GOVERNMENT OF SIKKIM
HOME DEPARTMENT

7(1)DC/HS/1980-81/82


ORDER

The Government of Sikkim is pleased to lay down the following guidelines to select suitable dates for award of scholarships to prepare themselves for All India Competitive Examinations conducted the Union Public Service Commission from time to time.

The Government of Sikkim will constitute a Selection Committee which will submit recommendation to the Government for final selection of Candidates for various Courses on the basis of merit assessed Written Examination and Viva-Voce test.

The Committee will hold Written Examination and Viva-Voce test in the manner notified from time to time.

Conditions of eligibility:

A candidate to be eligible to compete in the Written Examination must satisfy the following condition namely:-

(i) Should be a bonafide domicile of Sikkim. A Certificate to this effect should be produced by the candidate signed by the District Collector concerned.

(ii) Age - must have attained age of 21 and not more than 28 years of age as on the 1st day of August of the year in which the examination is held:

Provided that upper age limit in respect of candidates belonging to Scheduled Castes/ Scheduled Tribes is relaxed to the extent and subject to the conditions notified in respect of each category.

(iii) Educational qualification - must hold a degree of any university.

(iv) Attempts at the examination - every candidate appearing at the examination, who is otherwise eligible shall be permitted three attempts at the examination.

Provided that this restriction on the number of attempts will not apply in the case of SCs/Sts candidates who are otherwise eligible. If a candidate actually appears for any one of the papers in the examination it shall be deemed to have made an attempt at the examination.

(v) A candidate should hold a Certificate of admission from the Selection Committee.

The decision of the Selection Committee as to the eligibility or otherwise of a candidate for admission to the examination shall be final.

(vi) A Certificate of Medical Fitness of the candidate by the Superintendent, STNM Hospital to be enclosed in the application for the examination.
(vii) A women candidate who is married to a bonafide domicile of Sikkim, but is other not a domicile of Sikkim and is eligible for competing in the examination shall appeal the Selection Committee with a Certificate of proof of such marriage from the Court of Law.

(viii) The Committee may modify any of the above conditions in respect of Services other than All India Civil Services Examination.

5. A candidate who is selected by the Committee after holding Written Examination and Viva-Voce test will be deputed to a coaching Centre in the Country. The selected candidate shall be entitled to the following allowances;

(i) In Service candidates shall, draw their pay and Dearness Allowance at the rates admissible to them prior to their nomination. Such candidates shall draw the Delhi Compensatory Allowance of Rs.300/- per month during the period of their coaching/training. HRA would be governed by the Establishment Department Notification No. 110/Gen/Est of 30th July, 1980 from the date of their arrival at Delhi till completion of the course.

They will retain lien to their posts and grade they held immediately prior to their nomination for training and the period spent on training including the joining time shall be treated as on duty for all purposes. Their salary during the period of training shall be borne by the Department from which the respective candidate proceeded for the training.

(ii) Selected candidates who are not in the service of the State Government of Sikkim prior to the selection shall be granted a Scholarship of Rs.500/- per month and they shall draw a Delhi Compensatory Allowance of Rs.300/- per month and claim Second Class Rail and Bus fare from the Department of Home.

(iii) No salary or scholarship shall be paid to any candidate who fails to attend regularly coaching classes in the Institute where he/she is admitted. No payment of salary and scholarship shall be made if any candidate does not attend coaching classes consecutively for three days.

(iv) A candidate must obtain prior permission of the Home Department if he/she want to change any subject.

(v) All the Selected candidates shall be paid a book allowance not exceeding Rs 250/- each on production of receipt of actual purchase of books which shall be borne by the Home Department, Government of Sikkim.

(vi) The Coaching fees of selected candidates payable to the Coaching Centre in the country and Delhi Compensatory Allowance shall be borne by the Home Department Government of Sikkim, and the same paid to the Coaching Centre through Resident Commissioner, Government of Sikkim, New Delhi.

Note.

(i) "Examination", means; the Pre-Examination Coaching selection for All India Services and passing any subsequent examinations conducted by the Union Public Service Commission shall not qualify the candidates concerned for induction into Sikkim State Civil Service or any other Service Constituted by the Government of Sikkim.

(J. T. Densapa)
Home Secretary,
Government of Sikkim
The Government of Sikkim announce with profound sorrow the sad and untimely passing away of the former Chogyal of Sikkim, Miwan Palden Thondup Namgyal in New York, USA on the 30th January, 1982 at about 9 AM (IST).

As a mark of respect to his memory State mourning will be observed for seven days from today, the 1st February, 1982. There will be no official entertainment during the period of mourning.

All flags will be flown at half mast and all Government offices, Educational Institutions and Public Undertakings will remain closed today, 1st February, 1982 when the mortal remains of the late former Chogyal, Miwang Palden Thondup Namgyal, are brought to Sikkim and on the day of the funeral to be announced later.

J. T. DENSAPA
Home Secretary
Government of Sikkim
Notification No. 85(531)/E.R(S)

By Order of the Governor

T. CHHOPEL
Secretary,
Land Revenue Department,
Government of Sikkim.

(Notice under Section 4 Land Acquisition Act, 1894 I (Act, 1894))

Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely for the construction of Housing Colony and Government Employees staff quarter in the block of Boomtar, Namchi, South District, is hereby notified that a piece of land comprising cadastral plots No. 13 and measuring an area 2.12 acres, bounded on the following boundaries as under:—

EAST D.F. of Ratna Bahadur
WEST D.F. of Sanman Tamang
NORTH D.F. of Upinmaya
SOUTH Village Road

is likely to be needed for the aforesaid purpose at the public expense within the block Boomtar Namchi, South Sikkim.

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

A plat of the Land may be inspected in the office of the District Collectorate South Namchi.

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

Any person interested in the above land who has any objection to the acquisition thereof, may within thirty days after the date on which public notice of the substance of this notification is given in the locality, files an objection in writing before the Collector.

By Order of the Governor.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT

NOTIFICATION

No.1(47A)Not-RW/75-76/586/RDD.

Dated Gangtok, the 29th January, 1982.

In exercise of the powers conferred by the proviso to Sub-section (4) of Section (6) of the Sikkim Panchayat Act 1965 and as amended by Sikkim Panchayat (Amendment) Ordinance 1981 (Ord No. 3 of 1981) the State Government hereby extends the term of the existing Block Panchayats for a further period of 6 (six) months w.e.f. 21.2.1982.

By Order,

P. K. PRADHAN, I.A.S.

Secretary,
Rural Development Department.
Govt, of Sikkim.
In continuation of this Office Notification No. 1961-200/ST of 5.1.1981 and in per-
suance of Notification No. 6214-FT of the 9th December, 1980 issued by the Government of
West Bengal and also Notification issued by other State Government, Shri T. Tshering Rufus,
Senior Sales Tax Officer of Sales Tax Department is hereby authorised to sign/countersign the
form of Certificates of invoices in respect of purchases of goods from other Sates for use in
Sikkim during the leave period of Shri T. P. Ghimiray, Joint Secretary of Income Tax and
Sales Tax Department with effect from 15.1.82 to 13.2.82.

The authorisation comes into force with effect from 15.1.82.

Sd/- K. Sherab

Gangtok, Secretary Finance,

Income and Sales Tax Department,

Government of Sikkim,

Gangtok.

The 19th January, 1982.
CO-OPERATIVE DEPARTMENT

CORRIGENDUM

Notification No. 4


(i) at pages 33 to 39, for "the Sikkim Co-operative Societies Rules, 1982" read "the Sikkim Co-operative Societies Rules, 1931".

(ii) in Form 8, after the words "Signature Collector grade I/II (Seal of Office)" the following shall be and shall always be deemed to have been inserted —

"R. B. MUKHIA

Secretary to the
Government of Sikkim".
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No.37 (1) Home/82. Dated Gangtok, the 18th February, 1982.

As a mark of respect to the late Miwang Palden Thondup Namgyal, former Chogyal of Sikkim, all Government offices, Educational Institutions and Public Undertakings will remain closed on 19th February, 1982, the day of the funeral. All flags on Government buildings will be flown at half mast on that day.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
The following order made by the Governor of Sikkim is hereby published for

general information:—

ORDER

In exercise of the powers conferred on me by article 174 (1) in Part VI of the
Constitution of India, I, Homi J.H. Taleyarkhan, Governor of Sikkim, hereby summon
the Legislative Assembly of Sikkim to meet on Monday, 15th March, 1982 at 11.00 A.M.,
in the Assembly House at Gangtok.

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

HOMI J.H. TALEYARKHAN

Governor of Sikkim”.

R.K. GUPTA,

Secretary.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT

No. 19/LD/82 Dated Gangtok, the 22nd February, 1982.

NOTIFICATION

In pursuance of paragraph 2 of the Resolution on the constitution of Sikkim State Legal Aid and Advice Board adopted by the Cabinet on 7.3.1981, the Government hereby constitutes the Sikkim State Legal Aid and Advice Board with the following as members, namely:-

2. Vice-Chairman . . Advocate General of Sikkim.
3. Member . . Secretary Home Department.
4. Member . . Secretary, Finance Department.
5. Member (representing Scheduled Castes) . . Mrs. R.M. Rasaily.
6. Member (representing Scheduled Tribes) . . Mr. Kalzang Gyatso.
7. Member (representing Women) . . Mrs. Sharda Pradhan.
10. Member (representing Sikkim in Parliament) . . Mr. P.M. Subba.
11. Member (representing Sikkim Legislative Assembly) . . Mr. J.B. Pradhan.
12. Members . . Two Members to be nominated by the Chairman of the Board from the members of Legal Profession.
13. Members . . Two members from voluntary Legal Aid Organisations operating within the State of Sikkim to be nominated by the Chairman.
14. Member-Secretary . . Secretary, Law Department.

Member-Secretary

Sikkim State Legal Aid and Advice Board.
The following Government Resolutions is published for general information:—

GOVERNMENT OF SIKKIM
LAW DEPARTMENT

No.16(83)/LD/79/248 Dated Gangtok, the 22nd February, 1982

RESOLUTION

Whereas article 39 A of the Constitution of India provides that the State shall secure that the operation of the legal system promotes justice on a basis of equal opportunity, and shall, in particular, provide for free legal aid, to ensure that the opportunities for securing justice area denied to any citizen by reason of economic or other disabilities;

And whereas, the State Government has decided to establish programme for providing free legal services to the weaker sections of the community. It is therefore necessary to appoint a high level body to the Government on this matter.

Now, therefore, the Government of Sikkim, hereby constitutes a Legal Aid and Advice Board to be called “The Sikkim State Legal Aid and Advice Board” (hereinafter referred to as the Board”).

2. Composition of the Board—The Board shall consist of the following members:—

1. Minister for Law ... Chairman
2. Advocate General of Sikkim ... Vice-Chairman
3. Secretary to the Government of Sikkim, Home Department ... Member
4. Secretary to the Government of Sikkim, Finance Department ... Member
5. One Representative of the Scheduled Castes to the nominated by the State Government ... Member
6. One Representative of the Scheduled Tribes to be nominated by the State Government ... Member
7. Representative of Women to be nominated by the State Government ... Member
8. Chairman, State Social Welfare Advisory Board ... Member
9. Chairman, Sikkim State Bar Council ... Member
10. Member of Parliament to be nominated by the State Government ... Member
11. Member of the Sikkim Legislative Assembly to be nominated by the State Government ... Member
12. Two members of Legal Profession to be nominated by the Chairman. ... Members
13. Two members from voluntary Legal Aid Organisations operating within the State, to be nominated by the Chairman. ... Members
14. Secretary to the Government of Sikkim, Law Department ... Member Secretary

3. (1) The term of office of the Members, other than ex-officio Members, of the Board shall be three years.
(2) If any member referred to at serial numbers (5), (6), (7), (12) and (13) in clause 2 fails, without sufficient cause to attend three consecutive meetings of the Board or ceases to represent the interest for which he has been nominated, he shall cease to be a member of the Board.
(3) The State Government shall have the power to curtail the term of any member referred to at serial numbers (5), (6), (7), (12) and (13) in clause 2 at any time, if it finds that such member is not taking any such interest in the activities of the Board.
(4) If any member ceases to be member of the Board for any reason, the vacancy shall be filled up in the same manner as the original appointment and the person nominated will continue to be a member for the duration of the term of office of the member in whose place he is nominated.
4. (1) **Powers and functions of the Board:**—Subject to the general control of the State Government, it shall be the duty of the Board to take steps to provide free legal aid to the weaker sections of the community in the State.

(2) The Board shall for this purpose formulate scheme or rules and after the approval by the State Government, take action to implement them. Every such scheme or rule, shall among other things, provide for—

   (a) the method and manner of creating legal awareness among weaker sections of the community,
   (b) the method and manners of providing legal aid and advice,
   (c) the determination of eligibility for legal aid, and the authority to so determine,
   (d) the extent of the legal aid to be given,
   (e) the selection of advocates for the purpose and their remuneration,
   (f) the reimbursement from the party aided of the expenses incurred for the legal aid given and and terms and conditions of recovery.

5. **District Legal Aid Committees.**— The Board shall formulate the schemes or rules for constitution of Legal Aid Committees in the Districts and after such schemes or rules are approved by the State Government, take steps to implement them. It shall fix the conditions under which such Committees shall function and also the conditions of selection and remuneration to the advocates engaged to provide legal aid.

6. **Executive Committee.**— There shall be an Executive Committee constituted from amongst the members of the Board to aid and advice the Chairman in all administrative matter. Such Committee shall consist of not more than four members.

7. **Power of the Board to make, rules, Regulations.**— It shall be competent for the Board with the previous approval of the State Government, to frame rules and regulations for the purpose of operating the legal aid service programme in the State and regulating its own proce-

8. **Head-Quarters of the Board.**— The Office of the Board shall be located in Gangtok and the State Government shall provide suitable office accommodation.

9. **Honoraria**— (1) The members of the Board shall not be entitled to any remuneration.

   (2) The members who are nominated from amongst the Members of Parliament and the State Legislature shall be paid travelling and daily allowances as may be admissible to them in their respective capacities as a Member of Parliament of the State Legislature, as the case may be.

   (3) The ex-officio members of the Board shall be entitled to such travelling and daily allowances according to rules applicable to them.

   (4) The other members of the Board shall be paid the travelling and daily allowances under the normal rules as admissible to class I Officer.

10. **Staff of the Board**— The Staff which the State Government may sanction for the board shall be under the administrative control of the Law Department.

11. **Funds of the Board**— (1) The State Government, shall, under appropriation duly made by law in this behalf, place at the disposal of the Board, from time to time the necessary amounts for implementation of the legal aid programme.

   (2) The Board shall also be entitled to receive and accept donations and grants for its Legal Aid Programme.

   (3) The costs, charges and expenses which may be recovered as a result of legally aided litigation and all other amounts received by it shall be credited to the fund of the Board to be called "State Legal Aid and Advice Board Fund".

   (4) The Board shall out of the funds available with it make available necessary finances to the various committee in such manner and to such extent as it thinks reasonable.

   (5) The Board shall maintain true and proper accounts of the receipts and disbursements of all amounts placed at its disposal by the State Government. The accounts of the Board shall be audited in such manner as the State Government may determine.
12. Eligibility for free legal aid— (1) Every citizen whose income from all sources not exceed Rs. 2,500/- (Rupees Two thousand five hundred only) per annum shall be eligible for free legal services.

(2) The Board and the Committees constituted by it may suo motu or on application made in that behalf by the opposite party, withdraw the grant of free legal services to an aided person, if it is found that such person has adequate financial resources to meet the cost of such legal services.

(3) Notwithstanding anything contained herein, the Board may itself initiate proceedings or grant aid:—

(a) in case of great public importance; or
(b) in a test case the decision of which is likely to affect cases of numerous other persons belonging to weaker sections of the community; or
(c) in a special case which, for reasons to be recorded in writing, is considered otherwise deserving of legal aid.

13. Decision by majority.— All questions at any meeting of the Board shall be decided by majority of the members present and voting and in case of a tie, the person presiding shall have a second or casting vote.

14. Member-Secretary.— (1) The Member-Secretary shall be responsible for the custody and management of the properties and funds of the Board and for the maintenance of true and proper accounts of the Board and he shall get them audited and checked periodically.

(2) The Member-Secretary shall discharge such other duties and functions as the Board may, from time to time assign to him.

BR. PRADHAN,
Secretary to the Government of Sikkim
Law Department,
In pursuance of Rules 75 of the rules of Procedure and Conduct of Business in Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following Bill:—

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) BILL, 1982.

Bill No. 1 of 1982.

A BILL

further to amend the Gangtok Municipal Corporation Act, 1975.

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

1. (1) This Act may be called the Gangtok Municipal Corporation (Amendment) Act, 1982. Short title and Commencement.

(2) It shall be deemed to have come into force on and from the date of commencement of the Gangtok Municipal Corporation Act, 1975, except section 3 which shall be deemed to have come into force on and from the 16th day of December, 1981.

IV of 1975.

IV of 1975. 2. In the Gangtok Municipal Corporation Act, 1974 (hereinafter referred to as the principal Act), in section 2, - Amendment of section 2.

(a) clause (1) shall be re-numbered as clause (1a) and before the clause as so re-numbered, the following clause shall be inserted, namely:-

(1) "Administrator" means the officer appointed by the State Government under sub-section (5) of section 3;"
(b) after clause (3), the following clause shall be inserted, namely:-

'(3a) "Corporation" means the Gangtok Municipal Corporation constituted under sub-section(1) of section 3;'

(c) after clause (5), the following clause shall be inserted, namely:-

'(5a) "Executive Officer" means the officer appointed by the State Government under section 10;'

(d) after clause (18), the following clause shall be inserted, namely:-

'(18a) "Tribunal" means the Tribunal constituted by the State Government under section 49F.'

Amendment of section 3.

3. In the principal Act, in section 3, -

(a) in sub-section (5), for the words "a period of two years" the words "period of four years" shall be substituted;

(b) to sub-section (5), the following proviso shall be added, namely:-

"Provided that the State Government may by a like order, extend the period of appointment of the Administrator for a further period of one year or until the reconstitution of the Corporation, whichever is earlier;"

(c) in sub-section (6), in clause (b), for the word "Corporation", the words "Corporation, the Corporation at meeting" shall be substituted.

Amendment of section 9.

4. In the principal Act, in section 9, in sub-section (3), for the words "more than three hundred Rupees", the words "more than eight hundred rupees" shall be substituted.

Insertion of new section 26A inserted, namely:-

Borrowing powers.

"26A. The Corporation may, with the previous sanction of the State Government, borrow money from banks and other financial institutions, on the security of the Municipal Fund or any of its other assets for the purposes of this Act."

Amendment of section 46.

6. In the principal Act, in section 46, in sub-section (1), -

for the words "thirty days", the words "sixty days" shall be substituted.

Substitution of section 49. substituted, namely:-

Power of demolition or alteration of building etc.

"49. (1) if the Corporation is satisfied -

(a) that the erection of any building-

(i) has been commenced without obtaining any permission required to be obtained by or under this Act; or

(ii) is being carried on or has been completed otherwise than in accordance with the particulars on which such permission was based; or

(iii) is being carried on or has been completed in breach of any provision of this Act or any rule or bye-law made thereunder, or any direction or requisition lawfully given or made under this Act or under such rule or bye-law; or
(b) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in contravention of, or otherwise than in accordance with any sanction granted under section 46 or section 48; or

(c) that any alteration required by any notice issued under this Act or any rule or bye-law made, under this Act, has not been duly made,
it may, without prejudice to any action that may be taken under any other provisions of this Act, by a notice in writing require the person responsible, to demolish within ten days of receipt of notice such erection, alteration, as the case may be, or to show cause why such erection, alteration, addition or other work should not be demolished or the alteration should not be made.

(2) The Corporation may issue notice under sub-section (1) notwithstanding the fact that the valuation of such building has been made under this Act and the Corporation has received payment of tax on such valuation.

(3) If the person responsible fails -

(a) to demolish such erection, alteration, addition or other work, or to make the alterations; or

(b) to show cause to the satisfaction of the Corporation why such erection, alteration, addition or other work should not be demolished, or the alteration should not be made,

the Corporation may, by order and through its officers, employees or workmen demolish the erection, alteration, addition or other work and recover the expenses of demolition from the person responsible.

Provided that where the person responsible shows cause, the order to demolish the erection, alteration, addition or other works shall not be made without giving the person responsible, an opportunity of being heard:

Provided further that a copy of the order referred to in this clause or in the first proviso shall be served upon the owner and the occupier thereof and no such action shall be taken until after the expiry of thirty days from the date of the service of the said order.

(4) Notwithstanding anything contained in sub-section (1), sub-section (2) or sub-section (3), no action shall be taken under this section in respect of any erection, alteration, addition or other work executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975", whichever is later:

IV of 1975

Provided that the onus of proving that the erection, alteration, addition, or other work was executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975, shall lie on the person responsible:

IV of 1975.

Provided further that no action shall be taken in respect of any erection, alteration, addition or other work which has been regularised under the provisions of this Act.
(5) Whoever contravenes any of the provisions of this Chapter shall be liable to prosecution and upon conviction to a fine which may extend to ten thousand rupees and if the offence is of a continuing nature a further fine of five hundred rupees per day after the first conviction.

Explanation.—
In this section, the expression, "person responsible" includes the owner, the occupier and any other person who executes the erection, alteration, addition or other work or who is liable to make any alteration required by any notice issued under this Act or any rule or bye-law made thereunder.


8. In the principal Act, after section 49 as substituted, the following sections shall be inserted, namely: -

Power of Corporation to remove or alter verandah, etc., or fixtures attached to building which project over public street or land.

(1) When any verandah, platform, building or other structure or any fixture attached to a building so as to form part of the building, whether erected before or after the commencement of this Act causes a projection, encroachment or obstruction over or on any public street or any land vested in the Corporation, the Corporation, in accordance with such rule or bye-law as may be made by it, may, by written notice, require the owner or occupier of the building to remove or alter such structure or fixture within such time, not being less than fourteen days, as may be specified in the notice.

(2) If the expenses of removing or altering any such structure or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct any reasonable expenses, incurred for the purposes of such removal or alteration from the rent payable by him to the owner of the building.

(3) If the owner or occupier of the building proves that any such structure or fixture was erected before the commencement of the Gangtok Municipal Corporation Act, 1975, or that it was erected on or after that day with the consent of any authority duly empowered for the time being in this behalf, the requisition made under sub-section (1) shall not be enforced except in pursuance of specific order of the Corporation made in that behalf and the Corporation shall after such structure or fixture has been removed or altered, pay reasonable compensation to every person who suffers damage by the removal or alteration thereof.

(4) Where any owner or occupier fails to comply with the notice served upon him under sub-section (1), the Corporation may remove such structure or fixture and recover the expenses of such removal from the owner or occupier, as the case may be.

(5) Any proceeding under section 49 pending before any Magistrate shall abate:

Provided that the Corporation may in respect of the proceedings so abated, take fresh action in accordance with the provisions of this Act.

Obstructions and encroachment upon public streets and open spaces.

49B(1) Whoever, in any place within the boundaries of the Corporation, shall have built or set up, or shall build or set up, any wall or any fence, rail, posts, stall, verandah, platform, plinth, step or any projection, structure or thing or other encroachment or obstruction, in any public street or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, sewer in such street, shall be punished with fine which may extend to five hundred rupees and with further fine which may extend to fifty rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction.
(2) The Corporation shall have power to remove any such obstruction or encroachment and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the Corporation or not, provided that if the space is vested in the State Government, the permission of the Secretary, Local Self Government and Housing Department of the State Government shall have first been obtained and the expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment and such expenses shall be recoverable under sub-section (1) or sub-section (2) of section 49K, as the case may be.

(3) The materials or goods removed under sub-section (2) may be stored at such place or places as the Corporation may think fit and if within seven days of such removal, no person claims the return of such materials or goods or establishes his claim thereto and pays up the expenses incurred by the Corporation for removal and storage, the Corporation shall have the power to sell the same by public auction and recover the expenses incurred including the expenses of such auction from the proceeds of the sale.

(4) When under sub-section (2), the Corporation causes any wall to be removed or removes any other obstruction, projection or encroachment from land which forms part of a public street, no compensation shall be payable, but the Corporation shall be bound to provide proper means of access to and from the street if none exists already.

(5) Whoever, not being duly authorised in that behalf, removes earth, sand or other materials or makes any encroachment in or upon any open space which is not private property, shall be punished with fine which may extend to two hundred rupees and, in the case of an encroachment which is continuing in nature, with further fine which may extend to fifty rupees for every day on which the encroachment continues after the date of first conviction.

(6) Nothing contained in this section shall prevent the Corporation from allowing any temporary occupation of or erection, in any public street on occasions of festivals and ceremonies, or the piling of fuel in bye-lanes and spaces for not more then seven days, and in such manner as not to inconvenience the public or any individual or from allowing the occupation of, or temporary erection or structures for, any other purposes in accordance with any rule or bye-law made under this Act.

(7) Nothing contained in this section shall apply to any structure duly authorised under this Act or any rule or bye-law made the reunder.

49C. (1) If at any time it appears to the Corporation that any structure (including under this expression any building, wall or other structure and anything affixed to or projecting from any building, wall or other structure) is in a ruinous condition or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any to fall, other structures or place in the neighbourhood thereof, the Corporation may, by a written notice of not less than seven days, require the owner or occupier -

(a) to demolish or to repair such structure in such manner as may be specified in the notice; or

(b) to repair, protect or enclose such structure in such manner as may be specified in the notice.

(2) Where it appears to the Corporation that immediate action is necessary for the purpose of preventing imminent danger to any person or property, it shall be the duty of the Corporation itself to take such immediate action; and in such case it shall not be necessary for the Corporation to give notice, if it appears to it that the object of taking immediate action shall be defeated by the delay incurred in giving notice.
(3) Where any owner or occupier fails to comply with the notice served upon him, the Corporation may demolish or remove such structure or fixture under sub-section (1) or sub-section (2) and recover the expenses of such demolition or removal from the owner or occupier, as the case may be.

Demolition or alteration of works in other cases.

(1) In any of the following cases, namely -

(a) If, within the period prescribed in any notice issued under this Act, requiring the removal or alteration of a verandah, platform or other similar structure or a fixture, the same is not duly removed or altered; or

(b) If the owner of any building which is erected or added to a street alignment and the building-line, fails to remove such building or addition when called upon by the Corporation to do so under this Act; or

(c) If the owner of any building, which is unfit for human inhabitation, fails to demolish such building when required to do so under this Act, or

(d) If any privy or urinal be placed in contravention of the bye-laws made under this Act; or

(e) If within the period prescribed in any notice issued under this Act or any rule or bye-law made thereunder, requiring the owner or occupier of a building to comply with any condition on which the erection of any verandah or other projection was permitted, such condition is not complied with; or

(f) If within the period prescribed in any notice issued under this Act or any rule or bye-law made thereunder requiring the owner or occupier of a building to remove a verandah or other projection, the same is not duly removed; or

(g) If within the period prescribed in any notice issued under this Act or any rule or bye-law made thereunder, requiring the owner of a building to remove or alter an external roof or wall made of inflammable material, the same is not duly removed or altered; or

(h) If any owner or occupier neglects to execute any work or to take any measure required by any notice issued under this Act or any rule or bye-law made thereunder,

the Corporation may make an order directing that the projection, building, block of buildings, verandah, platform, fixture, additions, roof, wall, as the case may be, shall be demolished by the owner or occupier thereof who may be the person responsible or altered by such person to the satisfaction of the Corporation within the time specified in the order.

(2) If the person responsible fails-

(a) To demolish such erection, alteration, addition or other work, or to make the alteration; or
(b) to show sufficient cause to the satisfaction of the Corporation or an officer specially appointed by the Corporation with the approval of the State Government in this behalf, as the case may be, why such erection, alteration, addition or other work should not be demolished or the alteration should not be made,"n
the Corporation may by an order in writing and through its officers, employees and workmen demolish the erection, alteration, addition or other work:

Provided that where the person responsible shows cause, the order to demolish the erection, alteration, addition or other works shall not be made without giving the person responsible, an opportunity of being heard.

Provided further that a copy of the order referred to in this clause or in the first proviso shall be served upon the owner and the occupier thereof and no action shall be taken until the expiry of thirty days from the date of the service of such order:

Provided also that the Corporation may make any such order notwithstanding the fact that a valuation of such building has been made under this Act and the Corporation has received payment of tax on such valuation.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no action shall be taken under this section in respect of any erection, alteration, addition or other work executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, IV of 1975.

Provided that the onus of proving that the work was done more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975, shall lie on the person responsible.

Explanation.—
In this section, the expression “person responsible” includes the owner, the occupier, and any other person who executes the erection, alteration, addition or other work or who is liable to make any alteration required by any notice issued under this Act or any rule or bye-law made under this Act.

49E. (1) In any case in which the erection of a new building or any other work referred to in section 49, has been commenced, or is being carried on unlawfully as mentioned in that section, the Corporation may, by written notice, require the person carrying on such erection or other unlawful work to stop the same forthwith.

(2) If any notice issued under sub-section (1) is not duly complied with, the Corporation may, with the assistance of the police, if necessary, take such steps as it may deem necessary in order to stop the continuance of such unlawful work.

(3) The Corporation, if it considers necessary, may deputize any municipal officer to watch the premises in order to prevent the continuance of the unlawful work.

(4) Where any person after receipt of the notice under sub-section (1), fails to comply with the said notice and carries on any work relating to the erection of a new building or any other work, the Corporation may demolish or remove such unlawful work and recover the expenses of such demolition or removal from the owner in accordance with the provisions of section 49K.
(1) The State Government shall constitute a Tribunal to be called the Gangtok Municipal Corporation Tribunal for the purpose of hearing appeals against the orders made or the notices or requisitions issued by the Corporation under this Act or any rule or bye-law made thereunder.

(2) The Tribunal shall consist of -
   (a) the District Judge;
   (b) an officer not below the rank of a Joint Secretary to the State Government who has been a member of Judicial Service of any State for a period of not less than seven years;
   (c) an officer who is or has been a member of the Sikkim Judicial Service.

(3) The District Judge shall be the President of the Tribunal and during his absence on leave or otherwise, the officer at clause (b) of sub-section (2) shall be the President of the Tribunal.

(4) The Tribunal shall have the power to regulate its own procedure.

(5) The quorum of the Tribunal shall be two members.

(6) The State Government may, on a request made by the President of the Tribunal, nominate not more than two other persons to be members of the Tribunal for specific purposes.

(7) Each member of the Tribunal shall be entitled to receive such remuneration, either by way of monthly salary or by way of honorarium or fees as the State Government may determine.

(8) The Tribunal shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:-
   (a) enforcing the attendance of any person and examining him on oath or affirmation;
   (b) compelling the production of accounts and documents;
   (c) issuing commissions for the examination of witnesses, and every proceeding under this Act before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code.

(9) The Tribunal may in disposing of an appeal, exercise the same powers, as the Corporation.

49G. The Tribunal may call for and examine the record of any proceeding in which an appeal lies to it for the purpose of satisfying itself as to the legality or propriety of any order passed and if in any case it shall appear to the Tribunal that any such order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem fit.

(1) The Tribunal may either on its own motion or on the application of any party interested, review its own order in any case, and pass in reference thereto such order as it thinks just:

Provided that no application made by the party interested shall be entertained unless the Tribunal is satisfied that there has been discovery of new and important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the Tribunal made its order or that there has been some mistake or error on the face of the record;

Provided further that no such order shall be varied on revision unless, notice has been given to the parties interested to appear and be heard.

(2) An application for review under sub-section (1) by any party shall be made within ninety days from the date of communication of the order of the Tribunal.
(3) The Tribunal shall not review any Order on its own motion after the expiry of a period of ninety days from the date on which such order was made by it.

49H. An order passed in appeal or in revision or in review by the Tribunal under this Act shall be final and conclusive and shall not be called in question in any civil or revenue court.

49I. An order passed in appeal or in revision or in review by the Tribunal under this Act shall be final and conclusive and shall not be called in question in any civil or revenue court.

49J. (1) Any person aggrieved by an order made or notice issued by the Corporation under this Act or any rule or bye-law made thereunder, may, within thirty days from the date on which such order is communicated to him, prefer an appeal to the Tribunal:

Provided that the said Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by a sufficient cause from filing the appeal in time.

(2) The appeal referred to in sub-section (1) shall be in the form of a memorandum giving the grounds of appeal and shall be accompanied by a copy of the order appealed against and a fee of three hundred rupees:

Provided that when an appeal is preferred against any notice issued by the Corporation under this Chapter, the fees payable under this sub-section shall be fifty rupees.

