRACT SERVICE

The appointment on Contract shall be governed by the following terms and conditions:

1. The appointment shall be subject to satisfactory Police Verification
and terminable with one month’s notice on either side. Failure to give one month’s notice shall render either party liable to pay/refund one month’s salary in lieu thereof. Two copies of the attestation forms are enclosed for her return to this Deptt. after they are filled up.

2. He will be on probation for one year in the first instance during which their Services can be terminated without assigning any reason.

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

4. The appointment will be further subject to:
   (i) Production of a certificate of fitness from competent medical authority in the proforma enclosed.
   (ii) Taking of an Oath of allegiance/faithfulness to the Constitution of India (or making of a solemn affirmation to that effect) in the prescribed from (enclosed).
   (iii) Production of the following original certificates (Where these have not been produced already at the selection state).
      (a) Degrees/Diploma/Certificates of educational and other technical Qualification.
      (b) Certificate of age.
      (c) Character certificates from two Gazetted Officer of the Central/State Govt.
      (d) Certificate in the prescribed form in support of candidate’s claim to belong to Scheduled Caste/Scheduled Tribe/Anglo Indian Community.
      (e) Discharge certificate of previous employment of any.
      (f) Any other document (to be specified).

5. Pay and allowances shall be as under:
   He will draw the consolidated pay of Rs. 800/- p.m. from the date of his joining.


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

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

9. The officers appointed in the Junior Contract Scale (Class II) shall be entitled to T.A. and D.A. as admissible to Class II officers and those in the Senior scale as admissible to Class I Officers.

10. Reimbursement of, the following shall be admissible from home to Gangtok and vice versa on the occasion of joining duty first time and return after the termination of appointment:
   (a) First Class railway fare from the place of residence to Siliguri and bus fare from Siliguri to Gantok for self, wife and one child, provided wife and child, if any, join him within a period of 6 months from the date of appointment.
   (b) Cost of transportation of luggage and personal effects to the extent of 1120 Kgs. in case of those appointed in the Junior Contract scale and 2240 Kgs. in case those in the Senior Contract Scale if accompanied by family, or 750 Kgs. in case of Junior Contract or 1500 Kgs. in case of Senior Contract Scale if not accompanied by family.

Subject to the condition:
   That no return journey expenses shall be paid by the Govt, where the contract is terminated on the request of officer cancelled before the expiry of the initial period of contract.

11. As appointment on contract shall not confer on him any right to claim absorption into regular service at any time. For selection of a particular person or persons for absorption in to regular service, the discretion shall lie with the Government and no reason need given for one’s non-selection.

12. CONDUCT: For regulation of conduct of the contract Officers during the period of contract, the Sikkim Govt. Servants Conduct Rules, 1974 with its amendments thereof will apply.

13. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information, he/she will be liable for removal from service and such other action as Government may deem necessary.

C.D. RAI,
Secretary,
Establishment Department.
Notification No. 77(G)/Est.
Dated Gangtok, the 18th June, 1980.

The Governor is pleased to sanction the creation of 20 posts of Primary teachers in the scale of Rs. 380-7-450-Eb-8-530-Eb-10.580 in the Education Department for the following 20 aided Private Schools w.e.f. 21.5.80, i.e. the date of approval.

1. Barul (South)
2. Guptigaon (South)
3. Bakkhia (South)
4. Tanek (South)
5. Chuba (South)
6. Lower Tarku (South)
7. Nardhang (West)
8. Sardong (West)
9. Bharong (West)
10. Lower Okharey (West)
11. Middle Gayzing (West)
12. Malbasey (West)
13. Kongri (West)
14. Laven (North)
15. Goan (North)
16. Military School (Pegong) (North)
17. Khesey (East)
18. Sama Lingdon (East)
19. Phalaicha Dara (East)
20. Thegu (East)

The expenditure on these posts shall be debitable to Major Head 277-A1(1)(2)-Salaries (Plan).

DAWA SAMDUP
Under Secretary,
Establishment Department.

Notification No. 78 (G)/Est.
Dated Gangtok, the 18th June, 1980.

The Governor is pleased to sanction the creation of 40 posts of Graduate Teacher in the scale of Rs. 550-20-750-Eb-25-950-Eb-30-1100 for the following upgraded schools under the Education Department with effect from 1.5.80:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>School</th>
<th>No. of Posts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lingthem</td>
<td>1 (North)</td>
</tr>
<tr>
<td>2</td>
<td>Ranka</td>
<td>1 (East)</td>
</tr>
<tr>
<td>3</td>
<td>Tumin</td>
<td>1 (East)</td>
</tr>
<tr>
<td>4</td>
<td>Phadamchen</td>
<td>1 (East)</td>
</tr>
<tr>
<td>5</td>
<td>Lingchem</td>
<td>1 (West)</td>
</tr>
<tr>
<td>6</td>
<td>Modern</td>
<td>1 (East)</td>
</tr>
<tr>
<td>7</td>
<td>Assamlingzey</td>
<td>1 (East)</td>
</tr>
<tr>
<td>8</td>
<td>Chakung</td>
<td>1 (West)</td>
</tr>
<tr>
<td>9</td>
<td>Dentam</td>
<td>1 (West)</td>
</tr>
<tr>
<td>10</td>
<td>Rabong</td>
<td>1 (South)</td>
</tr>
<tr>
<td>11</td>
<td>Yangang</td>
<td>1 (South)</td>
</tr>
<tr>
<td>12</td>
<td>Thegu</td>
<td>1 (East)</td>
</tr>
<tr>
<td>13</td>
<td>Vok</td>
<td>1 (South)</td>
</tr>
<tr>
<td>14</td>
<td>Mangalbaria</td>
<td>1 (West)</td>
</tr>
<tr>
<td>15</td>
<td>Tharpu</td>
<td>1 (West)</td>
</tr>
<tr>
<td>16</td>
<td>Kabi</td>
<td>2 (North)</td>
</tr>
<tr>
<td>17</td>
<td>Okharey</td>
<td>2 (West)</td>
</tr>
<tr>
<td>18</td>
<td>Duga</td>
<td>2 (East)</td>
</tr>
<tr>
<td>19</td>
<td>Mamring</td>
<td>2 (East)</td>
</tr>
<tr>
<td>20</td>
<td>Borang</td>
<td>2 (South)</td>
</tr>
<tr>
<td>21</td>
<td>Nandugaon</td>
<td>2 (South)</td>
</tr>
<tr>
<td>22</td>
<td>Penlong</td>
<td>2 (East)</td>
</tr>
<tr>
<td>23</td>
<td>Longthem</td>
<td>1 (North)</td>
</tr>
<tr>
<td>24</td>
<td>Ranka</td>
<td>1 (East)</td>
</tr>
<tr>
<td>25</td>
<td>Tumin</td>
<td>1 (West)</td>
</tr>
<tr>
<td>26</td>
<td>Bharong</td>
<td>1 (West)</td>
</tr>
<tr>
<td>27</td>
<td>Lower Okharey</td>
<td>2 (West)</td>
</tr>
<tr>
<td>28</td>
<td>Middle Gayzing</td>
<td>2 (West)</td>
</tr>
<tr>
<td>29</td>
<td>Malbasey</td>
<td>2 (West)</td>
</tr>
<tr>
<td>30</td>
<td>Kongri</td>
<td>2 (West)</td>
</tr>
<tr>
<td>31</td>
<td>Laven</td>
<td>2 (North)</td>
</tr>
<tr>
<td>32</td>
<td>Goan</td>
<td>2 (North)</td>
</tr>
<tr>
<td>33</td>
<td>Military School (Pegong)</td>
<td>2 (North)</td>
</tr>
<tr>
<td>34</td>
<td>Khesey</td>
<td>2 (East)</td>
</tr>
<tr>
<td>35</td>
<td>Sama Lingdon</td>
<td>2 (East)</td>
</tr>
<tr>
<td>36</td>
<td>Phalaicha Dara</td>
<td>2 (East)</td>
</tr>
<tr>
<td>37</td>
<td>Thegu</td>
<td>2 (East)</td>
</tr>
<tr>
<td>38</td>
<td>Vok</td>
<td>2 (South)</td>
</tr>
<tr>
<td>39</td>
<td>Mangalbaria</td>
<td>2 (West)</td>
</tr>
<tr>
<td>40</td>
<td>Tharpu</td>
<td>2 (West)</td>
</tr>
</tbody>
</table>

By Order

DAWA SAMDUP,
Under Secretary,
Establishment Department.

Notification No. 81(G)/Est.
Dated Gangtok, the 19th June, 1980.

The Governor has been pleased to approve the establishment of a separate Land Acquisition Cell in the Land Revenue Department with the following posts w.e.f. 5.6.80 i.e. the date of approval:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the Post</th>
<th>No. of Posts</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Office Superintendent</td>
<td>1</td>
<td>Rs. 510-900</td>
</tr>
<tr>
<td>2</td>
<td>Survey Inspector</td>
<td>1</td>
<td>Rs.510-900</td>
</tr>
<tr>
<td>3</td>
<td>Senior Accounts Clerk</td>
<td>1</td>
<td>Rs. 410-700</td>
</tr>
<tr>
<td>4</td>
<td>Surveyor</td>
<td>1</td>
<td>Rs. 410-700</td>
</tr>
<tr>
<td>5</td>
<td>L.D.C</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>6</td>
<td>Peon</td>
<td>2</td>
<td>Rs. 300-380</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head 277/Edn. A2

DAWA SAMDUP,
Under Secretary,
Establishment Department.
Office Order No. 345/(G)/Est.
Dated Gangtok, the 21st June, 1980.

Leave for 20 days w.e.f. 30.6.80 to 19.7.80 applied for by Shri S.K. Sinha, Joint Secretary, Food and Civil Supplies Department, is hereby sanctioned as Earned Leave with permission to prefix Sunday the 29th June and suffix Sunday the 20th July, 1980.

During his absence on Leave, Shri Sonam Wangdi, Secretary, Information & Public Relations Department, shall look after the duties of the Secretary, Food & Civil Supplies in addition to his own.

By Order

D.T. BHUTIA,
Under Secretary,
Establishment Department.

Office Order No. 346(G)/Est.
Dated Gangtok, the 23rd June, 1980.

In continuation of this Department Office Order No. 322(G)/Est. of 13.6.80, further postings/transfers of the following officers are made to take effect from the same day

<table>
<thead>
<tr>
<th>Name of Officer and present post held.</th>
<th>Posting/Transfer.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Shri M. Rai, D.F.O., Soil Conservation (South &amp; West)</td>
<td>D.F.O., Sericulture, vice L.C. Simick with Head quarters at Namchi.</td>
</tr>
<tr>
<td>2. Shri Sonam Tshering, Bhutia, A.C.F., Soil Conservation (South &amp; West)</td>
<td>Officiating D.F.O Soil Conservation (South &amp; West) vice Shri S.M. Raj</td>
</tr>
</tbody>
</table>

This is subject to determination of inter-seniority on the recommendation of a committee to be constituted for the purpose

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Addenda to Notification No: 54/Home/80.
Dated Gangtok, the 23rd May, 1980.

Please add "Printing Deptt." in the Departments allotted to Shri Sonam Wangdi at Serial No. 11 of the Notfn, referred to above and "Mechanical Division" after the words "Co-ordination" in the Department assigned to Shri L.B. Chettri at Serial No. 15 ibid.

Further, the "Housing" assigned to Shri M.K. Pradhan means control, allotment and supervision of Govt. quarters and not the "Housing Board" attached to the Local Self Govt. Departments which shall continue to be under the Secretary, Local Self Govt. Department

By Order

T. CHHOPHEL,
Secretary,
Establishment Department.

Office Order No. 350(G)/Est.
Dated Gangtok, the 24th June, 1980.

The Governor of Sikkim is pleased to appoint Shri S. Sen, on deputation from the Central Bureau of Investigation, as Director, Sikkim Vigilance Police Force, in the rank of Deputy Inspector General of Police initially for a period of two years w.e.f. 1st June, 1980 (Forenoon).

During his period on deputation Shri Sen will draw pay @ Rs. 2,000/-p.m. in the scale of Rs. 2000-125/2-2250 admissible to a DIG of Police in C.B.I. In addition he will also draw such allowances as are admissible under the Standard terms of deputation.

T. CHHOPHEL,
Secretary,
Establishment Department.

Notification No. 85(G)/Est.
Dated Gangtok, the 26th June, 1980.

The Governor has been pleased to sanction the creation of the following posts in Complaint Cell under Home Department with effect from 12.6.80, i.e. the date of approval:

<table>
<thead>
<tr>
<th>Name of the post</th>
<th>No. of post created</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. L.D.C.-cum-Typist</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>2. Peon</td>
<td>1</td>
<td>Rs. 300-380</td>
</tr>
</tbody>
</table>

The expenditures on the above posts shall be debitable to Major Head 252-B-Secretariat General Service, B.1-CM,s Sectt:—Salaries.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.
PART II

SIKKIM GOVT. GAZETTE, JUNE, 1980

Notification No. 360(G)/Est.
Dated Gangtok, the 27th June, 1980.

In supersession of this Department O.O. No. 420/G/Est. of 9.8.79, Shri Namgay Bhutia is deemed to have been promoted as full fledged Assistant Engineer in the Power Department w.e.f 23.5.78, on probation for one year.

He will draw a basic pay of Rs. 660/-p.m. in the scale of Rs. 660-25-910Eb-30-1240-Eb-40-1400 plus other allowances admissible under the rules from the above date.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 361 (G)/Est.
Dated Gangtok, the 27th June, 1980.

Shri Alok Rawat, I.A.S. Deputy Development Officer (West) is hereby allowed to draw the additional D.A. at the following enhanced rates from the date shown against Each:-

(1) Rs. 144/30 1.12.78 to 31.7.79
(2) Rs. 167/70 1.8.79 to 30.10.79
(3) Rs. 191/10 1.11.79 onwards.

Amount already drawn at the lower rate shall be adjusted accordingly.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 367 (G)/Est.
Dated Gangtok, the 28th June, 1980.

Consequent on his passing of Diploma in Journalism, Shri B.P. Dahal, Sub-Editor (English), Information and Public Relations Department, is hereby allowed to draw the prescribed scale of Rs. 660-25-910Eb-30-1240Eb-40-1400 w.e.f. 12.5.80.

He will draw a basic pay of Rs. 660/-p.m. in the scale plus other allowances as admissible under the rules.

As usual, he shall be on probation for one year.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department

FINANCE DEPARTMENT
Office Order No, 51/Fin.
Dated Gangtok, the 27th May, 1980.

With the appointment of a separate Secretary in the Home Department, Government of Sikkim, Mr. J.T. Densapa, Secretary, is hereby declared as Head of Department and allowed to exercisce all the financial powers as contained in the Sikkim Financial Rules, 1979 with immediate effect.

The financial powers delegated to the Additional Secretary, Home, vide O.O. No. 758/Home (Acctts.) dated 8.3.78 will stand cancelled.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 75/Fin.
Dated Gangtok, the 24th June, 1980.

Mr. L. B. Chettri, Chief Engineer, Roads, Bridges, Supply & Stores & Coordination, Mechanical Division, S.P.W.D. and Mr. H. K. Pradhan, Chief Engineer, Buildings, Water Supply, Housing, S.P.W.D. are hereby declared as Head of Department of their respective wings with immediate effect.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 78/Fin.
Dated Gangtok, the 28th June, 1980.

Mr. Tashi Tsering, Deputy Secretary, Home Department, Government of Sikkim, is hereby declared as Head of Office and allowed to exercise all the financial powers as contained in Sikkim Financial Rule, 1979 with immediate effect.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.
<table>
<thead>
<tr>
<th>PART</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Nil</td>
</tr>
<tr>
<td>II</td>
<td>Notifications regarding appointments postings transfers leave etc</td>
</tr>
<tr>
<td>III</td>
<td>Nil</td>
</tr>
<tr>
<td>IV</td>
<td>Nil</td>
</tr>
<tr>
<td>V</td>
<td>Nil</td>
</tr>
<tr>
<td>VI</td>
<td>Nil</td>
</tr>
<tr>
<td>VII</td>
<td>Nil</td>
</tr>
<tr>
<td>VIII</td>
<td>Nil</td>
</tr>
<tr>
<td>IX (i)</td>
<td>Nil</td>
</tr>
<tr>
<td>X (ii)</td>
<td>Nil</td>
</tr>
</tbody>
</table>
Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM

Notification No. 62/HCS/ESTT.
Dated Gangtok, the 7th July, 1980.

Hon’ble the Chief Justice has been pleased to create a temporary post of peon, in the Court of Civil Judge-cum-Judicial Magistrate, Gangtok, in the pay scale of Rs. 300-4-340-5-380, with immediate effect.

G. S. KALRA,
Registrar.

Office Order No. 5(l)79/GAZ/HCS/63
Dated Gangtok, the 8th July, 1980.

Hon’ble the High Court has been pleased to grant one advance increment to Mr. A. P. Subba, Civil Judge-cum-Judicial Magistrate, East District, Gangtok for his previous experience at the bar with effect from 13th March, 1980. in the pay scaled Rs. 660-25-910-EB-30-1240-EB-40-1400.

G. S. KALRA,
Registrar.

Notification No. 5(2)1979/Gaz/HCS/65
Dated Gangtok, the 18th July, 1980.

In accordance with Rule 12 of the Sikkim Superior Judicial Service Rules, 1980 the pay of Shri Tsewang Dorjee, Additional District & Sessions Judge is fixed at Rs. 1200- in the grade of Rs. 1200-50-1300-60-1600-Eb - 60 - 1900 - 100 - 2000, which is the senior grade of T.A.S. with effect from 10th March, 1980, the date on which he took charge of the post.

G. S. KALRA,
Registrar.

Notification No. 4(17)1980-81/Confdl/HCS/66
Dated Gangtok, the 21st July, 1980.

It is hereby notified for general information that the days enumerated in the schedule below will be observed as public holidays by the Subordinate Courts of Sikkim during the year 1980.

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name of Festival</th>
<th>Date and Month</th>
<th>Days of week</th>
<th>No. of days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>New Year's Day</td>
<td>1st January</td>
<td>Tuesday</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Magh Sankranti</td>
<td>14th &amp; 15th January</td>
<td>Monday &amp; Tuesday</td>
<td>2</td>
</tr>
<tr>
<td>3</td>
<td>Republic Day</td>
<td>26th January</td>
<td>Saturday</td>
<td>1</td>
</tr>
<tr>
<td>4</td>
<td>Tibetan New Year's Day</td>
<td>17th February</td>
<td>Sunday</td>
<td>1</td>
</tr>
<tr>
<td>5</td>
<td>Dol Jatra (Holi)</td>
<td>1st March</td>
<td>Saturday</td>
<td>1</td>
</tr>
<tr>
<td>6</td>
<td>Good Friday</td>
<td>4th April</td>
<td>Friday</td>
<td>1</td>
</tr>
<tr>
<td>7</td>
<td>State Day</td>
<td>10th May</td>
<td>Friday</td>
<td>1</td>
</tr>
<tr>
<td>8</td>
<td>Saga Dawa</td>
<td>29th May</td>
<td>Thursday</td>
<td>1</td>
</tr>
<tr>
<td>9</td>
<td>Bhanu Jayanti</td>
<td>13th July</td>
<td>Sunday</td>
<td>1</td>
</tr>
<tr>
<td>10</td>
<td>Drukpa Tseshi</td>
<td>16th July</td>
<td>Wednesday</td>
<td>1</td>
</tr>
<tr>
<td>11</td>
<td>ID-UL-Fiter</td>
<td>13th August</td>
<td>Wednesday</td>
<td>1</td>
</tr>
<tr>
<td>12</td>
<td>Independence Day</td>
<td>15th August</td>
<td>Friday</td>
<td>1</td>
</tr>
<tr>
<td>13</td>
<td>Pang Lhabsol</td>
<td>26th August</td>
<td>Tuesday</td>
<td>1</td>
</tr>
<tr>
<td>14</td>
<td>Janam Ashtami</td>
<td>1st September</td>
<td>Monday</td>
<td>1</td>
</tr>
<tr>
<td>15</td>
<td>Gandhi Jayanti</td>
<td>2nd October</td>
<td>Thursday</td>
<td>1</td>
</tr>
<tr>
<td>16</td>
<td>Durga Puja</td>
<td>17th to 21st October</td>
<td>Friday to Tuesday</td>
<td>5</td>
</tr>
<tr>
<td>17</td>
<td>Lhabab Thuchen</td>
<td>30th October</td>
<td>Thursday</td>
<td>1</td>
</tr>
<tr>
<td>18</td>
<td>Laxmi Puja (Diwali)</td>
<td>7th to 9th November</td>
<td>Friday to Sunday</td>
<td>3</td>
</tr>
<tr>
<td>19</td>
<td>Kagyet Dance</td>
<td>6th December</td>
<td>Saturday</td>
<td>1</td>
</tr>
<tr>
<td>20</td>
<td>Loosong</td>
<td>8th to 12th December</td>
<td>Monday to Friday</td>
<td>5</td>
</tr>
<tr>
<td>21</td>
<td>Christmas Day</td>
<td>25th December</td>
<td>Thursday</td>
<td>1</td>
</tr>
</tbody>
</table>

Total:- 32 Days

G. S. KALRA,
Registrar.
No. 5(l)79/GAZ/HCS /67
Dated Gangtok, the 28th July, 1980.

CORRIGENDUM

In partial modification of this Office order No. 5(l)79/GAZ/HCS/63 dated Gangtok the 8th July, 1980, please read "with effect from 13th March 1978", instead of "with effect from 13th March, 1980".

G. S. KALRA, Registrar.

Notification No. 70/HCS/ESTT.
Dated Gangtok, the 31st July, 1980.

Hon'ble the Chief Justice has been pleased to create one temporary post of Farash, for the Court of District and Sessions Judge, Gangtok, in the pay scale of Rs. 300-4-3-405-380, till 28.2.1981.

G. S. KALRA, Registrar.

HOME DEPARTMENT

Notification No. 41(2)Home/76(Vol.II)
Dated Gangtok, the 5th July, 1980.

In supersession of Home Department Notification No. 41 (2)-Home/76(Vol. II) dated 9th November, 1977, the Government of Sikkim is pleased to nominate the following officers as Chairman/Directors on the Board of the Sikkim Mining Corporation on behalf of the Government of Sikkim:

1. Development Commissioner — Chairman.
2. Secretary, Mines & Geology — Director.
3. Secretary, Power — Director.

M. P. PRADHAN.
Chief Secretary, Government of Sikkim.

HOME DEPARTMENT

CHIEF REGISTRAR OF BIRTHS AND DEATHS BUREAU OF ECONOMICS AND STATISTICS


D. K. MANAVALAN, Chief Registrar of Births & Deaths.

CORRIGENDUM TO SIKKIM GOVERNMENT GAZETTE NO. 72 DATED 27th August, 1979.

<table>
<thead>
<tr>
<th>Page No.</th>
<th>Rule /From</th>
<th>For</th>
<th>Read</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
</tr>
<tr>
<td>3.</td>
<td>Rule 12 (1) Possesion</td>
<td>Possesion</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Third line fraudulently</td>
<td>fraudulently</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rule 12 (6). entries</td>
<td>entries</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Second line entries</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rule 13 (3) entries</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Proviso entries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Rule 14 (1) shall be</td>
<td>shall be as</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Second line follows</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rule 15 (1) follows</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Last word Preceding</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Form No. 3 Type of attention at delivery*</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>item 8 Type of attention at delivery@</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Foot notes Type of attention at delivery*</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>line 3 Type of attention at delivery@</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>begining Type of attention at delivery@</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
In view of the nature of duties attached, the existing posts of Superintenden
dent, Pay & Accounts Office are redesignated as "Audit Superintendent" and placed in the Status of Senior Accountant for the purpose of determining their seniority.

By Order

L. T. TONYOT,
Joint Secretary
Establishment Department.

ESTABLISHMENT DEPARTMENT
Notification No. 87 (G)/Est.
Dated Gangtok, the 1st July, 1980.

By Order

L. T. TONYOT,
Joint Secretary
Establishment Department.
Office Order No. 373 (G)/Est.
Dated Gangtok, the 1st July, 1980.

Shri Kunga Tobden has been appointed as Under Secretary, Employment Cell in the Establishment Department on a monthly pay of Rs. 660/-p.m. in the scale of Rs. 660-25-910-EB-30-1240-EB-40-1400 (Gazetted) with effect from 17-6-80 i.e. the date of his joining. In addition, he will be entitled to draw House Rent Allowance (if not in occupation of Govt. quarter), Hill Compensatory Allowance and Dearness Allowance at rates on admissible under the rules.

He shall be on probation for one year.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 374(G)/Est.
Dated Gangtok, the 1st July, 1980.

The Governor of Sikkim is pleased to order the following posting/transfer/promotion of officers with immediate effect:-

<table>
<thead>
<tr>
<th>S.NO.</th>
<th>NAME OF OFFICER</th>
<th>POST HELD</th>
<th>POST TRANSFERRED TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sri N.S. Lepcha</td>
<td>S.E., Road</td>
<td>Addl. Chief Engineer, Rural Development Deptt.</td>
</tr>
<tr>
<td>2</td>
<td>Sri Gangaram Sharma</td>
<td>A.E. Rural Dev. Deptt.</td>
<td>A.E., SPWD vice Sri K.K. Rai</td>
</tr>
</tbody>
</table>

By Order

T. CHHOPHEL,
Secretary,
Establishment Department.

Office Order No. 375(G)/Est.
Dated Gangtok, the 1st July, 1980.

The Governor of Sikkim is pleased to order the following posting/transfer/promotion of officers with immediate effect:-

<table>
<thead>
<tr>
<th>S.NO.</th>
<th>NAME OF OFFICER</th>
<th>POST HELD</th>
<th>POST TRANSFERRED TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Sri M.K. Chettri</td>
<td>S.P. (West &amp; South)</td>
<td>SP (East &amp; North)</td>
</tr>
<tr>
<td>2</td>
<td>Sri R.K. Pradhan</td>
<td>S.P. (Lines)</td>
<td>SP (West &amp; South) vice Sri R.K. Pradhan</td>
</tr>
<tr>
<td>3</td>
<td>Sri T.N. Tenzing</td>
<td>S.P. (HQ)</td>
<td>SP (Lines) vice Sri R.K. Pradhan</td>
</tr>
<tr>
<td>4</td>
<td>Sri Tempo Gyamtso</td>
<td>D.S.P. (IB.)</td>
<td>D. S.P. (Check posts &amp; permits) vice Sri Tsering Bhutia</td>
</tr>
</tbody>
</table>

By Order

T. CHHOPHEL,
Secretary,
Establishment Department.

Addendum to Office Order No. 375/Est. dated 1st July '80. Please add.

"HQ" after the words "SP" and before the words "Lines" in respect of Sri T.N. Tenzing

T. CHHOPHEL,
Secretary,
Establishment Department.

Notification No. 376 (G)/Est.
Dated Gangtok, the 1st July, 1980.

The Governor of Sikkim is pleased to order the following posting/transfers/promotions of officers, with immediate effect:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of officer</th>
<th>Post held</th>
<th>Post transferred to</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Shri J.P. Tshering, I.A.S.</td>
<td>D.C.-cum-D.M. (West)</td>
<td>Joint Secretary, Rural Dev. Department against the newly created post.</td>
</tr>
<tr>
<td>6</td>
<td>Shri S.W. Tenzing.</td>
<td>D.C.-cum-D.M. (South).</td>
<td>Administrator, G.M.C.(on depnt),</td>
</tr>
</tbody>
</table>
Shri T. Tobden, I.A.S. D.C.-cum-D.M. (East) is relieved of the additional charge of Administrator, G.M.C.


12. Shri S.D. Bashi. Under Secretary, Co-operative Deptt. Dy. Secretary, Land Revenue Deptt. vice Shri Sher Singh since resigned.


T. CHHOPHEL, Secretary, Establishment Department.

Office Order No. 378(G)/Est. Dated Gangtok, the 4th July, 1980.

The following transfers are made in the Education Department with immediate effect:-


2. Shri Hem Singh Pradhan, Headmaster, Chujachen High School (East). Transferred as Headmaster, Phodong High School (East) vice Shri C. M. Alexzander (Sl. No. 1).

3. Shri P.R. Roka, Statistical Officer. Transferred as Headmaster, Soreng High School (West) vice Shri N.H. Ansari.

By order

L.B. Rai,
Deputy Secretary, Establishment Department.

Notification No. 90(Gen)/Est. Dated Gangtok, the 5th July, 1980.

The Governor has been pleased to sanction the creation of a post of Driver in the Sikkim House, New Delhi, under Home Department in the scale of Rs. 350-550 w.e.f. 23.10.79.

The expenditure on the above post is debitable to Major Head '265G-3(1) (1) Salaries.

By Order

DAWA SAMDUP, Under Secretary, Establishment Department.

Notification No. 96(G)/Est. Dated Gangtok, the 7th July, 1980.

The Governor is pleased to sanction the creation of two posts of Graduate Teachers in the scale of Rs. 550-1100 for Namchi Girls’ High School under Education Department w.e.f. 5.6.80.

By Order

Dawa Samdup,
Under Secretary,
Establishment Department.

Office Order No. 395(G)/Est.
Dated Gangtok, the 10th July, 1980.

Resignation tendered by Shri Tashi Wangdi, P.S. to the Hon’ble Minister for Agriculture and Animal Husbandry is hereby accepted with immediate effect.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 396(G)/Est.
Dated Gangtok, the 10th July, 1980.

Dr. Nima Tshering Lepcha, Joint Director, Animal Husbandry Department, is hereby allowed to draw the charge allowance @ 20% of the minimum scale of Rs. 1350-75-1800-Eb-100-2400 for the period w.e.f. 8.2.80 to 6.6.80 for looking after the additional duties of Director, Animal Husbandry Deptt.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 398(G)/Est.
Dated Gangtok, the 10th July, 1980.

In continuation of this Department O.O. No. 344/G/Est. of 21.6.80, Shri S.C. Saxena, Senior Scientist in the Animal Husbandry Department is hereby granted terminal leave for 19 days w.e.f. 1.7.80 to 19.7.80.

On expiry of the above leave, he shall report for duty in his parent Department on 30.7.80 after availing of the joining time of 10 days w.e.f. 20.7.80 to 29.7.80.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 95(G)/Est.
Dated Gangtok, the 11th July, 1980.