49K. (1) If any person, after receipt of a notice of demand fails to pay, within thirty days, the expenses incurred by the Corporation under sections 49, 49A, 49B, 49C, 49D and 49E for demolition or removal of any structure or any other work, the Corporation may issue distress directing that the expenses incurred by it may be realised by the sale of inmovable property belonging to the defaulter except ploughs, plough cattle, tools or implements of agriculture, trade or profession.

(2) In the event of failure to recover the whole or any part of the sum due by distress and sale under sub-section (1), the Corporation may sue the defaulter in any court of competent jurisdiction for the recovery of such dues.

49L. (1) Notwithstanding anything contained in this Chapter, if the Corporation, after considering all the facts and circumstances of the case and regularising the provision, is of the opinion that the party concerned has not complied with the notice, if any, issued under sub-section (1) of section 49 or sub-section (1) of section 49A or in other cases of contravention of the provisions of this Act or any rule or by-law made thereunder, the Corporation, instead of making an order for —

(a) demolition of any building, verandah, platform or other structure; or
(b) making any alteration of any building or other work; or
(c) removal of any verandah, platform or other fixture attached to a building so as to form a part of such building or which causes a projection, encroachment or obstruction over any public street;

may, if satisfied that such demolition, alteration or removal of the works of the party concerned referred to in clauses (a), (b) and (c) —

(i) would result in undue hardship to the party concerned; of
(ii) would not cause unreasonable inconvenience to the public,

order regularisation of such works if the party concerned pays to it such fee not exceeding rupees one hundred per square foot of the constructed area or the area covered by any alteration, verandah, other structure, projection or encroachment as may be specified by the State Government by a notification having regard to the nature and type of the construction;

Provided that where the works referred to in clauses (a), (b) and (c) are situate over the land belonging to the Corporation or the State Government or any other authority owned and controlled by the State Government, the Corporation shall not order regularisation of such works except after ascertaining from the State Government the cost of such land and upon payment by the party concerned of such cost in addition to the regularisation fee.
(2) If the party concerned fails to pay the fee refer to in sub-section (1) or the cost of the land within such time (not being less than one month from the date of making an order) as may be specified by the Corporation in this order, it may pass such order as to demolition of building, alteration or other works as it may deem fit.”

Omission of section 53.

9. In the principal Act, section 53 shall be omitted.

Amendment of section 75.

10. In the principal Act, in section 75,-

(a) after the words "punished with fine," the words "which may extend to ten thousand rupees" shall be inserted;

(b) for the words "one hundred rupees," the words "five hundred rupees" shall be substituted.

Amendment of section 85.

11. In the principal Act, in section 85, for the words "proceedings shall be," the words "proceedings shall lie" shall be substituted.

Insertion of new section 85A, 85B, and 85C.

12. In the principal Act, after section 85, the following sections shall be inserted, namely:-

"85A. Notwithstanding anything contained in any law relating to the Criminal Procedure for the time being in force in this State, it shall be lawful for any Magistrate of the first class specially empowered by the State Government in this behalf to pass a sentence of fine exceeding two thousand rupees on any person convicted of contravening any order made under this Act or any rule or bye-law made thereunder.

85B. Notwithstanding anything contained in any law relating to the Criminal Procedure for the time being in force in this State, offences punishable under this Act shall be cognizable.

85C. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.— For the purposes of this section -

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

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

(2) Notwithstanding such repal, 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 functioning of the Gangtok Municipal Corporation Act, 1975 has revealed some serious lacunae in the working of the Act. The building activities within the jurisdiction of the G.M.C. have increased manifold after the 16th May, 1975. In the Gangtok Municipal Corporation Act as it existed on December 16,1981 there was no provision to prevent unauthorised construction on private lands or land belonging to G.M.C. It was therefore considered necessary to promulgate an Ordinance empowering G.M.C. to demolish or make alterations in the buildings not constructed according to the approved plan. An Ordinance being Ordinance No. 4 of 1981 was promulgated on 16th December, 1981.

The Bill seeks to replace the Ordinance.

ATHUP LEPCHA,
MINISTER-IN-CHARGE,
DEPARTMENT OF L.S.G. & HOUSING

FINANCIAL MEMO

Clause 49 F which is being sought to be inserted in the GMC by clause 7 of the GMC (amend-
ment) Bill, 1982 provides for the constitution of a Tribunal to be called the GMC Tribunal for the purpose of hearing appeals against the orders made or the notices and requisitions issued by the Corporation under the GMC Act or any rule or bye-law made thereunder. The Tribunal shall consist of three persons. It is proposed to pay an honorarium of Rs. 300/- PM to each member. The sitting of a Tribunal does not involved any non-recurring expenditure. It is estimated that a sum of Rs.1200/- may be required for payment of honorarium to the members during the current financial year.

MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL

By Order

R. K. GUPTA,
Secretary.

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

No. 10                                                  Gangtok, Monday March 1, 1982

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
NOTIFICATION

No.SLAS/81-82/204.1420 Dated Gangtok, the 27th February, 1982.

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

THE SIKKIM PANCHAYAT (AMENDMENT) BILL, 1982.

BILL NO. 2 of 1982.

A BILL

further to amend the Sikkim Panchayat Act 1965.

Be it enacted by the Legislature of Sikkim in the Thirty.
third year of the Republic of India as fallows:—

1. (1) This Act may be called the Sikkim Panchayat (Amend-
ment) Act, 1981. Short title and

(2) It extends to the whole of Sikkim. commencement

(3) It shall be deemed to have come into force on the 14th day
of December, 1981. Amendment of

2. In the Sikkim Panchayat Act, 1965 (hereinafter referred to as the
principal Act), for sub-section (4) of section 6 and the proviso there-
to, the following sub-section and proviso shall be and shall be
deemed always to have been substituted, namely:—

"(4) Every Block Panchayat shall, unless dissolved or superse-
ded earlier under section 19 of the Act, continue for six
years from the date of its constitution:

Provided that the said period may be extended by the
Government by notification in the Official Gazette for a
period of one year not exceeding six months at a time or
until the reconstitution of the Block Panchayats, which-
ever is earlier".
Validation.

3. Any Act, thing or proceeding done or taken, or purported to have been done or taken by any Block Panchayat under the principal Act during the period commencing on the 21st day of August 1980, and ending with the commencement of this Act, shall be as valid and effective for all purposes as if the amendment of the principal Act by section 2 of this Act has been in force at a material times when such act, thing or proceeding was done or taken.

Repeal and saving.

4. (1) The Sikkim Panchayat (Amendment) Ordinance (3 of 1981) is hereby repealed.

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

STATEMENT OF OBJECTS AND REASONS

The Government felt the necessity of amending section 6 of the Sikkim Panchayat Act 1965 in order to provide for extending the term of the existing Block Panchayats. With the object in view, the Sikkim Panchayat (Amendment) Ordinance, 1981 (Ordinance No. 3 of 1981) was promulgated by the Governor on the 14th day of December, 1981.

This Bill seeks to replace the aforesaid Ordinance.

NAR BAHADUR BHANDARI

CHIEF MINISTER.

MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL

FINANCIAL MEMORANDUM

NIL

By Order

R.K. GUPTA,

Secretary.
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

No. SLAS/81-82/1438 Dated Gangtok, the 4th March, 1982.

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

ORDER

In modification of my earlier Order dated 18th February, 1982, I, Homi J.H. Taleyarkhan, Governor of Sikkim, in exercise of the powers conferred on me by article 174 of the Constitution of India and all other powers enabling me in this behalf, direct that the Legislative Assembly of Sikkim shall, instead of the 15th March, 1982, meet on Tuesday the 16th March, 1982 at 11.00 AM., and on subsequent days, in the Assembly House at Gangtok.

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

HOMI J.H. TALEYARKHAN

Governor of Sikkim”.

R.K. GUPTA,

Secretary.
SIKKIM
GOVERNMENT GAZETTE
EXTRAORDINARY
PUBLISHED BY AUTHORITY


SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

Notification

No SLAS/81-82/1420A                  Dated 27th February, 1982

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

The Sikkim Panchayat

Bill No. 3 Of 1983
THE SIKKIM PANCHAYAT BILL, 1982
(BILL No. 3 OF 1982)

Arrangement of clauses.

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2. Definitions.

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4. Effect of alteration of the area of a Gram.
5. Effect of inclusion of a Gram or part thereof in Municipal Corporation, etc.
7. Incorporation of Gram Panchayat.
8. Term of members of Gram Panchayat.
10. Sabhapati and Up-Sabhapati.
11. Notification of election of nomination etc.
12. First meeting of the Gram Panchayat.
15. List of business to be transacted at a meeting.
17. Powers and duties of Up-Sabhapati.
18. Right of individual member.
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22. Removal of member of Gram Panchayat.
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25. Resignation of Sachiva.

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27. Obligatory duties of Gram Panchayat,
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32. Gram Panchayat Fund.
33. Levy of taxes, rates and fees.
34. Power of State Government to regulate taxes, rates and fees.
35. Appeal against taxation, fees and rates.
36. Recovery of arrears.
37. Action by District Collector.
38. Power of State Government in regard to relief in taxes, rates or fees.
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Property and Fund

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70. Power of State Government to regulate taxes.
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101. Superintendence of election.
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SCHEDULE
THE SIKKIM PANCHAYAT BILL, 1982
(BILL No 3 OF 1982)

A BILL
to provide for the reorganisation of Panchayats with a view to ensuring effi-
cient Panchayat administration in the State and to provide for matters connected
therewith and incidental thereto.

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

CHAPTER I
Preliminary

1. (1) This Act may be called the Sikkim Panchayat Act, 1982.

(2) It extends to the whole of Sikkim except the areas which have been or
may hereafter be declared as, or included in, the Municipal Corporation
under the provisions of the Gangtok Municipal Corporation Act, 1975 or 4 of 1975
as a cantonment under the provisions of the Cantonment Act, 1924 or as
2 of 1924
a Bazar Area under the provisions of the Sikkim Bazar Committees
Act, 1969.

(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
areas or different provisions of the Act and any reference to the co-
mencement of any provision of this Act shall be construed as
reference to the date on which such provision is brought into force
in such areas.

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

(a) "Adhakshya" means an Adhakshya of a Zilla Panchayat elected under
sub-section (1) of section 45;

(b) "auditor" means an auditor appointed under section 78 and includes any
officer authorised by him to perform all or any of the functions of an
auditor;

(c) "District Collector" means the Collector of the district;

(d) "Deputy Development Officer-cum-Planning Officer" means the Deputy
Development Officer-cum-Planning Officer of the district appointed by
the State Government;
(e) “Gram” means any village or part of a village or group of adjoining villages or parts thereof declared by the State Government to be a Gram under sub-section (1) of section 3;

(f) “Gram Panchayat” means a Gram Panchayat constituted under sub-section (1) of section 6;

(g) “notification” means a notification published in the Official Gazette;

(h) “prescribed authority” means an authority appointed by the State Government, by notification, for all or any of the purposes of this Act;

(i) “Sabhapati” means a Sabhapati of a Gram Panchayat elected under sub-section (1) of section 10;

(j) “Secretary” means the Secretary of the Rural Development Department and includes an Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary of that Department;

(k) “Upadhakshya” means an Upadhakshya of a Zilla Panchayat elected under sub-section (1) of section 45;

(l) “Up-Sabhapati” means an Up-Sabhapati of a Gram Panchayat elected under sub-section (1) of section 10;

(m) “Zilla Panchayat” means a Zilla Panchayat of a district constituted under sub-section (1) of section 42.

CHAPTER II

Constitution of a Gram

Subject to the consideration of local conditions, the State Government may, by notification, declare for the purposes of this Act any village or part of a village or a group of adjoining villages or parts thereof to be a Gram.

As soon as may be after the constitution of a Gram under sub-section (1), the State Government may, by notification, divide each Gram into wards and each ward shall, as far as possible, comprise of a Revenue Block.

The State Government may, by notification, specify the number of members to be elected from each Revenue Block having regard to the number of voters in such Revenue Block and such other facts as the State Government may consider fit.

The notification under sub-section (1) shall specify the name of the Gram by which the Gram Panchayat shall be known and shall specify the local limits of such Panchayat.

The State Government may, after making such enquiry as it may think fit and after obtaining the views of the Gram Panchayat or Panchayats concerned, by notification —

(a) exclude from any Gram any area comprised therein; or

(b) include in any Gram any area adjoining to such Gram; or

(c) divide the area of a Gram so as to constitute two or more Grams; or

(d) unite the areas of two or more Grams so as to constitute a new Gram.
4. (1) When an area is excluded from a Gram under clause (a) of sub-section (3) of section 3, such area shall, as from the date of the notification referred to in that sub-section, cease to be subject to the jurisdiction of the Gram Panchayat of that Gram and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Gram shall also cease to apply to the area so excluded.

(2) When an area is included in a Gram under clause (b) of sub-section (3) of section 3, the Gram Panchayat for that Gram shall, as from the date of the notification referred to in that sub-section, have jurisdiction over such area and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Gram shall apply to the area so included.

(3) When the area of any Gram is divided under clause (c) of sub-section (3) of section 3 so as to constitute two or more Grams the Gram Panchayat of that Gram shall, as from the date of the notification referred to in that sub-section, cease to exist and there shall be reconstitution of the Gram Panchayats for the newly constituted Grams in accordance with the provisions of this Act.

(4) When the areas of two or more Grams are united under clause (d) of sub-section (3) of section 3 so as to constitute a new Gram, the Gram Panchayats of the said Grams shall, as from the date of the notification refer to in that sub-section, cease to exist and a separate Gram Panchayat shall be constituted for the new Grams in accordance with the provisions of this Act.

(5) When under sub-section (3) of section 3 any area is excluded from, or included in, a Gram or a Gram is divided so as to constitute two or more Grams, or two or more Grams are united to constitute a new Gram, the properties, funds and liabilities of the Gram Panchayat or Panchayats affected by such reconstitution shall vest in such Gram Panchayat or Panchayats in accordance with such allocation as may be determined by order in writing by the prescribed authority, and such determination shall be final.

(6) An order made under sub-section (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reconstitution.

5. (1) If, at any time, the whole of the area of a Gram is included within the Municipal Corporation under the provisions of the Gangtok Municipal Corporation Act, 1975 or in a Bazar Area under the Bazar Committees Act, 1969; or a Cantonment Area, the Gram Panchayat concerned shall cease to exist and the properties, funds and other assets vested in such Gram Panchayat and all the rights and liabilities of such Gram Panchayat shall vest in, and devolve on, the Municipal Corporation or on the Bazar Committee or on the Cantonment Authority or Board, as the case may be.

(2) If, at any time, a part of the area of a Gram is included in a Municipal Corporation under the provisions of the Gangtok Municipal Corporation Act, 1975 or in a Bazar Area under the Bazar Committees Act, 1969; or a Cantonment Area, the area of the Gram shall be deemed to have
been reduced to the extent of the part so included within the Municipal Corporation or in a Bazar Area or Cantonment Area, and the properties, funds, rights and liabilities of the Gram Panchayat concerned in respect of the part so included shall vest in, and devolve on, the Municipal Corporation or on the Bazar Committee or on the Cantonment Authority or Board, as the case may be, in such manner as may be determined by the prescribed authority and such determination shall be final, and unless the State Government otherwise directs, all rules, orders, directions and notifications in force in the areas comprised in the Municipal Corporation, Bazar Area or Cantonment Area, as the case may be, shall apply to the part of the area of the area of the Gram so included.

Constitution of Gram Panchayat. (1) As soon as may be after the constitution of the Gram, the State Government may, by notification, constitute for every Gram a Panchayat bearing the name of the Gram.

(2) Persons whose names are included in the electoral roll of the Sikkim Legislative Assembly for the time being in force pertaining to the area comprised in the Gram shall elect by secret ballot at such time and in such manner as may be notified by the State Government from among themselves such number of members not being less than five and not more than nine as may be determined by the State Government:

Provided that the total number of members of the Gram Panchayat including nominated members shall not exceed nine.

(3) Every Gram shall be a multimember single constituency for the purpose of election of members of a Gram Panchayat.

(4) Where a Gram has failed to elect the full number of members as determined under sub-section (2), it shall be called upon to elect the remaining member but if it again fails to elect the full number, it shall be lawful for the State Government to fill up any seat remaining vacant by nomination from amongst the members of the Gram, and any person, so nominated shall, for the purposes of this Act, be deemed to have been duly elected.

(5) The term of office of the members of Gram Panchayat shall, subject to the provisions of section 22, be co-terminus with the term of the Gram Panchayat.

Incorporation of Gram Panchayat. (1) Every Gram Panchayat shall be a body corporate having perpetual succession and a common seal and shall, by its corporate name, sue and be sued.

(2) A Gram Panchayat shall have power to acquire, hold and dispose of property and to enter into contract:

Provided that in all cases of acquisition or disposal of immovable property, the Gram panchayat shall obtain the previous approval of the State Government.

Term of Gram Panchayat. (1) The term of a Gram panchayat, unless sooner dissolved, shall be five years from the date of its constitution as specified in the Official Gazette:

Provided that the term of a Gram panchayat which is constituted after the constitution of other Gram panchayats in a regular election, shall expire with the expiration of five year term of other Gram panchayats:
Provided further that the State Government may, where it is not pos-
sible to hold elections for the constitution of new Gram panchayat imme-
diately after the expiry of the term, by notification, extend the term for a
period not exceeding six months at a time subject to a maximum period
of one year or appoint any authority, person or persons to exercise and
perform, subject to such conditions as may be specified in the order, the
powers and functions of the Gram panchayat, under this Act until the
constitution of new Gram panchayat.

(2) When a new Gram panchayat is thus duly constituted the old Gram
panchayat shall stand dissolved.

**Disqualification**

A person shall not be qualified to be a member of a Gram panchayat, if—

(a) he is a member of a municipal corporation under the provisions of
the Gangtok Municipal Corporation Act, 1975, or of a Bazar
Committee constituted under the Sikkim Bazar Committees Act,
1969;

(b) holds any office of profit under the State Government or the Central
Government or a local authority or a co-operative society or a
Government company or corporation owned or controlled by the
Central or a State Government; or

(c) has been dismissed from the service of a State Government or
the Central Government or a local authority or a co-operative
society or a Government Company or Corporation owned or Con-
trolled by the Central or a State Government for misconduct; or

(d) is of unsound mind and stands so declared by a competent Court; or

(e) is an undischarged insolvent; or

(f) has been convicted by a Court of an offence involving moral
turpitude and sentenced to imprisonment for a term exceeding
six months; or

(g) is convicted of an election offence; or

(h) is suffering from a variety of leprosy which is infectious; or

(i) has not paid any arrears in respect of any tax or rate or fee
payable to a Gram Panchayat or Zilla Panchayat or the State
Government:

Provided that the disqualification under this clause shall
cease upon payment of the tax or rate or fee; or

(j) has directly or indirectly by himself or by his partner or employer
or an employee, any share or interest in any contract with, by or
on behalf of Zilla Panchayat or a Gram Panchayat within the
district:

Provided that a person shall not be deemed to have incurred
disqualification by reason of his having a share or interest in any
public company or registered co-operative society which contracts
with or is employed by a Gram Panchayat or the Zilla Panchayat
of the District.

(2) Any disqualification under clauses (c), (e), (f) or (g) may be removed
State Government by order in writing.
| 10. (1) Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect in the prescribed manner, one of its members to be the Sabhapati and another member to be the Up-Sabhapati of the Gram Panchayat. |
| (2) The Sabhapati and Up-Sabhapati shall, subject to the provisions of section 20 and to their continuing as members, hold office for a period of five years: Provided that a Sabhapati or an Up-Sabhapati shall continue to hold office after the expiry of the said period until a new Sabhapati or Up-Sabhapati is elected and assumes office or until an authority, or a person or persons is or are appointed under the second proviso to subsection (1) of section 8. |
| (3) When— (a) the office of the Sabhapati falls vacant by reason of death, resignation, removal or otherwise; or (b) the Sabhapati is, by reason of leave, illness or other cause, temporarily unable to act, the Up-Sabhapati shall exercise the powers, perform the functions and discharge the duties of the Sabhapati until a new Up-Sabhapati is elected and assumes office or until the Sabhapati resumes his duties, as the case may be. |
| (4) When— (a) the office of the Up-Sabhapati falls vacant by reason of death, resignation, removal or otherwise; or (b) the Up-Sabhapati is, by reason of leave, illness or other cause, temporarily unable to act, the Sabhapati shall exercise the powers, perform the functions and discharge the duties of the Up-Sabhapati until a new Up-Sabhapati is elected and assumes office or until the Up-Sabhapati resumes his duties, as the case may be. |
| (5) When the office of the Sabhapati and the Up-Sabhapati are both vacant, or the Sabhapati and the Up-Sabhapati are temporarily unable to act, the prescribed authority, may appoint a Sabhapati and an Up-Sabhapati from among the members of the Gram Panchayat to act as such until a Sabhapati and an Up-Sabhapati are elected and assume office. |

| 11. Every election on nomination of a Sabhapati, Up-Sabhapati, Sachiva and members of Gram Panchayat, as the case may be, shall be published by the State Government in the Official Gazette and such persons shall enter upon their respective offices from the date of such publication: Provided that if no such publication has been made the Sabhapati, Up-Sabhapati, Sachiva and members shall be deemed to have entered upon their respective offices from the date of declaration of result of their election or nomination, as the case may be. |

| 12. (1) Notwithstanding of any vacancy in the membership of the Gram Panchayat, the prescribed authority shall, immediately after but before the expiration of thirty days from the date of publication of the notification under section 11, call a meeting of the Gram Panchayat members (which meeting shall be called the first meeting of the Gram Panchayat) for electing the Sabhapati, Up-Sabhapati and the Sachiva of the Gram Panchayat from amongst themselves. |
(2) The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.

Meeting of Gram Panchayats.

13. (1) Every Gram Panchayat shall hold a meeting for transaction of its business at least once in every month at the office of the Gram Panchayat or at such place within the local limits of the Gram Panchayat concerned and at such time as the Sabhapati of the Gram Panchayat may decide.

(2) The Sabhapati may, whenever, he thinks fit, in the public interest or shall upon receipt of a written requisition of not less than one half of the total number of members of the Gram Panchayat or if directed by the Secretary of the Rural Development Department or the Deputy Development Officer-cum-Planning Officer or the District Collector of the concerned district, call a special meeting of the Gram Panchayat within a period of ten days from the date of receipt of the requisition or direction, as the case may be:

Provided that if the Sabhapati fails to call such special meeting within the specified period from the date of receipt of the requisition or direction, as the case may be, the Secretary of the Rural Development Department or the Deputy Development Officer-cum-Planning Officer or the District Collector of the concerned district may direct the Sachiva or any member of the Gram Panchayat to call such meeting at such time and at such place within the local limits of the Gram Panchayat concerned as the Sachiva or the member directed to call the meeting may decide.

(3) Two-third of the total number of members constituting the Gram Panchayat shall form a quorum for a meeting of the Gram Panchayat:

Provided that no quorum shall be necessary for an adjourned meeting.

(4) The Sabhapati or in his absence, the Up-Sabhapati shall preside at the meeting of the Gram Panchayat and in the absence of both, the members present shall elect one from amongst themselves to preside at the meeting.

(5) All questions coming before a Gram Panchayat shall, unless otherwise specifically provided under this Act be decided by a majority of votes of the members present and voting:

Provided that in case of equality of votes the person presiding shall have a second or a casting vote.

(6) No member shall vote on, and take part in the discussions of, any question coming up for consideration at a meeting of a Gram Panchayat if the question is one in which he has any direct or indirect pecuniary interest other than an interest as a member of public.

(7) If it appears to any member present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion or any question coming up for consideration as if referred to in sub-section (6) and a motion brought by him to that effect is carried, such a person shall not preside at such meeting and shall not take part therein, and for the purpose of sub-section (4) such person shall be deemed to be absent during the discussions or consideration of the particular matter.

Consideration of question disposed of by Gram Panchayat.

14. No matter once finally disposed of by the Gram Panchayat shall be reconsidered by it within the period of six months unless the recorded consent of not less than one-half of its total number of members has been obtained thereto.
15. (1) A list of the business to be transacted at every meeting of a Gram Panchayat except at an adjourned meeting, shall be sent to each member of the Gram Panchayat at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting, other than the business for which notice has been so given except with the approval of the majority of the members present at such meeting:

Provided that non-receipt of a notice by a member shall not vitiate the proceedings of the meeting:

Provided further that if the Sabhapati thinks that a situation has arisen for which an emergent meeting of the Gram Panchayat should be called, he may call such meeting at such time and at such place within the local limits of the Gram Panchayat concerned after giving three day's notice to the members:

Provided also that not more than one matter shall be included in the list of business to be transacted at such meeting.

(2) The business of the Gram Panchayat shall be transacted in the language commonly spoken and understood by the members.

(3) Minutes of the proceedings at each meeting of the Gram Panchayat shall be recorded in a book to be kept for this purpose and shall be read and signed by the Sabhapati of the meeting before the meeting disperses.

(4) The Sachiva of the Gram Panchayat shall, within a week after a meeting of the Gram Panchayat is held, send copies of minutes of every such meeting to the Secretary of the Rural Development Department and the Deputy Development Officer-cum-Planning Officer of the concerned district.

Powers and duties 16. of Sabhapati. The Sabhapati shall—

(a) regulate the meetings of the Gram Panchayat;

(b) be responsible for the maintenance of records and registers of the Gram Panchayat;

(c) exercise supervision and control over the acts done and action taken by the members of the Gram Panchayat and such officers and other employees whose services may be placed at the disposal of the Gram Panchayat by the State Government;

(d) operate jointly with the Sachiva of the Gram Panchayat the fund of the Gram Panchayat including authorisation of payment, issue of cheques and refunds;

(e) issue receipts under his signature for money received by him on behalf of the Gram Panchayat;

(f) cause preparation of all statements and reports required by or under this act;

(g) exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.
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| 17. | **Power and duties of Up-Sabhapati.**  
   (a) The Up-Sabhapati shall—  
   in the absence of the Sabhapati regulate the meetings of the Gram Panchayat;  
   (b) exercise such of the powers and perform such other functions and discharge such of the duties of the Sabhapati as the Sabhapati may, from time to time, delegate to him by order in writing:  
   Provided that the Sabhapati may at any time withdraw all or any of the powers, functions and duties so delegated to the Up-Sabhapati;  
   (c) during the absence of the Sabhapati, exercise all the powers, perform all the functions and discharge all the duties of the Sabhapati. |
| 18. | **Right of individual member.**  
   The member of a Gram Panchayat at any of the meeting may move resolution and put questions to the Sabhapati or Up-Sabhapati or the Sachiva, as the case may be, on matters connected with the administration of the Gram Panchayat or execution of any work or scheme undertaken by or entrusted to such Gram Panchayat. |
| 19. | **Resignation of Sabhapati or Up-Sabhapati or member.**  
   (1) A Sabhapati or an Up-Sabhapati or a member of a Gram Panchayat may resign his office notifying in writing his intention to do so to the Sabhapati or prescribed authority and on such resignation being accepted the Sabhapati or the Up-Sabhapati or the member shall vacate his office and the casual vacancy shall be deemed to have occurred in such office:  
   Provided that a person tendering resignation may withdraw his resignation before it is accepted by the prescribed authority.  
   (2) When the resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the Gram Panchayat within a period of thirty days of such acceptance. |
| 20. | **Removal of Sabhapati and Up-Sabhapati.**  
   A Sabhapati or an Up-Sabhapati of a Gram Panchayat may, at any time, be removed from office by a resolution of the Gram Panchayat carried by the majority of the members of the Gram Panchayat present at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:  
   Provided that at any such meeting while any resolution for the removal of—  
   (i) the Sabhapati from his office is under consideration; or:  
   (ii) the Up-Sabhapati from his office is under consideration,  
   he shall not, though present, preside at such meeting and the provisions of sub-section (4) of section 13 shall apply in relation to any such meeting as they apply in relation to a meeting from which the Sabhapati or, as the case may be, the Up-Sabhapati, is absent. |
| 21. | **Filling of casual vacancy in the office of Sabhapati or Up-Sabhapati.**  
   (1) In the event of removal of a Sabhapati or an Up-Sabhapati under section 20 or when a vacancy occurs in the office of a Sabhapati or an Up-Sabhapati by resignation, death or otherwise, the Gram Panchayat shall elect another Sabhapati or Up-Sabhapati. The person so elected shall take office forthwith and shall hold such office for the unexpired term of office of his predecessor.  
   (2) No person who has been removed from office under section 20 shall be eligible for re-election to the vacancy so caused. |
Removal of member- Gram Panchayat 22. (1) The prescribed authority may, after giving an opportunity, to be member of a Gram Panchayat to show cause against the action proposed to be taken against him, by order remove him from office if-

(a) after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or

(b) he was disqualified to be a member of the Gram Panchayat at the time of his election; or

(c) he incurs any of the disqualification mentioned in clause (b), (c), (d), (e) (f), (g), (h) (i) or (j) of section 9, after his election as a member of the Gram Panchayat ; or

(d) he is absent from three from consecutive meetings of the Gram Panchayat without the leave of the Gram Panchayat.

(2) Any member of a Gram Panchayat who is removed from his office by the prescribed authority under sub-section (1) may, within a period of thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

(3) The order passed by such authority on such appeal shall be final.

Filling of casual vacancy in place of member of Gram Panchayat. 23. (1) If the a member of a member of a Gram Panchayat becomes vacant by reason of his death, resignation, removal or otherwise, such vacancy shall be filled in by election of another person under this Act. The person elected shall take office forthwith and shall hold such office for the un-expired term of office of his predecessor.

Provided that no election for filling in of a casual vacancy shall be held if the vacancy occurs within a period of three months precedings the date on which the term of office of the person concerned expires.

(2) No person who has been removed from his office under section 22, shall be eligible for re-election to the vacancy so caused.

Sachiva of Gram Panchayat. 24. (1) Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect one of its member to be Sachiva of the Gram Panchayat:

Provided that no member who is not able to read or write any of the official language of the State shall be qualified to be elected as a Sachiva:

Provided further that where no such person as referred to in the first proviso is available, the Gram Panchayat may appoint any person including person in government service with prior approval of the State Government and such person may be paid such honorarium as the State Government may determine.

(2) The Sachiva of the Gram Panchayat so elected shall assist the Sabhapati or the Up-Sabhapati, as the case may be, of the Gram Panchayat in due maintenance of the Gram Panchayat office and for proper organisation and execution of rural development schemes and shall be directly answerable to the member of the Gram Panchayat.
(3) The Sachiva shall be in charge of office of the Gram Panchayat and shall exercise such powers and perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or the State Government may, by rules made in this behalf, prescribe.

(4) The term of office of the Sachiva shall, subject to the provisions section 26, be co-terminus with the term of the Gram Panchayat.

Regisration of Sachiva. 25. A Sachiva of a Gram Panchayat may resign his office by notifying in writing his intention to do so to the prescribed authority and on such resignation being accepted the Sachiva shall vacate his office and the casual vacancy shall be deemed to have occurred in such office:

Provided that a person tendering resignation may withdraw his resignation before it is accepted.

(2) When the resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the Gram Panchayat within a period of thirty days of such acceptance.

Removal of Sachiva 26. (1) A Sachiva may, at any time, be removed from office by a resolution of the Gram Panchayat carried by the majority of the members of the Gram Panchayat present at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority.

(2) In the event of removal of a Sachiva under sub-section (1) or when a vacancy occurs in the office of a Sachiva by resignation, death or otherwise, the Gram Panchayat shall elect one of its members to be the Sachiva. The person so elected shall take office forthwith and shall hold such office for the un-expired term of office of his predecessor.

(3) No person who has been removed from his office under sub-section (1) shall be eligible for re-election to the vacancy so caused.