The Governor is pleased to sanction the creation of the following posts in the Rural Development Department w.e.f. 12.6.80 i.e. the date of approval:-

<table>
<thead>
<tr>
<th>Name of post</th>
<th>Scale</th>
<th>No. of post created</th>
<th>Debitable Head</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chowkidar</td>
<td>Rs. 300-380</td>
<td>2</td>
<td>3/4-C- Com. Dev. C1</td>
</tr>
<tr>
<td></td>
<td>(each for central godown)</td>
<td></td>
<td>(1)(1) Salaries (Plan)</td>
</tr>
<tr>
<td>Driver</td>
<td>Rs. 350-550</td>
<td>1</td>
<td>306-B-Minor Irrigation Bl(l) Salaries (Non-Plan)</td>
</tr>
</tbody>
</table>

By Order

Dawa Samdup,
Under Secretary,
Establishment Department.

Office Order No. 412 (G)/Est.
Dated Gangtok, the 15th July, 1980.

The post of Superintendent in the Power Department created vide this Department Notification No. 125/Gen/Est. of 20.8.79 is hereby redesignated as Asstt. Engineer (Mechanical) and Shri Nirmal Das Rai, B. Technology, temporarily appointed against the post on a monthly pay of Rs. 660/- in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 plus other allowances admissible under the Rules, with effect from 8.7.80 i.e. the date of his joining.

As usual, he will be on probation for one year.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 417(G)/Est.
Dated Gangtok, the 15th July, 1980.

Resignation tendered by Shri Sonam Paljor Denzongpa, P.S. to the Hon’ble Minister for Culture is here by accepted w.e.f. 24.5.80.
Consequently, Shri Pema Namgyal is hereby appointed as Private Secretary in his place from the above date. He will draw a basic pay of Rs. 660/-p.m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 plus other allowances admissible under the rules. His appointment is however co-terminus with the tenure of the Ministry.

By Order
L.B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 418(G)/Est.
Dated Gangtok, the 15th July, 1980.

The term of contract in respect of Dr. A.V. Rao, Medical Officer-in-Charge, Rongli PHC, Health and Family Welfare Department which will expire on the afternoon of 29.7.80, is hereby extended for a further period of one year w.e.f. 30.7.80 to 29.7.81 on the existing terms and conditions of contract.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 419 (G)/Est.
Dated Gangtok, the 15th July, 1980.

The Governor is pleased to appoint Shri P. Subba Rao, Faculty Member of Small Industries Extension Training (SIET) Institute, Hyderabad under the Small Scale Industries, Govt. of India, as Director, Industries Department, Govt. of Sikkim on deputation for a period of two years with effect from the date of his release by the parent organisation. The deputation will be governed by the usual terms and conditions of deputation.

By Order
T. CHHOPHEL,
Secretary,
Establishment Department.

Office Order No. 419 (G)/Est.
Dated Gangtok, the 15th July, 1980.

Shri Karma Tsering Bhutia, AR.P.O. Agriculture Department, is hereby promoted as Regional Project Officer in the same Department in the scale of Rs. 780-30-990-Eb-35-A200-Eb-40-1600 against the existing vacant post with effect from 30.6.79. He will draw the basic pay of Rs. 780/-p.m. in the scale of Rs. 780-30-990-Eb-35-1200-Eb-40-1600 with effect from the above date plus other allowance admissible under the Rules. As usual, he will be on probation for one year.

By Order
L.B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 420(G)/Est.
Dated Gangtok, the 15th July, 1980.

The term of contract in respect of Shri K. Karunakaran, Principal I.T.I. of Industries Department, which will expire on the afternoon of 31.7.80, is hereby extended for a further period of one year w.e.f. 1.8.80 to 31.7.81 on the existing terms and conditions of contract.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 424(G)/Est.
Dated Gangtok, the 15th July, 1980.

The post of Assistant Controller in the Govt. Printing Department is hereby upgraded and placed in the scale of Rs. 780-30-990-Eb-35-12G0-Eh-40-1600 w.e.f. 1.7.80. Accordingly Shri Puspa Kumar Gurung, Assistant Controller, is placed in that scale from the same day and his basic pay fixed at Rs. 780/-p.m. in the scale.

By Order
L.B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 99(G)/Es.
Dated Gangtok, the 18th July, 1980.

The Governor is pleased to sanction the creation of a Marketting Intelligence Wing under the Agriculture Department with the following posts with effect from 276.80, i.e. the date of approval.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Post</th>
<th>No. of Post</th>
<th>Scale of Pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Marketting Intelligence Officer</td>
<td>1</td>
<td>Rs.780-1600</td>
</tr>
</tbody>
</table>
2. Marketting Intelligence Supervisor 1 Rs. 480-900
3. Computer 1 Rs. 410-700
4. Lower Division Clerk 1 Rs. 380-550
5. Price Reporter 4 Rs. 320-450

The expenditure on the above posts shall be debitable to Major Head "305" B-Agriculture Marketting and Quality Control.

By Order

Dawa Samdup,
Under Secretary,
Establishment Department.

Notification No. 101 (G)/Est.
Dated Gangtok, the 18th July, 1980.

The Governor is pleased to sanction the creation of 16 (sixteen) posts of Primary Teachers in the scale of Rs. 380-580/410-700 (whichever is applicable) in the Education Department for the following 16 (sixteen) aided Primary Schools w.e.f. 30.6.80, i.e. the date of approval:—

Name of School District.
1. Mangshila North District.
2. Rangdan North District.
3. Navey-Sotak East District.
5. Singbel East District.
6. Rikyap East District.
7. Lingyang South District.
8. Ganchung South District.
9. Lower Kartikey South District.
10. Temi Tea Garden South District.
11. Angden West District.
12. Tamatan West District.
13. Changri West District.
14. Mayong West District.
15. Cheshje West District.
16. Tepung West District.

Expenditure on the above posts will be debitable to Major Head 277-Edn-A1 (1) (2) (1) Salaries (Plan).

By Order

Dawa Samdup,
Under Secretary,
Establishment Department.

Notification No. 102(G)/Est.
Dated Gangtok, the 18th July, 1980.

The Governor is pleased to approve upgradation of the following Schools and creation of the posts enumerated below in the Education Department w.e.f. 1.5.80.

(1) Upgradation of the following 5 (five) Primary Schools to Junior High Schools and creation of the posts indicated below:—
   (a) Sayem Primary School, North District;
   (b) Melli Gumpa Primary School, South District;
   (c) Damthang Primary School, South District;
   (d) Paiyong Primary School, South District;
   (e) Darap Primary School, West District.

Name of the post No. of post scale
Graduate Teacher 10 (Ten) Rs. 550-1100
   (two for each of the above schools)
Peon-cum-Chowkidar 5 (five) (one Rs..300-380
   for each of the above schools)

Expenditure on the posts will be debitable to Major Head "277-Edn-A2 (2) (2) (1) Govt. Junior High Schools A 2 (2) (1) Salaries (Plan).

By Order

Dawa Samdup,
Under Secretary,
Establishment Department.
Office Order No. 434 (G)/Est.
Dated Gangtok, the 18th July, 1980.

Dr. Alfred Pazo, Deputy Director in the Health and Family Welfare Department, is hereby promoted as Joint Director in the Department w.e.f. 14.7.80 vice Dr. L. Tenzing since promoted as additional Director.

He will draw a basic pay of Rs. 1200/" p.m. in the scale of Rs. 1200-60-1440-ES-70-2000 from the above date.

He will be on probation for one years

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

ANNEXURE
REVISED TERMS AND CONDITIONS OF CONTRACT SERVICE

The appointment on Contract shall be governed by the following terms and conditions:—

1. The period of contract shall be for a period of one year from the date of joining duty,
2. The appointment is terminable with one month's notice on either side. Failure to give one month's notice shall render either party liable to pay/refund one month's salary in lieu thereof.
3. Their Services can be terminated at any time during the period of contract without assigning any reason.
4. The appointment carries with it the liability to serve in any part of Sikkim.

The appointment will be further subject to:-

(i) Production of a certificate of fitness from competent medical authority in the preforma enclosed.
(ii) Taxing of an Oath of allegiance/faithfulness to the Constitution of India (or making of a solemn affirmation to that effect) in the prescribed form (enclosed).

6. Pay and allowances shall be as under as negotiated:—
7. Leave shall be admissible as per normal rules of the Government of Sikkim.
8. Gratuity shall be payable at the rate of one half of basic pay last drawn for each completed year of service subject to the condition that the minimum period of service rendered on contract should not be less than three years. No gratuity shall be admissible if the contract is terminated on account of indiscipline or unsatisfactory discharge of duties.

9. The officers appointed in the Junior Contract scale (Class II) shall be entitled to T.A. and DA. as admissible to Class II Officers and these in the Senior scale as admissible to Class I Officers.

10; Reimbursement of the following shall be admissible from home to Gangtok and vice versa on the occasion of joining duty first time and return after the termination of appoint

(a) First Class railway fare from the place of residence to Siliguri and bus fare from Siliguri to Gangtok for self, wife and one child, provided wife and child if any, join him within a period of 6 month from the date of appointment.

(b) Cost of transportation of luggage and personal effects to the extent of 1120 Kgs. in case of them appointed in the Junior Contract scale and 2240 Kgs. in case of these in the Senior Contract Scale if accompanied by family or 750 Kgs. in case of Junior Contract or 1500Kgs. in case of Senior Contract scale if not accompanied by family.

Subject to the condition:—

That return Journey expenses shall not be paid in case the contract is terminated before expiry of the mutually agreed duration on the request of the appointee.

11. Their appointment on contract shall not confer on them any right to claim absorption into regular service at any time. For selection of particular person or persons for absorption in to regular service, the discretion shall lie with the Government and he reason need be given for one's non-selection.

12. Conduc: For regulation of conduct of the contract Office during the Period of contract the Sikkim Govt. Servants ConducRules, 1974 with its amendments there of will apply.

13. If any declaration given or information furnished by the candidate proves to be false or if the candidate if found to have wilfully suppressed any material information, he will be liable for removal from service and such other action as Government may deem necessary.
Office Order No. 436(G)/Est.  
Dated Gangtok, the 19th July, 1980.

Consequent on her completion of one year's Museology Course at the National Museum, Delhi, Miss Donka Lhamu Topden, Curator, Community Centre, Culture Department is hereby allowed to draw the prescribed scale of Rs. 660-25-910-EB-30-1240-EB-40-1400 w.e.f 26.3.80 i.e. the date she reported for duty after completion of training.

As usual, she will be on probation for one year.

By Order  
L. B. Rai,  
Deputy Secretary,  
Establishment Department.

Office Order No. 438(G)/Est.  
Dated Gangtok, the 19th July, 1980.

Resignation tendered by Dr. S.C. Das, Veterinary Officer, Animal Husbandry Department is hereby accepted with effect from 18.7.80 (A.N).

By Order  
L. B. Rai,  
Deputy Secretary,  
Establishment Department.

Office Order No. 439(G)/Est.  
Dated Gangtok, the 19th July, 1980.

With the concurrence of the Govt. of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms, as conveyed vide their telex message of 7.7.80, the term of deputation in respect of Shri P.T. Wangdi, Secretary, Land Revenue Department having expired on the afternoon of 15.6.80, the same is hereby extended for another period of one year i.e. w.e.f. 16.6.80 to 15.6.81 on the existing terms and conditions of deputation

By Order  
L. B. Rai,  
Deputy Secretary,  
Establishment Department.

Notification No. 105 (Gen)/Est.  
Dated Gangtok, the 24th July, 1980.

Pursuant to Director Deptt. of Personnel & Administrative Reforms, Ministry of Home Affairs, Govt of India, Office Memorandum No: 14021/10/80-Est (D) of 9.6.80, the Govt, of Sikkim have decided to recognise the following Examinations of Rastriya Indian Military College, Dehra Dun, as equivalent to Examinations of Central Board of Secondary Education as under for the purpose of recruitment to posts and service under this State Govt:-

R.I. M  
COLLEGE  
1. Army Secondary School Secondary  
Examination (Class X)  
School Examination  
(Class X)

C.B.S  
EDUCATION  
2. Army Senior School Certificate Examination  
Senior School Certificate  
Examination. (Class XII)

By Order  
T. Chhophel,  
Secretary,  
Establishment Department.

Office Order No. 454(G)/Est.  
Dated Gangtok, the 24th July, 1980.

Further extension of leave for 30 days w.e.f. 20.7.80 to 18.8.80 applied for and being availed of by Shri S. K. Sinha, Joint Secretary, Food and Civil Supplies Department, incontinuation of Earned Leave for 20 days granted vide this Department Office Order No. 345/G/Est. of 21.6.80 is hereby sanctioned as Medical Leave.

On expiry of the above Leave, he shall report for duty in his parent Department after availing of the usual Joining time from 19.8.80 to 29.8.80.

Shri Sonam Wangdi, Secretary, Information and Public Relations Department shall continue to look after the duties of the Secretary, Food and Civil Supplies Department in addition to his present duty as Secretary, Information & Public Relations Deptt., till Shri P.K. Pradhan takes over charge of the Department on return from abroad.

By Order  
L. B. Rai,  
Deputy Secretary,  
Establishment Department.

Notification No. 109(G)/Est.  
Dated Gangtok, the 29th July, 1980.

The Governor has been pleased to sanction the creation of the following
posts in the office of the Secretary, Industry Department with effect from 17.7.80, i.e. the date of approval:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Posts</th>
<th>No. of posts</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Stenographer</td>
<td>1(one)</td>
<td>Admissible as per rules.</td>
</tr>
<tr>
<td>2.</td>
<td>Peon</td>
<td>1(one)</td>
<td>Rs. 300 380</td>
</tr>
</tbody>
</table>

The expenditures on the posts shall be debitable to Budget Head-296-Secretariat (Economic Services).

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department

Notification No. 110 (G)/Est. Dated Gangtok, the 30th July, 1980.

The Governor is pleased to order that the rates of Special House Rent Allowance sanctioned to personnel of Tourism Deptt. posted to New Delhi Calcutta, Siliguri & Darjeeling are also admissible to personnel of other Deptts. of the State Govt: posted to the above specified places. Subject to the condition laid down in this Department Notification No: 229/Gen/Est. of 19.11/77 (copy enclosed for ready reference).

This order takes effect from 14 80.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.
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<table>
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<th>I - Nil</th>
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</tr>
<tr>
<td>PART</td>
<td>III - Rules, Orders, Press Notes etc.</td>
</tr>
<tr>
<td>PART</td>
<td>IV - Nil</td>
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<td>PART</td>
<td>V - Nil</td>
</tr>
<tr>
<td>PART</td>
<td>VI - Nil</td>
</tr>
<tr>
<td>PART</td>
<td>VII - Nil</td>
</tr>
<tr>
<td>PART</td>
<td>VIII - Nil</td>
</tr>
<tr>
<td>PART</td>
<td>IX - (i) Nil</td>
</tr>
<tr>
<td>PART</td>
<td>X - (ii) Nil</td>
</tr>
</tbody>
</table>
Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM

Notification No. 72/HCS/ESTT.
Dated Gangtok, the 6th August, 1980.

In pursuance of the sanction of the State Government for provision of Malis at the residences of the Hon'ble Chief Justice and the Hon'ble Judge, conveyed Vide D.O. No. 42/CM/77, dt. 4-8-77, from Hon'ble Chief Minister to the Hon'ble Chief Justice, Hon'ble the Chief Justice has been pleased to create two posts of Malis, on the High-Court Establishment, in the pay Scale of Rs. 320-5-390-6-450, with immediate effect.

G. S. KALRA,
Registrar.

Office Order No. 5(12)80/G/HCS/76
Dated Gangtok, the 19th August, 1980.

Hon'ble the Chief Justice has been pleased to appoint Shri R.K. Battas, District and Sessions Judge, Bhatinda (Punjab) as Registrar of this High Court on a consolidated pay of Rs. 2,000/- duly safeguarding his pension, on contract basis with effect from the date he assumes charge till 28.2.1982. His service shall be governed by terms and conditions as laid down in Revised Terms and Conditions of Contract Service (Copy enclosed).

G. S. KALRA,
Registrar.

ESTABLISHMENT DEPARTMENT

Office Order No. 498(G)/Est.
Dated Gangtok, the 7th August, 1980.

The post of Joint Director in the Govt. Institute of Cottage Industries is hereby temporarily downgraded to the post of Deputy Director in the scale of Rs. 900-40-1180-EB-45-1450-EB-50-1800 w.e.f. 9.7.80.

Consequently Mrs. Kesang Densapa, Additional Superintendent in the Department, is promoted to fill up the above post from the above date.

She will draw a basic pay of Rs. 900/-p.m. in the above scale plus others allowances admissible under the rules.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 503(G)/Est.
Dated Gangtok, the 12th August, 1980.

Consequent on his relief from the Lal Bahadur Shastri National Academy of Administration on completion of the professional course phase II, Shri C. Hrang Thanga I.A.S. (Sikkim Cadre), is posted as Deputy District Collector-cum-Deputy Magistrate, West District with Headquarters at Gyalshing, from the date he assumes charge of the post.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 507 (C)/Est.
Dated Gangtok, the 12th August, 1980.

The post of Man Power Planning Officer held by Shri B.K. Bardewa in Planning and Development Department is hereby upgraded and placed in the scale of Rs. 780-30-950-Eb-35-1200-Eb-40-1000 w.e.f. 1.4.78.

By Order
L.B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 115 (G)/Est.
Dated Gangtok, the 12th August, 1980.

The Governor is pleased to sanction the creation of 4 (four) posts of Veterinary Supervisor in scale of Rs. 400-600 in Animal Husbandry Department with effect from 17.7.80 i.e. the date of approval.

The expenditure on the above posts shall be debitable to Major Head ’310-A-H 1-3(5)(1) Control of Foot & Mouth disease Scheme (CSS).

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.
Notification No. 116 (G)/Est.  
Dated Gangtok, the 12th August, 1980.

The Governor has been pleased to action the creation of the following posts the Statistical Cell under Forest Department with effect from 17.7.1980, i.e. the date of approval:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Posts</th>
<th>No. of posts created</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>U.D.A</td>
<td>2</td>
<td>Rs. 410-700</td>
</tr>
<tr>
<td>2</td>
<td>L.D.A.</td>
<td>7</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>3</td>
<td>L.D.A./Typist.</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
</tbody>
</table>

The expenditure on the posts shall be payable to Budget Head “313 C4 (4) Planning & Statistical Cell”.

By Order

L. T. TONYOT,  
Joint Secretary,  
Establishment Department.

---

Notification No. 125(G)/Est.  
Dated Gangtok, the 19th August, 1980

1. Various questions have arisen from time to time in connection with the status of Inspector of Police. After careful consideration of factors like mental and physical fitness, courage and initiative, nature of duties and responsibilities and odd hours of duty required to be performed by Inspector of Police, the Governor of Sikkim is pleased to declare the post of Inspector of Police as Gazetted class II in the scale of Rs. 625-25-875-EB-30-1025-EB-40-1225 w.e.f. 1st June, '80.

2. While fixing the pay of the Inspector of Police already in service before the 1st June '80, one who has rendered a minimum service of three years as Inspector of Police shall be entitled to one premature increment in the new scale of pay subject to the condition that the maximum premature increment shall not exceed three increments at the rate of Rs. 25/-. In other words, one increment for every three years of service subject to a maximum of three increments in the new scale. After adding the admissible premature increment, the pay shall be fixed at the next higher stage in case there is shortfall for proper stage.

3. The following allowance prescribed for the various categories of Inspectors of Police shall continue to be drawn in addition to allowances like Hill Compensatory Allowance, Dearness Allowance and House Rent Allowance:—

(1) Kit Maintenance Allowance;
(2) Special Allowance;
(3) Clothing Allowance;
(4) Frontier Allowance.

4. The extra salary admissible under para 3 of the Notification No. 167 (Gen) Est. dated 19th Sept. '79 shall cease to be drawn w.e.f. 1st July '80.

T. CHHOPHEL,  
Secretary,  
Establishment Department.

---

Notification No. 130(G)/Est.  
Dated Gangtok, the 21st August, 1980.

The Governor has been pleased to sanction the creation of the following posts in the PHSC/Disp. indicated below under the Health and Family Welfare Department with effect from 17th July, 1980 i.e. the date of approval:—

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of PHSC/Disp.</th>
<th>No. of the post created and Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH DISTRICT</td>
<td>Compounder Auxillary Nurse-cum-Mid-wife Ward Attendent</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Lachen</td>
<td>-</td>
</tr>
<tr>
<td>2.</td>
<td>Lachung</td>
<td>-</td>
</tr>
<tr>
<td>3.</td>
<td>Lingthem</td>
<td>-</td>
</tr>
<tr>
<td>4.</td>
<td>Tinbong</td>
<td>1</td>
</tr>
<tr>
<td>5.</td>
<td>Sakyong Pentong</td>
<td>1</td>
</tr>
<tr>
<td>6.</td>
<td>Hee-Gyathang</td>
<td>-</td>
</tr>
<tr>
<td>7.</td>
<td>Gor</td>
<td>1</td>
</tr>
<tr>
<td>8.</td>
<td>Namok</td>
<td>1</td>
</tr>
</tbody>
</table>

4 8

EAST DISTRICT

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of PHSC/Disp.</th>
<th>No. of the post created and Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Makha</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Aho</td>
<td>1</td>
</tr>
<tr>
<td>3.</td>
<td>Martam</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Assam Linzey</td>
<td>1</td>
</tr>
<tr>
<td>5.</td>
<td>Tarey Thang</td>
<td>1</td>
</tr>
<tr>
<td>6.</td>
<td>Rumtek</td>
<td>1</td>
</tr>
<tr>
<td>7.</td>
<td>Nariichting</td>
<td>-</td>
</tr>
<tr>
<td>8.</td>
<td>Simik Linzey</td>
<td>-</td>
</tr>
</tbody>
</table>

6 8 1

WEST DISTRICT

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of PHSC/Disp.</th>
<th>No. of the post created and Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Mangalbarey</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Magnanimkarzey</td>
<td>1</td>
</tr>
<tr>
<td>3.</td>
<td>Gerethang</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Darap</td>
<td>1</td>
</tr>
<tr>
<td>5.</td>
<td>Reshi</td>
<td>1</td>
</tr>
<tr>
<td>6.</td>
<td>Heeyangthang</td>
<td>1</td>
</tr>
<tr>
<td>7.</td>
<td>Dentam</td>
<td>-</td>
</tr>
<tr>
<td>8.</td>
<td>Yoksom</td>
<td>-</td>
</tr>
</tbody>
</table>

6 8 1
### SOUTH DISTRICT

1. Sadam 1 1 -  
2. Vok 1 1 -  
3. Bermiok 1 1 -  
4. Tinkitam 1 1 -  
5. Lingmoo 1 1 1  
6. LingiPayong 1 1 -  
7. Ratey Paney 1 1 -  
8. Kewzing 1 1 -  
9. Melli - 1 -  
10. Polot - 1 -  
11. Yangang - 1 -  

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>11</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

---

**GRANT TOTAL** 23 35 2

The expenditure on the above posts shall be debitable to Budget Head-"280-PHSC/A (2)(10)(1)"-Salaries.

By Order

L. T. TONYOT,  
Joint Secretary,  
Establishment Department.

---

Notification No. 131(Gen)/Est.  
Dated Gangtok, the 22nd August, 1980.

The Governor is pleased to sanction the creation of the following posts in the Irrigation Wing under Rural Development Department with effect from 1st August, 1980 i.e. the date of approval:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Post</th>
<th>No. of posts</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Divisional Engineer</td>
<td>1</td>
<td>900-1800</td>
</tr>
<tr>
<td>2</td>
<td>Accountant</td>
<td>1</td>
<td>450-800</td>
</tr>
<tr>
<td>3</td>
<td>S.A.C.</td>
<td>1</td>
<td>410-700</td>
</tr>
<tr>
<td>4</td>
<td>L.D.C.</td>
<td>1</td>
<td>380-550</td>
</tr>
<tr>
<td>5</td>
<td>Driver</td>
<td>1</td>
<td>350-550</td>
</tr>
<tr>
<td>6</td>
<td>Peon</td>
<td>1</td>
<td>300-380</td>
</tr>
</tbody>
</table>

The expenditure on the posts shall be debitable to Budget Head- "306 DI (1)(1)-Salaries"

By Order

L. T. TONYOT,  
Joint Secretary,  
Establishment Department.

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Office Order No. 536(G)/Est.  
Dated Gangtok, the 25th August, 1980.

Dr. Surjeet Prasad Sharma has been appointed in a temporary capacity to the post of General Duty Medical Officer, S.T. N.M. Hospital in the Health & Family Welfare Department on a monthly pay of Rs. 660/-p.m. in the scale of Rs. 660-25-910-EB-30-1240-EB-40-1400 (Gazetted) w.e.f. 11.8.80. In addition, he will draw the N.P.A. @ 50% of pay subject to maximum of Rs. 660/-p.m. from the above date.

As usual, he will be on probation for one year.

By Order

L. B. Rai,  
Deputy Secretary,  
Establishment Department.

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Office Order No. 538(G)/Est.  
Dated Gangtok, the 25th August, 1980.

Shri Indra Prasad Kharel is appointed in a temporary capacity to the post of Assistant Engineer in the Irrigation Department on a monthly pay of Rs. 660/-p.m. (Gazetted) in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 with effect from 1.9.80.

By Order

L. B. Rai,  
Deputy Secretary,  
Establishment Department.
Office Order No. 543(G)/Est.  
Dated Gangtok, the 27th August, 1980.  

Consequent on the creation of 3 posts of Functional Manager in the Industries Department vide this Department Notification No. 120/G/Est. of 5.8.78, Shri D.P. Barsal, Shri I.K. Tamang and Shri B.N. Sharma, Technical Officers of the Department, are hereby promoted to fill up the above posts in officiating capacities from the dates they assume charge of the posts.  

During the period of officiation, they will draw the minimum of Rs. 780/-p.m. without scale.  

As functional Managers, their inter-se seniority shall be in the same order as they existed in the lower grade prior to the present promotion.  

By Order  
L.B. RAI,  
Deputy Secretary,  
Establishment Department.  

Notification No. 133(G)/Est.  
Dated Gangtok, the 30th August, 1980.  

The Governor has been pleased to sanction the creation of following posts in the Agriculture Department with effect from 1st August, 1980, i.e. the date of approval:—  

<table>
<thead>
<tr>
<th>S1.</th>
<th>Name of Post</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Research Assistant (Cardamom)</td>
<td>2</td>
<td>Rs. 660-1400</td>
</tr>
<tr>
<td>2.</td>
<td>Fieldman (Cardamom)</td>
<td>4</td>
<td>Rs. 300-380</td>
</tr>
</tbody>
</table>

The expenditures on the above posts shall be debitable to Major Head "305 B Agriculture-B.5-Commercial Crops."  

By Order  
L.B. RAI,  
Deputy Secretary,  
Establishment Department.  

Notification No. 134 (G)/Est.  
Dated Gangtok, the 30th August, 1980.  

The Governor has been pleased to sanction the creation of 4 (Four) posts of Peon in the scale of Rs. 300-4-340-5-380 for the offices of Deputy Directors stationed at 4 different Districts under Agriculture Department with effect from 17th July, 1980, i.e. the date of approval.  

By Order  
K. TOBDEN,  
Under Secretary, (Employment Cell),  
Establishment Department.  

GOVERNMENT OF SIKKIM  
DEPARTMENT OF ANIMAL HUSBANDRY  

Notification No. 4/AH.  
Dated Gangtok, the 22nd July, 1980.  

In accordance with the provision contained in clause 15 (1) of the Articles of Association of Sikkim Livestock Development Corporation Ltd., Shri Sonam Paljor has been appointed as one of the Directors of the Board.  

By order of the Governor.  
M. P. PRADHAN,  
Chief Secretary,  
Government of Sikkim.  

Notification No. 5/AH.  
Dated Gangtok, the 22nd July, 1980.  

Consequent upon the vacancy caused by the resignation of Dr. R.C. Khera, Shri Sonam Paljor, General Manager, Sikkim Livestock Development Corporation, is appointed as the Managing Director, with effect from the date of taking over the charge of Managing Director of the Sikkim Livestock Development Corporation. Shri Paljor shall continue to have lien in the Department of Animal Husbandry.  

By order of the Governor.  
M. P. PRADHAN,  
Chief Secretary,  
Government of Sikkim.
PART III
Rules, Orders, Press Notes etc.
GOVERNMENT OF SIKKIM
DEPARTMENT OF INFORMATION AND PUBLIC RELATIONS
NOTIFICATION


Advertising Policy of the State Government

In order to regulate the release of advertisements in various newspapers, periodicals and other publications, the following guidelines are issued for the use of departments and autonomous bodies of the State Government. The primary objective of Government advertising is to secure the widest possible publicity coverage.

Guidelines

1. Political affiliations will not be taken into account in placing Government advertisements.
2. Advertisements will not be issued to newspapers and other publications which incite communal passions or preach violence or offend socially accepted conventions of public decency and morals.
3. Advertisements are not intended to be a measure of financial assistance.
4. In pursuance of broader social objectives of the Government, however, weightage or consideration will be given to:
   (a) small and medium newspapers and periodicals;
   (b) specialised, scientific and technical journals;
   (c) papers and periodicals being published in backward local languages;
   (d) any other category which the State Government may consider appropriate for special and bonafide reasons.
5. Small, medium and big newspapers or periodicals shall be categorised as under:
   (a) Small : up to 15,000 with a minimum of 1,000 circulation of each issue.
   (b) Medium : Between 15,000 and 50,000 circulation of each issue.
   (c) Big : Above 50,000 circulation of each issue.
6. In selecting newspapers or periodicals for placing advertisements, the following consideration will be taken into account within the funds available:
   (a) To aim at coverage of readers from different walks of life, particularly in the case of national campaigns;
   (b) Newspapers or periodicals should have uninterrupted and regular publication for a period of not less than one year;
   (c) House magazines and Souvenirs shall be excluded.
7. In order to be eligible for the award of advertisements, the minimum number of issues and the period of publication of dailies, weeklies and other periodicals shall be as follow:
   (a) Dailies 1 year 250 issues
   (b) Weeklies 15 months 60 issues
   (c) Fortnightlies 18 months 36 issues
   (d) Monthlys 2 years 24 issues
   (e) Bimonthlies 2 years 4 months 14 issues
   (f) Quarterlies 2 years 6 months 10 issues
   (g) Half-yearlies 3 years 6 issues
   (h) Yearlies 5 years 5 issues

Skipping of issues will not be condoned for the purpose of grant of advertisements.