CHAPTER III

Duties of Gram Panchayat

27. Obligatory duties of Gram Panchayat. Subject to any general or special direction of the State Government the duties of a Gram Panchayat shall be to provide within the area under its jurisdiction for —

(a) sanitation, conservancy and drainage and the prevention of public nuisance;

(b) curative and preventive measures in respect of any infectious disease;

(c) supply of drinking water and the cleaning and disinfecting the sources of supply and storage of water;

(d) maintenance, repair and construction of village roads and protection thereof;

(e) the removal of encroachments of village roads or public places;

(f) the management of common grazing grounds, burning places and public graveyards:
(g) the supply of any local information which the District Collector or Deputy Development Officer-cum-Planning Officer or the Zilla Panchayat, within the local limits of whose jurisdiction the Gram Panchayat is situate, may require;

(h) organising voluntary labour for community work and works for the upliftment of its areas;

(i) control and administration of the Gram Panchayat Fund established under this Act;

(j) the imposition, assessment and collection of taxes, fees or rates leviable under this Act;

(k) construction and maintenance of dharmasalas;

(l) regulating places for the disposal of dead bodies and carcasses and other offensive matters;

(m) assisting the development of agriculture, forestry, animal husbandry, poultry, fisheries, village and cottage industries and co-operative;

(n) registering births, deaths and marriages and annually submitting such records to the Zilla Panchayat;

(o) maintenance of such records relating to cattle census, population census, crop census and census of unemployed persons and such other statistics as may be required and annually submitting such records to the Zilla Panchayat;

(p) regulating inflow of animals within the area and their transfer;

(q) destruction and disposal of ownerless and rabid dogs and disposal of unclaimed animals;

(r) maintenance, upkeep and supervision of any building or other property which may be entrusted to it by the State Government for management;

(s) assisting the Zilla Panchayat in preparing development plan of its area;

(t) rendering assistance in extinguishing fire and protecting life and property when fire occurs;

(u) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public not otherwise provided for in this Act;

(v) such other duties as may be entrusted to it by the State Government from time to time.

Other duties of 28. A Gram Panchayat shall also perform such other functions as the State Government may assign to it in respect of :

(a) primary, social, technical or vocational education;

(b) rural dispensaries, health centres, maternity and child welfare centres;

(c) minor irrigation;

(d) grow more food campaign;

(e) care of the infirm and destitute;

(f) rehabilitation of displaced persons;

(g) improved breeding of cattle, medical treatment of cattle and prevention of cattle disease;
(b) its acting as a channel through which Government assistance should reach the residents of the Gram;

(i) bringing private waste land under cultivation;

(j) promotion of plantations in the gram;

(k) arranging for cultivation of land lying fallow;

(l) arranging for co-operative management of resources of the Gram;

(m) implementation of such schemes as may be formulated or performance of such acts as may be entrusted to it by the State Government;

(n) field publicity of matters connected with development works and other welfare measures undertaken by the State Government;

(o) regulation of fairs, melas, hats and exhibition of local produce and products of local handcrafts and home industries;

(p) assisting and advising the residents of the Gram in the matter of obtaining state loan and its distribution and repayment;

(q) assisting in the implementation of land reform measure in its area;

(r) the promotion and encouragement of education including adult education;

(s) such other functions which the State Government may, from time to time, by order in writing entrust to such Gram Panchayat which in its opinion to promote directly or indirectly the welfare of the public.

(2) If the State Government is of opinion that a Gram Panchayat has persistently made default in the performances of any of the functions assigned to it under sub-section (1), the State Government may, after recording its reasons, withdraw such functions from such Gram Panchayat.

(3) Where the State Government assigns any functions to a Gram Panchayat under sub-section (1), it shall place such funds at the disposal of the Gram Panchayat as may be required for the due performance of such function.

CHAPTER IV
Property and Fund

29. All property within the local limits of the jurisdiction of a Gram Panchayat other than property maintained by the Central or the State Government or a local authority or any other Gram Panchayat shall vest in and belong to the Gram Panchayat and shall with all other property of whatsoever nature or kind which may become vested in the Gram Panchayat, be under its direction, management and control.

30. (1) The State Government may allocate to a Gram Panchayat any public property situated within its local jurisdiction, and thereupon such property shall vest in and under the control of the Gram Panchayat.

(2) No property vested in or belonging to a Gram Panchayat shall be transferred by way of sale, gift, mortgage, exchange or lease except with the previous sanction of the State Government.
(3) Where the State Government is of opinion that any property vested in or belonging to a Gram Panchayat is required for the purpose of any national or State development plan or for any other public purpose, the State Government may resume such property, and upon such resumption, the property shall cease to vest in the Gram Panchayat and shall re-vest in the State Government.

(4) No compensation other than the amount paid by the Gram Panchayat for such transfer and the market value of any building or works erected or executed on such property by the Gram Panchayat at the time of resumption shall be payable. Any sum so received shall be credited to the Gram Panchayat Fund.

**Acquisition of land for Gram Panchayat.**

31. (1) Where a Gram Panchayat require land for carrying out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the District Collector for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Sikkim land (Requisition and Acquisition) Act, 1977 and such Land shall, on acquisition, vest in the Gram Panchayat.

**Panchayat Fund.**

32. (1) For every Gram Panchayat there shall be constituted a Gram Panchayat Fund bearing the name of Gram Panchayat and there shall be placed to the credit thereof—

(a) contributions and grants, if any, made by the Central or the State Government;
(b) contributions and grants, if any, made by a Zilla Panchayat or any other local authority;
(c) loans, if any, granted by the Central Government or the State Government;
(d) all receipts on accounts of taxes, rates and fees levied by the Gram Panchayat;
(e) all sums received by way of gift or contribution;
(f) all other sums received by or on behalf of the Gram Panchayat;
(g) such percentage of the land revenue collected by it as may be determined by the State Government.

(2) Every Gram Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its administration including allowances payable to the members.

(3) Every Gram Panchayat shall have the power to spend such sums as the State Government may, by order, specify, for carrying out the purposes of this Act.

(4) The Gram Panchayat Fund shall be vested in the Gram Panchayat and the balance to the credit of the Fund shall be kept in such custody as the State Government may direct.

(5) Subject to such general control as the Gram Panchayat may exercise from time to time, all orders and cheques for payment from the Gram Panchayat Fund shall be signed by the Sabhapati or in his absence by the Up-Sabhapati.
Levy of taxes, rates and fees.  

33. Subject to the rates which may be fixed by the State Government a Gram Panchayat, may levy the following taxes, rates, and fees namely—

(a) a tax on fairs, melas, hats and other entertainments;
(b) a general sanitary tax for the construction or maintenance or both the construction and maintenance of public latrines and for the removal and disposal of refuse;
(c) a water rate where arrangements for the supply of water for drinking, irrigation or any other purpose are made;
(d) a fee for temporary erection on, or putting up projections over, or temporary occupation of, any village road or place;
(e) a fee on private latrines, premises or compounds cleaned by the Gram Panchayat agency;
(f) a fee for grazing cattle on grazing lands vesting in a Gram Panchayat;
(g) a fee on the registration of animals sold in any market or place belonging to or under the control of the Gram Panchayat;
(h) a market fee on persons exposing goods for sale in any market or on any place or any building or structure therein belonging to or under the control of the Gram Panchayat;
(i) a fee for the use of dharmasalas and encamping grounds;
(j) a fee for drainage where system of drainage has been introduced by the Gram Panchayat;
(k) a temporary tax for special works of public utility;
(l) a tax on houses.

(2) The Gram Panchayat shall not levy taxes, rates or fees referred to in sub-section (1) if such taxes, rates or fees have already been levied by any other authority under any law for the time being in force or by any other local authority.

Power of State Government to regulate taxes, rates and fees.  

34. (1) The State Government may, in the manner specified in the notification regulate the imposition, assessment and collection of taxes, rates and fees under section 33.

(2) Subject to the provisions of this Act or rules made thereunder, no person shall object in respect of his liability to any assessment made or tax imposed under this Act.

Appeal against taxation, fees and rates.  

35. An appeal against the levy of any tax, rate or fee under section 33 may be preferred to the prescribed authority in such manner and within such time as may be prescribed and the decision of such authority shall be final.

Recovery of arrears.  

36. Any arrear of tax, rate or fee levied under section 33 shall be recoverable as arrears of land revenue or public demand or if the Gram Panchayat passes a resolution to that effect and communicates it to the District Collector.

Action by District Collector.  

37. (1) The District Collector, on receipt of such communication of the sum recoverable under section 36 and on being satisfied with the demand, shall proceed to recover it.

(2) Any sum so recovered shall be sent to the gram Panchayat and shall be credited to the Gram Panchayat Fund.
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Budget of Gram Panchayat.

38. (1) Every Gram Panchayat shall, at such time and in such manner as may be prescribed, prepare each year a budget of its estimated receipts and disbursements for the following year and shall submit the budget to the State Government for approval through the Zilla Panchayat of the district concerned.

(2) No expenditure shall be incurred unless the budget is approved by the State Government.

39. (1) Every Gram Panchayat shall, at such time and in such manner as may be prescribed, prepare each year a budget of its estimated receipts and disbursements for the following year and shall submit the budget to the State Government for approval through the Zilla Panchayat of the district concerned.

(2) No expenditure shall be incurred unless the budget is approved by the State Government.

Supplementary Budget.

40. A Gram Panchayat may prepare in each year supplementary estimate providing for any modification of its budget and submit it to the State Government for approval through the Zilla Panchayat of the district concerned within such time and in such manner as may be prescribed.

Accounts.

41. A gram Panchayat shall keep such accounts in such manner as may be prescribed.

CHAPTER V

Constitution of Zilla Panchayat

42. (1) For every district the State Government shall, by notification in the Official Gazette, constitute a Zilla Panchayat bearing the name of the district.

(2) A Zilla Panchayat shall consist of the following members, namely:

(a) Sabhapatis of the Gram Panchayats within the district, ex-officio;

(b) Chairmen of the Municipal Corporations;

(c) Members of the Legislative Assembly of the State elected from a constituency comprising the district or any part thereof, ex-officio;

(d) A member elected by each Bazar Committee declared as such under the provisions of the Bazar Committees Act, 1969.

Term of Zilla Panchayat.

43. (1) The term of Zilla Panchayat, unless sooner dissolved, shall be five years from the date of its constitution:

Provided that the term of a Zilla Panchayat which is constituted after the constitution of other Zilla Panchayats in a regular election, shall expire with the expiration of five year term of other Zilla Panchayats:
Provided further that the State Government may, where it is not possible to hold elections for the constitution of new Zilla Panchayats immediately after the expiry of the term, by notification, extend the said term for a period not exceeding six months at a time subject to a maximum period of one year or appoint any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the Zilla Panchayats under this Act until the constitution of new Zilla Panchayats.

(2) When a new Zilla Panchayat is thus duly constituted the old Zilla Panchayat shall stand dissolved.

Incorporation of Zilla Panchayat

(1) Every Zilla Panchayat shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

(2) A Zilla Panchayat shall have power to acquire, hold and dispose of property and to enter into contract:

Adhakshya and Upadhakshya.

(1) Every Zilla Panchayat shall, at its first meeting at which a quorum is present, elect in such manner as the State Government may, by notification, specify, one of its members to be the Adhakshya and another member to be the Upadhakshya of the Zilla Panchayat.

Provided that the members referred to in clauses (b) and (c) of sub section (2) of section 42 shall not be eligible for such election.

(2) The Adhakshya and Upadhakshya shall, subject to the provisions of section 55 and to their continuing as members, hold office for a period of five years:

Provided that an Adhakshya or an Upadhakshya shall continue in office after the expiry of the said period until a new Adhakshya or Upadhakshya is elected and assumes office or until an authority or a person or persons is or are appointed under the second proviso to sub-section (1) of section 43.

(3) When—

(a) the office of the Adhakshya falls vacant by reason of death, resignation, removal or otherwise; or
(b) the Adhakshya is, by reason of leave, illness or other cause, temporarily unable to act,

the Upadhakshya shall exercise the powers, perform the functions and discharge the duties of the Adhakshya until a new Adhakshya is elected and assumes office or until the Adhakshya resumes his duties, as the case may be.

(4) When—

(a) the office of the Upadhakshya falls vacant by reason of death, resignation, removal or otherwise; or
(b) the Upadhakshya is, by reason of leave, illness or other cause, temporarily unable to act,

the Adhakshya shall exercise the powers, perform the functions and discharge the duties of the Upadhakshya until a new Upadhakshya is elected and
assumes office or until the Upadhakshya resumes his duties, as the case may be.

(5) When the offices of the Adhakshya and the Upadhakshya are both vacant or the Adhakshya and the Upadhakshya are temporarily unable to act, the prescribed authority may appoint an Adhakshya and an Upadhakshya from among the members of the Zilla Panchayat to act as such until an Adhakshya or an Upadhakshya are elected and assume office or resume his duties, as the case may be.

Notification of election, nomination etc.

46. Every election or nomination of an Adhakshya or an Upadhakshya and members of a Zilla Panchayat, as the case may be, shall be published by the State Government in the official Gazette and such persons shall enter upon their respective offices from the date of such publication.

First meeting of the Zilla Panchayat.

47. (1) Notwithstanding any vacancy in the membership of the Zilla Panchayat, the prescribed authority shall as soon as may be (but before the expiration of thirty days from the date of publication of the notification under section 46) call a meeting of the members of a Zilla Panchayat at such place and at such time as he may fix for electing an Adhakshya and Upadhakshya.

(2) The meeting to be held under sub-section (1) shall be called the first meeting of the Zilla Panchayat and may be convened by the prescribed authority in such manner as it may determine.

Meeting of Zilla Panchayat.

48. (1) Every Zilla Panchayat shall hold a meeting for transaction of its business at least once in every two months at the office of the Zilla Panchayat or at such place within the local limits of the district concerned and at such time as the Adhakshya of the Zilla Panchayat may fix.

(2) The Adhakshya may, whenever he thinks fit in the public interest or shall upon a written requisition of not less than one half of the total number of members of the Zilla Panchayat or if directed by the Secretary of the Rural Development Department or the Deputy Development Officer-cum-Planning Officer of the concerned district, call a special meeting of the Zilla Panchayat within a period of ten days from the date of receipt of the requisition or direction, as the case may be:

Provided that if the Adhakshya fails to call such a special meeting within the specified period from the date of receipt of requisition or direction, as the case may be, the Secretary of the Rural Development Department or the Deputy Development Officer-cum-Planning Officer of the concerned district may direct any member of the Zilla Panchayat to call such meeting which shall be held at such time and in such place within the local limits of the district concerned as the member of the Zilla Panchayat directed to call the meeting may fix.

(3) Two-third of the total number of members shall form a quorum for a meeting of the Zilla Panchayat:

Provided that no quorum shall be necessary for an adjourned meeting.

(4) The Adhakshya or in his absence, the Upadhakshya shall preside at the meeting of the Zilla Panchayat; and in the absence of both, the
members present shall elect one member from amongst themselves to preside at the meeting.

(5) All questions coming before a Zilla Panchayat shall, unless otherwise specifically provided under this Act, be decided by a majority of votes of the members present and voting:

Provided that in case of equality of votes the person presiding shall have a second or casting vote.

(6) No member shall vote on and take part in the discussion of any question coming up for consideration at a meeting of a Zilla Panchayat if the question is one in which he has any director indirect pecuniary interest other than an interest as a member of the public.

(7) If it appears to any member present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion or any question coming up for consideration as referred to in sub-section (6) and a motion brought by him to that effect is carried, such a person shall not preside at such meeting and shall not take part therein, and for the purposes of sub-section (4) such person shall be deemed to be absent during the discussion or, consideration of the particular matter.

49. No subject once finally disposed of by the Zilla Panchayat shall be reconsidered by it within six months unless the recorded consent of not less than one half of members has been obtained therefor.

50. (1) A list of the business to be transacted at every meeting of a Zilla Panchayat except at an adjourned meeting, shall be sent to each member of the Zilla Panchayat at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting, other than the business of which notice has been so given, except with the approval of the majority of the members present at such meeting:

Provided that non-receipt of a notice by a member shall not vitiate the proceedings of a meeting:

Provided further that if the Adhakshya thinks that a situation has arisen for which an emergent meeting of the Zilla Panchayat should be called, he may call such meeting after giving three days notice to the members:

Provided also that not more than one matter shall be included in the list of business to be transacted at meeting called under the second proviso.

(2) The business of the Zilla Panchayat shall be transacted in the language spoken and understood by the members.

(3) Minutes of the proceedings of each meeting of the Zilla Panchayat shall be recorded in a book to be kept for this purpose and shall be read out and signed by the Adhakshya of the meeting before the meeting disperses.

(4) The Sachiva of a Zilla Panchayat shall, within a week after a meeting of the Zilla Panchayat send copies of minutes of every such meeting to the Deputy Development Officer-cum-Planning Officer and the Secretary.
51. **Power and duties of Adhakshya**

   The Adhakshya shall:—

   (a) regulate the meetings of the Zilla Panchayat;

   (b) be responsible for the maintenance of record and registers of the Zilla Panchayat;

   (c) exercise supervision and control over the act done and action taken by the members of the Zilla Panchayat and such officers and such other employees whose services may be placed at the disposal of the Zilla Panchayat by the State Government;

   (d) operate jointly with the Sachiva of the Zilla Panchayat the Fund of the Zilla Panchayat including authorisation of payment, issue of cheques and refunds;

   (e) issue receipts under his signature for sums of money received by him for and on behalf of the Zilla Panchayat;

   (f) cause preparation of all statements and reports required by or under this Act;

   (g) exercise such other powers, perform such other functions and discharge such other duties as the Zilla Panchayat may, by general or special resolution, direct or as the State Government may, by order specify:

   Provided that the Adhakshya shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Zilla Panchayat at a meeting.

52. **Power and duties of Upadhakshya.**

   The Upadhakshya shall—

   (a) in the absence of the Adhakshya, preside over and regulate the meetings of the Zilla Panchayat;

   (b) exercise such of the powers, perform such of the functions and discharge such of the duties of the Adhakshya as the Adhakshya may, from time to time, delegate to him by order in writing:

   Provided that the Adhakshya may at any time withdraw all or any of the powers, functions and duties so delegated to the Upadhakshya;

   (c) during the absence of the Adhakshya, exercise all the powers, perform all the functions and discharge all the duties of the Adhakshya.

53. **Right of individual members.**

   At a meeting of a Zilla Panchayat, a member may move any resolution and put questions to the Adhakshya or Upadhakshya, as the case may be, on matters connected with the administration of Zilla Panchayat or execution of rural works or schemes entrusted to or undertaken by such Zilla Panchayat.

54. **Resignation of Adhakshya and Upadhakshya or a member.**

   (1) An Adhakshya, or an Upadhakshya or a member of a Zilla Panchayat may resign his office by notifying in writing his intention to do so to the prescribed authority and on such resignation being accepted the Adhakshya or the Upadhakshya or the member shall vacate his office and casual vacancy shall be deemed to have occurred in such office:

   Provided that a person tendering resignation may withdraw his resignation before it is accepted.
(2) When the resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the Zilla Panchayat within thirty days of such acceptance.

Removal of Adhakshya and Upadhakshya

55. (1) An Adhakshya or an Upadhakshya may, at any time, be removed from office by a resolution of the Zilla Panchayat passed by the majority of the members of the Zilla Panchayat present and voting at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:

Provided that at any such meeting while any resolution for the removal of—

(i) the Adhakshya from his office is under consideration; or
(ii) the Upadhakshya from his office is under consideration, he shall not, though he is present, preside at such meeting and the provisions of sub-section (4) of section 48 shall apply in relation to every such meeting as they apply in relation to a meeting from which the Adhakshya or, as the case may be, the Upadhakshya is absent.

(2) No person who has been removed from his office under sub-section (1) shall be eligible for re-election to the vacancy so caused.

Removal of member of Zilla Panchayat.

57. (1) The prescribed authority may, after giving opportunity to a member of a Zilla Panchayat other than an ex-officio member to show cause against the action proposed to be taken against him, by order, remove him from office if—

(a) after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or
(b) he was disqualified to be a member of the Zilla Panchayat at the time of his election; or
(c) he incurs any of the disqualifications mentioned in clauses (b), (c), (d), (e), (g), (h) or (j) of section 9 after his election as a member of the Zilla Panchayat; or
(d) he is absent from three consecutive meetings of the Zilla Panchayat without the leave of the Zilla Panchayat provided he is not an ex-officio member of the Zilla Panchayat.

(2) Any member of a Zilla Panchayat who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority and after giving the appellant and opportunity of being heard, modify, set aside or confirm the order.

Filling of causal vacancy in the office of Adhakshya or Upadhakshya.

56. In the event of removal of an Adhakshya or an Upadhakshya under section 55 or when a vacancy occurs in the office of the Adhakshya or Upadhakshya by resignation, death or otherwise the Zilla Panchayat shall elect another Adhakshya or Upadhakshya, as the case may be. The person so elected shall take office forthwith and shall hold office for the unexpired term of office of his predecessor.
(3) The order passed by such authority on such appeal shall be final.

(4) If a member of a Zilla Panchayat referred to in clause (c) of sub-section (2) of section 42 ceases to be the member of the Legislative Assembly of the State he shall cease to be the member of the Zilla Panchayat and the newly elected person shall become the member of the Zilla Panchayat.

#### Filling of casual vacancy in office of a member of Zilla Panchayat.

If the office of a member of a Zilla Panchayat becomes vacant by reason of his death, resignation, removal or otherwise, such vacancy shall be filled in by election of another person under this Act. The person so elected shall take office forthwith and shall hold such office for the un-expired term of office of his predecessor:

Provided that no election for filling in of a casual vacancy shall be held if the vacancy occurs within a period of three months preceding the date on which the term of office of the person concerned expires.

#### Sachiva of Zilla Panchayat.

(1) There shall be a Sachiva for a Zilla Panchayat appointed by the State Government on such terms and conditions as may be prescribed:

Provided that any person so appointed shall be recalled by the State Government if a resolution to that effect is passed by the Zilla Panchayat, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being.

(2) The Sachiva shall also supervise all records of every Gram Panchayat falling under the jurisdiction of a Zilla Panchayat of a concerned district.

(3) The Sachiva shall be incharge of the office of the Zilla Panchayat and shall discharge such duties and perform such functions as may be prescribed.

#### CHAPTER VI

**Powers and Duties of Zilla Panchayat**

#### Obligatory duties of Zilla Panchayat.

(1) Subject to any general or special directions of the State Government, a Zilla Panchayat shall have power in respect of—

(a) regulating melas or hats within its local limits;

(b) construction and maintenance of Panchayat Ghars, Dharamsalas and rest houses;

(c) construction, repair and maintenance of such small irrigation projects of such class or types thereof, as may be specified by the State Government by general or special order in this behalf, and regulating of supply of water therefrom for irrigation purposes;

(d) regulating supply of water for irrigation or drinking water supply schemes constructed by the Government and entrusted to it for maintenance and repair;

(e) regulating, maintaining and developing of lands vested in it by the Government;
(f) organising plantation programme in the public land, roads and such other places as may be specified for promotion of social forestry and environmental conservation and maintaining and regulating of such forests;

(g) establishing and maintaining primary schools and organizing adult education centres;

(h) establishing health centres and maternity and child welfare centres;

(i) managing or maintaining any works of public utility and adopting measures for the relief of distress;

(j) preparing plans for all round development of the district after obtaining previous approval of the Government and with such technical assistance as may be made available by the Government;

(k) co-ordinating and integrating the development plans and schemes prepared by Gram Panchayats within its jurisdiction;

(l) fulfilling any other obligation imposed by or under this Act or by any other law for the time being in force or by general or special order of the Government in this behalf.

Other duties of Zilla Panchayat.

Subject to such conditions as may be imposed by the State Government, a Zilla Panchayat may, if the State Government so directs, make provisions for—

(a) the promotion of opportunity of employment through community farming by organizing model agriculture or dairy farms and small scale village industries;

(b) the organisation and maintenance of clubs and other places for recreation or games;

(c) establishment and maintenance of library or reading rooms and public radio listening centres;

(d) construction and maintenance of destitute homes, slaughter houses and encamping grounds;

(e) rendering assistance in extinguishing fire and protecting life and property when fire occurs;

(f) assisting in the prevention of burglary and decoy;

(g) the promotion of socio-cultural and communal harmony;

(h) the promotion of agriculture and allied activities connected with it;

(i) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public not otherwise provided for in this Act.

Where the State Government directs a Zilla Panchayat to make provision for any of the items enumerated in sub-section (1), it shall place such funds at the disposal of the Zilla Panchayat as may be required for making such provision.
(3) A Zilla Panchayat shall have the power to advise the State Government on all matters relating to the development works in the Gram Panchayats.

(4) Notwithstanding anything in sub-section (1), a Zilla Panchayat shall not undertake or execute any scheme confined to a Gram unless the implementation of such a scheme is beyond the competence of the Gram Panchayat concerned financially or otherwise. In the latter case the Zilla Panchayat may execute the scheme itself or entrust its execution to the Gram Panchayat and give such assistance as may be required:

Provided that a Zilla Panchayat shall undertake or execute any scheme if it extends to more than one Gram.

Vesting of Zilla Panchayat with certain powers. 62. (1) A Zilla Panchayat may be vested by the State Government with such powers under any local or special Act as the State Government may think fit.

(2) A Zilla Panchayat shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

Joint execution of section by two or more Zilla Panchayats 63. The Zilla Panchayats of two or more adjacent districts may jointly undertake and execute at common cost any development scheme or project on such terms and conditions as may be agreed upon, and in case of any difference as to the interpretation of such terms and conditions the matter shall be referred to the State Government whose decision shall be final.

Power of supervision by Zilla Panchayat over Gram Panchayat. 64. A Zilla Panchayat shall exercise general powers of supervision over Gram Panchayats in the district and it shall be the duty of Gram Panchayat to give effect to any direction of the Zilla Panchayat on matters of policy or planning for development.

CHAPTER VII
Property and Fund

Works constructed by a Zilla Panchayat to vest in it. 65. All roads, buildings or other works constructed by a Zilla Panchayat with its own funds shall vest in it.

Allocation of properties to Zilla Panchayat. 66. (1) The State Government may allocate to a Zilla Panchayat any public property of whatsoever nature or kind situated within its local limits, and thereupon, such property shall vest in and come under the control of the Zilla Panchayat.

(2) No property vested in or belonging to a Zilla Panchayat shall be transferred by way of sale, gift, mortgage, exchange or lease without the previous sanction of the State Government.

(3) Where the State Government is of opinion that any property vested in or belonging to a Zilla Panchayat is required for the purpose of any National or State Development plan or for any other public

purpose, the State Government may resume such property and upon such resumption the property shall cease to vest in the Zilla Panchayat and shall re-vest in the State Government.

(4) No compensation other than the amount paid by the Zilla Panchayat for such transfer and the market value of any building or works erected or executed on such property by the Zilla Panchayat at the time of such resumption shall be payable. Any sum so received shall be credited to the Zilla Panchayat-Fund.

Acquisition of land for Zilla Panchayat.

Where a Zilla Panchayat requires land for carrying out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement it may make an application to the District Collector for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Sikkim Land (Requisition and Acquisition) Act, 1977.

Zilla Panchayat Fund.

(1) For every Zilla Panchayat there shall be constituted a Zilla Panchayat Fund bearing the name of the Zilla Panchayat and there shall be placed to the credit thereof—

(a) contributions and grants, if any, made by the Central or the State Government including such portion of land revenue collected within its jurisdiction as may be determined by the State Government;

(b) contributions and grants, if any, made by any other local authority;

(c) loans, if any, granted by the Central or State Government;

(d) proceeds of collection of revenues in respect of schemes, projects and other properties undertaken or vested in the Zilla Panchayat by the Government at such rates as may be determined by the State Government;

(e) such rates, fees, taxes, as may be imposed and realised under the provisions of this Act;

(f) such sums received from the Government for fulfilling duties and obligations entrusted to the Zilla Panchayat by the State Government;

(g) all other sums received by or on behalf of the Zilla Panchayat.

(2) Every Zilla Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its administration including allowances payable to the members.

(3) Every Zilla Panchayat shall have the power to spend such sums as the State Government may, by order, specify for carrying out the purposes of this Act.

(4) The Zilla Panchayat Fund shall be vested in the Zilla Panchayat and the amount standing to the credit of the Fund shall be kept in such custody or invested in such manner as the State Government may, from time to time, direct.
Subject to such general control as the Zilla Panchayat may exercise, from time to time, orders and cheques for payment from the Zilla Panchayat Fund shall be signed by the Adhakshya.

Subject to the maximum rates which may be fixed by the State Government, a Zilla Panchayat may levy following taxes, rates and fees, namely:—

(a) a tax on fairs, melas and other entertainments;

(b) a general sanitary tax for the construction, maintenance, or both the construction and maintenance of public latrines and for the removal and disposal of refuse;

(c) a water rate where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Panchayat within its jurisdiction;

(d) a fee for temporary erection on, or putting up projections over, or temporary occupation of any village toad or place;

(e) a fee on private latrines, premises or compounds cleaned by the Zilla Panchayat agency;

(f) a fee for grazing cattle on the grazing lands vested in a Zilla Panchayat;

(g) a fee on the registration of animals sold in any market or place belonging to or under the control of the Zilla Panchayat;

(h) a market fee on persons exposing goods for sale in any market or at any place or in any building or structure therein belonging to or under the control of the Zilla Panchayat;

(i) a fee for the use of dharmasalas, rest houses, slaughter houses and encamping grounds;

(j) a fee for drainage where system of drainage has been introduced by the Zilla Panchayat;

(k) a temporary tax for special works of public utility.

The Zilla Panchayat shall not levy taxes, rates or fees referred to in sub-section (1) if such taxes, rates or fees are already been levied by any other authority under any law for the time being in force or by any other local authority.

The State Government may make rules to regulate the imposition, assessment to, and collection of taxes, rates and fees under secter 69.

Subject to the provisions of this Act or rules made thereunder, no person shall object in respect of his liability to any assessment made or tax imposed under this Act.

An appeal against any tax rate or fees under section 69 may be preferred to the prescribed authority in such manner and within such time as may be prescribed and the decision of such authority shall be final.

Any arrear of tax, rate or fee imposed under section 69 shall be recoverable as arrears of land revenue or public demand if the Zilla Panchayats passes a resolution to that effect and communicates it to the District Collector.
(1) The District Collector on receipt of communication under section 72 and on being satisfied with the demand shall proceed to recover it.

(2) Any sum so recovered shall be sent to the Zilla Panchayat and shall be credited to the Zilla Panchayat Fund.

If on a complaint made to it or otherwise, it appears to the State Government that any tax, rate or fee imposed by a Zilla Panchayat is excessive, it may, after calling a report from the Zilla Panchayat in this regard, abolish or suspend or reduce the amount of any tax, rate or fee, as the case may be.

The State Government may, on its own motion or otherwise after giving the Zilla Panchayat an opportunity of expressing its view in the matter, by order, exempt—

(a) any person or class of persons; or
(b) any property or description of properties, from the payment of whole or part of any tax, rate or fees subject to such conditions as may be specified in such order.

Every Zilla Panchayat shall at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and expenditure for the next financial year and submit it to the State Government for approval.

No expenditure shall be incurred unless the budget is approved by the State Government.

A Zilla Panchayat may prepare in each year supplementary estimates providing for any modification of its budget and submit it to the State Government for approval within such time and in such manner as may be prescribed.

A Zilla Panchayat shall keep such accounts in such manner as may be prescribed.

The accounts of the Fund of a Gram Panchayat or Zilla Panchayat shall be examined and audited by an auditor appointed in that behalf by the State Government at such time and place and in such manner as the State Government may prescribe.

For the purposes of an audit under this Act an auditor may (i) require in writing the production before him of any document or the supply of any information which he considers to be necessary for the proper conduct of the audit;
(ii) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document, or having, directly or indirectly, whether by himself or his partner, any share or interest in any contract made with, by or on behalf of, the members of the Gram Panchayat or the Zilla Panchayat concerned;

(iii) require any person so appearing before him to make and sign a declaration in respect of any such document or to answer any question or prepare and submit and statement.

Penalty. 81. Any person who neglects or refuses to comply with the requisition made by the auditor under section 80 within such time as may be specified, shall, on conviction by a Court, be punishable with a fine which may extend to fifty rupees in respect of each item included in the requisition.

Audit report. 82. (1) Within two months from the date on which an audit under this Act is completed, the auditor shall prepare a report and send a copy of the report to the Sabhipati, or Adhakshya, as the case may be, of the Gram Panchayat or the Zilla Panchayat and to the State Government.

(2) The auditor shall append to his report a statement showing —

(a) the grants-in-aid received by the Gram Panchayat or the Zilla Panchayat and the expenditure incurred therefrom;

(b) any material impropriety or irregularity which he may observe in the expenditure or in the recovery of money due to the Gram Panchayat or the Zilla Panchayat or in the accounts of the Gram Panchayat or the Zilla Panchayat Fund;

(c) any loss or wastage of money or other property owned by or vested in the Gram Panchayat or the Zilla Panchayat.