For newspapers or periodicals, the circulation may be accepted on the basis of a certificate issued by a Registered Chartered Accountant. The circulation figures, if proved incorrect, will render the newspapers or periodicals ineligible for advertisements besides any other action which the State Government may deem appropriate.

9. Newspapers and periodicals shall conform to the following standards in order to be eligible for advertisements.
<table>
<thead>
<tr>
<th>Type of publications</th>
<th>Minimum number of pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Daily</td>
<td>4</td>
</tr>
<tr>
<td>(b) Weekly</td>
<td>8</td>
</tr>
<tr>
<td>(c) Fortnightly</td>
<td>12</td>
</tr>
<tr>
<td>(d) Monthly, Bi-monthly and Quarterly</td>
<td>24</td>
</tr>
<tr>
<td>(e) Half-yearly and others</td>
<td>40</td>
</tr>
</tbody>
</table>

10. A daily paper shall have a print area of not less than 32 cm x 4 standard columns. The standards as indicated above may be relaxed by the State Government for special reasons.

11. The advertising policy of the Government of India will be followed by the State Government while releasing advertisements to the newspapers or periodicals which are published from outside the State.

12. All the advertisements of the Departments and autonomous bodies of the State Government shall be channelised through the Department of Information and Public Relations before their release to the newspapers or periodicals. The Department of Information and Public Relations shall scrutinise the advertisements from various angles; and either accept or reject or modify them. Thereafter, the Information and Public Relations Department will release the advertisements to newspapers or periodicals in accordance with the advertising policy of the State Government.

13. The advertising policy of the State Government shall be applicable to those advertisements, the charges of which are met from either the Plan or Non-Plan funds of the State.

14. The State Government shall not be liable for the payment of charge for advertisements which are released in contravention of the advertising policy of the Government.

15. This notification shall supercede the Circular No. 20/78.79/IPR dated 21st July, 1978; and it shall be effective from 1st August, 1980.

By Order

SONAM WANGDI,
Secretary to the Government of Sikkim,
Information and Public Relations Department.
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 Check Posts as Police Stations with the local areas specified against each of them as jurisdictions:

<table>
<thead>
<tr>
<th>Police Stations</th>
<th>Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td>SHERATHANG :</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>West</td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
<tr>
<td>KUPUP :</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>West</td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
<tr>
<td>CHUNGTHANG :</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>West</td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
<tr>
<td>LACHEN :</td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>West</td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
</tbody>
</table>
5. LACHUNG : East Thankarla bordering Tibet of China region.
               South Upto Bob.
               West Lachunghosa stretching along Taroomchu.
               North Upto Dongkyala.

6. UTTAREY : East Singson khola.
              South Phahit bordering W. B.
              West Cheaya Many banjong bordering Nepal.
              North Kalez khola.

T. NAMGYAL,
Dy. Inspector General of Police,
Gangtok, Sikkim.
<table>
<thead>
<tr>
<th>PART</th>
<th>CONTENTS</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>II</td>
<td>Notifications regarding appointments, postings, transfers leave etc.</td>
<td>78-82</td>
</tr>
<tr>
<td>III</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>IV</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>V</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>VI</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>VII</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>VIII</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>IX</td>
<td>(i) Nil</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>(ii) Nil</td>
<td></td>
</tr>
</tbody>
</table>
Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM
Notification No. 6(2)/79-80/R/HCS/77
Dated Gangtok, the 3rd September, 1980.

CORRIGENDUM

Read Rs. 1250-70-1950-EB-75-2150 instead of Rs. 1200-50-1450-EB-60-2050 against the post of Registrar mentioned in column No. 4 of the first schedule to the High Court Establishment (Conditions of Service) Rules, 1979.

By Order

G. S. KALRA,
Registrar.

HOME DEPARTMENT
NOTIFICATION
No. 16/DI/79-80(Vol.II)
Dated Gangtok, the 24th June, 1980.

In supersession of Home Department Notification No. 20(l)-76 KBD/Home/993 dated 30th August 1978, the Governor is pleased to reconstitute the Sikkim Khadi & Village Industries Board with the following Members with immediate effect:

1. Mr. Mohan Sharma (MLA) - Chairman.
2. Mr. Kalzang Gyatso Bhutia, Kabi (North) - Member.
3. Mr. Tasa Tangey (North) - Member.
4. Mr. U. C. Basistha, Rhenock (East) - Member.
5. Mr. Phigu Tshering Lepcha, Samdong (East) - Member.
6. Mr. D. P. Rajalim, Namchi (South) - Member.
7. Mr. C. B. Barakote, Song (East) - Member.
8. Mr. Tilak Bahadur Pradhan, Melli Dara (South) - Member.
9. Ram Prasad Dhakal, Lower Payong (South) - Member.
10. Mr. Dhamu Datta Sharma, Timbumbong (West) - Member.
11. Mr. Saman Singh Limboo, Hee Youngthang, (West) - Member.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.

NOTIFICATION
No. 2(3)Home/77.
Dated Gangtok, the 26th September, 1980.

In continuation of Home Department Notification No. 16/DI/79-80(Vol.II), dated the 24th June, 1980, reconstituting the Sikkim Khadi and Village Industries Board, the Governor is pleased to depute the Development Commissioner, Secretary Industries and Secretary, Rural Development to act as observers on behalf of the Government in the reconstituted Board.

M.P. PRADHAN,
Chief Secretary,
Government of Sikkim.

ESTABLISHMENT DEPARTMENT

Notification No. 18 (G)/Est.
Dated Gangtok, the 14th April, 1980.

The Governor has been pleased to sanction the creation of the following posts for Crime Branch of the Police Department with effect from 29.3.1980.

i.e. the date of approval:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the post</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Deputy Superintendent of Police</td>
<td>1</td>
<td>Rs. 660-1400</td>
</tr>
<tr>
<td>2.</td>
<td>Inspector of Police</td>
<td>3</td>
<td>Rs. 550-1100</td>
</tr>
<tr>
<td>3.</td>
<td>Sub-Inspector of Police</td>
<td>3</td>
<td>Rs. 480-850</td>
</tr>
<tr>
<td>4.</td>
<td>Asstt. Sub-Inspector of Police</td>
<td>3</td>
<td>Rs. 410-700</td>
</tr>
<tr>
<td>5.</td>
<td>Head Constable</td>
<td>2</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>6.</td>
<td>Constable</td>
<td>6</td>
<td>Rs. 340-500</td>
</tr>
<tr>
<td>7.</td>
<td>Driver</td>
<td>2</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>8.</td>
<td>Head Assistant</td>
<td>1</td>
<td>Rs. 450-800</td>
</tr>
<tr>
<td>9.</td>
<td>Sr. Accounts Clerk</td>
<td>1</td>
<td>Rs. 410-700</td>
</tr>
<tr>
<td>10.</td>
<td>Lower Division Clerk</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Typist</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>12.</td>
<td>Stenographer Grade II</td>
<td>1</td>
<td>Rs. 480-850</td>
</tr>
<tr>
<td>13.</td>
<td>Sweeper</td>
<td>1</td>
<td>Rs. 300-380</td>
</tr>
</tbody>
</table>

The expenditure on the posts shall be debitable to Major Head "255-A2(2)(I) Salaries-Crime Investigation Branch".

By Order

**L. T. TONYOT, Joint Secretary, Establishment Department.**

Notification No. 567(G)/Est. Dated Gangtok, the 3rd September, 1980.

The Governor of Sikkim is pleased to up-grade the post of Graduate Artist in Enchey Higher Secondary School under Education Department to that of Master Artist in the scale of Rs. 660-25-910-Eb-30-1240-EB-40-1400 w.e.f. 11.8.80 and to approve the promotion of Shri Topden Lharipa presently holding the post of Graduate Artist to that of Master Artist in the prescribed up-grade scale w.e.f. the same date.

As usual, he will be on probation for one year.

By Order

**L.B. Rai,**
Deputy Secretary,
Establishment Department.

Notification No. 137 (G)/Est. Dated Gangtok, the 5th September, 1980.

The Governor is pleased to sanction the creation of a post of Personal Assistant to the Home Secretary in the scale of Rs. 550-20-750-EB-25-950-EB-30-1100 in the Home Department with effect from 11th August, 1980, i.e. the date of approval.

The expenditure on the post shall be debitable to Budget Head "252 DI (1)-Salaries.'

By Order

**L.T. TONYOT, Joint Secretary, Establishment Department.**

Office Order No. 581 (G)/Est. Dated Gangtok, the 8th September, 1980.

This Department Office Order No. 2978/G/Est. dt. 14th July 1980 terminating the temporary Service of Shri Peter Poning, Development Officer (Feed and Feeder), Animal Husbandry Department, is hereby revoked.

Consequently his temporary service is extended for one year upto 29.3.81.

By Order

**L.B. RAI,**
Deputy Secretary,
Establishment Department.
Office Order No. 582(G)/Est.
Dated Gangtok, the 8th September, 1980.

In continuation of this Department Office Order No. 399/G/Est. of 7.6.80 the consolidated pay of Dr. R.D Katiyar, consequent on his redesignation as Joint Director (Research Epidemiologist) in the Animal Husbandry Department is fixed at Rs. 1510/- p.m. w.e.f. 16-6.80. Pension being drawn by him from his parent-Department shall continue to be protected.

He is further granted House Rent Allowance @ 121/2% of basic pay if not in occupation of Govt. quarter.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 598(G)/Est.
Dated Gangtok, the 10th September, 1980.

Consequent on the creation of a post of State. Wild Life Officer in the Directorate of Fish & Wild Life vide Notification No. 89/Gen/Est. of 17.6.77, Shri W. T. Lucksom, divisional Forest Officer, Wild Life, is designated temporarily on SWLO with immediate effect till the selection and appointment of the Forest Officers to the I.F.S. is made.

The post shall be on ex-cadre post subject to review later.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

Office Order No. 601(G)/Est.
Dated Gangtok, the 11th September, 1980.

Extension of Leave for 47 days w.e.f. 12.7.80 to 27.8.80 applied for and already availed of by Shri Shankar Kapoor, Special Secretary, Home Department, in continuation of previous leave sanctioned vide this Department O.O. No. 357/G/Est. of 26.6.80, is hereby sanctioned as under:-

(i) 19 days w.e.f. 12.7.80 to 30.7.80 as Earned Leave on Medical Ground on half pay.

(ii) 28 days w.e.f. 31.7.80 to 27.8.80 as Medical Leave on half pay subject to adjustment against the leave earned by him subsequently.

By Order
D. T. BHUTIA,
Under Secretary,
Establishment Department.

Office Order No. 609(G)/Est.
Dated Gangtok, the 12th September, 1980.

Leave for 30 days w.e.f. 287.80 to 26.8.80 applied for and already availed of by Shri P. O. Pazo, Chief Conservator of Forest, Forest Department, is hereby sanctioned as Earned Leave.

During his absence on leave Shri P. S. Moktan, Addl. Chief Conservator of Forest is allowed to look after the duties of the absentee in addition to his own.

By Order
D. T. BHUTIA,
Under Secretary,
Establishment Department.

Office Order No. 612(G)/Est.
Dated Gangtok, the 12th September, 1980.

Shri T. Densapa, Deputy Director, Culture Affairs, is entrusted to assist the Secretary, Scheduled Tribe and Scheduled Castes Welfare, as Deputy Director addition to his own duties of the Cultural Affairs Deptt.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 143(G)/Est.
Dated Gangtok, the 12th September, 1980.

The Governor is pleased to upgrade and redesignate the existing post of Assistant Curator in the scale of Rs. 510-15-630-EB-1872G-EB-20-900 in the Forest Department as Curator in the scale of Rs.
Notification No. 144 (G)/Est.
Dated Gangtok, the 12th September, 1980.

The Governor has been pleased to sanctioned the creation of two posts of Sweeper in the scale of Rs. 300-4-340-5-380 in the Home Department with effect from 25th August, 1980, i.e. the date of approval.

The expenditure on the above post shall be debitable to Major Head " 252 " B.2 (1) - Salaries.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 145(G)/Est.
Dated Gangtok, the 12th September, 1980.

The Governor has been pleased to sanctioned the creation of the following ten posts in the Mines & Geology Department with effect from 25th August, 1980, i.e. the date of approval.

S.L. No. Name of Post No. of Post Scale Created.
1. Geologist. 1 Rs. 900-1800
2. Asst. Geologist. 2 Rs. 660 - 1400
3. Surveyor. 3 Rs. 450- 800
4. U.D.A. 1 Rs. 410 - 700
5. L.D.A. 1 Rs. 380- 550
6. Tech. Assistant. 1 Rs. 340 - 500
7. Peon. 1 Rs. 300- 380

The expenditures on the above posts are debitable to Head " 328 - M & M.E. I (1) (1) (l)- Salaries,"

By Order
L.T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 148 (G)/Est.
Dated Gangtok, the 18th September, 1980.

Pursuant to Rule 24 of Sikkim Govt. Services (Revised Pay) Rules, 78, the Governor has been pleased to order that Graduate/Post Graduates in Agriculture, on their appointment as Agriculture, Inspector in the scale of Rs. 510-900 under Agriculture Department, shall be entitled to advance increments as under :

1. Agriculture = 2 advance increment Graduate @ Rs. 15/- each.
2. Agriculture = 4 advance increment Post Graduate @ Rs. 15/-each.

This order takes effect from 12.9.80 i.e. the date of approval.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

Office Order No. 647 (G)/Est.
Dated Gangtok, the 22nd September, 1980.

Consequent on the successful completion of Diploma Course in Hotel management, Shri Lhendup Dorjee Lepcha, Manager, Tourist Lodge, Tourism Department is hereby allowed to draw the prescribed scale of Rs. 660-25-910-EB-30-1240-EB-40-1400 w.e.f. 18.5.79.

He will be on probation for one year.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 648(G)/Est.
Dated Gangtok, the 22nd September, 1980.

Shri Chuk Tsering Bhutia, Manager, Gangtok Tourist Lodge, Tourism Department, is placed in the scale of Rs. 660-25-910-EB-30-1240-EB-40-1400 w.e.f. 1.5.80.

He will be on probation for one year.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.
Office Order No. 671(G)/Est.
Dated Gangtok, the 24th September, 1980.

Shri R.K. Uprety, D.D.O-cum-Planning Officer (East), Rural Development Department, is hereby placed in the scale of Rs. 900-40-1180-Eb-45-1450-Eb-50-1800 w.e.f. 9.7.80. He shall, however, continue to hold the same post.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Local Self Government & Housing Department

Notification No 18/LSGHD
Dated Gangtok, the 25th August 1980.

Under Section 3(5) of the Gangtok Municipal Corporation Act 1975, Shri T. Topden, District Collector, East is appointed as Administrator of the Gangtok Municipal Corporation ifi addition to his own duties w.e.f. 25.8.80 to 6.9.80 in place of Shri S.W. Tenzing, deputed for attending a course on Management of Municipal Personnel in New Delhi, for the said period.

C.D. Rai,
Secretary,
Local Self Govt. Housing Department.

Office Order No. 672/(G)Est.
Dated Gangtok, the 25th September, 1980.

Consequent on the creation of a post of Deputy Director in the Tourism Department in the scale of Rs. 900-40-1180-Eb-45-1450-Eb-50-1800 for their Siliguri Office vide this Department Notifin. No. 60 (Gen)/Est. of 19.5.80, Shri B. S. Rai, Assistant Director in the Department, is promoted and posted against the above post w.e.f. 28.4.80 i.e. the date of the creation of the post. He will be on probation for one year.

By Order

L.B. Rai,
Deputy Secretary,
Establishment Department.
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<td>IV - Nil</td>
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<td>VIII—Nil</td>
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<td>IX—(i) Nil</td>
<td></td>
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<tr>
<td>X—(ii) Nil</td>
<td></td>
</tr>
</tbody>
</table>
NOTIFICATIONS REGARDING APPOINTMENTS, POSTINGS, TRANSFERS AND LEAVE ETC.

HIGH COURT OF SIKKIM

Notification No. 74/HCS/ESTT.
Dated Gangtok, the 31st July, 1980.

Hon'ble the Chief Justice has been pleased to extend the period of deputation of Shree G. K. Khanna, Assistant Registrar cum-Reader of this Court, till 30.4.1981.

G. S. KALRA,
Registrar.

Notification No. S5/HCS/ESTT.
Dated Gangtok, the 7th October, 1980.

In partial modification of this Court’s Notification No. 56/HCS., dated the 12th October, 1977, Hon'ble the Chief Justice has been pleased to sanction annual increment of Rs. 50/- to Shree G.S. Sandhu, then Reader of this court, in the pay scale of Rs. 900-50-1100, plus Rs. 100/- as Special Pay, thereby raising his pay scale from Rs. 900/- to Rs. 950/- per month, with effect from 1.2.77.

Further, Hon'ble the Chief Justice has been pleased to sanction annual increment of Rs. 50/- to Shree GS. Sandhu, then Reader of this court, in the pay scale of Rs. 900-50-1100, thereby raising his pay scale from Rs. 950/- to Rs. 1000/- per month, with effect from 1.2.78.

G. S. KALRA,
Registrar.

HOME DEPARTMENT

NOTIFICATION

No. 2344(H)80
Dated Gangtok, 14th October, 1980.

In exercise of the powers conferred by Section 4(d) of the Sikkim Khadi and Village Industries Board Act of 1978, the State Government is pleased to appoint Shri U. C. Vashistha as Member Secretary of the Sikkim Khadi and Village Industries Board with effect from 10th July, 1980.

By Order

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.

OFFICE ORDER

No. 38(18)Home/75.
Dated Gangtok, the 25th October, 1980.

The Governor of Sikkim hereby appoints Shri DB Thatal, MLA, as a Director on the Board of the Sikkim Jewels Ltd. vice Shri Pradeep Yonzon, MLA, in accordance with article 91 of the Articles of Association of the Company.

By Order

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.

No. 222-H-80.
Dated Gangtok, the 29th October, 1980.

CIRCULAR

During Secretary, Home Department's absence on account of his tour to Delhi for Development Plan Discussions relating to S.N.T. The following arrangement are made to take effect from the date he proceeds for Delhi till he returns back for duty:—

1. Director, Vigilance shall submit all case matters requiring immediate orders and sanction direct to Chief Minister.
2. I.G.P. shall submit all matters beyond his powers to the C.S.

By Order

T. CHHOPLEL,
Secretary,
Establishment Department.

ESTABLISHMENT DEPARTMENT

CORRIGENDUM TO O.O. NO. 676/G/EST. OF 25.9.1980.

Substitute "Pempa Namgyal" for "S.P. Denjongpa" wherever it OCCURS IN THE Office Order referred to above.

By Order

D. T. BHUTIA,
Under Secretary,
Establishment Department.
Office Order No. 656(G)/Est.
Dated Gangtok, the 6th October, 1980.

Shri Padam Bhandari, Manager, Pema yangtse Tourist Lodge, Tourism Department, is placed in the scale of Rs. 600-25-910-EB-30-1240-EB-40-1400 w.e.f. 1.5-80. He will be on probation for one year.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 657 (G)/Est.
Dated Gangtok, the 6th October, 1980.

In continuation of this Deptt. O.O. No. 492/G/Est. of 6.8.80 the basic pay of Shri Dhan Subba, Divisional Engineer (water supply), SPWD, is hereby fixed at Rs.900/-p.m. in the scale Rs 900-40-1180-EB-45-1450-EB-50-1800 w.e.f. 6.8.80.

His next increment will fall due on 1.8.81 unless otherwise postponed by extra ordinary leave exceeding one month.

The inter-se Seniority between S/Shri K.K. Rasaily and Dhan Subba in the grade of Divisional Engineer shall continue to be the same as they existed in the grade of Asstt. Engineer.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Notification No. 171(G)/Est.
Dated Gangtok, the 14th October, 1980.

Concessions admissible to the Police personnel in accordance with this Department Notification No. 167 (Gen)/Est. of 19th September, 1979 are hereby granted to the Sikkim State Jail Staff also with retrospective effect i.e., 1.5.1979.

By Order

T. CHHOPHEL,
Secretary,
Establishment Department.

Office Order No. 724(G)/Est.
Dated Gangtok, the 23rd October, 1980.

Consequent on their successful completion of diploma in Wild Life Management. Shri H.P. Pradhanand Shri Chhezung Lahungra of the Directorate of Fish & Wild Life, are hereby appointed as Assistant Wild Life Officers in the scale of Rs.660-25-910-Et-30-1240-Eb-40-1400 w.e.f. 5.7.80 i.e. the date they joined the Department after successful completion of training, against the posts created vide this Department Notification No.59/G/Est. of 195.1980 and No.152/Gen/Est. of 20.9.80.

As regards their inter-se seniority, the same shall be regulated according to the Sikkim State Services (Regulation of Seniority) Rules, 1980.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 728(G)/Est.
Dated Gangtok, the 23rd October, 1980.

The Governor is pleased to upgrade one of the two posts of Deputy Director (Horticulture), in the Agriculture Deptt., to that of Joint Director Horticulture) in the scale of Rs. 1200-60-1440-Eb-70-2000 and to promote Shri G. K. Gurung to the upgraded post w.e.f., 17.9.80 i.e. the date of approval.

Shri Gurung, will be on probation for one year.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

Office Order No. 731(G)/Est.
Dated Gangtok, the 23rd October, 1980.

The request for higher salary made by Dr. R. D. Katiyar, Joint Director (Research), Animal Husbandry Department, being not entertainable, his alternative request for resignation from service w.e.f. 31.10.80 (A.N.) is hereby accepted duly relaxing the requirement of three months period notice to the Govt. for the resignation.

Further, he is allowed to avail of the amount of Earned Leave for 108 days that he will have due as on 31.10.80.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.
Office Order No. 732(G)/Est.  
Dated Gangtok, the 23rd October, 1980.

Shri Raghubir Prasad is hereby appointed as Assistant Engineer, in the Power Department, on contract for an initial period of one year w.e.f. 1.8.80 i.e. the date of approval.

The terms and conditions of his appointment at mutually agreed and accepted by him will be as per Annexure enclosed.

By Order  
L. B. RAi,  
Deputy Secretary,  
Establishment Department.

Office Order No. 740(G)/Est.  
Dated Gangtok, the 23rd October, 1980.

Shri P. Subba Rao, Director, Industries Department, is allowed to draw the annual increment of Rs.50/- p.m. in the scale of Rs.1100-50-1700 with effect from 1.9.80 thereby raising his pay from Rs.1450/- p.m. to Rs. 1500/- p.m.

Further in pursuance of SIET Institute, Hyderabad Office Order No.3(69)/63-Est/Vol.II/17317 of 26.9.80, his basic pay is fixed at Rs.1560/- p.m. in the scale of Rs.1500-60-1800 w.e.f. 16.9.80.

By Order  
L. B. RAi,  
Deputy Secretary,  
Establishment Department.

Notification No. 157 (G)/Est.  
Dated Gangtok, the 23rd September, 1980.

The Governor is pleased to sanction the creation of the following posts in the Animal Husbandry Department with effect from 7.9.1980, i.e. the date of approval

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Post</th>
<th>No. of Post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Additional Director</td>
<td>1</td>
<td>Rs. 1250-2100</td>
</tr>
<tr>
<td>2.</td>
<td>Joint Director</td>
<td>2</td>
<td>Rs. 1200-2000</td>
</tr>
<tr>
<td>3.</td>
<td>Deputy Director</td>
<td>2</td>
<td>Rs. 900-1800</td>
</tr>
<tr>
<td>4.</td>
<td>Sr. Veterinary Officer</td>
<td>4</td>
<td>Rs. 780-1600</td>
</tr>
<tr>
<td>5.</td>
<td>Livestock Inspector</td>
<td>9</td>
<td>Rs. 510-900</td>
</tr>
</tbody>
</table>

6. Senior Supervisor 10 Rs 420-800  
The expenditure on the above posts shall be debitabie to Head -310A-A3 (1) (1) A3(4)(1)&A5 (2)(1).

By Order  
L. T. TONYOT,  
Joint Secretary,  
Establishment Department

Notification No. 164(Gen)/Est.  
Dated Gangtok, the 27th September, 1980.

The Governor is pleased to upgrade the post of Electrician in Sikkim House, New Delhi, under Home Deptt. with higher scale of Rs. 410-700 in amendment to Schedule 44 of Sikkim Govt. Services (Revised Pay) Rules, 78 to the extent relevant on the matter w.e.f. 6.9.80 i.e. date of approval.

By Order  
L. T. TONYOT,  
Joint Secretary,  
Establishment Department.

Notification No. 1/9 (G)/Est.  
Dated Gangtok, the 25th October, 1980

The Governor has been pleased to sanction the creation of following posts in the Rural Development Department w.e.f. 29.9.80 i.e. the date of approval

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Post</th>
<th>No. of Post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sub-Overseer</td>
<td>2</td>
<td>Rs. 380-550 Minor Irrigation (B-I(I)-Salaries-(Plan).)</td>
</tr>
</tbody>
</table>

B. Head. "306 B"
2. Assistant Engineer (Planning) 1 Rs 660-1400 "314-C-Community Development-C 1 (D(3)-(Plan)."

3. Driver 1 Rs. 350-550

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification N.K. 180(G)/Est.
Dated Gangtok, the 25th October, 1980.

The Governor is pleased to sanction the creation of following posts in the Agriculture Department w.e.f. 29.9.1980. i.e. the date of approval.

Sl. Name of No. of Post Scale B. head.
No. Post created.

1. Sweeper 1. Rs. 300-380 B-Agriculture-B II D & A 1(0)-Salary

2. Farm Management specialist. 1. Rs.660-1400

3. Asstt. Training Officer 2. Rs.510-900 B-Agriculture-B 6 (3)-Farmers' Training


By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 181 (G)/Est.
Dated Gangtok, the 25th October, 1980.

The Governor has been pleased to sanction the creation of a post of a Lecturer in Political Science for the Government Degree College at Gangtok in the U.G.C. scale of Rs. 700-1600 w.e.f. 29.9.80 i.e. the date of approval.

The expenditure on the above post shall be debitable to the Head A4 (1) (l) Govt. Degree College, Gangtok, A4(l)(l) (1)-Salaries.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 183(G)/Est.
Dated Gangtok, the 25th October, 1980.

The Governor has been pleased to sanction the creation of two posts of L.D.C. in the scale of Rs. 380-7-450-EB-8-530-EB-10-550 under Home Department for the office of the Education Minister with effect from 1.9.80.

The expenditure on the above post shall be debitable to the Head- "252B2(1)-Salaries". 

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

Notification No. 190 (G)/Est.
Dated Gangtok, the 31st October, 1980.

The Governor has been pleased to sanction the creation of the following posts in the weight & Measures Cell of Food & Civil Supplies Department w.e.f. 13.10.1980, i.e. the date of approval.

Sl. Name of No. of post Scale No. Post created.

1. Driver 1. Rs. 350-550

2. Laboratory Assistant 2. Rs. 340-500

The expenditure on the above posts shall be debitable to head - "304-C(l) Regulation of weights & Measures Salaries."

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.
FINANCE DEPARTMENT
Office Order No. 214/Fin.
Dated Gangtok, the 27th September, 1980.

Mr. M. Basheer Ahmed, Accounts Officer, Pay and Accounts Office, Government of Sikkim, is hereby allowed to sign cheques with immediate effect duly treating the specimen signature of Mr. L. N. Pradhan, Accounts Officer, as cancelled.

By Order

L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 237/Fin.
Dated Gangtok, the 24th October, 1980.

Director of Health Service, Health and Family Welfare Department, Government of Sikkim, is hereby delegated with the financial powers as that of Head of Department as and when the Secretary, Health Service remains on leave/Tour.

By Order

L. B. PRADHAN,
Joint Secretary,
Finance Department.

Office Order No. 239/Fin.
Dated Gangtok, the 24th October, 1980.

Mr. Tashi Dersapa, Deputy Director Cultural Affairs, Government of Sikkim, who has been entrusted to assist the Secretary, Scheduled Tribes & Scheduled Caste Department, as Deputy Secretary, in addition to his own duties vide O.O. No. 412 (G)Est. dated 19.9.1980 is hereby declared as Head of office as well as Drawing & Disbursing officer of Scheduled Tribes & Scheduled Castes Department, Government of Sikkim, with effect from 25.10.1980.

Consequently this Department Office Order No. 110/Fin/dated 1.8.1980 declaring Mr. T. Wangdi, Welfare Officer, Scheduled Tribes Department, Government of Sikkim as Drawing & Disbursing Officer, stands as withdrawn with effect from the aforesaid date.

By Order

L. B. PRADHAN,
Joint Secretary,
Finance Department.
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<td>V—Nil</td>
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<td>VII—Nil</td>
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<td>IX—(i) Nil</td>
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<td>X—(ii) Nil</td>
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</tr>
</tbody>
</table>
Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM
NOTIFICATION
No. 85/HCS/ESTT.

Dated Gangtok, the 15th. October, 1980.

Hon'ble the Chief Justice has been pleased to allow Shri Gautam Ray, Secretary to Hon'ble the Chief Justice, to draw charge allowance of Rs. 330/- per month, with effect from 4-10-80 to 9-11-80, for holding the additional charge of the post of Deputy Registrar of this Court. This includes Special Pay of Rs. 150/- which is attached to the post of Deputy Registrar to which he is entitled under Rule 38(2) of Sikkim Government Service Rules.

G.S. KALRA,
Registrar.

OFFICE ORDER
REF No. 5(5)79/GAZ/HCS/87
Dated Gangtok, the 14th November, 1980.

Consequent upon the revision of the pay scale of Shri GS. Kalara from Rs. 1200-2000 to 1580-2000/75-2000/100-2400 by his parent Government in partial modification of the office notification No. 55/79/Gz/23 dated 9th November, 1979, the pay of Shri G.S. Kalara is fixed at Rs. 2200 with effect from 1st November, 1979.

By Order
G. S. KALRA,
Registrar.

NOTIFICATION
No. 89/HCS/ESTT.
Dated Gangtok, the 17th November, 1980.

CURRIGENDUM
Read Rs. 310-4-330-5-400 instead of Rs. 320-5-390-6-450 against the post of Malis mentioned in this court's Notification No. 72/HCS/ESTT., dated the, 6th August, 1980.

G. S. KALRA,
Registrar.

ESTABLISHMENT DEPARTMENT
No. (G)/Est.
Dated-Gangtok, the 16th September, 1980.

CORRIGENDUM TO OO. NO. 612/ G/EST OF 12-9-80

Please substitute "Deputy Secretary" for the wards "Deputy Director" occuring in between the wards "as" and "comma in the third line of the Office Order referred to above.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 749(G)/Est.
Dated Gangtok, the 27th October, 1980.