Action on audit report. 83. (1) Within two months from the date of receipt of the report referred to in section 82, the Gram Panchayat or the Zilla Panchayat concerned shall, at a meeting, remove or cause to be removed any defect or irregularity pointed out in the report and shall also inform the auditor of the action taken by it. The Gram Panchayat or the Zilla Panchayat concerned shall give reasons or explanations if any defect or irregularity is not removed.

(2) If, within the period referred to in sub-section (1), no information is received by the auditor from the Gram Panchayat or the Zilla Panchayat concerned or if the reasons or explanations given by it for not removing any defect or irregularity pointed out in the report is not considered sufficient by the auditor, the auditor shall if he has not already exercised or does not propose to exercise the powers conferred upon him by section 84 refer the matter to the State Government within such time and in such manner as the State Government may prescribe.

(3) On receipt of the report under sub-section (2), it shall be competent for the State Government to pass such orders thereon as it may think fit. The orders of the State Government shall, save as provided in sections 84 and 85, be final and the Gram Panchayat or the Zilla Panchayat concerned shall take action in accordance with such orders.
(4) If the Gram Panchayat or the Zilla Panchayat concerned fails to comply with the order within the period specified therein, the State Government may empower any officer of the State Government to carry out the order.

(5) Officer empowered under sub-section (4) shall, for the purpose of carrying out the order, exercise any of the powers which might have been exercised by the Gram Panchayat or Zilla Panchayat concerned.

**Power of auditor to surcharge etc.**

84. (1) The auditor, after giving the person concerned an opportunity to submit an explanation within a time to be specified by him and after considering such explanation, shall disallow every item of account contrary to law and surcharge the same on the person making or authorising the making of the illegal payments, and shall charge against any person responsible for the amount of any loss incurred by the negligence or misconduct of that person, and shall, in every such case, certify the amounts due from such person:

Provided that the auditor may in his discretion waive the surcharge or charge in cases where the amount involved does not exceed 20 rupees.

(2) For the purposes of this section any member of Gram Panchayat or Zilla Panchayat, as the case may be, who is present at a meeting at which a motion or resolution is passed authorising any expenditure which is subsequently disallowed under sub-section (1) or authorising any action which results in any such expenditure, shall be deemed to be a person authorising such expenditure if dissent is not recorded in the proceedings. All such persons shall be held jointly and severally liable for such expenditure.

(3) The auditor shall record in writing his reasons for every disallowance, surcharge and charge made under sub-section (1) and shall, in such manner as may be prescribed, send a certificate of the amount due and a copy of the reasons for his decision to the person in respect of whom the certificate is made, and shall also furnish copies thereof to the Sabhapati or Adhakshya, as the case may be, and the State Government.

(4) The State Government may, of its own motion and within one year from the receipt by it of the copy of the certificate, set aside or modify any disallowance, surcharge or charge and any certificate in respect thereof made by the auditor.

**Appeal**

85. (1) Any person from whom any sum has been certified by the auditor to be due under section 84 may, within thirty days of the receipt by him of the certificate, appeal to the State Government to set aside or modify the disallowance, surcharge or charge in respect of which the certificate was made and the State Government may pass thereon such orders as it thinks fit, and such orders shall be final.

(2) Where a person referred to in sub-section (2) of section 84, who has been surcharged as authorising an illegal expenditure, appeals to the State Government under this section, the State Government shall set aside such surcharge if it is proved to its satisfaction that such person voted for the resolution or motion in good faith.
CHAPTER IX

Miscellaneous

Payment of certified sums. 86. (1) The sum certified by the auditor to be due from any person under section 84 or when an appeal is made under sub-section (1) of section 85, such sum as may be ordered by the State Government to be due from such person shall, within two months of the date of certification, or order, as the case may be, be paid by such person to the Gram Panchayat or the Zilla Panchayat concerned which shall credit the sum to the Fund of the Gram Panchayat or the Zilla Panchayat concerned.

(2) Any sum not paid in accordance with the provision of sub-section (1) shall be recoverable as arrears of land revenue if the Gram Panchayat or the Zilla Panchayat, as the case may be, passes a resolution to that effect and communicates it to the District Collector.

(3) The District Collector on receipt of such communication under sub-section (2) and on being satisfied with the demand, shall proceed to recover it as soon as may be and the sum so recovered by him shall be sent to the Gram Panchayat or Zilla Panchayat concerned and the same shall be credited to the Fund of the Gram Panchayat or Zilla Panchayat concerned.

Certain costs and expenses payable out of Funds 87. (1) All expenses incurred by the Gram Panchayat or the Zilla Panchayat concerned in complying with any requisition of the auditor under section 80 and in prosecuting an offender under section 81 shall be paid from the Fund of the Gram Panchayat or the Zilla Panchayat concerned.

(2) All expenses incurred by the District Collector in connection with the proceedings for recovery of any sum under sub-section (3) of section 86 from a person, if not recovered from the person, shall be paid from the Fund of the Gram Panchayat or the Zilla Panchayat concerned.

Oath of affirmation. 88. Every member of a Gram Panchayat or Zilla Panchayat other than a member referred to in clause(c) of sub-section (2) of section 42 shall before taking his office make and subscribe before such authority as may be specified by the State Government in this behalf an oath or affirmation according to the Form set out for the purpose in the Schedule.

Validation. 89. No act or proceeding of a Gram Panchayat or Zilla Panchayat shall be deemed to be invalid merely by reason of the existence of any vacancy in the Gram Panchayat or Zilla Panchayat, as the case may be, or any defect or irregularity in the constitution thereof.

Member and officers and employees to be public servants. 90. All members, officers and employees of the Gram Panchayat and Zilla Panchayat shall be deemed, when acting or purporting to act in pursuance of the discharge of their duties, or in the exercise of their powers under this Act or under the rules made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.
Indemnity

91. No suit or other legal proceedings shall lie against a Gram Panchayat or Zilla Panchayat or against any member thereof or any officer or any employee for anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

Reference of dispute.

92. (1) If any dispute arises between two or more Gram Panchayats, within the jurisdiction of the same Zilla Panchayat, it shall be referred to the Zilla Panchayat concerned by any party to the dispute and the decision of the Zilla Panchayat thereon shall be final.

(2) If any dispute arises—

(a) between a Gram Panchayat within a district on the one side and the Zilla Panchayat of the same district on the other; or
(b) between two or more Zilla Panchayats; or
(c) between one or more Gram Panchayats in one district on the one side and one or more Gram Panchayats in another district on the other; or
(d) between one or more Gram Panchayats in one district on the one side and the Zilla Panchayat of another district on the other;

such dispute shall be referred to the State Government by any party to the dispute and the decision of the State Government thereon shall be final.

Inspection.

93. (1) The State Government shall empower the Secretary and such other officers as it may consider necessary for the purpose of inspecting or superintending the works of all, or any class of, Gram Panchayats or Zilla Panchayats.

(2) An officer so empowered to inspect or superintend the works of a Gram Panchayat or Zilla Panchayat may at any time—

(a) inspect or cause to be inspected any immovable property used or occupied by the Gram Panchayat or Zilla Panchayat or any work in progress under the direction of Gram Panchayat or Zilla Panchayat;
(b) inspect or examine any work or thing under the control of the Gram Panchayat or Zilla Panchayat;
(c) require, for the purposes of inspection or examination, the Gram Panchayat —

(i) to produce any book, record, correspondence, plan or other document; or
(ii) to furnish any return, plan, estimate, statement, accounts or statistics; or
(iii) to furnish or obtained any report or information.

(3) When an inspection of a Gram Panchayat or Zilla Panchayat is undertaken by any officer referred to in sub-section (1), a report of such inspection shall be submitted by such officer to the State Government as soon as possible but not beyond a period of thirty days after the date of completion of inspection.
(1) The State Government may, by order in writing, rescind any resolution passed by a Gram Panchayat or Zilla Panchayat, if in its opinion such resolution—

(a) has not been legally passed; or

(b) is in excess or abuse of the powers conferred by or under this Act or any rules made thereunder; or

(c) is likely to cause, if executed, danger to human life, health, or safety or is likely to lead to breach of the peace.

(2) The State Government shall, before taking any action under sub-section (1) give the Gram Panchayat or Zilla Panchayat concerned an opportunity of making any representation against the proposed order.

Any officer of the State Government authorised by the State Government in this behalf, shall be entitled to attend meetings of the Gram Panchayat or the Zilla Panchayat, as the case may be, for the purpose of furnishing facts, information and technical advice but shall not be entitled to vote at any such meeting.

In the discharge of their functions the Gram Panchayat and the Zilla Panchayat shall be guided by such instructions or directions as may be given to them by the State Government from time to time in conformity with the provisions of this Act.

The State Government may, notwithstanding anything contained in sub-section (2) of section 10, sub-section (4) of section 24 and sub-section (2) of section 45, by an order in writing, remove with effect from a date to be specified in the order any Sabhapati or Up-Sabhapati or any Sachiva of Gram Panchayat, any Adhakshya or Upadhakshya of Zilla Panchayat from his office, if in its opinion, he wilfully omits or refuses to carry out the provisions of this Act or of any rules or orders made thereunder or abuses the powers vested in him under this Act.

The State Government shall, before making any order under sub-section (1), give to the person concerned an opportunity of making a representation against the proposed order.

If, in the opinion of the State Government, any Gram Panchayat or Zilla Panchayat—

(a) has shown its incompetence to perform or has persistently made default in the performance of the duties imposed on it by or under this Act or any other law; or

(b) has exceeded or abused its powers, the State Government may, by order, to be published in the Official Gazette stating the reasons therefore, supersede the Gram Panchayat or Zilla Panchayat, as the case may be, and direct that it be constituted within such period not exceeding the maximum period of one year as may be specified in the order:

Provided that the State Government shall, before making any order under sub-section (1), give the Gram Panchayat or the Zilla Panchayat, as the case may be, an opportunity of making a representation against the proposed order.
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Consequences of supersession.

99. (1) When an order of supersession has been passed under section 98 then with effect from the date of the order—

(a) all the members of the Gram Panchayat or the Zilla Panchayat, as the case may be, shall vacate their offices;

(b) all the powers, duties and functions which, under the provisions of this Act or any rule made thereunder or any law for the time being in force may be exercised, discharged or performed by the Gram Panchayat or Zilla Panchayat, as the case may be, shall be exercised, discharged or performed by such authority, person or persons as may be appointed by the State Government in this behalf;

(c) all properties vested in the Gram Panchayat or Zilla Panchayat, as the case may be, shall remain vested in the State Government until the reconstitution of the such Gram Panchayat or Zilla Panchayat.

(2) On the reconstitution of the Gram Panchayat, or Zilla Panchayat, as the case may be, the authority, person or persons appointed under clause (b) of sub-section (1) shall cease to exercise his functions,

Election of Sabha-pati or Up-Sabhapati or Sachiva or member of Gram Panchayat or Adhakshya or Upadhakshya or member of Zilla Panchayat.

100. If Sabhapati or an Up-Sabhapati, or Sachiva or a member of a Gram Panchayat or an Adhakshya or an Upadhakshya or member of a Zilla Panchayat becomes a member of either house of Parliament or a member of Legislative Assembly, he shall be deemed to have vacated his office as Sabhapati or Up-Sabhapati or Sachiva or member of a Gram Panchayat or Adhakshya or Upadhakshya or member of a Zilla Panchayat, as the case may be, with effect from the date of his becoming such member and a casual vacancy shall be deemed to have occurred in such office.

Superintendence of election.

101. (1) Subject to the provision of this Act and rules made thereunder, the superintendence, direction and control and the conduct of election of members of a Gram Panchayat shall be vested in such authority as may be prescribed.

(2) For the performance of his duties and functions such authority shall be assisted by such other officers and staff as may be appointed by the State Government in this behalf.

Application for questioning the election.

102. (1) The election of a person as a member of a Gram Panchayat or Zilla Panchayat shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the ground that—

(a) the election has not been a free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election; or

(b) that the result of the election has been materially affected—

(i) by the improper acceptance or rejection of any nomination;

(ii) by gross failure to comply with the provisions of this Act or the rules framed thereunder.

(2) The following shall be deemed to be corrupt practices of bribery or undue influence for the purposes of this Act.

(1) Bribery, that is to say—

(A) any gift, offer or promise by a candidate or by any other person with his connivance of a candidate of any gratification to
any person whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being a candidate at any election; or

(b) an elector to vote or refrain from voting at an election; or as a reward to—

(i) a person for having stood or not stood or having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting.

(B) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with the connivance of the candidate with the free exercise of any electoral right:

Provided that without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate, or any elector, or any person in whom a candidate or any elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community;

(ii) induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause.

(3) The application under sub-section (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed.

Explanation—Any person who filed a nomination paper at the election whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

(4) The authority to whom the application under sub-section (1) is made shall, in the matter of—

(a) hearing of the application and the procedure to be followed at such hearing;

(b) setting aside the election or declaring the election to be void or declaring applicant to be duly elected or any other relief that may be prescribed.

Provided that no order shall be passed under this section unless the person so disqualified is given an opportunity of being heard.

(5) The order passed by the prescribed authority under sub-section (1) shall be final and conclusive and shall not be questioned in any civil court.

Provided further that such authority shall have such powers and authority as may be prescribed.

(6) The order passed by the prescribed authority upon an application under sub-section (1) shall be final and conclusive and shall not be questioned in any civil court.

(7) The application under sub-section (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed.

Explanation—Any person who filed a nomination paper at the election whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

(8) The authority to whom the application under sub-section (1) is made shall, in the matter of—

(a) hearing of the application and the procedure to be followed at such hearing;

(b) setting aside the election or declaring the election to be void or declaring applicant to be duly elected or any other relief that may be prescribed.

Provided that no order shall be passed under this section unless the person so disqualified is given an opportunity of being heard.
Improvement of sanitation. 104. For the improvement of sanitation a Gram Panchayat or Zilla Panchayat may, by order, require the owner or occupier of any land or building, within such reasonable period as may be specified in the notice served upon him and after taking into consideration his financial position.

(a) to close, remove, alter, repair, cleanse, disinfect or put in good order any latrine, urinal, water closet, drain, cesspool, or other receptacle for filth, rubbish or refuse pertaining to such land or building, or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water closet which opens on to a street or drain or to shut off such latrine, urinal or water closet by a sufficient roof or wall or fence from the view of persons passing by or dwelling in the neighbourhood;

(b) to cleanse, repair, cover, fill up, drain off or remove water from, a private well, tank, reservoir, pool, pit, depression or excavation therein which may be injurious to health or offensive to the neighbourhood;

(c) to clear off any vegetation, undergrowth, prickly pear or scrub jungle therefrom;

(d) to remove any dirt, dung, nightsoil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building.

Power of Gram Panchayat or Zilla Panchayat. 105. (1) A Gram Panchayat or Zilla Panchayat shall have control over all village roads and waterways within its local limits and may do all things necessary for the maintenance and repair thereof, and may—

(a) construct new bridges and culverts;
(b) direct or close any such village road, bridge or culvert;
(c) widen, open, enlarge or otherwise improve any such village road, bridge or culvert and with minimum damage to the neighbouring fields, plant and preserve trees on the sides of such road;
(d) deepen or otherwise improve such waterways;
(e) trim hedges and branches of trees projecting on roads;
(f) set apart public notice any public source of water supply for drinking or culinary purpose and likewise prohibit all bathing, washing or other acts likely to pollute the source so set apart.

(2) A Gram Panchayat or Zilla Panchayat, as the case may be, by a notice in writing, require any person who has caused obstruction or encroachment on or damage to any village road or drain or other property under the control and management of the said Gram Panchayat or Zilla Panchayat, to remove such obstruction or encroachment or repair such damage, as the case may be, within the time specified in the notice.

(3) If the obstruction or encroachment is not removed or damage is not repaired within the time so specified, the Gram Panchayat or the Zilla Panchayat concerned may cause such obstruction or encroachment to be removed or such damage to be repaired and the expenses of such removal or repair shall be recoverable from such person as arrears of land revenue or public demand.
(4) For the purpose of removal of obstruction or encroachment under sub-section (3), the Gram Panchayat or the Zilla Panchayat concerned may apply to the District Collector and the District Collector shall, on such application, provide such help as may be necessary for the removal of such obstruction or encroachment.

**Power of Gram Panchayat or Zilla Panchayat in respect of polluted water supply.**

A Gram Panchayat or a Zilla Panchayat may, by written notice, require the owner of or the person having control over, a private water source, spring, well, or other place, the water of which is used for drinking or culinary purposes, after taking into consideration his financial position, to take all or any of the following steps within a reasonable period to be specified in such notice, namely—

(a) to keep and maintain the same in good repair;
(b) to clean the same, from time to time by removing any silt, refuse or decaying vegetation
(c) to protect it from pollution;
(d) to prevent its use, if it has become so polluted as to be prejudicial to public health.

**Emergent power on outbreak of epidemic.**

In the event of an outbreak of cholera or any other water borne infectious disease in any locality situated within the local limits of the jurisdiction of a Gram Panchayat or a Zilla Panchayat, the Sabhapati or Up-Sabhapati of a Gram Panchayat or Adhakshya or Upadhakshya of a Zilla Panchayat may, during the continuance of the outbreak, without notice and at any time, inspect and disinfect any well or other place from which water is, or is likely to be, taken for the purpose of drinking and may further take such steps as he deems fit to prevent the drawing of water therefrom.

**Nomination of member by State Government.**

(1) The State Government may nominate one member of the Scheduled Castes or Scheduled Tribes and one woman to be members of any Gram Panchayat:

Provided that no such nomination shall be made if one or more members of the Scheduled Castes or Scheduled Tribes or one woman has been elected to such Gram Panchayat, as the case may be, under the provisions of this Act.

(2) Where no member of a minority community having a population of ten per cent or more of the total population within an area comprised in a Gram is elected to the Gram Panchayat, the State Government shall have the power to nominate one member for a population upto twenty per cent and two members for a population upto forty per cent to such Gram Panchayat:

Provided that no such nomination shall be made if the population of such minority community exceeds forty per cent of the total population within an area comprised in a Gram:

Provided further that no such nomination shall be made if one or more member or such minority community has been elected to such Gram Panchayat.

(3) Every member nominated under sub-section (1) or sub-section (2) shall exercise the same powers and functions and perform the same duties as are conferred upon the elected members under this Act.
Report on the work of Gram Panchayat or Zilla Panchayat.

The Gram Panchayat or Zilla Panchayat concerned shall prepare and submit annually a report on work done during the previous year and the work proposed to be done during the following year to the prescribed authority within such period as may be specified by the State Government.

Placing of services of Government employees at the disposal of a Gram Panchayat or a Zilla Panchayat.

The State Government may, by notification place at the disposal of a Gram Panchayat or Zilla Panchayat services of such officers or other employees serving under it on such terms and condition as may be fixed by the State Government:

Provided that the State Government shall have disciplinary control over such officers and employees.

Power to settle disputes.

Where parties to a dispute approach the Gram Panchayat or as the case may be, the Zilla Panchayat for settlement of dispute, then, the Gram Panchayat or the Zilla Panchayat may settle such dispute if any law in force permits such settlement outside courts.

Delegation

The State Government may, by notification, delegate, subject to such conditions as it may specify, all or any of its powers under this Act except the Power to make rules mentioned in section 118 to any person or authority subordinate to it.

Allowance to members.

The members of the Gram Panchayat or the Zilla Panchayat shall be entitled to such sitting allowances for attending meetings of the Gram Panchayat or the Zilla Panchayat and travelling allowances that may from time to time, be fixed by the State Government:

Provided that such sitting allowances and travelling allowances are paid from the Gram Panchayat Fund or Zilla Panchayat Fund.

Election not to be contested with the support of political party.

No person shall contest the election to any Panchayat with the support, direct or indirect, of any political party.

Penalty.

1. Any person who soon after the expiry of his term or resigning from the office or removal from the office of Sabhapati or Up-Sabhapati or Sachiva of Gram Panchayat or Adhakshya or Upadhakshya of Zilla Panchayat, as the case may be, fails to hand over any document of, or any money or other properties vested in or belonging to, the Gram Panchayat or Zilla Panchayat, as the case may be, which are in his possession or control, to his successor-in-office, shall, on conviction, be punished with a fine which may extend to fifty rupees and in the case of a continuing failure or contravention with an additional fine which may extend to twenty rupees for every day after the first conviction during which he has persisted in the failure or contravention.

2. Any person who wilfully obstructs any member or office bearer or servant of a Gram Panchayat or a Zilla Panchayat, as the case may be, in the discharge of his duties or any thing which he is empowered to do shall, on conviction, be punished with a fine which may extend to one hundred rupees.

3. Any person required by this Act or rules made thereunder to furnish any information fails to furnish such information or knowingly furnishes wrong information shall, on conviction, be punished with a fine which may extend to one hundred rupees.
Repeal and Savings. 116. On and from the date of commencement of this Act, the Sikkim Panchayat Act, 1965 shall stand repealed and all assets and liabilities of the Block Panchayats constituted under the repealed Act (including the unspent amounts in the Block Panchayat Fund) shall stand transferred to and re-vest in the State Government:

Provided that such repeal shall not affect —

(a) the previous operation of the repealed Act or anything duly done or suffered thereunder ;
(b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act; or
(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed Act ; or
(d) any investigation, legal proceeding or remedy in respect of any such right, privilege obligation, liability, penal forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the preceding provision anything done or any action taken (including any appointment or delegation made, notification, notice, order, instructions or direction issued, rule, regulation, form or scheme framed, certificate obtained, permit or licence granted tax imposed or fee or rates levied) under the repealed Act shall, in so far as it is in force immediately before commencement of this Act and is not inconsistent with the provisions of this Act be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until they are repealed or amended or suspended.

Power to remove difficulties. 117. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the purpose of removing such difficulty :

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Power to make rules 118. (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 the foregoing power such rules may provide for all or any of the following matters, namely :

(i) manner of election of Sabhapati and Up-Sabhapati of Gram Panchayat under sub-section (1) of section 10;
(ii) manner in which meeting of Gram Panchayat shall be convened under sub-section (2) of section 12 ;
(iii) powers, functions and duties of Sabhapati of Gram Panchayat ;
(iv) power, functions and duties of Sachiva of Gram Panchayat ;
(v) manner in which and time within which an appeal may be made under section 35;
(vi) manner in which and time within which the Budget shall be prepared by Gram Panchayat under sub-section (1) of section 39;

(vii) manner in which and time within which the supplementary Budget shall be submitted under section 40;

(viii) manner in which accounts shall be kept by Gram Panchayat;

(ix) terms and conditions of appointment of Sachiva of Zilla Panchayat;

(x) duties and functions of Sachiva of Zilla Panchayat;

(xi) manner in which and time within which appeal may be made under section 71;

(xii) manner in which and time within which the Budget shall be prepared by Zilla Panchayat under sub-section (1) of section 75;

(xiii) manner in which and time within which supplementary Budget shall be submitted under section 76;

(xiv) manner in which accounts shall be kept by Zilla Panchayat;

(xv) manner in which, time within which place whereon and the extent to which accounts of the Gram Panchayat and Zilla Panchayat shall be examined and audited;

(xvi) manner in which and time within which the matter shall be referred to the State Government under sub-section (2) of section 83;

(xvii) manner in which a certificate of the amount due and a copy of reasons thereof shall be sent under sub-section (3) of section 84;

(xviii) manner of superintendence, direction and control and the conduct of election of members of Gram Panchayat;

(xix) manner in which, time within which and the authority to whom the application for questioning the election shall be presented under sub-section (1) of section 102;

(xx) particulars to be furnished under sub-section (3) of section 102;

(xxi) powers and authority that shall be exercised by the authority under sub-section (4) of section 102;

(xxii) matters which are to be and may be prescribed.
41

SCHEDULE

Form of oath or affirmation to be made by a member of a Gram Panchayat or a Zilla Panchayat.

(See section 88)

I, A. B., having been elected a member of ..............................................................
Gram Panchayat/Zilla Panchayat do swear in the name of God or solemnly affirm that I will
bear true faith and allegiance to the constitution of India as by law established, and that I shall
faithfully discharge the duties upon which I am about to enter.
STATEMENT OF OBJECTS AND REASONS

The Sikkim Panchayat Act, 1965 has been in force in this state from 1965. The working of the said Act has revealed certain deficiencies in the organisation and functioning of the present Panchayats. Under the present Act there are only Block Panchayats. These Block Panchayats do not enjoy all the powers which are necessary for proper and efficient functioning of the Panchayat.

It is, therefore, proposed to reorganise the Panchayats by introducing two tier system and by conferring wider powers and functions upon these Panchayats.

The Bill seeks to achieve the above objects.

N. B. BHANDARI,
Chief Minister.
MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 118 of the Bill confers on the State Government power to make rules for carrying out the purposes of the Bill. The matters in respect of which rules may be made relate to the manner of elections of members, Sabhapati, Up-Sabhapati and Sachiva of Gram Panchayat, manner of convening meetings of Gram Panchayat, the powers and duties of Sabhapati and Sachiva of Gram Panchayat and Adhakshya, Upadhakshya and Sachiva of Zilla Panchayat, regulation of imposition, assessment to and collection of taxes, rates and fees, the manner in which and the time within which the Gram Panchayat and Zilla Panchayat shall prepare budget and supplementary budget, the manner in which accounts of the Gram Panchayat and Zilla Panchayat shall be kept, manner in which, time within which, place whereon and the extent to which accounts of the Gram Panchayat and Zilla Panchayat shall be examined and audited, the manner in which, time within which and authority to whom the application for questioning election shall be submitted and of other matter which is required to be made or may be prescribed.

The matter in respect of which rules may be made are of administrative detail and procedure, and as such, the delegation of legislative power is of normal in character.
After the Bill is enacted and enforced it may be necessary to hold elections of members to the Gram and Zilla Panchayats. It may also be necessary to strengthen the department by appointing administrative and supervisory staff. The Government may also like to consider payment of some allowances to the members of the Panchayat for attending meetings.

It is not feasible at this stage to have exact estimate of the expenditure that may have to be incurred on the above mentioned three items. A sum of Rs. 1.00 lakh may be provided for the purpose of election as a non-recurring expenditure. A sum of Rs. 2.00 lakhs may have to be provided for strengthening the department and for payment of allowances to the members of the Panchayats. Total expenditure involved in implementation of the Act is thus estimated at Rs. 2.00 lakhs recurring expenditure and Rs. 1.00 lakh as non-recurring expenditure.

By Order

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

THE SIKKIM CHILDREN BILL, 1982

Bill No. 4 of 1982

A

Bill

to provide the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the State of Sikkim.

Be it enacted in the Thirty-third Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Sikkim Children Act, 1982.

   (2) It extends to the whole of the State of Sikkim.

   (3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act or for different areas of the State.

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

   (a) "authorised person" means a person authorised by the Government under sub-section (1) of section 16;

   (b) "begging" means —

      (i) soliciting or receiving alms in a public place or entering on any private premises for the purpose of soliciting or receiving alms, whether under the pretence of singing, dancing, fortune telling, performing tricks or selling, articles or otherwise; or

      (ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal; or

      (iii) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms.

   (c) "brothel", "prostitute", "prostitution" and "public place" shall have the meanings respectively assigned to them in the Suppression of Immoral Traffic in Women and Girls Act, 1956;

   (d) "child" means a person who has not attained the age of eighteen years and when used with reference to a child sent to a children's home or special school applies to that child during the whole period of the stay, notwithstanding that during the period of such stay, the child may have attained the above age limit;

   (e) "children's court" means a court constituted under section 4;

   (f) "children's home" means an institution established or certified by the Government under section 8 as a children's home;

   (g) "competent authority" means a children's court and includes in respect of any area for which no children's court has been constituted any magistrate empowered under sub-section (2) of section 6 to exercise the powers conferred on a children's court by or under this Act;

   (h) "dangerous drug" shall have the meaning assigned to it in the Dangerous Drugs Act, 1930;
(i) "delinquent child" means a child who has been found to have committed an offence;

(j) "fit person" or "fit institution" means any person or institution (not being a police station or jail) found fit by the competent authority to receive and take care of a child entrusted to his or its care and protection on the terms and conditions specified by the competent authority;

(k) "Government" means the State Government of Sikkim;

(l) "guardian", in relation to a child, includes any person who, in the opinion of the competent authority having cognizance of any proceeding in relation to a child, has, for the time being, the actual charge of, or control over, that child;

(m) "neglected child" means a child who —

(i) is found begging; or

(ii) is found without any home or settled place of abode or any ostensible means of subsistence or is found destitute, whether he is an orphan or not; or

(iii) has a parent or guardian who is unfit or unable to exercise or does not exercise proper care and control over the child; or

(iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life;

(n) "observation home" means any institution or place established or recognised by the Government under section 10 as an observation home;

(o) "offence" means an offence punishable under any law for the time being in force;

(p) "place of safety" means any place or institution (not being a police station or jail), the person in charge of which is willing temporarily to receive and take care of a child and which in the opinion of the competent authority may be a place of safety for the child;

(q) "prescribed" means prescribed by rules made under this Act;

(r) "probation officer" means an officer appointed as a probation officer under this Act or under the Probation of Offenders Act, 1958;

(s) "special school" means an institution established or certified by the Government under section 9;

(t) "supervision", in relation to a child placed under the care of any parent, guardian or other fit person under this Act, means the supervision of that child by a probation officer for the purpose of ensuring that the child is properly looked after and that the conditions imposed by the competent authority are complied with;

(u) all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1898, shall have the meanings assigned to them in that Code.

3. Where an inquiry has been initiated against a child and during the course of such inquiry the child ceases to be such, then, notwithstanding any thing contained in this Act or in any other law for the time being in force, the inquiry may, be continued and orders may be made, its respect of such person as if such person had continued to be a child.
CHAPTER II
COMPETENT AUTHORITIES AND INSTITUTION
FOR CHILDREN

Children's courts.

4. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Government may, by notification, constitute or any area specified in the notification, one or more children's courts for exercising the powers and discharging the duties conferred or imposed on such court under this Act.

(2) A children's court shall consist of such number of magistrates forming a Bench as the Government think fit to appoint, of whom one shall be designated as the senior magistrate and not less than one shall be a woman; and every such Bench shall have the powers conferred by the Code of Criminal Procedure, 1898, on a magistrate of the first class.

5 of 1898.

Procedure, etc, in relation to Children's courts.

5. (1) In the event of any difference of opinion among the magistrates of a children's court the opinion of the majority shall prevail, but where there is no such majority, the opinion of the senior magistrate shall prevail.

(2) A children's court may act notwithstanding the absence of any magistrate and no orders made by the children's court shall be invalid by reason only of the absence of any magistrate, during any stage of the proceeding.

(3) No person shall be appointed as a magistrate of a children's court unless he has, in the opinion of the Government, special knowledge of child psychology and child welfare.

5 of 1898.

Power of children's court.

6. (1) Where a children's court has been constituted for any area, such court shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act, have power to deal exclusively with all proceedings under this Act relating to neglected children and delinquent children.

(2) Where no children's court has been constituted for any area, the powers conferred on the children's court by or under this Act shall be exercised in that area, only by the following, namely :

(a) the district magistrate; or

(b) any magistrate of the first class.

(3) The powers conferred on the children's court by or under this Act may also be exercised by the High Court and the Court of Session, when the proceeding comes before them in appeal, revision or otherwise.

7. When any magistrate not empowered to exercise the powers of a children's court under this Act is of opinion that a person brought before him under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a child, he shall record such opinion and forward the child and the record of the proceeding to the competent authority having jurisdiction over the proceeding.

(2) The competent authority to which the proceeding is forwarded under sub-section (1) shall hold the inquiry as if the child had originally been brought before it.

8. The Government may establish and maintain as many children's homes as may be necessary, for the reception of neglected children under this Act.

(2) Where the Government is of opinion that any institution other than an institution established under sub-section (1) is fit for the reception of the neglected children to be sent there under this Act, they may certify such institution as a children's home for the purposes of this Act.
(3) Every children's home to which a neglected child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitation and shall also perform such other functions as may be prescribed.

(4) The Government may, by rules made under this Act, provide for the management of children's homes and the circumstances under which, and the manner in which, the certificate of a children's home may be granted or withdrawn.

**Special schools**

9. (1) The Government may establish and maintain as many special schools as may be necessary for the reception of delinquent children under this Act.

(2) Where the Government is of opinion that any institution other than an institution established under sub-section (1) is fit for the reception of the delinquent children to be sent there under this Act, it may certify such institution as a special school for the purposes of this Act.

(3) Every special school to which a delinquent child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for development of his character and abilities but also provide him with necessary training for his reformation and shall also perform such other functions as may be prescribed.

(4) The Government may, by rules made under this Act, provide for the management of special schools and the circumstances under which, and the manner in which, the certificate of a special school may be granted or withdrawn.

**Observation homes.**

10. (1) The Government may establish and maintain as many observation homes as may be necessary for the temporary reception of children during the pendency of any inquiry regarding them under this Act.

(2) Where the Government is of opinion that any institution other than an institution established under sub-section (1) is fit for the temporary reception of children during the pendency of any inquiry regarding them under this Act, it may recognise such institution as an observation home for the purposes of this Act.

(3) Every observation home to which a child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for medical examination and treatment, but also provide him with facilities for useful occupation.

(4) The Government may, by rules made under this Act, provide for the management of observation homes and the circumstances under which, and the manner in which, an institution may be recognized as an observation home or the recognition may be withdrawn.

**Affercare organisation**

11. (1) The Government, may, by rules made under this Act, provide for the establishment or recognition of affercare organisations and may vest them with such powers as may be necessary for effectively carrying out their functions under this Act.

(2) Every such organisation shall take care of the children when they leave children's homes and shall, for the purpose of enabling them to lead an honest, industrious and useful life, take all such measures as it may deem necessary or as may be prescribed.

**Board of Visitor.**

12. (1) For securing effective supervision of children's home, special schools, observation homes and affercare organisations established or certified or recognised under the provisions of sections 8, 9, 10, and 11, the Government shall constitute a Board of Visitors consisting such number of members as the Government may deem necessary.
(2) The Board of Visitors constituted under sub-section (i) shall have the right to visit any children's home, observation home, special school or aftercare organisation and to record their comments on any matter it may think fit.

(3) Copies of comments of the Board of Visitors referred to in sub-section (2) shall as soon as may be after they are recorded, be forwarded by the managers of the children's home, observation home, special school and aftercare organisation to the Sikkim State Children Welfare Advisory Board.

Sikkim State Children welfare Advisory Board.

13. (1) The Government shall appoint a board to be called the Sikkim State Children Welfare Advisory Board.

(2) Such Board shall consist of such number of members as the Government may consider necessary and shall advise the Government generally in regard to the administration of this Act and more particularly in regard to the control and management of the children's homes, observation homes, special schools and aftercare organisations established, certified or recognised under sections 8,9,10 and 11 after considering the comments of the Board of Visitors.

Inspection of children homes, special schools etc.

14. (1) The Government may appoint a Chief Child Welfare Inspector and as many Inspectors and Assistant Inspectors as it thinks fit to assist the Chief Child Welfare Inspector.

Provided that one of such Inspectors and Assistant Inspectors shall be a woman.

(2) Every children's home, observation home, special school and aftercare organisation shall be inspected at least once in every three months by the Chief Child Welfare Inspector or by an Inspector or Assistant Inspector;

Provided that when children's home or school or other organisation referred to in sub-section (2) is exclusively used for the reception of girls only, such inspection shall be conducted either by the Chief Child Welfare Inspector or by a woman Inspector or Assistant Inspector.

Medical examination of inmates of schools.

15. Every inmate of children's home, observation home, special school or aftercare organisation established, certified or recognize under sections 8,9,10 and 11 may, as soon as practicable after his admission to such home, school or organisation and at such intervals thereafter as may be specified by the Government by a notification, and also whenever so required by the managers of such homes or schools, be examined by a Medical Officer authorised in this behalf by the Government and a report of such medical examination shall forthwith be sent by the Medical Officer to the manager of the homes or schools and to the Chief Child Welfare Inspector:

Provided that in the case of homes or schools and for the reception of girls only, such medical officer, shall, whenever practicable, be woman.

CHAPTER III
NEGLECTED CHILDREN

Production of neglected children before children's court.

16. (1) If any police officer or any other person authorised by the Government in this behalf by general or special order, is of opinion that a person is apparently a neglected child, such police officer or other person may take charge of that person for bringing him before the children's court.

(2) When information is given to an officer-in-charge of a police station about any neglected child found within the limits of such station, he shall enter in a book to be kept for the purpose, the substance of such information and take such action thereon as he deems fit and if such officer does not propose to take charge of the child, he shall forward a copy of the entry made to the children's court.
(3) Every child taken charge of under sub-section (i) shall be brought before the children's court within a period of twenty-four hours of taking such charge excluding the time necessary for the journey from the place where the child had been taken charge of, to the children's court.

(4) Every child taken charge of under sub-section (1) shall unless he is kept with his parent or guardian, be sent to an observation home (but not to a police station or jail) until he can be brought before a children's court.

Special procedure to be followed when neglected child has parent.

17. (1) If a person, who in the opinion of the police officer or the authorised person is a neglected child, has a parent or guardian who has the actual charge of, or control, over, the child, the police officer or the authorised person may, instead of taking charge of the child, make a report to the children's court for initiating an inquiry regarding that child.

(2) On receipt of a report under sub-section (1), the children's court may call upon the parent or guardian to produce the child before it and to show cause why the child should not be dealt with as a neglected child under the provisions of this Act and if it appears to the children's court that the child is likely to be removed from its jurisdiction or to be concealed, it may immediately order his removal (if necessary by issuing a search warrant for the immediate production of the child) to an observation home.

Inquiry by children's court regarding neglected children.

18. (1) When a person alleged to be a neglected child is produced before a children's court, it shall examine the police officer or the authorised person who brought the child or made the report and record the substance of such examination and hold the inquiry in the prescribed manner and may make such orders in relation to the child as it may deem fit:

Provided that before holding such inquiry the children's court shall direct the probation officer to furnish it with a report regarding the antecedents and family history of the child and other material circumstances likely to be of assistance to the court in holding the inquiry.

(2) Where a children's court is satisfied on inquiry that a child is a neglected child and that it is expedient so to deal with him, the children's court may make an order directing the child to be sent to a children's home for the period until he ceases to be a child;

Provided that the children's court may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the child attains the age of eighteen years in the case of a boy and twenty years in the case of a girl:

Provided further that the children's court may, if it is satisfied that having regard to the circumstances of the case it is expedient so to do, for reasons to be recorded, reduced the period of stay by such period not exceeding two years as it thinks fit.

(3) During the pendency of any inquiry regarding a child, the child shall, unless he is kept with his parent or guardian, be sent to an observation home for such period as may be specified in the order of the children's court:

Provided that no child shall be kept with his parent or guardian if, in the opinion of the children's court, such parent or guardian is unfit to exercise or does not exercise proper care and control over the child.

Power to commit neglected child to suitable custody.

19. (1) If the children's court so thinks fit, it may, instead of making an order sub-section (2) of section 18 for sending the child to a children's home, make an order placing the child under the care of a parent, guardian or other fit person, on such parent, guardian or fit person executing a bond with or without surety to be responsible for the good behaviour and well being of the child and for the observance of such conditions as the children's court may think fit to impose.
(2) At the time of making an order under sub-section (1) or at any time subsequently, the children's court may, in addition, make an order that the child be placed under supervision for any period not exceeding three years in the first instance.

(3) Notwithstanding anything contained in sub-section or sub-section (2), if at any time it appears to the children's court on receiving a report from the probation officer or otherwise, that there has been a breach of any of the conditions imposed by it in respect of the child, it may, after making such inquiry as it deems fit, order the child to be sent to a child's home.

20. Where a parent or guardian of a child complains to the Uncontrollable children's court that he is not able to exercise proper care and control over children, the child and the children's court is satisfied on inquiry that proceedings under this Act should be initiated regarding the child, it may send the child to an observation home and make such further inquiry as it may deem fit, and the provisions of section 18 and section 19 shall, as far as may be, apply to such proceedings.

CHAPTER IV
DELINQUENT CHILDREN

21. (1) When any person accused of a bailable or non-bailable offence and apparently a child is arrested or detained or appears or is brought before a children's court, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898 or in any other law for the time being in force, be released on bail with or without surety, but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any reputed criminal or expose him to moral danger or that his release would defeat the ends of justice.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause him to be kept in an observation home in the prescribed manner (but not in a police station or jail) until he can be brought before a children's court.

(3) When such person is not released on bail under sub-section (1) by the children's court; it shall, instead of committing him to prison, make an order sending him to an observation home for such period during the pendency of the inquiry regarding him as may be specified in the order.

22. Where a child is arrested, the officer in-charge of the police station to which the child is brought shall, as soon as may be after the arrest, inform:

(a) the parent or guardian of the child if he can, be found, of such arrest and direct him to be present at the children's court before which the child will appear; and

(b) the probation officer, of such arrest in order to enable him to obtain information regarding the antecedents and family history of the child and other materials circumstances likely to be of assistance to the children's court for making the inquiry.

23. Where a child having been charged with an offence appears or is produced before a children's court, the children's court shall hold the inquiry in accordance with the provisions of section 39 and may, subject to the provisions of this Act, make such order in relation to the child as it deems fit.
Order that be passed regarding delinquent children.

24. (1) Where a children's court is satisfied on inquiry that a child has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the children's court may, if it so thinks fit—

(a) allow the child to go home after advice or admonition;

(b) direct the child to be released on probation of good conduct or placed under the care of any parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond, with or without surety, that court may require, for the good behaviour and well-being of the child for any period not exceeding three years;

(c) make an order directing the child to be sent to a special school for the period until he ceases to be a child:

Provided that the children's court may, for reasons to be recorded, extend the period of such stay, but in no case the period, of stay shall extend beyond the time when the child attains the age of eighteen years in the case of a boy or twenty years in the case of a girl:

Provided further that the children's court may, if it is satisfied that having regard to the nature of the offence and the circumstances of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit;

(d) order the child to pay a fine if he is over fourteen years of age and earns money.

(2) Where an order under clause (b) or clause (d) of sub-section (1) is made, the children's court may, if it is of opinion that in the interest of the child and of the public it is expedient so to do, in addition make an order that the delinquent child shall remain under the supervision of a probation officer named in the order during such period, not exceeding three years, as may be specified therein and may in such supervision order or impose such conditions as it deems necessary for the due supervision of the delinquent child:

Provided that if at any time afterwards it appears to the children's court on receiving a report from the probation officer or otherwise that the delinquent child has not been of good behaviour during the period of supervision, it may, after making such inquiry as it deems fit, order the delinquent child to be sent to a special school.

(3) The children's court making a supervision order under sub-section (2) shall explain to the child and the parent, guardian or other fit person, as the case may be, under whose care the child has been placed, the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to the child, the parent, guardian or other fit person, as the case may be, the sureties, if any, and the probation officer.

(4) In determining the special school or any person to whose custody a child is to be committed or entrusted under this Act, the court shall pay due regard to the religious denomination of the child to ensure that religious instruction contrary to the religious persuasion of the child is not imparted to him.

Orders that may not be passed against delinquent children.

25. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no delinquent child shall be sentenced to death or imprisonment, or committed to prison in default of payment of fine or in default, of furnishing security:
Proceeding under Chapter VIII of the Criminal Procedure Code not competent against child.

Notwithstanding anything to the contrary contained in the Code of Criminal Procedure, 1898, no proceeding shall be instituted and no order shall be passed against a child under Chapter VIII of the said Code.

(2) On receipt of a report from a children's court under sub-section (1), the Government may make such arrangement in respect of the child as it deems proper and may order such delinquent child to be detained at such place and on such conditions as it thinks fit:

Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

No joint trial of child and person not a child.

(1) Notwithstanding anything contained in section 239 of the Code of Criminal Procedure, 1898 or in any other law for the time being in force, no child shall be charged with or tried for any offence together with a person who is not a child.

(2) If a child is accused of an offence for which, under section 239 of the Code of Criminal Procedure, 1898 or any other law for the time being in force, such child and any person who is not a child would, but for the prohibition contained in sub-section (1), have been charged and tried together, the court taking cognizance of that offence shall direct separate trials of the child and the other person.

Power of police officer to administer warning.

Any Police Officer not below the rank of a sub-Inspector, if he is of opinion that any offence reported or suspected to have been committed by a child is not of a serious nature or that it is not a repetition of a previous offence already committed by the child, may, notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force and subject to such restrictions and limitations as may be prescribed, let such child off after administering suitable warning to such child:

Provided that every case in which a child is so let off shall forthwith be reported by such police officer to the children's court stating the reasons for not investigating the case or not proceeding with the investigation of the case, as the case may be.

Removal of disqualification attaching to conviction.

Notwithstanding anything contained in any other law, a child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such other law.

Special provision in respect of pending cases.

Notwithstanding anything contained in this Act, all proceedings in respect of a child pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court. as if this Act had not been passed and if the court finds that the child has committed an offence, it shall record such finding, and instead of passing any sentence in respect of the child, forward the child to the children's court which shall pass orders in respect of that child in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that the child has committed the offence.
CHAPTER V
PROCEDURE OF COMPETENT AUTHORITIES GENERALLY AND
APPEALS AND REVISION FROM ORDERS OF SUCH AUTHORITIES.

Sitting etc., of children's courts.

31. (1) A children's court shall hold its sittings at such place, on such
day and in such manner, as may be prescribed.

(2) A Magistrate empowered to exercise the powers of a children's
court under sub-section (2) of section 6 shall, while holding
any inquiry regarding a child under this Act, as far as practicable,
sit in a building or room different from that in which the ordi-
nary sittings of civil and criminal courts are held, or on different
days or at times different from those at which the ordinary
sittings of such court are held.

Persons who may be present before competent authority.

32. (1) Save as provided in this Act, no person shall be present at any
sitting of a competent authority, except—

(a) any officer of the competent authority; or

(b) the parties to the inquiry before the competent authority,
the parent or guardian of the child and other persons
directly concerned in the inquiry including police officers; or

(c) such other persons as the competent authority may permit
to be present.

(2) Notwithstanding anything contained in sub-section (1), if,
at any stage during an inquiry, a competent authority considers
it to be expedient in the interest of the child and on grounds of
decency or morality that any person including the police officers,
legal practitioners, the parent, guardian or the child himself
should withdraw, the competent authority may give such di-
rection and if any person refuses to comply with such direction,
the competent authority may have him removed and may, for
this purpose, cause to be used such force as may be necessary.

Attendance of parent or guardian of child.

33. Any competent authority before which a child is brought under any of
the provisions of this Act may, whenever it so thinks fit, require any
parent or guardian having the actual charge of, or control over, the
child to be present at any proceeding in respect of the child.

Dispensing with attendance of child.

34. If, at any stage during the course of an inquiry, a competent authority
is satisfied that the attendance of the child is not essential for the pur-
pose of the inquiry, the competent authority may dispense with his
attendance and proceed with the inquiry in the absence of the child.

Committal to approved place.

35. (1) When a child who has been brought before a competent author-
ity under this Act is found to be suffering from a disease re-
quiring prolonged medical treatment or physical or mental
complaint that will respond to treatment, the competent au-
thority may send the child to any place recognised to be an
approved place in accordance with the rules made under this
Act for such period as it may think necessary for the required
treatment.

(2) Where a child is found to be suffering from leprosy or is of
unsound mind he shall be dealt with under the provisions of the
Lepers Act, 1898 or the Indian Lunacy Act, 1912, as the case
may be.
(3) Where a competent authority has taken action under sub-section (1) in the case of a child suffering from an infectious or contageous disease, the competent authority before restoring the said child to his partner in marriage, if there has been such, or to the guardian, as the case may be, where it is satisfied that such action will be in the interest of the said child, call upon his partner in marriage or the guardian, as the case may be, to satisfy the competent authority by submitting to medical examination that such partner or guardian will not re-infect the child in respect of whom the order has been passed.

Presumption and determination of age. 36. (1) Where it appears to a competent authority that a person brought before it under any of the provisions of this Act (other than for the purpose of giving evidence) is a child, the competent authority shall make due inquiry as to the age of that person and for that purpose shall take such evidence as may be necessary and shall record a finding whether the person is a child or not, stating his age as nearly as may be.

(2) No order of a competent authority shall be deemed to have become invalid merely by any subsequent proof that the person in respect of whom the order has been made is not a child, and the age recorded by the competent authority to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person.

Circumstances to be taken into consideration in making orders under the Act. 37. In making any order in respect of a child under this Act, a competent authority shall take into consideration the following circumstances namely:—

(a) the age of the child;
(b) the circumstances in which the child is living;
(c) the reports made by the probation officer;
(d) the religious persuasion of the child;
(e) such other circumstances as may, in the opinion of the competent authority, require to be taken into consideration in the interests of the child:

Provided that in the case of a delinquent child, the above circumstances shall be taken into consideration after the competent authority has recorded a finding against the child that he has committed the offence:

Provided further that if no report of the probation officer is received within ten weeks of his being directed under section 18 or of his being informed under section 22 it shall be open to the competent authority to proceed without the report of the probation officer.

Sending a child outside jurisdiction. 38. In the case of a neglected or delinquent child whose ordinary place of residence lies outside the jurisdiction of the competent authority before which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient so to do, send the child back to a relative or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, notwithstanding that such place of residence is outside the jurisdiction of the competent authority, and the competent authority exercising jurisdiction over the place to which the child is sent shall in respect of any matter arising subsequently have the same powers in relation to the child as if the original order had been passed by itself.

Report to be treated as confidential. 39. The report of the probation officer or any circumstances considered by the competent authority under section 33 shall be treated as confidential:
Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the child his parent or guardian and may give such child, parent or guardian an opportunity of producing such evidence as may be relevant to the matter stated in the report.

<table>
<thead>
<tr>
<th>Prohibition of publication of names etc. of children involved in any proceeding under the Act. 40.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) No report in any newspaper, magazine for news sheet of any inquiry regarding a child under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the child, nor shall any picture of any such child be published:</td>
</tr>
<tr>
<td>Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure if in its opinion such disclosure is in the interest of the child.</td>
</tr>
<tr>
<td>(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Appeals. 41.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Subject to the provisions of this section, any person aggrieved by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the court of session: Provided that the court of session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.</td>
</tr>
<tr>
<td>(2) No appeal shall lie from—</td>
</tr>
<tr>
<td>(a) any order of acquittal made by the children's court in respect of a child alleged to have committed an offence; or</td>
</tr>
<tr>
<td>(b) any order made by the children's court in respect of a finding that a person is not a neglected child.</td>
</tr>
<tr>
<td>(3) No second appeal shall lie from any order of the court of session passed in appeal under this section.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Revision. 42.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or court of session has passed an order, for the purpose of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit: Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Procedure in inquiries appeals and revision proceedings. 43.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Save as otherwise expressly provided by this Act, a competent authority while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1898 for trials in summons cases.</td>
</tr>
<tr>
<td>(2) Save as otherwise expressly provided; by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1898.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Power to amend orders. 44.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Without prejudice to the provisions for appeal and revision under this Act, any competent authority may, either on its own motion or on an application received in this behalf, amend any order as to the institution to which a child is to be sent or as to the person under whose care or supervision a child is to be placed under this Act.</td>
</tr>
</tbody>
</table>
Clerical mistakes in orders passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the competent authority either on its own motion or on an application received in this behalf.

CHAPTER VI
SPECIAL OFFENCES IN RESPECT OF CHILDREN

Punishment for cruelty to a child. 45.

(1) Whenever, having the actual charge of, or control over a child, to assaults, abandons, exposes or wilfully neglects the child or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such child unnecessary mental and physical suffering, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No Court shall take cognizance of an offence punishable under sub-section (1) unless the complaint is filed with the previous sanction of the Government or an officer authorized by it in this behalf.

Employment of children for begging. 46.

(1) Whoever employs or uses any child for the purposes of begging causes any child to beg shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Whoever, having the actual charge of, or control over, a child, abets the commission of the offence punishable under sub-section (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) The offence punishable under this section shall be cognizable.

Penalty for living intoxicating liquor or dangerous drug to a child. 47.

Whoever gives, or causes to be given, to any child any intoxicating liquor in a public place or any dangerous drug, except upon the order of a duly qualified medical practitioner or in case of sickness or other urgent cause, shall be punishable with fine which may extend to two hundred rupees.

Exploitation of child employees. 48.

Whoever ostensibly procures a child for the purpose of any employment and, withholding the earning of the child or uses such earning for his own purposes shall be punishable with fine which may extend to one thousand rupees.

Power of the Government to discharge and transfer children. 49.

(1) The Government may, notwithstanding anything contained in this Act, order—

(a) a neglected child to be transferred from one children's home to another;

(b) a delinquent child to be transferred from one special school to another or from a special school to a borstal school, or from a special school to a children's home;

(c) a child who has been released on licence which has been revoked or forfeited, to be sent to the special school or children's home from which he was released or to any other special school or children's home or borstal school:

Provided that the total period of the stay of the child in a special school or children's home shall not be increased by such transfer.
(3) The Government may, notwithstanding anything Contained in this Act, at any time, discharge a child from the care of any person under whom he was placed under this Act, either absolutely or on such conditions as the Government may think fit to impose.

Transfers between children's homes, etc., under the Act and children's homes, etc., of like nature in different parts of India.

50 (1) The Government may direct any neglected child or delinquent child to be transferred from any children's home or special school within the State of Sikkim to any other children's home, special school or institution of a like nature in any other State with the consent of the Government of that State.

(2) The Government may, by general or special order, provide for the reception in a children's home or special school of a neglected child or delinquent child detained in a children's home or special school or institution of a like nature in any other State, where the Government of that State makes an order for such transfer, and upon such transfer the provisions of this Act shall apply to such child as if he had been originally ordered to be sent to such children's home or special school under this Act.

Transfer of children suffering from leprosy or tuberculosis or of unsound mind.

51. (1) Where it appears to the Government that any child kept in a children's home or special school in pursuance of this Act is suffering from leprosy or tuberculosis or is of unsound mind, the Government may order his removal to a leper asylum or T.B. Sanatorium or mental hospital or other place of safe custody for being kept there for the remainder of the term for which he has to be kept in custody under the orders of the competent authority or for such further period as may be certified by a medical officer to be necessary for the proper treatment of the child.

(2) Where it appears to the Government that the child is cured of leprosy or tuberculosis or of unsoundness of mind, the Government may, if he child is still liable to be kept in custody, order the person having charge of the child to send him to the special school or children's home from which he was removed, or, if the child is no longer liable to be kept in custody, order him to be discharged.

Placing out on licence.

52. (1) When a child is kept in a children's home or special school, the Government may, if it thinks fit, release the child from the children's home or special school and grant him a written licence for such period and on such conditions as may be specified in the licence permitting him to live with, or under the supervision of any responsible person named in the licence, willing to receive and take charge of him with a view to educate him and train him for some useful trade or calling.

(2) Any licence so granted under sub-section (1) shall be in force for the period specified in the licence or until revoked or forfeited by the breach of any of the conditions on which it was granted.

(3) The Government may, at any time, by order in writing revoke any such licence and order the child to return to the children's home or special school from which he was released or to any other children's home or special school and shall do so at the desire of the person with whom or under whose supervision the child has been permitted to live in accordance with a licence granted under sub-section (1).
(4) When a licence has been revoked or forfeited and the child refuses or fails to return to the children's home or special school to which he was directed so to return, the Government may, if necessary, cause him to be taken charge of and to be taken back to the children's home.

(5) The time during which a child is absent from a children's home or special school in pursuance of a licence granted under this section shall be deemed to be part of the time for which he is liable to be kept in custody in the children's home or special school:
Provided that when a child has failed to return to the children's home or special school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is liable to be kept in custody.

Provision in respect of escaped children. 53. Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge without warrant of a child who has escaped from a children's home or special school or from the care of a person under whom he was placed under this Act and shall send the child back to the children's home or special school or that person, as the case may be, and no proceeding shall be instituted in respect of the child by reason of such escape, but the children's home, special school or the person may, after giving the information to the competent authority which passed the order in respect of the child, take such steps against the child as may be deemed necessary.

Child not to be handcuffed or fettered. 54. No child either neglected or delinquent shall be handcuffed or fettered.

Contribution by parents. 55. (1) The competent authority which makes an order for sending a neglected child or a delinquent child to a children's home or special school or placing the child under the care of a fit person may make an order requiring the parent or other person liable to maintain the child to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The competent authority before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the child and shall record evidence, if any, in the presence of the parent or such other person, as the case may be.

(3) The person liable to maintain a child shall for the purpose of sub-section (1), include, in the case of illegitimacy, his putative father:
Provided that where the child is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898 the competent authority shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such person as may be named by the competent authority and such sum shall be paid by him towards the maintenance of the child.

(4) Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.
16

Control of custodian over child. 56. Any person in whose custody a child is placed in pursuance of this Act shall, while the order is in force, have the like control over the child as he would have if he were his parent, and shall be responsible for his maintenance and the child shall continue in his custody for the period stated by the competent authority, notwithstanding that he is claimed by his parent or any other person: Provided that no child while in such custody shall be married except with the permission of the competent authority.

Delinquent child undergoing sentence at the commencement of the Act. 57. In any area in which this Act is brought into force, the Government may direct that a delinquent child who is undergoing any sentence of imprisonment on the commencement of this Act shall, in lieu of undergoing such sentence, be sent to a special school or be kept in safe custody in such place and manner as the Government thinks fit, for the remainder of the period of the sentence, and the provisions of this Act shall apply to the as if he had been ordered by a children’s court to be to such special school or, as the case may be, ordered to be detained under sub-section (1) of section 24.

Appointment of officers. 58. (1) The Government may appoint as many probation officers, officers for special school, observation homes or aftercare organisations and such other officers as it may deem necessary for carrying out the purposes of this Act.

(2) It shall be the duty of the probation officer—

(a) to inquire, in accordance with the direction of a competent authority, into the antecedents and family history of any neglected child or of any child accused of an offence, with a view to assist the authority in making the inquiry;

(b) to visit neglected and delinquent children at such intervals as the probation officer may think fit;

(c) to report to the competent authority as to the behaviour of any neglected or delinquent child;

(d) to advise and assist neglected on delinquent children and, if necessary, endeavour to find them suitable employment;

(e) where a neglected or delinquent child is placed under the care of any person on certain conditions, to see whether such conditions are being complied with; and

(f) to perform such other duties as may be prescribed.

(3) Any officer empowered in this behalf by the Government may enter any children’s home, special school, observation home or aftercare organisation and make a complete inspection thereof in all its departments and of all papers, registers and accounts relating thereto and shall submit the report of such inspection to the Government.

Probation officers and other officers appointed in pursuance of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 5 of 1898.

Procedure in respect of bonds. 60. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, as far as may be, apply to bonds taken under this Act.

Delegation of powers. 61. The Government may, by general or special order, direct that any power exercisable by them under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by an officer subordinate to the Government.
Protection of action taken in good faith. 62. No suit or other legal proceeding shall lie against the Government or any probation officer or other officer appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made there under.

Certain provision of Central Act 5 of 1898 not to apply. 63. Section 29B and section 399 of the Code of Criminal Procedure, 1898, shall cease to apply to any area in which this Act has been brought into force.

Power to make 64. (1) The State Government may make rules for giving effect to the provisions of this Act.

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

(a) facilities for education etc. that may be provided in children's homes under sub-section (3) of section 8;

(b) the circumstances and the manner in which certificates of a children's home, special schools, observation home may be granted or withdrawn;

(c) manner in which aftercare organisations may be recognised;

(d) measures to be taken by aftercare organisation to enable the child to live an honest and useful life;

(e) the manner in which a Police Officer may deal with a delinquent child not released on bail until its production in a children's court.

(f) restrictions and limitations under, which a Police Officer may let off a delinquent child after a warning.

(g) the places at which the children's court may hold its sittings;

(h) the procedure that may be followed by the competent authority while holding inquiries under this Act.

(i) the manner in which the parents of a child are to contribute towards the maintenance of the child.

(j) such other duties that may be performed by the probation officers.

(k) any other matter which has to be or may be prescribed.
STATEMENT OF OBJECTS AND REASONS

The rapid industrialisation and other advances in the society have brought with it certain evil like broken homes and incongruous relations between husband and wife. This in turn has resulted in children going astray and committing offences.

The Government has felt the necessity of bringing the Sikkim children Bill with a view to provide for the care, protection, maintenance, welfare, training, education, and rehabilitation of neglected and delinquent children. The Bill seeks to establish children's court, children's homes, observation homes, and special schools so that neglected and delinquent children may be dealt with tender care and may be made good citizens of the country.

The Bill seeks to achieve the above objects.

LACHEN GOMCHEN RIMPOCHI,
MINISTER INCHARGE.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of children's courts. Likewise clause 8,9,10 and 11 of the Bill requires the State Government to set up, certify or recognise children's homes, special school, observation homes and aftercare organisation. The Bill also provides for appointment of Chief Child Welfare Officer, Probation Officer and other Officers. Total recurring and non-recurring expenditure on the establishment of children's homes, observation homes, special schools, aftercare organisations and appointment of officer is estimated to be of the order of Rs. 2,17,357.00 and Rs. 19,96,600.00 respectively as per details given in the Schedule.
**SCHEDULE**

**I. NON-RECURRING EXPENSES**

<table>
<thead>
<tr>
<th>Description</th>
<th>Contraction of Building</th>
<th>Annual maintenance Furniture/Equipments charges.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children’s Home</td>
<td>Rs. 5,00,000/-</td>
<td>Rs.10,000/-</td>
</tr>
<tr>
<td>Observation Home</td>
<td>Rs. 5,00,000/-</td>
<td>Rs. 10,000/-</td>
</tr>
<tr>
<td>Residential quarters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) 3 Class II quarters</td>
<td>Rs. 1,00,000/-</td>
<td>Rs. 6,000/-</td>
</tr>
<tr>
<td>(b) 8 Class III quarters</td>
<td>Rs. 55,000/-</td>
<td>Rs. 8,800/-</td>
</tr>
<tr>
<td>(c) 9 Class IV quarters</td>
<td>Rs. 35,000/-</td>
<td>Rs. 6,300/-</td>
</tr>
<tr>
<td>Additional annexe for running a school</td>
<td>Rs. 5,00,000/-</td>
<td>Rs. 10,000/-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rs. 16,90,000/-</td>
<td>Rs. 51,100/-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rs. 2,55,500/-</td>
</tr>
<tr>
<td></td>
<td><strong>Total Rs. 19,96,600/-</strong></td>
<td></td>
</tr>
</tbody>
</table>

**II. RECURRING EXPENSES**

**A. ADDITIONAL ADMINISTRATIVE STAFF IN SOCIAL WELFARE DEPARTMENT**

<table>
<thead>
<tr>
<th>Description</th>
<th>Scale of pay</th>
<th>Total per year including Allowances.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manger (One Post)</td>
<td>660-1400</td>
<td>11,288.00</td>
</tr>
<tr>
<td>Chief Inspector (One Post)</td>
<td>660-1400</td>
<td>11,288.00</td>
</tr>
<tr>
<td>Inspector (two posts)</td>
<td>510-900</td>
<td>17,442.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total 40,018.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**B. OBSERVATION HOME & CHILDREN’S HOME STAFF**

<table>
<thead>
<tr>
<th>Description</th>
<th>Scale of pay</th>
<th>Total per year including Allowances.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Manger (One Post)</td>
<td>550-1100</td>
<td>9,405.00</td>
</tr>
<tr>
<td>Head Warden (two posts)</td>
<td>380-550</td>
<td>13,140.00</td>
</tr>
<tr>
<td>Warder (Six posts)</td>
<td>340-500</td>
<td>35,460.00</td>
</tr>
<tr>
<td>L.D.C. (Two posts)</td>
<td>380-550</td>
<td>13,140.00</td>
</tr>
<tr>
<td>Attendent or Peons(two posts)</td>
<td>300-380</td>
<td>10,776.00</td>
</tr>
<tr>
<td>Sweeper (One post)</td>
<td>300-380</td>
<td>5,388.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total 87,309.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**C. STAFF FOR SCHOOL**

<table>
<thead>
<tr>
<th>Description</th>
<th>Scale of pay</th>
<th>Total per year including Allowances.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident Teacher (two posts)</td>
<td>510-900</td>
<td>17,442.00</td>
</tr>
<tr>
<td>Specially trained.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Peon (One post)</td>
<td>300-580</td>
<td>5,388.00</td>
</tr>
<tr>
<td></td>
<td><strong>Total 22,830.00</strong></td>
<td></td>
</tr>
</tbody>
</table>

**D. DAILY MAINTENANCE**

<table>
<thead>
<tr>
<th>Inmate Description</th>
<th>Number of Inmates</th>
<th>Rate per month</th>
<th>Total per year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40</td>
<td>Rs.140/-</td>
<td>Rs. 6,720.00</td>
</tr>
<tr>
<td></td>
<td></td>
<td>@ Rs.140/-</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>per month, per</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>inmate.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Total</strong></td>
<td><strong>67,200.00</strong></td>
</tr>
</tbody>
</table>

**GRAND TOTAL**

Rs.2,17,357.00
MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 64, of the Bill confers on the State Government power to make rules for giving effect to the provisions of the Bill. The matters in respect of which rules may be made relate to the facilities to be provided for education etc. of children's home, circumstances in which children's home etc. may be recognised or certified the place where children's Courts may hold their sittings and the duties of the probation Officers etc.