Leave for 27 days w.e.f. 10.11.80 to 6.12.80 applied for by Lt. Col. P. Choudhuri, Secretary, Sikkim Rajya Sainik Board, is hereby sanctioned as Earned Leave with permission to prefix and suffix Gazetted Holidays.

By Order
D. T. BHUTIA,
Under Secretary,
Establishment Department.

OFFICE ORDER
No. 759(G)/Est.
Dated Gangtok, the 31st October, 1980.

The Governor of Sikkim is pleased to appoint Dr. (Mrs) P. Saraswathi, Tutor in Pathology, Kakatiyar Medical College Warangal, Govt. of Andhra Pradesh as Ophthalmologist in the S.T.N.M. Hospital Health and Family Welfare Department on deputation for a period of two years with effect from 3.10.80 i.e. the date of relief by Medical & Health Department. Govt. of Andhra Pradesh.

Her services on deputation shall be governed by the terms and condition
as laid down in this Department Notification No. 78/Gen/Est. of 19.5.76 as amended from time to time.

By Order  

L. B. Rai,  
Deputy Secretary,  
Establishment Department.

OFFICE ORDER  
No. 760(G)/Est.  
Dated Gangtok, the 3rd November, 1980.

Consequent on the successful completion of post Graduate Degree Course in Applied Geology, Shri Tshering Tashi, Assistant Geologist, Mines and Geology Department, is hereby placed in the scale of Rs. 660-25-910-EB-30-1040-EB-40-1400 w.e.f. 30.7.80 i.e. the date on which the result was announced.

By Order  

L.B. Rai,  
Deputy Secretary,  
Establishment Department.

OFFICE ORDER  
No. 761(G)/Est.  
Dated Gangtok, the 3rd November, 1980.

The Governor is pleased to promote Dr. B.S. Basnett, Additional Director, Agriculture Department as Director of Agriculture vice Sri A.T. Sanyal in the scale of Rs.s. 1350-75-1800EB-100-2400 with effect from 4.11.80.

He will be on probation for one year.

By Order  

T. CHHOPHEL,  
Secretary,  
Establishment Department.

OFFICE ORDER  
No. 762(G)/Est.  
Dated Gangtok, the 3rd November 1980.

The contract term of Shri A.T. Sanyal, Director of Agriculture Department having expired on the afternoon of 3.11.80, is hereby extended by one year with effect from 4.11.80 to 3.11.81.

During the period of the above extension of contract, Shri Sanyal will function as Advisor, Agriculture Department and Director of Animal Husbandry Department.

By Order  

L. B. Rai,  
Deputy Secretary,  
Establishment Department.

OFFICE ORDER  
No. 769(G)/Est.  
Dated Gangtok, the 5th November, 1980.

Shri Karma Sonam Topgay is hereby provisionally appointed as Assistant Director in the Industries Department on a pay of Rs.660/-p.m. plus is other admissible allowances w.e.f. 24.9.80.

His appointment to the post in the prescribed scale shall be confirmed from the date of the announcement of the result as and when the same is received.

By Order  

L. B. Rai,  
Deputy Secretary,  
Establishment Department.

CORRIGENDUM TO OFFICE ORDER  
No. 749(G)/EST. DATED 29.1.1977.

Please read the effective date of promotion as "28.9.76" instead of "27.1.77" in the Office order referred to above.

By Order  

L. B. Rai,  
Deputy Secretary,  
Establishment Department.

CORRIGENDUM TO THE  
NOTIFICATION NO 179/GEN/EST.  
DT. 25.10.80.

Delete "full stop" after the word "approval" occurring in the third line of the Notification referred to above and add "and 21.7.80 in respect of the post of Driver at Sl. No. 3 below"

By Order  

L. T. TONYOT,  
Joint Secretary,  
Establishment Department.
OFFICE ORDER
No. 772(G)/Est.
Dated Gangtok, the 5th November, 1980.

The following intra-departmental transfers and posting of Assistant Engineers are made in the S.P.W.D., to take effect from the date they assume charge of the posts, transferred to:

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shri Govind Sharma</td>
<td>Building Sub-Division, Magan</td>
</tr>
<tr>
<td>T. Chankpa</td>
<td>vice Shri T. Chankpa</td>
</tr>
<tr>
<td>Shri Ghana Shyam Sharma</td>
<td>Staff Officer to Chief Enng.</td>
</tr>
<tr>
<td></td>
<td>Assistant Enng. Building.</td>
</tr>
</tbody>
</table>

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 773(G)/Est.
Dated Gangtok, the 5th November, 1980.

The Governor is pleased to appoint Shri P.B. Chandra, Gariti Tirtha, MA (Trip), L.L.B., DB.M., A.C.S.(Ind), A.O.I.S. (UK), as Lecturer-in-Charge-cum-acting Principal of the Sikkim Law College on contract basis for a period of six months initially w.e.f. the date he assumed charge of post on a consolidated salary of Rs. 2000/-p.m.

By Order
T. CHHOPHEL,
Secretary,
Establishment Department.

OFFICE ORDER
No. 774(G)/Est.
Dated Gangtok, the 6th November, 1980.

With the concurrence of the Ministry of Home Affairs, Govt. of India, as conveyed vide their letter No. A-3501/77-ADI(B) of 15.9.80 the term of deputation in respect of Shri Pritam Singh Special Assistant to Chief Secretary, Govt. of Sikkim, which expired on the after noon of 31.7.80, is hereby extended for a further period of six months w.e.f. 1.8.80 to 31.1.81 on the existing terms and conditions of deputation.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 776(G)/Est.
Dated Gangtok, the 6th November, 1980.

The last term of deputation in respect of Shri G.S. Kalra, District and Sessions Judge, having expired on the afternoon of 31.5.80, the same is extended for a further period of one year w.e.f. 1.6.80 to 31.5.81 on the existing terms and conditions of deputation as amended from time to time.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 782(G)/Est.
Dated Gangtok, the 6th November, 1980.

Leave for 15 days w.e.f. 10.11.80 to 24.11.80 applied for and being availed of by Shri P.S. Moktan, Addl. Chief Conservator of Forest Department, is hereby sanctioned subject to title report when personal file is released.

By Order
D. T. BHUTIA,
Under Secretary,
Establishment Department.
AMENDMENT TO OFFICE ORDER
NO. 605/G/EST. OF 12.9.80.

Substitute "10.6.78 and 10.6.79" for 1.5.79 and 15.80" occuring in the first para of Office Order referred to above.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 785(G)/Est.
Dated Gangtok, the 11th November, 1980.

The term of contract service in respect of Shri Parsuram Roka, Headmaster, Soreng High School under Education Department having expired on the afternoon of 25.9.80, is hereby extended for a further period of one year w.e.f. 19.80 to 25.9.81 on the existing terms and conditions of contract.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 795(G)/Est.
Dated Gangtok, the 12th November, 1980.

The following Officers of Sikkim State Forest Service are hereby allowed to draw the scale of pay as shown against their names as personal to them w.e.f. the dates shown against each:

PERSONAL SCALE
1. Shri P.O. Pazo (a) 1250-70-1950-EB-75-2100 w.e.f. 1.4.77 to 31.5.78.
(b) 1350-75-1800-EB-100-2400 w.e.f. 1.6.78.
2. Shri P.S. Moktan (a) 1200-60-1440-EB-70-2000 w.e.f. 1.11.77.
(b) 1250-70-1950-EB-75-2100 w.e.f. 11.8.78.
3. Shri N.C. Shenga Conservator of Forests, 1200-60-1440-EB-70-2000 w.e.f. 23.6.80 i.e. from the date he is holding the post of Conservator of Forest.
4. Shri P.K. Basnet Conservator of Forest.
5. Shri L.C. Simick Conservator of Forest.

By Order
L. B. Rai,
Deputy Secretary,
Establishment Department.

NOTIFICATION
No. 198(G)/Est.
Dated Gangtok, the 13th November, 1980.

In accordance with the Sikkim State Service (Regulation of Seniority) Rules, 1980, the inter-se seniority of the following member of the Sikkim State Civil Service is fixed as under:

POSITION IN THE NAME OF
SENIORITY
1. Shri K. Sherab
2. Shri R.K. Gupta
3. Shri P.S. Namgyal
4. Shri S.D. Rinchen
5. Shri C.M. Rasaily
6. Shri P.S. Subba
7. Shri M. Tshering
8. Shri L.B. Pradhan
9. Shri L.T. Tonyot
10. Shri T.P. Ghimirey
11. Shri P.D. Tashi
12. Shri Tse Ten Tashi
13. Shri P.T. Gyamtsho
14. Mrs. R.D. Reechung
15. Shri Chewang Dorjee
16. Shri T. Gyatsho
17. Shri D.K. Gazmer
18. Shri R.S. Basnet
19. Shri D. Dabdl
20. Shri Sonam Gyamtsho
21. Shri Lobzang Bhtia
22. Shri B.S. Rai
23. Shri B.N. Sharma
24. Shri R.S. Sherstha
25. Shri L.B. Rai
26. Smt. Kesang Densapa
27. Shri Nari Tshering
NOTIFICATION
No. 200(G)/Est.
Dated Gangtok, the 13th November, 1980.

The Governor has been pleased to sanction the creation of the following posts in the Scheduled Castes/Scheduled Tribe Welfare Department with effect from 27th October, 1980, i.e. the date of approval.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of post created</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Welfare Inspector (Scheduled Tribes Cell)</td>
<td>1.</td>
<td>510-900</td>
</tr>
<tr>
<td>2.</td>
<td>Office Superintendent (Scheduled Castes/Scheduled Tribes Cell)</td>
<td>1.</td>
<td>510-900</td>
</tr>
<tr>
<td>3.</td>
<td>Accountant (Scheduled Castes/Scheduled Tribes Cell)</td>
<td>1.</td>
<td>510-900</td>
</tr>
<tr>
<td>4.</td>
<td>Peon (Scheduled Castes/Scheduled Tribes Cells)</td>
<td>1.</td>
<td>450-800</td>
</tr>
<tr>
<td>5.</td>
<td>Stenographer Grade III (Scheduled Castes/Scheduled Tribes Cell)</td>
<td>1.</td>
<td>410-700</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head 288 HI(2)(1)-Salaries under Direction & Administration.

By Order

T. CHHOPHEL,
Secretary,
Establishment Department.

L. T. TONYOT,
Joint Secretary,
Establishment Department.
NOTIFICATION
No. 207 (Gen)/Est.
Dated Gangtok, the 22nd November, 1980.

The Governor is pleased to set up Branch of Pay & Accounts Office at Gyalshing, West District and sanction the creation of the following posts for this branch office with effect from 5.11.1980, the date of approval.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of post created</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Deputy Chief it-Accounts Officer.</td>
<td>1</td>
<td>Rs. 900-1800</td>
</tr>
<tr>
<td>2.</td>
<td>Accounts Officer</td>
<td>1</td>
<td>Rs. 660-1400</td>
</tr>
<tr>
<td>3.</td>
<td>Audit Superintendent</td>
<td>1</td>
<td>Rs. 510-900</td>
</tr>
<tr>
<td>4.</td>
<td>Accountant</td>
<td>2</td>
<td>Rs. 450-800</td>
</tr>
<tr>
<td>5.</td>
<td>Senior Accounts-Clerk.</td>
<td>4</td>
<td>Rs. 410-700</td>
</tr>
<tr>
<td>6.</td>
<td>L.D.C.-cum-Typist</td>
<td>2</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>7.</td>
<td>Peon</td>
<td>2</td>
<td>Rs. 300-380</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Head "254"H1(1)-Salaries.

L. T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER
No. 209(G)/Est.
Dated Gangtok, the 22nd November, 1980.

The Governor is pleased to sanction the creation of a post of Lower Division Clerk for the Sikkim House, New Delhi, in the scale of Rs 380-7-450-EB-8-530-EB -10-550 under the Home Department with effect from 5th November, 1980, i.e. the date of approval.

The expenditure on the above post shall be debitable to Head "265" G 3(1)(1)-Salaries.

L. T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER
No. 229/Fin.
Dated Gangtok, the 13th October, 1980.

The expenditure on the above posts shall be debitable to Head "254"H1(1)-Salaries.

L. T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER
No. 240/Fin.
Dated Gangtok, the 28th October, 1980.

The Governor is pleased to sanction the creation of a post of Peon in the scale of Rs. 300-4-340-5-380 in the Local Self Govt. and Housing Department with effect from 5.11.1980, i.e. the date of approval.

The expenditure on the above post shall be debitable to Head- "245-A-1-(1) Salaries".

L. T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER
No. 245/Fin.
Dated Gangtok, the 1st November, 1980.

In absence of the Secretary, Home Department, Govt, of Sikkim, Secretary, Establishment Department, Govt. of Sikkim, is hereby allowed to deal all the financial matters relating to the Home Department.

By Order

L. B. PRADHAN,
Joint Secretary,
Finance Department.

OFFICE ORDER
No. 249/Fin.
Dated Gangtok, the 13th October, 1980.

Mr. T.N. Tenzing, Superintendent of Police (H.Q.), Police Department, Government of Sikkim, is hereby declared as Drawing and Disbursing Officer with immediate effect duly withdrawing the Office order declaring Mr. S.K. Sagar, Administrative Officer.

By Order

L. B. PRADHAN,
Joint Secretary,
Finance Department.
Consequent upon Sikkim becoming a State of the Union of India, it has become necessary to prescribe the terms of deputation of the Officers of other State Governments during service on deputation with the State Governments of Sikkim. In supersession of all previous orders on the subject, the Governor of Sikkim is pleased to grant the following terms and conditions:—

i) Grade pay as admissible from time to time in the parent Service.

ii) **Dearness Allowance**.—Dearness Allowance as admissible under the rule of the parent Government.

iii) **Composit Compensatory Allowance**.—The Composit Compensatory Allowance will be 40% of the Grade Pay, out of 50% will be treated as deputation Special pay. The said Compenasatory Allowance will be subject to an overall limit of Rs. 650/-per mensum and will be in lieu of Deputation (duty) allowance; Winter Allowance. Difficult Area Allowances and Hill Compensatory Allowance.

iv) **Residential Accommodation**.—Rent-free simply furnished residential accommodation of the appropriate scale, if available; or House Rent Allowances in lieu thereof at the following rates:—

<table>
<thead>
<tr>
<th>Pay</th>
<th>Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Below Rs. 75/-</td>
<td>Rs. 7.50</td>
</tr>
<tr>
<td>Pay between Rs. 75/-99/-</td>
<td>Rs. 10.00</td>
</tr>
<tr>
<td>Pay between Rs. 100/-but below Rs. 200/-</td>
<td>Rs. 15/-</td>
</tr>
<tr>
<td>Rs. 200/-and above.</td>
<td>71/2% of basic pay.</td>
</tr>
</tbody>
</table>

v) For the purpose of leave travel concession, Children education allowance reimbursement of tuition fees etc. they will be governed by the rules under the parent service.

vi) **Joining Time Pay & Transfer T. A.**.—They will be entitled to T. A. and Joining Time both on joining the post on deputation and on reveesion therefrom to the parent Govt. under the rules of Sikkim Government.

vii) **T.A. for Journey on Duty during the period of deputation**.—To be regulated under the rules of the Sikkim Government.

viii) **Leave & Pension**.—During the period of deputation they will continue to be governed by the leave and pension rules of the parent Government applicable to them before such transfer.

ix) **Provident Fund benefits**.—During the period of deputation they will continue to subscribe to the Provident Fund of their parent Government to which they may be subscribing when they are placed on deputation in accordance with the rules of such fund.

x) The deputation will commence on the date of which the deputationist officer hand over charge of his post under the parent Govt. and end date on which he assumes charge of a post under the parent Government.
2. These orders will come into force with effect from 1st January, 1976 and the existing deputationists will also be brought on the revised terms with effect from that date.