The matters in respect of which rules may be made relate to administrative detail and procedure. As such the delegation of legislative power is normal in character.

By Order

R. K. GUPTA.

Secretary.
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

Notification

No. SLAS/81-82/204/1526

March 9, 1982

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

The Sikkim Motor Vehicles Taxation
Bill No. 5 of 1982
Arrangement Of Clauses.

**Clauses.**

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of Taxation Officer.
4. Imposition of tax.
5. Report of registered motor vehicles brought into Sikkim from outside.
6. Manner of claiming refund or remission.
7. Declaration by person keeping or using a motor vehicle.
8. Payment of additional tax.
9. Receipt for tax.
10. Token to be exhibited on motor vehicles.
11. Appeal.
13. Penalties for certain offences.
14. Suspension of the certificate of registration.
15. Other penalties.
16. Trial of offences.
17. Power of State Government to exempt certain motor vehicles from the tax.
18. Power to make rules.
19. Repeal and Saving.

**SCHEDULE**
THE SIKKIM MOTOR VEHICLES TAXATION BILL, 1982
(BILL No. 5 OF 1982).

A Bill to provide for the imposition and levy of a tax on motor vehicles in Sikkim.

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

Short title, extent and commencement. 1. (1) This Act may be called the Sikkim Motor Vehicles Taxation Act, 1982.

(2) It extends to the whole of Sikkim.

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

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

(a) "motor vehicle" includes a vehicle, carriage or other means of conveyance propelled or which may be propelled, on a road by electrical or mechanical power either entirely or partially;

(b) "notification" means a notification published in the Official Gazette;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "tax" means the tax imposed under this Act;

(e) "Taxation Officer" means an Officer authorised by the State Government to perform the duties and exercise the powers conferred upon such officer by this Act;

(f) "tractor" means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion), and includes a motor vehicle used for towing disabled vehicles but does not include a road roller;

(g) Words and expressions used herein and not defined but defined in the Sikkim Motor Vehicles Act, 1957 shall have the meanings respectively assigned to them in that Act.

Appointment of Taxation Officer. 3. The State Government may, by notification, appoint such persons as it may think fit to be Taxation Officers and may in such notification specify the areas within which such officers shall exercise the powers conferred and perform the duties imposed on them by or under this Act.

Imposition of tax. 4. A tax at the rate specified in the Schedule shall be imposed and levied on all motor vehicles used or kept for use in Sikkim.

Explanation.—For the purposes of this Act—

(i) a person who keeps a motor vehicle of which the certificate of registration is current shall be deemed to keep such vehicle for use; and

(ii) "use" included letting on hire otherwise than on a hire purchase.
(2) The tax imposed under sub-section (1) shall be payable for the year in advance by the person by whom a motor vehicle is used or kept for use:

Provided that Taxation Officer may allow payment of the tax for one or more quarterly periods at the rate, for each such quarterly periods, of one quarter of the tax payable for the year:

Provided further that in the case of a motor vehicle registered outside Sikkim whether temporarily under section 25 of the Motor Vehicles Act, 1939 or otherwise, which is used or kept for use in Sikkim temporarily, the tax shall be payable for every week or part thereof, for which the motor vehicle is so used or kept for use in Sikkim, at the rate of one-fifty second part of the tax payable for the year, per week.

(3) If the Taxation Officer is satisfied that the certificate of registration and the token delivered under section 10 on payment of the tax for the year in respect of a motor vehicle has been surrendered or that a motor vehicle has not been used or kept for use for any complete calendar month in the year, he shall, on application made under section 6 refund or remit in respect of the said vehicle one-twelfth of the tax payable for the year for every complete calendar month for which the said vehicle has not been used or kept for use:

Provided that where a motor vehicle, other than a motor vehicle for the transport of goods or plying for hire for the carriage of passengers, has not been used for any period in Sikkim by reason of its being removed and kept outside Sikkim during such period, the Taxation Officer shall not refund or remit in respect of the said vehicle any portion of the tax for the quarterly period during which the said vehicle is so removed.

(4) If any person fails to deliver a declaration or additional declaration in accordance with the provisions of section 7, the Taxation Officer may after making such inquiry as he thinks fit and after giving an opportunity to such person to be heard, require him to pay any tax or additional tax which the Taxation Officer may find such person liable to pay under the provisions of this Act and may also impose on him a penalty which may extend to half the amount of the tax to which he is found liable.

Report of registered motor vehicles brought into Sikkim from outside.

Every person who brings into Sikkim any motor vehicle registered outside Sikkim whether temporarily under section 25 of the Motor Vehicles Act, 1939 or otherwise, and uses or keeps for use such vehicle in Sikkim shall submit to the Taxation Officer a report thereof within such time, in such form and containing such particulars as may be specified by the State Government by a notification.

Manner of claiming refund or remission.

A person claiming refund or remission of tax under sub-section (3) of section 4 shall, within such time as may be specified by the State Government by a notification, make to the Taxation Officer an application in this behalf in writing which shall be accompanied by such documents as may be specified in such notification.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. (1)</td>
<td>Every person by whom a motor vehicle is used or kept for use shall fill up and sign a declaration in such form stating truly therein such particulars and shall deliver the declaration, as so filled up and signed, to the Taxation Officer within such time as may be specified by the State Government by a notification and shall pay to the Taxation Officer the tax which he appears by such declaration to be liable to pay in respect of such vehicle.</td>
</tr>
<tr>
<td>7. (2)</td>
<td>Where a motor vehicle is altered so as to render the person by whom such vehicle is used or kept for use liable to the payment of an additional tax under section 8, such person shall fill up and sign an additional declaration in such form showing the nature of the alteration made and containing such particulars and shall deliver such additional declaration, as so filled up and signed, to the Taxation Officer within such time as may be specified by the State Government by a notification and shall pay to the Taxation Officer the additional tax payable under section 8 which he appears by such additional declaration to be liable to pay in respect of such vehicle.</td>
</tr>
<tr>
<td>7. (3)</td>
<td>Every person who owns any motor vehicle which is let for hire otherwise than on a hire-purchase agreement shall, for the purposes of this Act, be deemed to be the person who keeps such vehicle for use.</td>
</tr>
<tr>
<td>8.</td>
<td>Where any motor vehicle in respect of which the tax has been paid is altered in such a manner as to cause the vehicle to become a vehicle in respect of which a higher rate of tax is payable, the person by whom such vehicle is used or kept for use shall be liable to pay an additional tax of a sum which is equal to the difference between the tax already paid in respect of such vehicle and the tax which is payable in respect of such vehicle after its being so altered, and the registering authority shall not grant a fresh certificate of registration or renew any certificate of registration in respect of such vehicle as so altered until such amount of tax has been paid.</td>
</tr>
<tr>
<td>9.</td>
<td>The Taxation Officer shall grant and deliver to every person, who pays to him the tax or additional tax in respect of any motor vehicle a receipt in which shall be specified the particulars of the tax paid and such other particulars as may be prescribed.</td>
</tr>
<tr>
<td>10. (1)</td>
<td>The Taxation Officer shall, at the time of granting a receipt for the tax, deliver to the person paying the tax a token in such form and containing such particulars as may be prescribed.</td>
</tr>
<tr>
<td>10. (2)</td>
<td>Every person to whom such token is delivered shall cause it to be exhibited in the prescribed manner on the vehicle in respect of which the tax is paid.</td>
</tr>
<tr>
<td>11. (1)</td>
<td>Any person aggrieved by any order made by a Taxation Officer under this Act may prefer appeal against that order to such appellate authority appointed by the State Government in this behalf, in such manner, within such time and on payment of such fees as may be prescribed.</td>
</tr>
</tbody>
</table>
Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(2) Any such appeal shall be heard and decided by the appellate authority in such manner as may be prescribed and the decision of the appellate authority on such appeal shall be final:

Provided that no appeal shall be decided without giving the appellant an opportunity of being heard.

Power to check and seize motor vehicles.

(1) Any Police Officer in uniform or other officer of the State Government not below such rank as may be specified by the State Government by a notification, may-

(a) check any motor vehicle either in any garage after the sunset or before the sun-rise or stop and check any motor vehicle plying on the road for the purpose of satisfying himself that the tax payable under this Act in respect of such vehicle has been paid; and

(b) seize and detain the vehicle if he is authorised by the State Government in this behalf and if he has reasons to believe that any motor vehicle has been or is being used or kept for use in contravention of the provisions of sections 5, 7 and 8 may take or cause to be taken such steps as he may consider necessary for the temporary safe custody of the vehicle so seized and detained unless the owner or the person in charge of the vehicle executes a bond for the production thereof before a court when so required.

(2) Any motor vehicle seized and detained under clause (b) of sub-section (1) shall be produced before the court within twenty-four hours of such seizure and the court shall thereupon pass such orders as it may think fit for the disposal of the vehicle.

(3) Where any bond is executed under clause (b) of sub-section (1) for the production of any motor vehicle before the court, the provisions of section 514 of the Code of Criminal Procedure, 1898 shall, as far as may be, apply to such bond.

Penalties for certain offences.

Whoever—

(a) uses or keeps for use a motor vehicle without having paid the tax or additional tax in respect of such vehicle; or

(b) delivers a declaration or additional declaration wherein the particulars required by or under this Act are not fully and truly stated; or

(c) obstructs any officer referred to in section 12 in the exercise of his powers under that section,

shall be punishable with fine which may extend to one and half times, and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to twice the amount of the tax payable for the year for the motor vehicle in respect of which the offence is committed and the amount of any tax due shall also be recovered as if it were a fine.
Suspension of the certificate of registration.

14. If the Taxation Officer is satisfied that in respect of any motor vehicle—
(a) a declaration or additional declaration has not been delivered in accordance with the provisions of section 7 within such time as specified in the notification as referred to in that section; or
(b) any tax or additional tax payable under this Act has not been paid within one month of the date on which such tax was payable; or
(c) any penalty imposed under sub-section (4) of section 4 has not been paid within one month of the date on which such penalty was imposed,

he may, notwithstanding anything contained in the Sikkim Motor Vehicles Act, 1957 or any rules made thereunder, declare the certificate of registration of such motor vehicle to be suspended and such certificate shall thereupon be deemed to be suspended until the whole amount of tax and penalty, if any, due in respect of such motor vehicle has been paid.

Other penalties.

15. Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, if no other penalty is elsewhere provided in this Act for such contravention, be punishable with fine which may extend to two hundred rupees, and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to three hundred rupees.

Trial of offences.

16. No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

Power of State Government to motor vehicles from the tax.

17. The State Government if it thinks fit so to do in the public interest, may, by notification, exempt either totally or partially any motor vehicle or class of motor vehicles from any tax leviable under this Act.

Power to make rules.

18. (1) The State Government may, by notification, make rules for carry-rules, ing out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
(a) Such other particulars as may be prescribed under section 9;
(b) form of token of receipt of any tax and the particulars to be stated therein under sub-section (1) of section 10;
(c) the manner in which token shall be exhibited on motor vehicle under sub-section (2) of section 10;
(d) the manner in which, time within which and fees payment of which the appeal shall be made to the appellate authority under sub-section (1) of section 11;
(e) the manner in which the appeal shall be heard and decided under sub-section (2) of section 11;
(f) any other matter which is to be or may be prescribed.

Repeal and saving.

19. (1) On and from the commencement of this Act, the provisions contained in notification No. 1/STA dated the 16th August, 1973 and all other orders on the subject which are inconsistent with the provisions of this Act, shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the notification so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.
### Description of Motor Vehicles and the Rate of Tax

**A. Vehicles for carrying passengers not plying for hire.**

1. Vehicle other than Omnibuses

1. (1) Motor Cycle/Scooters kept for the personal use of the owners, not being companies registered under the law relating to registration of companies for the time being in force.  
   Rate of tax payable for the year: Rs. 30.00

1. (2) Motor Cycle/Scooters with side car for the personal use of owners, not being companies registered under the law relating to registration of companies for the time being in force.  
   Rate of tax payable for the year: Rs. 40.00

1. (3) (a) Fiat Car kept for the personal use of owners, not being companies registered under the law relating to registration of companies for the time being in force and invalid carriages.  
   Rate of tax payable for the year: Rs. 100.00

1. (b) Fiat Car owned by companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.  
   Rate of tax payable for the year: Rs. 200.00

1. (4) Ambassador Car kept for the personal use of owners, not being registered under the law relating to registration of companies for the time being in force and invalid carriages.  
   Rate of tax payable for the year: Rs. 120.00

1. (b) Ambassador Car owned by the companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.  
   Rate of tax payable for the year: Rs. 240.00

1. (5) (a) Jeep (private) kept for the personal use of owners not being registered under the law relating to registration of companies for the time being in force and invalid carriages.  
   Rate of tax payable for the year: Rs. 125.00

1. (b) Jeep (private) owned by companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.  
   Rate of tax payable for the year: Rs. 250.00

1. (6) Motor Cycle/Scooters owned by Companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.  
   Rate of tax payable for the year: Rs. 75.00

1. (7) Motor Cycle/Scooters with side car owned by companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.  
   Rate of tax payable for the year: Rs. 90.00

**II. Omnibuses with seating capacity for:**

<table>
<thead>
<tr>
<th>Capacity</th>
<th>Rate of tax payable for the year</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Not more than 8.</td>
<td>Rs. 250.00</td>
</tr>
<tr>
<td>(b) More than 8, but not more than 20</td>
<td>Rs. 300/-; for 9 seats plus Rs. 30/- for every additional seat beyond 9 &amp; up to 20.</td>
</tr>
<tr>
<td>(c) More than 20.</td>
<td>Rs. 660/-; for 21 seats plus Rs. 25/- for every additional seat beyond 21.</td>
</tr>
</tbody>
</table>
Provided that if an Omnibus is fitted with solid tyres, there shall be a surcharge per annum of 12 1/2% of the amount payable under clause (a) or (b) or (c) above, as the case may be.

B. Vehicles for carrying passengers plying for hire :—

I. Stage Carriage with seating capacity for—

(a) Not less than 8 but not more than 26
   Rate of tax payable for the year.
   Rs. 350/- for 8 plus
   Rs. 40/- for every additional seat beyond 8 and upto 26.

(b) Not less than 27 but not more than 45.
   Rs. 1,100/- for 27 plus
   Rs. 35/- for every additional seat beyond 27 up-to 45:

Provided that if a stage carriage is fitted with solid tyres there shall be a surcharge per annum of Rs. 12 1/2% of the amount payable under clause (a) or (b) above, as the case maybe, for such stage carriage.

II. Vehicles other than stage carriage with seating capacity for—

(a) Not more than 4
   Rates of tax payable for the year.
   3 Wheelers                      ..                      ..                      ..                              .. Rs. 100.00
   4 Wheelers                      ...                      ..                       ..                              .. Rs. 150.00

(b) More than 4
   ..                      ..                        ..                              .. Rs. 300/- for 5 plus
   Rs. 30/- for every additional seat beyond 5.

(c) In case of Jeep (Tourist Taxi) plying in Sikkim, there shall be payable an additional charge per annum of 100% of the amount payable under clause (b) above :

Provided that if a vehicle for carrying passengers plying for hire which is not a stage carriage is fitted with solid tyres there shall be a surcharge per annum of 12 1/2% of the amount payable under clause (a) or (b) above as the case may be, for such vehicle.

C. Vehicle for transport of goods including private carriages :—

(a) Upto 500 Kilograms registered laden weight.
   Rate of tax payable for the year.
   Rs. 175/-

(b) Exceeding 500 Kilograms but not exceeding 2000 Kilograms registered laden weight.
   Rs. 175/- plus Rs. 20/- for every additional 250 Kilograms or part thereof of above 500 Kilograms.
(c) Exceeding 2000 Kilograms but not exceeding 4000 Kilograms registered laden weight. Rs. 295/- plus Rs. 25/-
... for every additional 250 Kilograms or part thereof above 2000 Kilograms.

(d) Exceeding 4000 Kilograms but not exceeding 8000 Kilograms registered laden weight. Rs. 495/- plus Rs. 15/-
... for every additional 250 Kilograms or part thereof above 4000 Kilograms.

(e) Exceeding 8000 Kilograms registered laden weight Rs. 655/- plus Rs. 20/-
... for every additional 250 Kilograms or part thereof above 8000 Kilograms.

Provided that where a vehicle for transport of goods is fitted with solid tyres there shall be a surcharge per annum of 12 1/2% of the amount payable under clause (a) or (b) or (c) or (d) or (e) above as the case may be, for such vehicles.

D. Tractors not used solely for agricultural purposes. Rate of tax payable for the year.

(a) Upto 5000 Kilograms unladen weight Rs. 100/-

(b) Exceeding 500 Kilograms but not exceeding 2,000 Kilograms unladen weight. Rs. 100/- plus Rs. 25/-
... for every additional 250 Kilograms or part thereof above 2,500 Kilograms.

(c) Exceeding 2000 Kilograms but not exceeding 4,000 Kilograms unladen weight. Rs. 250/- plus 30/-
... for every additional 250 Kilograms or part thereof, above 2,000 Kilograms.

(d) Exceeding 4000 Kilograms but not exceeding 8000 Kilograms unladen weight. Rs. 490/- plus Rs. 50/-
... for every additional 250 Kilograms or part thereof, above 4,000 Kilograms.

(e) Exceeding 8000 Kilograms unladen weight. Rs. 1290/- plus 75/-
... for every additional 250 Kilograms or part thereof above 8000 Kilograms.

Provided that where a tractor is fitted with solid tyres there shall be a surcharge per annum of 12 1/2% of the amount payable under clause (a) or (b) or (c) or (d) or (e) above, as the case may be, for such tractor.
E. Traitors.

(a) Upto 500 Kilograms registered laden weight. ... ... Rs. 100/-

(b) Exceeding 500 Kilograms but not exceeding 2000 Kilograms registered laden weight. ... Rs. 100/- plus Rs. 10/- for every additional 250 Kilograms or part thereof, above 500 Kilograms.

(c) Exceeding 2000 Kilograms but not exceeding 4000 Kilograms registered laden weight. ... Rs. 160/- plus Rs. 15/- for every additional 250 Kilograms or part thereof, above 2000 Kilograms.

(d) Exceeding 4000 Kilograms but not exceeding 8000 Kilograms registered laden weight. ... Rs. 280/- plus Rs. 20/- for every additional 250 Kilograms or part thereof, above 8000 Kilograms.

(e) Exceeding 8000 Kilograms laden weight. ... Rs. 660/- plus 25/- for every additional 250 Kilograms or part thereof, above 8000 Kilograms:

Provided that where a tractor is fitted with solid tyesthereshallbeasurchargeperannumof121/2%ofthe amount payable under clause (a) or (b) or (c) or (d) or (e) above, as the case may be, for such tractor.
THE STATEMENT OF OBJECTS AND REASONS

The taxation on different categories of motor vehicles in Sikkim is very much less as compared to other states.

It is, therefore, proposed to revise the rate of tax leviable on different categories of Motor Vehicles with a view to raising funds for the Government.

The Bill seeks to achieve the above object in view.

P. B. GURUNG,

Minister-in-charge,

(Motor Vehicles Department).
MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill confers on the State Government power to make rules for carrying out the purposes of the Bill. The matters in respect of which rules may be made relate to the form of token of receipt of any tax and the particulars to be stated therein, manner in which token shall be exhibited in motor vehicles, manner in which and time within which appeal shall be made, heard and decided and any other matter which is to be or may be prescribed.

2. The matter in respect of which rules may be made are of administrative detail and procedure, and as such, the delegation of legislative power is of normal in character.

By Order

FINANCIAL MEMORANDUM

(R. K. GUPTA)
Secretary
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

No. SLAS/81-82/204/1550

Dated Gangtok, the 11th March, 1982.

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

THE SIKKIM MOTOR VEHICLES (AMENDMENT) BILL, 1982.


A BILL

to amend the Sikkim Motor Vehicles Act, 1957.

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

1. (1) This Act may be called the Sikkim Motor Vehicles (Amendment) Act, 1982.

(2) It shall come into force at once.

2. In the Sikkim Motor Vehicles Act, 1957 (hereinafter referred to as the principal Act), after section 61, the following section shall be inserted, namely:—

"61 A. (1) The State Government may, by order published in the Official Gazette, specify the person or class of persons or a motor vehicle or class of motor vehicles who or which, as the case may be, shall be entitled to use a red light on the top of motor vehicle subject to such conditions and restrictions as may be specified in the order.

(2) Whoever contravenes the provisions of any order made under sub-section (1), shall be punished—
(a) on first conviction, with a fine which may extend to rupees five hundred; and
(b) on the second and subsequent conviction with a fine which may extend to rupees one thousand."
Where the person who contravenes the provisions of any order made under sub-section (1) is a Government servant, he may, in addition to the punishment specified in sub-section (2) be also liable to disciplinary action under the provisions of the relevant Conduct rules applicable to him as a Government servant.

(4) Every offence under this section shall be cognizable and shall be tried summary."

3. In section 99 of the principal Act—

(a) for the words, abbreviation and figures “with fine which may extend to Rs. 20”, the words “with fine which shall not be less than fifty rupees and may extend to five hundred rupees” shall be substituted;

(b) for the words "with fine which may extend to one hundred rupees", the words "with fine which shall not be less than one hundred rupees and may extend to one thousand rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

It has come to the notice of the Government that many persons are using red light on the top of their motor vehicles. Indiscriminate use of red lights creates an impression the person using the motor vehicle with the red light on the top is a high dignitary or a high officer of the Government. Such use of red light on the motor vehicles also creates many avoidable traffic problems. It is, therefore, proposed to regulate the use of red lights on the top of a motor vehicle by including suitable provision in the Sikkim Motor Vehicles Act, 1957.

The Government has also felt the necessity of enhancing the punishment provided for in section 99 of the Act in view of involvement of motor vehicles in serious accidents due to overloading, etc., resulting in loss of lives and injury to persons and property.

The Bill seeks to achieve the above objects.

P.B. GURUNG
MINISTER -IN- CHARGE

FINANCIAL MEMORANDUM
NIL
MEMORANDUM REGARDING DELEGATED LEGISLATION
NIL

By Order

R. K. GUPTA
Secretary.
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

No. SLAS/81-82/204/1555                                                                 Dated Gangtok, the 13th March, 1982.

In pursuance of Rules 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 1982,

A BILL 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, 1981-82.

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

1. This Act may be called the Sikkim Appropriation Act, 1982.

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 five crores sixty four lakhs seventy six thousands of Rupees towards defraying the charges which will come in course for payment during the financial year 1981-82 in respect of the services specified in column 2 of the Schedule.

3. The 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.

Short title

Issue of Rs. 5,64,76,000 out of the Consolidated Fund of the State of Sikkim for the Financial year 1981-82.
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<tr>
<th>No. of Vote</th>
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<th>Voted by the Legislative Assembly</th>
<th>SUMS NOT EXCEEDING Charged on Total the Consolidated Fund</th>
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<tbody>
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<td>295</td>
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<tr>
<td>Appropriation-Governor</td>
<td>Revenue —</td>
<td>140</td>
<td>140</td>
</tr>
<tr>
<td>2. Cabinet</td>
<td>Revenue 1010</td>
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<td>1010</td>
</tr>
<tr>
<td>3. Agriculture</td>
<td>Revenue 201</td>
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</tr>
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<td>Revenue 2299</td>
<td>—</td>
<td>2299</td>
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<tr>
<td>Capital 2600</td>
<td>—</td>
<td>2600</td>
<td></td>
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<tr>
<td>8. Establishment Department</td>
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<td>—</td>
<td>90</td>
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<td>Revenue 70</td>
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<td>11. Income Tax &amp; Sales Tax</td>
<td>Revenue 10</td>
<td>—</td>
<td>10 12 other</td>
</tr>
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<td>Expenditure of the Finance Department</td>
<td>Revenue 315</td>
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<td>3758</td>
</tr>
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<td>Capital —</td>
<td>1019</td>
<td>1019</td>
<td></td>
</tr>
<tr>
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<td>—</td>
<td>45</td>
</tr>
<tr>
<td>14. Forest, &amp; Soil Conservation</td>
<td>Revenue 200</td>
<td>—</td>
<td>200</td>
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<tr>
<td>15. Fisheries and Wild life</td>
<td>Revenue 360</td>
<td>—</td>
<td>360</td>
</tr>
<tr>
<td>Capital 1</td>
<td>—</td>
<td>1</td>
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<tr>
<td>16. Home Department</td>
<td>Revenue 819</td>
<td>—</td>
<td>819</td>
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<td>Revenue 63</td>
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<td>134</td>
</tr>
<tr>
<td>19. Industries</td>
<td>Revenue 60</td>
<td>—</td>
<td>60</td>
</tr>
<tr>
<td>20. Government Institute of Cottage Industries</td>
<td>Revenue 212</td>
<td>—</td>
<td>212</td>
</tr>
<tr>
<td>Capital 200</td>
<td>—</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>21. Mines and Geology</td>
<td>Capital 150</td>
<td>—</td>
<td>150</td>
</tr>
<tr>
<td>23. Land Revenue</td>
<td>Revenue 16792</td>
<td>—</td>
<td>16792</td>
</tr>
<tr>
<td>24. Local Self Government</td>
<td>Revenue 50</td>
<td>—</td>
<td>50</td>
</tr>
<tr>
<td>26. Medical and Public Health</td>
<td>Capital 1600</td>
<td>—</td>
<td>1600</td>
</tr>
<tr>
<td>27. Motor Vehicles</td>
<td>Revenue 89</td>
<td>—</td>
<td>89</td>
</tr>
<tr>
<td>29. Power</td>
<td>Revenue 942</td>
<td>—</td>
<td>942</td>
</tr>
<tr>
<td>Capital 6121</td>
<td>—</td>
<td>6121</td>
<td></td>
</tr>
<tr>
<td>30. Press, Information &amp; Publicity</td>
<td>Revenue 459</td>
<td>—</td>
<td>459</td>
</tr>
<tr>
<td>31. Cultural Affairs</td>
<td>Revenue 300</td>
<td>—</td>
<td>300</td>
</tr>
<tr>
<td>Capital 300</td>
<td>—</td>
<td>300</td>
<td></td>
</tr>
<tr>
<td>32. Public Works, Roads, Bridges and Water Supply</td>
<td>Revenue 157</td>
<td>—</td>
<td>157</td>
</tr>
<tr>
<td>Capital 8000</td>
<td>—</td>
<td>8000</td>
<td></td>
</tr>
<tr>
<td>33. Rural Development</td>
<td>Revenue 301</td>
<td>—</td>
<td>301</td>
</tr>
<tr>
<td>34. Scheduled Caste and Scheduled Tribe Welfare</td>
<td>Revenue 3450</td>
<td>—</td>
<td>3450</td>
</tr>
<tr>
<td>35. Sikkim Nationalised Transport</td>
<td>Revenue 2385</td>
<td>—</td>
<td>2385</td>
</tr>
<tr>
<td>Capital 1500</td>
<td>—</td>
<td>1500</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>51788</td>
<td>4688</td>
<td>56476</td>
</tr>
</tbody>
</table>
STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of Article 204(1) of the Constitution of India, read with Article 205 thereof to provide for the appropriation out of the Consolidated Fund of the State of Sikkim of the moneys required to meet the expenditure charged on the Consolidated Fund of the State of Sikkim and the Supplementary Grants made by the Legislative Assembly for expenditure of the Government of Sikkim for the financial year 1981-82.

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

By Order

R.K. GUPTA,
Secretary.
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

No. SLAS/81-82//204/1556                                                                   Dated Gangtok, the 13th March, 1982.

In pursuance of Rules 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 1982.

A BILL

to authorise payment and appropriation of certain sum from and out of the Consolidated Fund of the State of Sikkim for the services of the Financial year, 1982-83.

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

Short title 1. This Act may be called the Sikkim Appropriation Act, 1982.

Issue of the Consolidation Schedule amounting to five crores sixty four lakhs and of the State of Sikkim for the Financial year 1982-83

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 five crores sixty four lakhs towards defraying the charges which will come in course for payment during the financial year 1981-82 in respect of the services specified in column 2 of the Schedule.

Appropriation. 3. The 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>SERVICE AND PURPOSES</th>
<th>Voted by the Legislative</th>
<th>SUMS NOT EXCEEDING Charged on the Consolidated Fund (In thousands of Rupees)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>State Legislature</td>
<td>Revenue: 1195</td>
<td>60</td>
<td>1255</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 9</td>
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<td>9</td>
</tr>
<tr>
<td></td>
<td>Appropriation-Governor</td>
<td>Revenue: ----</td>
<td>886</td>
<td>886</td>
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<tr>
<td></td>
<td></td>
<td>Capital: 7</td>
<td>---</td>
<td>7</td>
</tr>
<tr>
<td>2.</td>
<td>Cabinet</td>
<td>Revenue: 2130</td>
<td>---</td>
<td>2130</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 15</td>
<td>---</td>
<td>15</td>
</tr>
<tr>
<td>3.</td>
<td>Agriculture</td>
<td>Revenue: 24270</td>
<td>---</td>
<td>24270</td>
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<tr>
<td></td>
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<td>Capital: 15</td>
<td>---</td>
<td>15</td>
</tr>
<tr>
<td>4.</td>
<td>Animal Husbandry</td>
<td>Revenue: 11793</td>
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<td>11793</td>
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<td>Capital: 2650</td>
<td>---</td>
<td>2650</td>
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<tr>
<td>5.</td>
<td>Co-operation</td>
<td>Revenue: 2750</td>
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<td>2750</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 720</td>
<td>---</td>
<td>720</td>
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<tr>
<td>6.</td>
<td>Ecclesiastical Deptt.</td>
<td>Revenue: 1040</td>
<td>---</td>
<td>1040</td>
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<tr>
<td></td>
<td></td>
<td>Capital: 6</td>
<td>---</td>
<td>6</td>
</tr>
<tr>
<td>7.</td>
<td>Education</td>
<td>Revenue: 34263</td>
<td>---</td>
<td>34263</td>
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<tr>
<td></td>
<td></td>
<td>Capital: 5650</td>
<td>---</td>
<td>5650</td>
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<tr>
<td>8.</td>
<td>Establishment Department</td>
<td>Revenue: 371</td>
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<td>371</td>
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<tr>
<td></td>
<td></td>
<td>Capital: 7</td>
<td>---</td>
<td>7</td>
</tr>
<tr>
<td>9.</td>
<td>Excise (Abkari)</td>
<td>Revenue: 826</td>
<td>---</td>
<td>826</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 15</td>
<td>---</td>
<td>15</td>
</tr>
<tr>
<td>10.</td>
<td>Finance Department</td>
<td>Revenue: 1115</td>
<td>---</td>
<td>1115</td>
</tr>
<tr>
<td>11.</td>
<td>Income Tax &amp; Sales Tax</td>
<td>Revenue: 348</td>
<td>---</td>
<td>348</td>
</tr>
<tr>
<td>12.</td>
<td>Other Expenditure of the Finance Department</td>
<td>Revenue: 3699</td>
<td>7800</td>
<td>11499</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 1945</td>
<td>5092</td>
<td>7037</td>
</tr>
<tr>
<td>13.</td>
<td>Food &amp; Civil Supplies</td>
<td>Revenue: 1065</td>
<td>---</td>
<td>1065</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 720</td>
<td>---</td>
<td>720</td>
</tr>
<tr>
<td>14.</td>
<td>Forest and soil Conservation</td>
<td>Revenue: 27219</td>
<td>---</td>
<td>27219</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 25</td>
<td>---</td>
<td>25</td>
</tr>
<tr>
<td>15.</td>
<td>Fisheries &amp; Wild Life</td>
<td>Revenue: 3500</td>
<td>---</td>
<td>3500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 1525</td>
<td>---</td>
<td>1525</td>
</tr>
<tr>
<td>16.</td>
<td>Home Department</td>
<td>Revenue: 4518</td>
<td>200</td>
<td>4718</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 533</td>
<td>---</td>
<td>533</td>
</tr>
<tr>
<td>17.</td>
<td>Administration of Justice</td>
<td>Revenue: 574</td>
<td>715</td>
<td>1289</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 25</td>
<td>---</td>
<td>25</td>
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<tr>
<td>18.</td>
<td>Police</td>
<td>Revenue: 20827</td>
<td>---</td>
<td>20827</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 1200</td>
<td>---</td>
<td>1200</td>
</tr>
<tr>
<td>19.</td>
<td>Industries</td>
<td>Revenue: 5730</td>
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<td>5730</td>
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<tr>
<td></td>
<td></td>
<td>Capital: 6055</td>
<td>---</td>
<td>6055</td>
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<tr>
<td>20.</td>
<td>Govt. Institute of Cottage Industries</td>
<td>Revenue: 3730</td>
<td>---</td>
<td>3730</td>
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<tr>
<td></td>
<td></td>
<td>Capital: 207</td>
<td>---</td>
<td>207</td>
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<tr>
<td>21.</td>
<td>Mines &amp; Geology</td>
<td>Revenue: 1350</td>
<td>---</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 1155</td>
<td>---</td>
<td>1155</td>
</tr>
<tr>
<td>22.</td>
<td>Labour Welfare</td>
<td>Revenue: 140</td>
<td>---</td>
<td>140</td>
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<tr>
<td></td>
<td></td>
<td>Capital: 3</td>
<td>---</td>
<td>3</td>
</tr>
<tr>
<td>23.</td>
<td>Land Revenue</td>
<td>Revenue: 4243</td>
<td>---</td>
<td>4243</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital: 50</td>
<td>---</td>
<td>50</td>
</tr>
</tbody>
</table>
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 1982-83.