BY ORDER AND IN THE NAME OF THE GOVERNOR OF SIKKIM.

T. CHHOPHEL,  
Secretary,  
Establishment Department.

NOTIFICATION  
No. 202(G) Est.  
Dated Gangtok, the 17th November, 1980.

In partial modification of Home Department Notification No. 116/Home/78 dated the 26th August, 1978, the preamble of the said Notification shall be and shall be deemed always to have been substituted by the following, namely:—

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Sikkim is pleased to adopt the Sikkim Govt. Service Rules, 1974, the Sikkim Government Establishment Rules, 1974, the Sikkim Government Servants' Discipline and Appeal Rules, 1974, the Sikkim Government Retirement Benefit Rules 1974 and the Sikkim Government Servants' Conduct Rules, 1974, at 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 modification set out herein below with effect from the 26th day of April, 1975”.

T. CHHOPHEL,  
Secretary,  
Establishment Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS  
GAZ. 11-200C-3-12-80.
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<th>Description</th>
<th>Page</th>
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</thead>
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<td></td>
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<td>Notifications regarding appointments, postings</td>
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<td>Nil</td>
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<td>Nil</td>
<td></td>
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<td>VI</td>
<td>Nii</td>
<td></td>
</tr>
<tr>
<td>VII</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>VIII</td>
<td>Nil</td>
<td></td>
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<tr>
<td>IX</td>
<td>(i) Nil</td>
<td></td>
</tr>
<tr>
<td>X</td>
<td>(ii) Nil</td>
<td></td>
</tr>
</tbody>
</table>
NOTIFICATIONS REGARDING APPOINTMENTS, POSTINGS, TRANSFERS AND LEAVE ETC.

HIGH COURT OF SIKKIM
NOTIFICATION
No. 4(16)/80-81/CONFDL/HCS/9
Dated Gangtok the 26th November, 1980.

It is hereby notified for general information that the High Court of Sikkim will remain closed on account of Winter vacation from 2nd January, 1981 to 28th February, 1981 and will reopen on 2nd March, 1981, 1st March, 1981 being Sunday.

During the above period, the office will remain entirely closed on Sundays and other State holidays. On other days, the members of the staff will attend the office under Roster Arrangement.

The Court will, however, be open from 27th January, 1981 to 5th February, 1981 and Hon'ble Mr. Justice A.M. Bhattacharjee, Judge, will sit as vacation Judge. During the remaining period of the vacation, urgent petitions will be entertained by this office and put up to the Hon'ble Mr. Justice A.M. Bhattacharjee, for necessary action.

The holidays to be observed by this High Court during the year 1981, will be notified in due course.

By Order
G. S. KALRA,
Registrar.

HOME DEPARTMENT
NOTIFICATION
No. 30(7) Home/80
Dated Gangtok, 2nd December, 1980.

In pursuance of the decision taken by the Government of Sikkim, TNA Board of Governors is hereby re-constituted with the following members with immediate effect.

1. Chairman — Hon'ble Chief Minister of Sikkim (Ex-officio)
2. Vice-Chairman — Hon'ble Minister for Education (Ex-officio)

Ex-Officio Members

3. Chief Secretary
4. Finance Secretary
5. Establishment Secretary
6. Secretary Education
7. Director of Education
8. Co-opted Expert Education
10. Teachers' Representatives (1980-81)

M.P. PRADHAN,
Chief Secretary,
Government of Sikkim.

ESTABLISHMENT DEPARTMENT
OFFICE ORDER
No. 713(G)/Est.
Dated Gangtok, the 15th October, 1980.

The Governor of Sikkim is pleased to order the following postings/transfers:

1. Shri Mingma Tshering, Representative, S.T.C.S., Calcutta is transferred to the Planning and Development Department as Additional Development Commissioner vice Shri P.S. Namgyal since transferred and promoted as Secretary, Culture, S.C. & ST. Department.
2. Shri P.T. Gyamtso, Joint Director, Information and Public Relations is transferred as Representative, STCS., Calcutta vice Sl. No. (1) above.

T. CHHOPHEL,
Secretary,
Establishment Department.

OFFICE ORDER
No. 825(G)/Est.
Dated Gangtok, the 19th November, 1980.

The Service of Shri Tashi Tshering, Deputy Secretary, Home Department, is
hereby extended for a further period of one year w.e.f. 1.3.81 to 28.2.82 in terms of Retiremept Rules 100 of the Sikkim Govt. Service Rule in the interest of Public Service.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

OFFICE ORDER,
No. 854(G)/Est.
Dated Gangtok, the 26th November, 1980.

In view of the large amount of leave due in his credit which he could not avail during the period of his service with the Govt. of Sikkim at the instance of the Govt. Shri Setey Lama, retired Additional General Manager, S.N.T., is hereby sanctioned an amount of Rs. 4,000/- (Rs. four thousand only) as ex-gratia a payment on Compassionate ground.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 863(G)/Est.
Dated Gangtok, the 1st December, 1980.

The post of Senior Specialist (Radiology) in the S.T.N.M. Hospital, Health and Family welfare Department, is hereby upgraded and, redesignated as Consultant (Radiology) in the scale of Rs. 1200.60-1440-Eb-70-2000 with effect from 25.11.80, i.e. the date of approval.

2. Accordingly Dr. Sonam Dorjee Superintendent, ST.N.M. Hospital, is transferred to the above new post w.e.f. the date he assumes charge of same.

3. Dr. (Mrs.) Hendrimit Lepcha, consultant. (Pathology) shall take over charge of Department, S.T.N.M. Hospital vice Dr. Sonam Dorjee, in addition to her own duties of Consultant (Pathology).

By Order

L. B. RAI
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 891(G)/Est.
Dated Gangtok, the 5th December, 1980.

Pursuant to the grant of medical leave to Shri R. B. Mukhia, w.e.f. 15.12.80 prefixing Lossong holidays Shri P.K. Pradhan, Secretary, Food and Civil Supplies will took after the duties of Secretary to the Governor till Shri Mukhia returns from leave.

By Order

T. CHHOPHEL,
Secretary,
Establishment Department.

ADDENDUM TO O.O NO. 891/G/EST. OF 5.12.80.

Please insert the following in between the words "Governor" and "till" in the O.O. referred to above:

"in addition to his own duties"

By Order

T. CHHOPHEL,
Secretary,
Establishment Department.
OFFICE ORDER
No. 922(G)/E.st.
Dated Gangtok, the 18th December, 1980.

Shri T. Pintso, Deputy Registrar, Co-operation Department, will look after the duties of the Secretary, Co-operation and Registrar, Co-operative Societies, in addition to his own duties till R. B. Mukhia returns from leave.

By Order

T. CHHOPHEL,
Secretary,
Establishment Department.

OFFICE ORDER
No. 923(G) Est.
Dated the 19th December, 1980.

15 days leave w.e.f. 15.12.80 to 29.12.80 applied for and being availed of by Shri T.P. Sharma, Secretary, Rural Development Department, is hereby sanctioned as Earned Leave with permission to prefix Lossong Holidays, Second Saturday and Sunday w.e.f. 6.12.80 to 14.12.80 respectively.

During his absence on leave the works relating to administration will look after by Joint Secretary and other works relating to construction etc. by Addl. Chief Engineer of the Department in addition to their own.

By Order

D.T. BHUTIA,
Under Secretary,
Establishment; Department.

OFFICE ORDER
No. 926(G)/Est.
Dated Gangtok, the 20th December, 1980.

Leave for 14 days w.e.f. 16.12.80 to 29.12.80 applied for and being availed of by Shri J. Dorji, I.A.S, Secretary Power & G.I.C.I, is hereby sanctioned subject to title report later on.

By Order

L. B. Rai,
Deputy Secretary,
Establishment Department.

NOTIFICATION
No. 218(G)/Est.
Dated Gangtok, the 20th December, 1980.

The Governor has been pleased to sanction the creation of the following posts in Police Department with effect from 21.11.1980, i.e. the date of approval:

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Name of Post</th>
<th>No. of Post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Senior Accountant</td>
<td>1</td>
<td>Rs. 510-900</td>
</tr>
<tr>
<td>2.</td>
<td>Accountant</td>
<td>2</td>
<td>Rs. 450-800</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Head-“255-A-I-Direction and Administration A1(1)(1)-Salaries.”

L. T. TONYOT,
Joint Secretary,
Establishment Department.

NOTICE
No. 219 (G)/Est.
Dated Gangtok, 23rd December, 1980.

Lower Division Clerks in the scale Rs. 380-7-450-EB.8-530-10-550 with minimum service of 2 years as-such are to be promoted as Senior Accounts clerk for posting to the Police Department. Preference will be given to L.D.C.s who are working in the accounts Section. The Selected person should be willing to work any where in the State. Eligible candidates are therefore, directed to submit their applications to this Department through their Heads or Departments latest by 5.1.1981 after which no application will be entertained.

Secretaries/Heads of Department requested to kindly circulate this Notice among the serving eligible staff, They are also requested to send the Annual Confidential Reports and a certificate to the effect that no disciplinary or vigilance case is pending against the person submiting application.

L. T. TONYOT,
Joint Secretary,
Establishment Department.
OFFICE ORDER
No. 96a(G)/Est.
Dated Gangtok, the 24th December, 1980.

With the concurrence of the Accountant General, Himachal Pradesh and Chandigarh vide their letter No. Estt. I/Dep/NJ/80-81/4992 of 29.11.80, the term of deputation in respect of Shri N. Jaswal, O.S.D. (Accounts), Home Department, is extended for a further period of one year with effect from 540.80 to 4.10.81 on the existing terms and conditions of deputation.

By Order
L. T. TONYOT,
Joint Secretary,
Establishment Department.

NOTIFICATION
No. 222(G)/Est.
Dated Gangtok, the 26th December, 1980.

The Governor is pleased to sanction the creation of a post of Deputy Secretary in the Food and Civil Supplies Department with immediate effect.

2. Further, the existing post of Administrative Officer in the Food & Civil Supplies Department is abolished.

L. T. TONYOT,
Joint Secretary,
Establishment Department.

NOTIFICATION
No. 224/(Gen)/Est.
Dated Gangtok, the 29th December, 1980.

The Governor has been pleased to sanction the creation of two Divisional Offices at Namchi and Gangtok of the Co-operation Department, with effect from 1st December, 1980.

Consequently following posts are created for these two Divisional Offices:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of post</th>
<th>No. of post created</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Assistant Registrar</td>
<td>3</td>
<td>660-1400</td>
</tr>
<tr>
<td>2.</td>
<td>Accounts Officer</td>
<td>1</td>
<td>660-1400</td>
</tr>
<tr>
<td>3.</td>
<td>Go-operative Inspector</td>
<td>2</td>
<td>510-900</td>
</tr>
<tr>
<td>4.</td>
<td>Mead Assistant</td>
<td>2</td>
<td>450-800</td>
</tr>
<tr>
<td>5.</td>
<td>Lower Division Asst.</td>
<td>4</td>
<td>380-550</td>
</tr>
<tr>
<td>6.</td>
<td>Statistical Assistant</td>
<td>1</td>
<td>510-900</td>
</tr>
<tr>
<td>7.</td>
<td>Junior Statistical Asst.</td>
<td>1</td>
<td>450-800</td>
</tr>
<tr>
<td>8.</td>
<td>Auditor</td>
<td>1</td>
<td>510-900</td>
</tr>
<tr>
<td>9.</td>
<td>Peon</td>
<td>2</td>
<td>300-380</td>
</tr>
<tr>
<td>10.</td>
<td>Driver</td>
<td>1</td>
<td>350-550</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to head-“298-Co-operation A1-Direction & Administration.

L.T. TONYOT,
Joint Secretary.
Establishment Department

NOTIFICATION
No. 225(G)/Est.
Dated Gangtok, the 29th December, 1980.

The Governor has been pleased to sanction the creation of the following additional posts for strengthening and to man the Mines & Geology Department with effect from 1st December, 1980, i.e. the date of approval:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of post</th>
<th>No. of post created</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Geologist</td>
<td>1</td>
<td>Rs. 900-1800</td>
</tr>
<tr>
<td>2.</td>
<td>Assistant Geologist</td>
<td>2</td>
<td>Rs. 660-1400</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head-“328.E. Mines & Minerals-D.I(1)1(1)-Salaries.”

L.T. TONYOT,
Joint Secretary.
Establishment Department.
NOTIFICATION
No. 227(G)/Est.
Dated Gangtok, the 29th December, 1980.

The Governor has been pleased to sanction the creation of the following additional posts in the Pay & Accounts Office under the Finance Department with effect from 1st December, 1980, i.e. the date of approval:-

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of post</th>
<th>No. of post created</th>
<th>Scale</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Superintendent</td>
<td>2</td>
<td>510-900</td>
<td>One each in the Pay &amp; Accounts Office at Gyalsing and Gik.</td>
</tr>
<tr>
<td>2.</td>
<td>Accountant</td>
<td>8</td>
<td>450-800</td>
<td>3 for Gyalsing &amp; 5 for Gik.</td>
</tr>
<tr>
<td>4.</td>
<td>Peon</td>
<td>1</td>
<td>300-380</td>
<td>-do-</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to head-“254” H1 (1)- Salaries.

L.T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER
No. 992(G)/Est.
Dated Gangtok, the 30th December, 1980.

Miss Angi Tempo presently working in the I.T.D.C., Bangalore, will cease to retain lien with the Govt. of Sikkim with effect from 22nd January, 1981.

By Order
L.T. TONYOT,
Joint Secretary,
Establishment Department.

FINANCE DEPARTMENT
OFFICE ORDER
No. 305/Fin.
Dated Gangtok, the 30th December, 1980.

Mr. T. Pintso, Deputy Registrar, Co-operation Department, Government of Sikkim, is hereby declared as Head of Department and allowed to exercise all the financial powers as contained in the Sikkim Financial Rules, 1979, till Shri R.B. Mukhia, Secretary, Co-operation Department, Government of Sikkim, return from leave.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

INCOME AND SALES TAX DEPARTMENT
NOTIFICATION
No. 1296-300/ST.
Dated Gangtok, the 14th November, 1980.

It is hereby notified for the information of the public in general and shopkeepers in particular throughout Sikkim that the Government of Sikkim have been pleased to exempt Sales Tax on the purchase of newsprint by the small and medium newspapers for their bonafide use within the State of Sikkim with immediate effect.

K. Sherab,
Secretary, Finance,
Income and Sales Tax Department.

LOCAL SELF GOVERNMENT & HOUSING DEPARTMENT
Notification No 20/LSGHHD
Dated Gangtok, the 27th December, 1980

ORDER
In continuation of this Department notification No.17/LSGHHD dated July 31, 1980 and in exercise of the powers vested under section 3(s) of the Gangtok Municipal Corporation Act, 1975, the State Government has been pleased to order that Shri S.W. Tenzing shall continue be the Administrator of the Gangtok Municipal Corporation till further order.

C.D. RAI,
Secretary,
Local Self Govt Housing Deptt.