SHERAB PALDEN,
Minister-in-charge,
Department of Finance.

By Order

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

THE SIKKIM APPROPRIATION BILL 1982.

BILL NO- 9 OF 1982

A BILL

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of State of Sikkim to meet the amounts spent on certain services during the financial year ended on 1st day of March 1977 and 31st day of March 1978, in excess of the amounts authorised or guaranted for those services and purposes for those years.

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

1. This Act may be called the Sikkim Appropriation Act, 1982.

2. The sums specified in Column (5) of the Schedule amounting to three crores, eighty seven lakh, eighty one thousand three hundred and sixty two rupees shall be deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim for the financial year ended on the 31st March, 1977 and 31st March 1978.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State under this Act shall be appointed and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the financial year ended on the 31st March 1977 and 31st day of March 1978.
**THE SCHEDULE**

(See Sections 2 and 3)

<table>
<thead>
<tr>
<th>Demand No.</th>
<th>Services and Purposes</th>
<th>Voted by the Legislative Assembly</th>
<th>Charged on Consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Agriculture</td>
<td>Capital</td>
<td>Rs. 9,65,653</td>
<td>9,65,653</td>
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<tr>
<td>8</td>
<td>Education</td>
<td>Capital</td>
<td>Rs. 3,14,076</td>
<td>3,14,076</td>
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<tr>
<td>10</td>
<td>Establishment Department</td>
<td>Revenue</td>
<td>Rs. 8,489</td>
<td>8,489</td>
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<tr>
<td>14</td>
<td>Other Expenditure of the Finance Department</td>
<td>Revenue</td>
<td>Rs. 43,838</td>
<td>43,838</td>
</tr>
<tr>
<td>15</td>
<td>Food &amp; Civil Supplies and Fair Price Shops</td>
<td>Capital</td>
<td>Rs. 1,85,040</td>
<td>1,85,040</td>
</tr>
<tr>
<td>18</td>
<td>Sikkim Nationalised Transport</td>
<td>Revenue</td>
<td>Rs. 1,81,230</td>
<td>1,81,230</td>
</tr>
<tr>
<td>24</td>
<td>Medical, Public Health &amp; Social Welfare</td>
<td>Capital</td>
<td>Rs. 11,67,223</td>
<td>11,67,223</td>
</tr>
<tr>
<td>28</td>
<td>Public Works, Roads, Bridges and Water Supply</td>
<td>Revenue</td>
<td>Rs. 3,59,15,813</td>
<td>3,59,15,813</td>
</tr>
<tr>
<td>Total:</td>
<td></td>
<td></td>
<td></td>
<td>3,87,81,362</td>
</tr>
</tbody>
</table>

**STATEMENT OF OBJECTS AND REASONS**

This Bill is introduced in pursuance of sub-clause (b) of clause (1) of Article 205 to with clause (!) of Article 204 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 grant made of the Sikkim Legislative Assembly to cover the excess expenditure incurred during 1976-77 and 1977-78.

SHERAB PALDEN
Minister-in-charge

By Order

R. K. GUPTA
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS
In exercise of the powers conferred by Clause B of Section 2 of the Sikkim Public Premises (Eviction of Unauthorised Occupants and Rent Recovery) Act, 1980 (9 of 1980) the State Government hereby appoints Shri B.K. Kharel, Forest Settlement Officer to perform the function of the Collector in the whole of Sikkim public premises under the administrative control of the Department of Forests, Government of Sikkim.

By Order

P.O. PAZO,

Secretary to the Govt, of Sikkim,
Forest Department, Gangtok
This is to notify to the public in general that to save the animals from cruelty inflat-ed upon them, the plying of Bullock Carts in Sikkim has been stopped with effect from 1st April, 1982.

By Order

T. P. SHARMA,
Secretary,
Motor Vehicle Department
Government of Sikkim.
NOTIFICATION

S.O Whereas by its order dated the 12th February, 1982, the Election Commission of India has held and directed that the name of the "United Democratic Front" be changed to "Naga National Democratic Party" in the records of the Commission and that the Naga National Democratic Party be allowed to retain the reserved symbol 'Cock'.

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

In TABLE 2 appended to the said notification, against 'Nagaland' for the figure and words "2. United Democratic Front" appearing in column 2 of the Table, the Figure and words"2. Naga National Democratic Party" shall be substituted.

The above-mentioned amendment shall be deemed to have taken effect from 12th February, 1982.

By Order,

(H. R. GUPTA)
Deputy Chief Electoral Officer, Sikkim.

Sd/- R. P. BHALLA
Secretary to the Election Commission of India

PRINTED AT THE SIKKIM GOVERNMENT PRESS
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th day of April, 1982, is hereby published for general information.

THE GANGTOK MUNICIPAL CORPORATION (AMENDMENT) ACT, 1982.

ACT NO. 1 OF 1982.

AN ACT

further to amend the Gangtok Municipal Corporation Act, 1975.

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

1. (1) This Act may be called the Gangtok Municipal Corporation (Amendment) Act, 1982.

(2) It shall be deemed to have come into force on and from the date of commencement of the Gangtok Municipal Corporation Act, 1975, except section 3 which shall be deemed to have come into force on and from the 16th day of December, 1981.

IV of 1975. 2. In the Gangtok Municipal Corporation Act, 1975 (hereinafter referred to as the principal Act), in section 2,—

(a) clause (1) shall be re-numbered as clause (1a) and before the clause as so re-numbered, the following clause shall be inserted, namely :

(1) “Administrator” means the officer appointed by the State Government under sub-section (5) of section 3,.”
(b) after clause (3), the following clause shall be inserted, namely:

'(3a) "Corporation" means the Gangtok Municipal Corporation constituted under sub-section(1) of section 3 ;

(c) after clause (5), the following clause shall be inserted, namely:

'(5a) "Executive Officer" means the officer appointed by the State Government under section 10; ;

(d) after clause (18), the following clause shall be inserted, namely:

'(18a) "Tribunal" means the Tribunal constituted by the State Government under section 49F.'

Amendment of section 3.

3. In the principal Act, in section 3, -

(a) in sub-section (5), for the words "a period of two years" the words "period of four years" shall be substituted;

(b) to sub-section (5), the following proviso shall be added, namely:-

"Provided that the State Government may by a like order, extend the period of appointment of the Administrator for a further period of one year or until the reconstitution of the Corporation, whichever is earlier.";

(c) in sub-section (6), in clause (b), for the word "Corporation", the words "Corporation, the Corporation at meeting " shall be substituted.

Amendment of section 9.

4. In the principal Act, in section 9, in sub-section (3), for the words "more than three hundred Rupees" the words "more than eight hundred rupees " shall be substituted.

Insertion of new section 26A.

5. in the principal Act, after section 26, the following section shall be inserted, namely :-

"26 A. The Corporation may , with the previous sanction of the State Government, borrow money from banks and other financial institutions, on the security of the Municipal Fund or any of its other assets for the purposes of this Act.'

Amendment of section 46.

6. In the principal Act, in section 46, in sub-section (1), -

for the words "thirty days", the words "sixty days" shall be substituted.

Substitution of section 49.

7. In the principal Act, for section 49, the following section shall be substituted, namely :-

"49- (1) if the Corporation is satisfied -

(a) that the erection of any building-

(i) has been commenced without obtaining any permission required to be obtained by or under this Act; or

(ii) is being carried on or has been completed otherwise than in accordance with the particulars on which such permission was based; or

(iii) is being carried on or has been completed in breach of any provision of this Act or any rule or bye-law made thereunder, or any direction or requisition lawfully given or made under this Act or under such rule or bye-law; or
(b) that any alteration of, or addition to, any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in contravention of, or otherwise than in accordance with any sanction granted under section 46 or section 48; or

(c) that any alteration required by any notice issued under this Act or any rule or bye-law made, under this Act, has not been duly made,

it may, without prejudice to any action that may be taken under any other provisions of this Act, by a notice in writing require the person responsible, to demolish within ten days of receipt of notice such erection, alteration, as the case may be, or to show cause why such, erection, alteration, addition or other work should not be demolished or the alteration should not be made.

(2) The Corporation may issue notice under sub section (1) notwithstanding the fact that the valuation of such building has been made under this Act and the Corporation has received payment of tax on such valuation.

(3) If the person responsible fails -

(a) to demolish such erection, alteration, addition or other work, or to make the alterations; or

(b) to show cause to the satisfaction of the Corporation why such erection, alteration, addition or other work should not be demolished, or the Corporation may, by order and through its officers, employees or workmen demolish the erection, alteration, addition or other work and recover the expenses of demolition from the person responsible:

Provided that where the person responsible shows cause, the order to demolish the erection, alteration, addition or other works shall not be made without giving the person responsible, an opportunity of being heard:

Provided further that a copy of the order referred to in this clause or in the first proviso shall be served upon the owner and the occupier thereof and no such action shall be taken until after the expiry of thirty days from the date of the service of the said order.

(4) Notwithstanding anything contained in sub-section (1), sub -section (2) or sub-section (3), no action shall be taken under this section in respect of any erection, alteration, addition or other work executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975, whichever is later:

Provided that the onus of proving that the erection, alteration, addition, or other work was executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975, shall lie on the person responsible:

Provided further that no action shall be taken in respect of any erection, alteration, addition or other work which has been regularized under the provisions of this Act.
Whoever contravenes any of the provisions of this Chapter shall be liable to prosecution and upon conviction to a fine which may extend to ten thousand rupees and if the offence is of a continuing nature a further fine of five hundred rupees per day after the first conviction.

Explanation.—

In this section, the expression, "person responsible" includes the owner, the occupier and any other person who executes the erection, alteration, addition or other work or who is liable to make any alteration required by any notice issued under this Act or any rule or bye-law made thereunder.


Power of Corporation to remove or alter verandah, etc. or fixtures attached to building which project over public street or land.

(1) When any verandah, platform, building or other structure or any fixture attached to a building so as to form part of the building, whether erected before or after the commencement of this Act causes a projection, encroachment or obstruction over or on any public street or any land vested in the Corporation, the Corporation, in accordance with such rule or bye-law as may be made by it, may, by written notice, require the owner or occupier of the building to remove or alter such structure or fixture within such time, not being less than fourteen days, as may be specified in the notice.

(2) If the expenses of removing or altering any such structure or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct any reasonable expenses, incurred for the purposes of such removal or alteration from the rent payable by him to the owner of the building.

(3) If the owner or occupier of the building proves that any such structure or fixture was erected before the commencement of the Gangtok Municipal Corporation Act, 1975 or that it was erected on or after that day with the consent of any authority duly empowered for the time being in this behalf, the requisition made under sub-section (1) shall not be enforced except in pursuance of specific order of the Corporation made in that behalf and the Corporation shall after such structure or fixture has been removed or altered, pay reasonable compensation to every person who suffers damage by the removal or alteration thereof.

(4) Where any owner or occupier fails to comply with the notice served upon him under sub-section (1), the Corporation may remove such structure or fixture and recover the expenses of such removal from the owner or occupier, as the case may be.

(5) Any proceeding under section 49 pending before any Magistrate shall abate:

Provided that the Corporation may in respect of the proceedings so abated, take fresh action in accordance with the provisions of this Act.

Obstructions and encroachment upon public streets and open spaces.

49B(1) Whoever, in any place within the boundaries of the Corporation, shall have built or set up, or shall build or set up, any wall or any fence, rail, posts, stall, verandah, platform, plinth, step or any projection, structure or thing or other encroachment or obstruction, in any public street or shall deposit or cause to be placed or deposited any box, bale, package or merchandise, or any other thing in such street, or in or over or upon, any open drain, sewer in such street, shall be punished with fine which may extend to five hundred rupees and with further fine which may extend to fifty rupees for every day on which such projection, encroachment, obstruction or deposit continues after the date of first conviction.
(2) The Corporation shall have power to remove any such obstruction or encroachment and shall have the like power to remove any unauthorised obstruction or encroachment of the like nature in any open space not being private property, whether such space is vested in the Corporation or not, provided that if the space is vested in the State Government, the permission of the Secretary, Local Self Government and Housing Department of the State Government shall have first been obtained and the expenses of such removal shall be paid by the person who has caused the said obstruction or encroachment and such expenses shall be recoverable under sub-section (1) or sub-section (2) of section 49K, as the case may be.

(3) The materials or goods removed under sub-section (2) may be stored at such place or places as the Corporation may think fit and if within seven days of such removal, no person claims the return of such materials or goods or establishes his claim thereto and pays up the expenses incurred by the Corporation for removal and storage, the Corporation shall have the power to sell the same by public auction and recover the expenses incurred including the expenses of such auction from the proceeds of the sale.

(4) When under sub-section (2), the Corporation causes any wall to be removed or removes any other obstruction, projection or encroachment from land which forms part of a public street, no compensation shall be payable, but the Corporation shall be bound to provide proper means of access to and from the street if none exists already.

(5) Whoever, not being duly authorised in that behalf, removes earth, sand or other materials or makes any encroachment in or upon any open space which is not private property, shall be punished with fine which may extend to two hundred rupees and, in the case of an encroachment which is continuing in nature, with further fine which may extend to fifty rupees for every day on which the encroachment continues after the date of first conviction.

(6) Nothing contained in this section shall prevent the Corporation from allowing any temporary occupation of or erection, in any public street on occasions of festivals and ceremonies, or the piling of fuel in bye-lanes and spaces for not more than seven days, and in such manner as not to inconvenience the public or any individual or from allowing the occupation of, or temporary erection or structures for, any other purposes in accordance with any rule or bye-law made under this Act.

(7) Nothing contained in this section shall apply to any structure duly authorised under this Act or any rule or bye-law made thereunder.

49C. (1) If at any time it appears to the Corporation that any structure (including under this expression any building, wall or other structure and anything affixed to or projecting from any building, wall or other structure) is in a ruinous condition or likely to fall, or in any way dangerous to any person occupying, resorting to or passing by such structure or any other structures or place in the neighbourhood thereof, the Corporation may, by a written notice of not less than seven days, require the owner or occupier -

(a) to demolish or to repair such structure in such manner as may be specified in the notice; or
(b) to repair, protect or enclose such structure in such manner as may be specified in the notice.

(2) Where it appears to the Corporation that immediate action is necessary for the purpose of preventing imminent danger to any person or property, it shall be the duty of the Corporation itself to take such immediate action; and in such case it shall not be necessary for the Corporation to give notice, if it appears to it that the object of taking immediate action shall be defeated by the delay incurred in giving notice.
(3) Where any owner or occupier fails to comply with the notice served upon him, the Corporation may demolish or remove such structure or fixture under sub-section (1), or sub-section (2) and recover the expenses of such demolition or removal from the owner or occupier, as the case may be.

49D. (1) In any of the following cases, namely -

(a) if, within the period prescribed in any notice issued under this Act, requiring the removal or alteration of a verandah, platform or other similar structure or a fixture, the same is not duly removed or altered; or

(b) if the owner of any building which is erected or added to a street alignment and the building line, fails to remove such building or addition when called upon by the Corporation to do so under this Act; or

(c) if the owner of any building, which is unfit for human inhabitation, fails to demolish such building when required to do so under this Act; or

(d) if any privy or urinal be placed in contravention of the bye-laws made under this Act or

(e) if within the period prescribed in any notice issued under this Act or any rule or bye-law made thereunder, requiring the owner or occupier of a building to comply with any condition on which the erection of any verandah or other projection was permitted, such condition is not complied with; or

(f) if within the period prescribed in any notice issued under this Act or any rule or bye-law made thereunder requiring the owner or occupier of a building to remove a verandah or other projection, the same is not duly removed; or

(g) if within the period prescribed in any notice issued under this Act or any rule or bye-law made thereunder, requiring the owner of a building to remove or alter an external roof or wall made of inflammable material, the same is not duly removed or altered; or

(h) if any owner or occupier neglects to execute any work or to take any measure required by any notice issued under this Act or any rule or bye-law made thereunder,

the Corporation may make an order directing that the projection, building, block of buildings, verandah, platform, fixture, additions, roof, wall, as the case may be, shall be demolished by the owner or occupier thereof who may be the person responsible or altered by such person to the satisfaction of the Corporation within the time specified in the order.

(2) if the person responsible fails-

(a) to demolish such erection, alteration, addition or other work, or to make the alteration; or
(b) to show sufficient cause to the satisfaction of the Corporation or an officer specially appointed by the Corporation with the approval of the State Government in this behalf, as the case may be, why such erection, alteration, addition or other work should not be demolished or the alteration should not be made,

the Corporation may by an order in writing and through its officers, employees and workmen demolish the erection, alteration, addition or other work:

Provided that where the person responsible shows cause, the order to demolish the erection, alteration, addition or other works shall not be made without giving the person responsible, an opportunity of being heard;

Provided further that a copy of the order referred to in this clause or in the first proviso shall be served upon the owner and the occupier thereof and no action shall be taken until the expiry of thirty days from the date of the service of such order:

Provided also that the Corporation may make any such order notwithstanding the fact that a valuation of such building has been made under this Act and the Corporation has received payment of tax on such valuation.

(3) Notwithstanding anything contained in sub-sections (1) and (2), no action shall be taken under this section in respect of any erection, alteration, addition or other work executed more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, IV of 1975, whichever is later:

Provided that the onus of proving that the work was done more than twelve years before or before the commencement of the Gangtok Municipal Corporation Act, 1975, shall lie on the person responsible.

Explanation.—

In this section, the expression "person responsible" includes the owner, the occupier, and any other person who executes the erection, alteration, addition or other work or who is liable to make any alteration required by any notice issued under this Act or any rule or bye-law made under this Act.

49E. (1) In any case in which the erection of a new building or any other work referred to in section 49, has been commenced, or is being carried on unlawfully as mentioned in that section, the Corporation may, by written notice, require the person carrying on such erection or other unlawful work to stop the same forthwith.

(2) If any notice issued under-sub-section (1) is not duly complied with, the Corporation may, with the assistance of the police, if necessary, take such steps as it may deem necessary in order to stop the continuance of such unlawful work.

(3) The Corporation, if it considers necessary, may depute any municipal officer to watch the premises in order to prevent the continuance of the unlawful work.

(4) Where any person after receipt of the notice under sub-section (1), fails to comply with the said notice and carries on any work relating to the erection of a new building or any other work, the Corporation may demolish or remove such unlawful work and recover the expenses of such demolition or removal from the owner in accordance with the provisions of section 49K.
Gangtok Municipal Corporation Tribunal

49F. The State Government shall constitute a Tribunal to be called the Gangtok Municipal Corporation Tribunal for the purpose of hearing appeals against the orders made or the notices or requisitions issued by the Corporation under this Act or any rule or bye-law made thereunder.

(2) The Tribunal shall consist of -
   (a) the District Judge;
   (b) an officer not below the rank of a Joint Secretary to the State Government who has been a member of Judicial Service of any State for a period of not less than seven years;
   (c) an officer who is or has been a member of the Sikkim Judicial Service.

(3) The District Judge shall be the President of the Tribunal and during his absence on leave or otherwise, the officer at clause (b) of sub-section (2) shall be the President of the Tribunal.

(4) The Tribunal shall have the power to regulate its own procedure.

(5) The quorum of the Tribunal shall be two members.

(6) The State Government may, on a request made by the President of the Tribunal, nominate not more than two other persons to be members of the Tribunal for specific purposes.

(7) Each member of the Tribunal shall be entitled to receive such remuneration, either by way of monthly salary or by way of honorarium or fees as the State Government may determine.

(8) The Tribunal shall, for the purposes of this Act, have the same powers as are vested in a court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:
   (a) enforcing the attendance of any person and examining him on oath or affirmation;
   (b) compelling the production of accounts and documents;
   (c) issuing commissions for the examination of witnesses, and every proceeding under this Act before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code.

(9) The Tribunal may in disposing of an appeal, exercise the same powers, as the Corporation.

Power of revision by Tribunal

49 G. The Tribunal may call for and examine the record of any proceeding in which an appeal lies to it for the purpose of satisfying itself as to the legality or propriety of any order passed and if in any case it shall appear to the Tribunal that any such order should be modified, annulled or reversed, the Tribunal may pass such order thereon as it may deem fit.

Power of review by Tribunal

49 H. (1) The Tribunal may either on its own motion or on the application of any party interested, review its own order in any case, and pass in reference thereto such order as it thinks just:

Provided that no application made by the party interested shall be entertained unless the Tribunal is satisfied that there has been discovery of new and important matter of evidence, which after the exercise of due diligence was not within the knowledge of the applicant or could not be produced by him at the time when the Tribunal made its order or that there has been some mistake or error on the face of the record:

Provided further that no such order shall be varied or revised unless notice has been given to the parties interested to appear and be heard.

(2) An application for review under sub-section (1) by any party shall be made within ninety days from the date of communication of the order of the Tribunal.
(3) The Tribunal shall not review any order on its own motion after the expiry of a period of ninety days from the date on which such order was made by it.

49I. An order passed in appeal or in revision or in review by the Tribunal under this Act shall be final and conclusive and shall not be called in question in any civil or revenue court.

49J. (1) Any person aggrieved by an order made or notice issued by the Corporation under this Act or any rule or bye-law made thereunder, may, within thirty days from the date on which such order is communicated to him, prefer an appeal to the Tribunal:
Provided that the said Tribunal may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by a sufficient cause from filing the appeal in time.

(2) The appeal referred to in sub-section (1) shall be in the form of a memorandum giving the grounds of appeal and shall be accompanied by a copy of the order appealed against and a fee of three hundred rupees:
Provided that when an appeal is preferred against any notice issued by the Corporation under this Chapter, the fees payable under this sub-section shall be fifty rupees.

49K. (1) If any person, after receipt of a notice of demand fails to pay, within thirty days, the expenses incurred by the Corporation under sections 49, 49A, 49B, 49C, 49D and 49E for demolition or removal of any structure or any other work, the Corporation may issue distress directing that the expenses incurred by it may be realised by the sale of movable property belonging to the defaulter except ploughs, plough cattle, tools or implements of agriculture, trade or profession.

(2) In the event of failure to recover the whole or any part of the sum due by distress and sale under sub-section (1), the Corporation may sue the defaulter in any court of competent jurisdiction for the recovery of such dues.
(2) If the party concerned fails to pay the fee referred to in sub-section (1) or the cost of the land within such time (not being less than one month from the date of making an order) as may be specified by the Corporation in this order, it may pass such order as to demolition of building, alteration or other works as it may deem fit."

9. In the principal Act, section 53 shall be omitted.

10. In the principal Act, in section 75,

   (a) after the words "punished with fine," the words "which may extend to ten thousand rupees" shall be inserted;

   (b) for the words "one hundred rupees," the words "five hundred rupees" shall be substituted.

11. In the principal Act, in section 85, for the words "proceedings shall be," the words "proceedings shall lie" shall be substituted.

12. In the principal Act, after section 85, the following sections shall be inserted, namely: 85A, 85B, and 85C.

"85A. Notwithstanding anything contained in any law relating to the Criminal Procedure for the time being in force in this State, it shall be lawful for any Magistrate of the first class specially empowered by the State Government in this behalf to pass a sentence of fine exceeding two thousand rupees on any person convicted of contravening any order made under this Act or any rule or bye-law made thereunder.

85B. Notwithstanding anything contained in any law relating to the Criminal Procedure for the time being in force in this State, offences punishable under this Act shall be cognizable.

85C. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

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

Explanation.— For the purposes of this section -

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

(b) "director", in relation to firm, means a partner in the firm."
Repeal and 13 saving.

(1) The Gangtok Municipal Corporation (Amendment) Ordinance, 1981, is hereby repealed.

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

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,

F. No. 16/(152)LD/82.
THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 1982.

ACT NO. 2 of 1982.

AN ACT

futher to amend the Sikkim Panchayat Act 1965.

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

1. (1) This Act may be called the Sikkim Panchayat (Amendment) Act, 1982.

(2) It extends to the whole of Sikkim.

(3) It shall be deemed to have come into force on the 14th day of December, 1981.

2. In the Sikkim Panchayat Act, 1965 (hereinafter referred to as the principal Act), for sub-section (4) of section 6 and the proviso thereeto the following sub-section and proviso shall be and shall be deemed always to have been substituted, namely:—

"(4) Every Block Panchayat shall, unless dissolved or superseeded earlier under section 19 of the Act, continue for six years from the date of its constitution:

Provided that the said period may be extended by the Government by notification in the Official Gazette for a period of one year not exceeding six months at a time or until the reconstitution of the Block Panchayats, whichever is earlier"
2

Validation.

3. Any Act, thing or proceeding done or taken, or purported to have been done or taken by any Block Panchayat under the principal Act during the period commencing on the 21st day of August, 1980, and ending with the commencement of this Act, shall be as valid and effective for all purposes as if the amendment of the principal Act by section 2 of this Act has been in force at all material times when such act, thing or proceeding was done or taken.

Repeal and saving.

4. (1) The Sikkim Panchayat (Amendment) Ordinance (3 of 1981) is hereby repealed.

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

By Order of the Governor,

B.R. PRADHAN,

Secretary to the Government,
Law Department,

F. No. 16 (159)/LD/82.
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor an 7th day of April, 1982, is hereby published for general information.

The Sikkim Panchayat Act, 1982
Act No. 3 of 1982
THE SIKKIM PANCHAYAT ACT, 1982
( ACT No 3 OF 1982 )

AN

ACT
to provide for the reorganisation of Panchayats with a view to ensuring effi-
cient Panchayat administration in the State and to provide for matters connected
therewith and incidental thereto.

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

CHAPTER I

Preliminary

Short title, 1. (1) This Act may be called the Sikkim Panchayat Act, 1982.
extent and

(2) It extends to the whole of Sikkim except the areas which have been or
commencement.
may hereafter be declared as, or included in, the Municipal Corporation
under the provisions of the Gangtok Municipal Corporation Act, 1975 or
as a cantonment under the provisions of the Cantonment Act, 1924 or as
a Bazar Area under the provisions of the Sikkim Bazar Committees
Act, 1969.

(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
areas or different provisions of the Act and any reference to the co-
mmencement of any provision of this Act shall be construed as
reference to the date on which such provision is brought into force
in such areas.

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

(a) "Adhakshya" means an Adhakshya of a Zilla Panchayat elected under
sub-section (1) of section 45;

(b) "auditor" means an auditor appointed under section 78 and includes any
officer authorised by him to perform all or any of the functions of an
auditor;

(c) "District Collector" means the Collector of the district;

(d) "Deputy Development Officer-cum-Planning Officer" means the Deputy
Development Officer-cum-Planning Officer of the district appointed by
the State Government;
(e) "Gram" means any village or part of a village or group of adjoining villages or parts thereof declared by the State Government to be a Gram under sub-section (1) of section 3;

(f) "Gram Panchayat" means a Gram Panchayat constituted under sub-section (1) of section 6;

(g) "notification" means a notification published in the Official Gazette;

(h) "prescribed authority" means an authority appointed by the State Government, by notification, for all or any of the purposes of this Act;

(i) "Sabhapati" means a Sabhapati of a Gram Panchayat elected under sub-section (1) of section 10;

(j) "Secretary" means the Secretary of the Rural Development Department and includes an Additional Secretary, Joint Secretary, Deputy Secretary and Under Secretary of that Department;

(k) "Upadhakshya" means an Upadhakshya of a Zilla Panchayat elected under sub-section (1) of section 45;

(l) "Up-Sabhapati" means an Up-Sabhapati of a Gram Panchayat elected under sub-section (1) of section 10;

(m) "Zilla Panchayat" means a Zilla Panchayat of a district constituted under sub-section (1) of section 42.

CHAPTER II

Constitution of a Gram

Constitution of a Gram, its name and jurisdiction.

3. (1) Subject to the consideration of local conditions, the State Government may, by notification, declare for the purposes of this Act any village or part of a village or a group of adjoining villages or parts thereof to be a Gram.

(2) As soon as may be after the constitution of a Gram under sub-section (1), the State Government may, by notification, divide each Gram into wards and each ward shall, as far as possible, comprise of a Revenue Block.

(3) The State Government may, by notification, specify the number of members to be elected from each Revenue Block having regard to the number of voters in such Revenue Block and such other facts as the State Government may consider fit.

(4) The notification under sub-section (1) shall specify the name of the Gram by which the Panchayat shall be known and shall specify the local limits of such Panchayat.

(5) The State Government may, after making such enquiry as it may think fit and after obtaining the views of the Gram Panchayat or Panchayats concerned, by notification —

(a) exclude from any Gram any area comprised therein; or

(b) include in any Gram any area adjoining to such Gram; or

(c) divide the area of a Gram so as to constitute two or more Grams; or

(d) unite the areas of two or more Grams so as to constitute a new Gram.
4. (1) When an area is excluded from a Gram under clause (a) of sub-section (3) of section 3, such area shall, as from the date of the notification referred to in that sub-section, cease to be subject to the jurisdiction of the Gram Panchayat of that Gram and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Gram shall also cease to apply to the area so excluded.

(2) When an area is included in a Gram under clause (b) of sub-section (3) of section 3, the Gram Panchayat for that Gram shall, as from the date of the notification referred to in that sub-section, have jurisdiction over such area and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that Gram shall apply to the area so included.

(3) When the area of any Gram is divided under clause (c) of sub-section (3) of section 3 so as to constitute two or more Grams the Gram Panchayat of that Gram shall, as from the date of the notification referred to in that sub-section, cease to exist and there shall be reconstitution of the Gram Panchayats for the newly constituted Grams in accordance with the provisions of this Act.

(4) When the areas of two or more Grams are united under clause (d) of sub-section (3) of section 3 so as to constitute a new Gram, the Gram Panchayats of the said Grams shall, as from the date of the notification referred to in that sub-section, cease to exist and a separate Gram Panchayat shall be constituted for the new Grams in accordance with the provisions of this Act.

(5) When under sub-section (3) of section 3 any area is excluded from, or included in, a Gram or a Gram is divided so as to constitute two or more Grams, or two or more Grams are united to constitute a new Gram, the properties, funds and liabilities of the Gram Panchayat or Panchayats affected by such reconstitution shall vest in such Gram Panchayat or Panchayats in accordance with such allocation as may be determined by order in writing by the prescribed authority, and such determination shall be final.

(6) An order made under sub-section (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reconstitution.

5. (1) If, at any time, the whole of the area of a Gram is included within the Municipal Corporation under the provisions of the Gangtok Municipal Corporation Act, 1969; or a Cantonment Area, the Gram Panchayat concerned shall cease to exist and the properties, funds and other assets vested in such Gram Panchayat and all the rights and liabilities of such Gram Panchayat shall vest in, and devolve on, the Municipal Corporation or on the Cantonment Authority or Board, as the case may be.

(2) If, at any time, a part of the area of a Gram is included in a Municipal Corporation under the provisions of the Gangtok Municipal Corporation Act, 1975 or in a Cantonment Area under the Sikkim Cantonment Committees Act, 1969; or a Cantonment Area, the area of the Gram shall be deemed to
have been reduced to the extent of the part so included within the Municipal Corporation or in a Bazar Area or Cantonment Area, and the properties, funds, rights and liabilities of the Gram Panchayat concerned in respect of the part so included shall vest in, and devolve on, the Municipal Corporation or on the Bazar Committee or on the Cantonment Authority or Board, as the case may be, in such manner as may be determined by the prescribed authority and such determination shall be final, and unless the State Government otherwise directs, all rules, orders, directions and notifications in force in the areas comprised in the Municipal Corporation, Bazar Area or Cantonment Area, as the case may be, shall apply to the part of the area of the Gram so included.

Constitution of Gram Panchayat.

6. (1) As soon as may after the constitution of the Gram, the State Government may, by notification, constitute for every Gram a Panchayat bearing the name of the Gram.

(2) Persons whose names are included in the electoral roll of the Sikkim Legislative Assembly for the time being in force pertaining to the area comprised in the Gram shall elect by secret ballot at such time and in such manner as may be notified by the State Government from among themselves such number of members not being less than five and not more than nine as may be determined by the State Government:

Provided that the total number of members of the Gram Panchayat including nominated members shall not exceed nine.

(3) Every Gram shall be a multimember single constituency for the purpose of election of members of a Gram Panchayat.

(4) Where a Gram has failed to elect the full number of members as determined under sub-section (2), it shall be called upon to elect the remaining member but if it again fails to elect the full number, it shall be lawful for the State Government to fill up any seat remaining vacant by nomination from amongst the members of the Gram, and any person, so nominated shall, for the purposes of this Act, be deemed to have been duly elected.

(5) The term of office of the members of Gram Panchayat shall, subject to the provisions of section 22, be co-terminus with the term of the Gram Panchayat.

Incorporation of Gram Panchayat.

7. (1) Every Gram Panchayat shall be a body corporate having perpetual succession and a common seal and shall, by its corporate name, sue and be sued.

(2) A Gram Panchayat shall have power to acquire, hold and dispose of property and to enter into contract:

Provided that in all cases of acquisition or disposal of immovable property, the Gram panchayat shall obtain the previous approval of the State Government.

Term of Gram Panchayat.

8. (1) The term of a Gram panchayat, unless sooner dissolved, shall be five years from the date of its constitution as specified in the Official Gazette:

Provided that the term of a Gram panchayat which is constituted after the constitution of other Gram panchayats in a regular election, shall expire with the expiration of five years term of other Gram panchayats:
Provided further that the State Government may, where it is not possible to hold elections for the constitution of new Gram panchayat immediately after the expiry of the term, by notification, extend the term for a period not exceeding six months at a time subject to a maximum period of one year or appoint any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the Gram panchayat, under this Act until the constitution of new Gram panchayat.

(2) When a new Gram panchayat is thus duly constituted the old Gram panchayat shall stand dissolved.

Disqualification of members of Gram Panchayat

(1) A person shall not be qualified to be a member of a Gram panchayat, if—

(a) he is a member of a municipal corporation under the provisions of the Gangtok Municipal Corporation Act, 1975, or of a Bazar Committee constituted under the Sikkim Bazar Committees Act, 1969;

(b) holds any office of profit under the State Government or the Central Government or a local authority or a co-operative society or a Government company or corporation owned or controlled by the Central or a State Government; or

(c) has been dismissed from the service of a State Government or the Central Government or a local authority or a co-operative society or a Government Company or Corporation owned or controlled by the Central or a State Government for misconduct; or

(d) is of unsound mind and stands so declared by a competent Court; or

(e) is an undischarged insolvent; or

(f) has been convicted by a Court of an offence involving moral turpitude and sentenced to imprisonment for a term exceeding six months; or

(g) is convicted of an election offence; or

(h) is suffering from a variety of leprosy which is infectious; or

(i) has not paid any arrears in respect of any tax or rate or fee payable to a Gram Panchayat or Zilla Panchayat or the State Government:

Provided that the disqualification under this clause shall cease upon payment of the tax or rate or fee; or

(j) has directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of Zilla Panchayat or a Gram Panchayat within the district:

Provided that a person shall not be deemed to have incurred disqualification by reason of his having a share or interest in any public company or registered co-operative society which contracts with or is employed by a Gram Panchayat or the Zilla Panchayat of the District.

(2) Any disqualification under clauses (c), (e), (f) or (g) may be removed by the State Government by order in writing.
Sabhapati and Up-Sabhapati,

10. (1) Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect in the prescribed manner, one of its members to be the Sabhapati and another member to be the Up-Sabhapati of the Gram Panchayat.

(2) The Sabhapati and Up-Sabhapati shall, subject to the provisions of section 20 and to their continuing as members, hold office for a period of five years:

Provided that a Sabhapati or an Up-Sabhapati shall continue to hold office after the expiry of the said period until a new Sabhapati or Up-Sabhapati is elected and assumes office or until an authority, or a person or persons is or are appointed under the second proviso to sub-section (1) of section 8.

(3) When—
(a) the office of the Sabhapati falls vacant by reason of death, resignation, removal or otherwise; or
(b) the Sabhapati is, by reason of leave, illness or other cause, temporarily unable to act,

the Up-Sabhapati shall exercise the powers, perform the functions and discharge the duties of the Sabhapati until a new Sabhapati is elected and assumes office or until the Sabhapati resumes his duties, as the case may be.

(4) When—
(a) the office of the Up-Sabhapati falls vacant by reason of death, resignation, removal or otherwise; or
(b) the Up-Sabhapati is, by reason of leave, illness or other cause, temporarily unable to act, the Sabhapati shall exercise the powers, perform the functions and discharge the duties of the Up-Sabhapati until a new Up-Sabhapati is elected and assumes office or until the Up-Sabhapati resumes his duties, as the case may be.

(5) When the office of the Sabhapati and the Up-Sabhapati are both vacant, or the Sabhapati and the Up-Sabhapati are temporarily unable to act, the prescribed authority, may appoint a Sabhapati and an Up-Sabhapati from among the members of the Gram Panchayat to act as such until a Sabhapati and an Up-Sabhapati are elected and assume office.

Publication of notification of election or nomination, etc.

11. Every election on nomination of a Sabhapati, Up-Sabhapati, Sachiva and members of Gram Panchayat shall be published by the State Government in the Official Gazette and such persons shall enter upon their respective offices from the date of such publication:

Provided that if no such publication has been made the Sabhapati, Up-Sabhapati, Sachiva and members shall be deemed to have entered upon their respective offices from the date of declaration of result of their election or nomination, as the case may be.

First meeting of Gram panchayat.

12. (1) Notwithstanding of any vacancy in the membership of the Gram Panchayat the prescribed authority shall, immediately after but before the expiration of thirty days from the date of publication of the notification under section 11, call a meeting of the Gram Panchayat members (which meeting shall be called the first meeting of the Gram Panchayat) for electing the Sabhapati, Up-Sabhapati and the Sachiva of the Gram Panchayat from amongst themselves.
The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.

Every Gram Panchayat shall hold a meeting for transaction of its business at least once in every month at the office of the Gram Panchayat or at such place within the local limits of the Gram Panchayat concerned and at such time as the Sabhapati of the Gram Panchayat may decide.

The Sabhapati may, whenever, he thinks fit, in the public interest or shall upon receipt of a written requisition of not less than one half of the total number of members of the Gram Panchayat or if directed by the Secretary of the Rural Development Department or the Deputy Development Officer-cum-Planning Officer or the District Collector of the concerned district, call a special meeting of the Gram Panchayat within a period of ten days from the date of receipt of the requisition or direction, as the case may be:

Provided that if the Sabhapati fails to call such special meeting within the specified period from the date of receipt of the requisition or direction, as the case may be, the Secretary of the Rural Development Department or Deputy Development Officer-cum-Planning Officer or the District Collector of the concerned district may direct the Sachiva or any member of the Gram Panchayat to call such meeting at such time and at such place within the local limits of the Gram Panchayat concerned as the Sachiva or the member directed to call the meeting may decide.

Two-third of the total number of members constituting the Grant Panchayat shall form a quorum for a meeting of the Gram Panchayat:

Provided that no quorum shall be necessary for an adjourned meeting.

The Sabhapati or in his absence, the Up-Sabhapati shall preside at the meeting of the Gram Panchayat and in the absence of both, the members present shall elect one from amongst themselves to preside at the meeting.

All questions coming before a Gram Panchayat shall, unless otherwise specifically provided under this Act be decided by a majority of votes of the members present and voting:

Provided that in case of equality of votes the person presiding shall have a second or a casting vote.

No member shall vote on, and take part in the discussions of, any question coming up for consideration at a meeting of a Gram Panchayat if the question is one in which he has any direct or indirect pecuniary interest other than an interest as a member of public.

If it appears to any member present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion or any question coming up for consideration as if referred to in sub-section (6) and a motion brought by him to that effect is carried, such a person shall not preside at such meeting and shall not take part therein, and for the purpose of sub-section (4) such person shall be deemed to be absent during the discussions or consideration of the particular matter.

No matter once finally disposed of by the Gram Panchayat shall be reconsidered by it within the period of six months unless the recorded consent of not less than one-half of its total number of members has been obtained thereto.
List of business to be transacted at a meeting.

15. (1) A list of the business to be transacted at every meeting of a Gram Panchayat except at an adjourned meeting, shall be sent to each member of the Gram Panchayat at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting, other than the business for which notice has been so given except with the approval of the majority of the members present at such meeting:

Provided that non receipt of a notice by a member shall not vitiate the proceedings of the meeting:

Provided further that if the Sabhapati thinks that a situation has arisen for which an emergent meeting of the Gram Panchayat should be called, he may call such meeting at such time and at such place within the local limits of the Gram Panchayat concerned after giving three day's notice to the members:

Provided also that not more than one matter shall be included in the list of business to be transacted at such meeting.

(2) The business of the Gram Panchayat shall be transacted in the language commonly spoken and understood by the members.

(3) Minutes of the proceedings at each meeting of the Gram Panchayat shall be recorded in a book to be kept for this purpose and shall be read and signed by the Sabhapati of the meeting before the meeting disperses.

(4) The Sachiva of the Gram Panchayat shall, within a week after a meeting of the Gram Panchayat is held, send copies of minutes of every such meeting to the Secretary of the Rural Development Department and the Deputy Development Officer-cum-Planning Officer of the concerned district.

Power and duties of Sabhapati.

16. The Sabhapati shall—

(a) regulate the meetings of the Gram Panchayat;

(b) be responsible for the maintenance of records and registers of the Gram Panchayat;

(c) exercise supervision and control over the acts done and action taken by the members of the Gram Panchayat and such officers and other employees whose services may be placed at the disposal of the Gram Panchayat by the State Government;

(d) operate jointly with the Sachiva of the Gram Panchayat the fund of the Gram Panchayat including authorisation of payment, issue of cheques and refunds;

(e) issue receipts under his signature for money received by him on behalf of the Gram Panchayat;

(f) cause preparation of all statements and reports required by or under this act;

(g) exercise such other powers, perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or as the State Government may, by rules made in this behalf, prescribe.
Power and duties of Up-Sabhapati.

The Up-Sabhapati shall —

(a) in the absence of the Sabhapati regulate the meetings of the Gram Panchayat;

(b) exercise such of the powers and perform such other functions and discharge such of the duties of the Sabhapati as the Sabhapati may, from time to time, delegate to him by order in writing:

Provided that the Sabhapati may at any time withdraw all or any of the powers, functions and duties so delegated to the Up-Sabhapati;

(c) during the absence of the Sabhapati, exercise all the powers, perform all the functions and discharge all the duties of the Sabhapati.

Right of individual member.

The member of a Gram Panchayat at any of the meeting may move a resolution and put questions to the Sabhapati or Up-Sabhapati or the Sachiva, as the case may be, on matters connected with the administration of the Gram Panchayat or execution of any work or scheme undertaken by or entrusted to such Gram Panchayat.

18. Registration of Sabhapati or Up-Sabhapati or member.

(1) A Sabhapati or an Up-Sabhapati or a member of a Gram Panchayat may resign his office by notifying in writing his intention to do so to the prescribed authority and on such resignation being accepted the member shall vacate his office and the casual vacancy shall be deemed to have occurred in such office:

Provided that a person tendering resignation may withdraw his resignation before it is accepted by the prescribed authority.

(2) When the resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the Gram Panchayat within a period of thirty days of such acceptance.

Removal of Sabhapati and Up-Sabhapati.

A Sabhapati or an Up-Sabhapati of a Gram Panchayat may, at any time, be removed from office by a resolution of the Gram Panchayat carried by the majority of the members of the Gram Panchayat present at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:

Provided that at any such meeting while any resolution for the removal of—

(i) the Sabhapati from his office is under consideration; or:
(ii) the Up-Sabhapati from his office is under consideration,

he shall not, though present, preside at such meeting and the provisions of sub-section (4) of section 13 shall apply in relation to any such meeting as they apply in relation to a meeting from which the Sabhapati or, as the case may be, the Up-Sabhapati, is absent.

Filling of casual vacancy in the office of Sabhapati.

(1) In the event of removal of a Sabhapati or an Up-Sabhapati under section 20 or when a vacancy occurs in the office of a Sabhapati or an Up-Sabhapati by resignation, death or otherwise, the Gram Panchayat shall elect another Sabhapati or Up-Sabhapati. The person so elected shall take office forthwith and shall hold such office for the unexpired term of office of his predecessor.

(2) No person who has been removed from office under section 20 shall be eligible for re-election to the vacancy so caused.
Removal of member-Gram Panchayat

22. (1) The prescribed authority may, after giving an opportunity, to a member of a Gram Panchayat to show cause against the action proposed to be taken against him, by order remove him from office if—

(a) after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or

(b) he was disqualified to be a member of the Gram Panchayat at the time of his election; or

(c) he incurs any of the disqualifications mentioned in clauses (b), (c), (d), (e), (f), (g), (h), (i) or (j) of section 9, after his election as a member of the Gram Panchayat; or

(d) he is absent from three consecutive meetings of the Gram Panchayat without the leave of the Gram Panchayat.

(2) Any member of a Gram Panchayat who is removed from his office by the prescribed authority under sub-section (1) may, within a period of thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, there upon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

(3) The order passed by such authority on such appeal shall be final.

Filling of casual vacancy in place of member of Gram Panchayat.

23. (1) If the office of a member of a Gram Panchayat becomes vacant by reason of his death, resignation, removal or otherwise, such vacancy shall be filled in by election of another person under this Act. The person elected shall take office forthwith and shall hold such office for the un-expired term of office of his predecessor:

Provided that no election for filling in of a casual vacancy shall be held if the vacancy occurs within a period of three months preceding the date on which the term of office of the person concerned expires.

(2) No person who has been removed from his office under section 22, shall be eligible for re-election to the vacancy so caused.

Sachiva of Gram Panchayat.

24. (1) Every Gram Panchayat shall, at its first meeting at which a quorum is present, elect one of its members to be Sachiva of the Gram Panchayat:

Provided that no member who is not able to read or write any of the official languages of the State shall be qualified to be elected as a Sachiva:

Provided further that where no such person as referred to in the first proviso is available, the Gram Panchayat may appoint any person including persons in government service with prior approval of the State Government and such person may be paid such honorarium as the State Government may determine.

(2) The Sachiva of the Gram Panchayat so elected shall assist the Sabhapati or the Up-Sabhapati, as the case may be, of the Gram Panchayat in due maintenance of the Gram Panchayat office and for proper organization and execution of rural development schemes and shall be directly answerable to the members of the Gram Panchayat.
(3) The Sachiva shall be in charge of office of the Gram Panchayat and shall exercise such powers and perform such other functions and discharge such other duties as the Gram Panchayat may, by general or special resolution, direct or the State Government may, by rules made in this behalf, prescribe.

(4) The term of office of the Sachiva shall, subject to the provisions section 26, be co-terminus with the term of the Gram Panchayat.

Registration of Sachiva. 25. A Sachiva of a Gram Panchayat may resign his office by notifying in writing his intention to do so to the prescribed authority and on such resignation being accepted the Sachiva shall vacate his office and the casual vacancy shall be deemed to have occurred in such office:

Provided that a person tendering resignation may withdraw his resignation before it is accepted.

(2) When the resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the Gram Panchayat within a period of thirty days of such acceptance.

Removal of Sachiva. 26. (1) A Sachiva may, at any time, be removed from office by a resolution of the Gram Panchayat carried by the majority of the members of the Gram Panchayat present at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority.

(2) In the event of removal of a Sachiva under sub-section (1) or when a vacancy occurs in the office of a Sachiva by resignation, death or otherwise, the Gram Panchayat shall elect one of its members to be the Sachiva. The person so elected shall take office forthwith and shall hold such office for the un-expired term of office of his predecessor.

(3) No person who has been removed from his office under sub-section (1) shall be eligible for re-election to the vacancy so caused.

CHAPTER III

Duties of Gram Panchayat

Obligatory duties of Gram Panchayat. 27. Subject to any general or special direction of the State Government the duties of a Gram Panchayat shall be to provide within the area under its jurisdiction for —

(a) sanitation, conservancy and drainage and the prevention of public nuisance;

(b) curative and preventive measures in respect of any infectious disease;

(c) supply of drinking water and the cleaning and disinfecting the sources of supply and storage of water;

(d) maintenance repair and construction of village roads and protection thereof;

(e) the removal of encroachments of village roads or public places;

(f) the management of common grazing grounds, burning places and public graveyards;
(g) the supply of any local information which the District Collector or Deputy Development Officer-cum-Planning Officer or the Zilla Panchayat, within the local limits of whose jurisdiction the Gram Panchayat is situate, may require;

(b) organising voluntary labour for community work and works for the upliftment of its areas;

(i) control and administration of the Gram Panchayat Fund established under this Act;

(j) the imposition, assessment and collection of taxes, fees or rates leviable under this Act;

(k) construction and maintenance of dharmasalas;

(l) regulating places for the disposal of dead bodies and carcasses and other offensive matters;

(m) assisting the development of agriculture, forestry, animal husbandry, poultry, fisheries, village and cottage industries and co-operative;

(n) registering births, deaths and marriages and annually submitting such records to the Zilla Panchayat;

(o) maintenance of such records relating to cattle census, population census, crop census and census of unemployed persons and such other statistics as may be required and annually submitting such records to the Zilla Panchayat;

(p) regulating inflow of animals within the area and their transfer;

(q) destruction and disposal of ownerless and rabid dogs and disposal of unclaimed animals;

(r) maintenance, upkeep and supervision of any building or other property which may be entrusted to it by the State Government for management;

(s) assisting the Zilla Panchayat in preparing development plan of its area;

(t) rendering assistance in extinguishing fire and protecting life and property when fire occurs;

(u) any other local work or service of public utility which is likely to promote the health, comfort, convenience or material prosperity of the public not otherwise provided for in this Act;

(v) such other duties as may be entrusted to it by the State Government from time to time.

Other duties of Gram Panchayat. 28. (1) A Gram Panchayat shall also perform such other functions as the State Government may assign to it in respect of:

(a) primary, social, technical or vocational education;

(b) rural dispensaries, health centres, maternity and child welfare centres;

(c) minor irrigation;

(d) grow more food campaign;

(e) care of the infirm and destitute;

(f) rehabilitation of displaced persons;

(g) improved breeding of cattle, medical treatment of cattle and prevention of cattle disease;
(h) its acting as a channel through which Government assistance should reach the residents of the Gram;
(i) bringing private waste land under cultivation;
(j) promotion of plantations in the gram;
(k) arranging for cultivation of land lying fallow;
(l) arranging for co-operative management of resources of the Gram;
(m) implementation of such schemes as may be formulated or performance of such acts as may be entrusted to it by the State Government;
(n) field publicity of matters connected with development works and other welfare measures undertaken by the State Government;
(o) regulation of fairs, melas, hats and exhibition of local produce and products of local handicrafts and home industries;
(p) assisting and advising the residents of the Gram in the matter of obtaining state loan and its distribution and repayment;
(q) assisting in the implementation of land reform measure in its area;
(r) the promotion and encouragement of education including adult education;
(s) such other functions which the State Government may, from time to time, by order in writing entrust to such Gram Panchayat which in its opinion to promote directly or indirectly the welfare of the public.

(2) If the State Government is of opinion that a Gram Panchayat has persistently made default in the performances of any of the functions assigned to it under sub-section (1), the State Government may, after recording its reasons, withdraw such functions from such Gram Panchayat.

(3) Where the State Government assigns any functions to a Gram Panchayat under sub-section (1), it shall place such funds at the disposal of the Gram Panchayat as may be required for the due performance of such function.

CHAPTER IV

Property and Fund

Property and Fund of Gram Panchayat.

All property within the local limits of the jurisdiction of a Gram Panchayat other than property maintained by the Central or the State Government or a local authority or any other Gram Panchayat shall vest in and belong to the Gram Panchayat and shall with all other property of whatsoever nature or kind which may become vested in the Gram Panchayat, be under its direction, management and control.

Allocation of properties to Gram Panchayat

(1) The State Government may allocate to a Gram Panchayat any public property situated within its local jurisdiction, and thereupon such property shall vest in and come under the control of the Gram Panchayat.

(2) No property vested in or belonging to a Gram Panchayat shall be transferred by way of sale, gift, mortgage, exchange or lease except with the previous sanction of the State Government.
(3) Where the State Government is of opinion that any property vested in or belonging to a Gram Panchayat is required for the purpose of any national or State development plan or for any other public purpose, the State Government may resume such property, and upon such resumption, the property shall cease to vest in the Gram Panchayat and shall re-vest in the State Government.

(4) No compensation other than the amount paid by the Gram Panchayat for such transfer and the market value of any building or works erected or executed on such property by the Gram Panchayat at the time of resumption shall be payable. Any sum so received shall be credited to the Gram Panchayat Fund.

**Acquisition of land for Gram Panchayat**

(1) Where a Gram Panchayat require land for carrying out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement, it may make an application to the District Collector for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Sikkim land (Requisition and Acquisition) Act, 1977 and such Land shall, on acquisition, vest in the Gram Panchayat.

**Panchayat Fund**

(1) For every Gram Panchayat there shall be constituted a Gram Panchayat Fund bearing the name of Gram Panchayat and there shall be placed to the credit thereof—

(a) contributions and grants, if any, made by the Central or the State Government;

(b) contributions and grants, if any, made by a Zilla Panchayat or any other local authority;

(c) loans, if any, granted by the Central Government or the State Government;

(d) all receipts on accounts of taxes, rates and fees levied by the Gram Panchayat;

(e) all sums received by way of gift or contribution;

(f) all other sums received by or on behalf of the Gram Panchayat;

(g) such percentage of the land revenue collected by it as may be determined by the State Government.

(2) Every Gram Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its administration including allowances payable to the members.

(3) Every Gram Panchayat shall have the power to spend such sums as the State Government may, by order, specify, for carrying out the purposes of this Act.

(4) The Gram Panchayat Fund shall be vested in the Gram Panchayat and the balance to the credit of the Fund shall be kept in such custody as the State Government may direct.

(5) Subject to such general control as the Gram Panchayat may exercise from time to time, all orders and cheques for payment from the Gram Panchayat Fund shall be signed by the Sabhapati or in his absence by the Up-Sabhapati.


<table>
<thead>
<tr>
<th>Levy of taxes, rates and fees.</th>
<th>33.</th>
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<tbody>
<tr>
<td>Subject to the rates which may be fixed by the State Government a Gram Panchayat, may levy the following taxes, rates, and fees namely-</td>
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<tr>
<td>(a) a tax on fairs, melas, hats and other entertainments;</td>
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<td>(b) a general sanitary tax for the construction or maintenance or both the construction and maintenance of public latrines and for the removal and disposal of refuse;</td>
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<td>(c) a water rate where arrangements for the supply of water for drinking, irrigation or any other purpose are made;</td>
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<td>(d) a fee for temporary erection on, or putting up projections over, or temporary occupation of, any village road or place;</td>
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<tr>
<td>(e) a fee on private latrines, premises or compounds cleaned by the Gram Panchayat agency;</td>
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<tr>
<td>(f) a fee for grazing cattle on grazing lands vesting in a Gram Panchayat;</td>
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<tr>
<td>(g) a fee on the registration of animals sold in any market or place belonging to or under the control of the Gram Panchayat;</td>
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<tr>
<td>(h) a market fee on persons exposing goods for sale in any market or on any place or any building or structure therein belonging to or under the control of the Gram Panchayat;</td>
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<tr>
<td>(i) a fee for the use of dharmasalas and encamping grounds;</td>
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<tr>
<td>(j) a fee for drainage where system of drainage has been introduced by the Gram Panchayat;</td>
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<tr>
<td>(k) a temporary tax for special works of public utility;</td>
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<tr>
<td>(l) a tax on houses.</td>
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<tr>
<td>(2) The Gram Panchayat shall not levy taxes, rates or fees referred to in sub-section (1) if such taxes, rates or fees have already been levied by any other authority under any law for the time being in force or by any other local authority.</td>
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<thead>
<tr>
<th>Power of State Government to regulate taxes, rates and fees.</th>
<th>34.</th>
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<tbody>
<tr>
<td>(1) The State Government may, in the manner specified in the notification regulate the imposition, assessment and collection of taxes, rates and fees under section 33.</td>
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<tr>
<td>(2) Subject to the provisions of this Act or rules made thereunder, no person shall object in respect of his liability to any assessment made or tax imposed under this Act.</td>
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<tr>
<th>Appeal against taxation, fees and rates.</th>
<th>35.</th>
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<tbody>
<tr>
<td>An appeal against the levy of any tax, rate or fee under section 33 may be preferred to the prescribed authority in such manner and within such time as may be prescribed and the decision of such authority shall be final.</td>
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<tr>
<th>Recovery of arrears.</th>
<th>36.</th>
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<tr>
<td>Any arrear of tax, rate or fee levied under section 33 shall be recoverable as arrears of land revenue or public demand or if the Gram Panchayat passes a resolution to that effect and communicates it to the District Collector.</td>
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<th>Action by District Collector.</th>
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<tr>
<td>(1) The District Collector, on receipt of such communication of the sum recoverable under section 36 and on being satisfied with the demand, shall proceed to recover it.</td>
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<td>(2) Any sum so recovered shall be sent to the gram Panchayat and shall be credited to the Gram Panchayat Fund.</td>
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38. (1) If on a complaint made to it or otherwise it appears to the State Government that any tax rate or fee levied by a Gram Panchayat is excessive, it may, after calling for a report from the Gram Panchayat in this regard, abolish, suspend or reduce the amount of any such tax, rate or fee.

(2) The State Government may, on its own motion or otherwise after giving the gram Panchayat an opportunity of expressing its view in the matter, by order, exempt from the payment of any tax in whole or in part-

(a) any person or class of persons; or
(b) any property or description of properties, subject to such conditions as may be specified in such order.

39. (1) Every Gram Panchayat shall, at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and disbursements for the following year and shall submit the budget to the State Government for approval through the Zilla Panchayat of the district concerned.

(2) No expenditure shall be incurred unless the budget is approved by the State Government.

40. A Gram Panchayat may prepare in each year supplementary estimate providing for any modification of its budget and submit it to the State Government for approval through the Zilla Panchayat of the district concerned within such time and in such manner as may be prescribed.

41. A gram Panchayat shall keep such accounts in such manner as may be prescribed.

CHAPTER V

Constitution of Zilla Panchayat

42. (1) For every district the State Government shall, by notification in the Official Gazette, constitute a Zilla Panchayat bearing the name of the district.

(2) A Zilla Panchayat shall consist of the following members, namely:—

(a) Sabhapatis of the Gram Panchayats within the district, ex-officio;
(b) Chairmen of the Municipal Corporations;
(c) Members of the Legislative Assembly of the State elected from a constituency comprising the district or any part thereof, ex-officio;
(d) A member elected by each Bazar Committee declared as such under the provisions of the Bazar Committees Act, 1969.

43. (1) The term of Zilla Panchayat, unless sooner dissolved, shall be five years from the date of its constitution:

Provided that the term of a Zilla Panchayat which is constituted after the constitution of other Zilla Panchayats in a regular election, shall expire with the expiration of five year term of other Zilla Panchayats:
Provided further that the State Government may, where it is not possible to hold elections for the constitution of new Zilla Panchayats immediately after the expiry of the term, by notification, extend the said term for a period not exceeding six months at a time subject to a maximum period of one year or appoint any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the Zilla Panchayats under this Act until the constitution of new Zilla Panchayats.

(2) When a new Zilla Panchayat is thus duly constituted the old Zilla Panchayat shall stand dissolved.

Incorporation of Zilla Panchayat

44. (1) Every Zilla Panchayat shall be a body corporate having perpetual succession and a common seal and shall by its corporate name sue and be sued.

(2) A Zilla Panchayat shall have power to acquire, hold and dispose of property and to enter into contract:

Provided that in all cases of acquisition or disposal of immovable property, the Zilla Panchayat shall obtain the previous approval of the State Government.

Adhakshya and Upadakshya

45. (1) Every Zilla Panchayat shall, at its first meeting at which a quorum is present, elect in such manner as the State Government may, by notification, specify, one of its members to be the Adhakshya and another member to be the Upadakshya of the Zilla Panchayat:

Provided that the members referred to in clauses (b) and (c) of sub-section (2) of section 42 shall not be eligible for such election.

(2) The Adhakshya and Upadakshya shall, subject to the provisions of section 55 and to their continuing as members, hold office for a period of five years:

Provided that an Adhakshya or an Upadakshya shall continue in office after the expiry of the said period until a new Adhakshya or Upadakshya is elected and assumes office or until an authority or a person or persons is or are appointed under the second proviso to sub-section (1) of section 43.

(3) When-

(a) the office of the Adhakshya falls vacant by reason of death, resignation, removal or otherwise; or

(b) the Adhakshya is, by reason of leave, illness or other cause, temporarily unable to act,

the Upadakshya shall exercise the powers, perform the functions and discharge the duties of the Adhakshya until a new Adhakshya is elected and assumes office or until the Adhakshya resumes his duties, as the case may be.

(4) When-

(a) the office of the Upadakshya falls vacant by reason of death, resignation, removal or otherwise; or

(b) the Upadakshya is, by reason of leave, illness or other cause, temporarily unable to act,

the Adhakshya shall exercise the powers, perform the functions and discharge the duties of the Upadakshya until a new Upadakshya is elected and
assumes office or until the Upadhakshya resumes his duties, as the case may be.

(5) When the offices of the Adhakshya and the Upadhakshya are both vacant or the Adhakshya and the Upadhakshya are temporarily unable to act, the prescribed authority may appoint an Adhakshya and an Upadhakshya from among the members of the Zilla Panchayat to act as such until an Adhakshya or an Upadhakshya are elected and assume office or resume his duties, as the case may be.

46. Notification of election, nomination, etc.

Every election or nomination of an Adhakshya or an Upadhakshya and members of a Zilla Panchayat, as the case may be, shall be published by the State Government in the official Gazette and such persons shall enter upon their respective offices from the date of such publication.

47. First meeting of the Zilla Panchayat.

(1) Notwithstanding any vacancy in the membership of the Zilla Panchayat, the prescribed authority shall as soon as may be, but before the expiration of thirty days from the date of publication of the notification under section 46, call a meeting of the members of a Zilla Panchayat at such place and at such time as he may fix for electing an Adhakshya and Upadhakshya.

(2) The meeting to be held under sub-section (1) shall be called the first meeting of the Zilla Panchayat and may be convened by the prescribed authority in such manner as it may determine.

48. Meeting of Zilla Panchayat.

(1) Every Zilla Panchayat shall hold a meeting for transaction of its business at least once in every two months at the office of the Zilla Panchayat or at such place within the local limits of the district concerned and at such time as the Adhakshya of the Zilla Panchayat may fix.

(2) The Adhakshya may, whenever he thinks fit in the public interest or shall upon a written requisition of not less than one half of the total number of members of the Zilla Panchayat or if directed by the Secretary of the Rural Development Department or the Deputy Development Officer-cum-Planning Officer of the concerned district, call a special meeting of the Zilla Panchayat within a period of ten days from the date of receipt of the requisition or direction, as the case may be:

Provided that if the Adhakshya fails to call such special meeting within the specified period from the date of receipt of requisition or direction, as the case may be, the Secretary of the Rural Development Department or the Deputy Development Officer-cum-Planning Officer of the concerned district may direct any member of the Zilla Panchayat to call such meeting which shall be held at such time and in such place within the local limits of the district concerned as the member of the Zilla Panchayat directed to call the meeting may fix.

(3) Two-thirds of the total number of members shall form a quorum for a meeting of the Zilla Panchayat:

Provided that no quorum shall be necessary for an adjourned meeting.

(4) The Adhakshya or in his absence, the Upadhakshya shall preside at the meeting of the Zilla Panchayat; and in the absence of both, the
members present shall elect one member from amongst themselves to preside at the meeting.

(5) All questions coming before a Zilla Panchayat shall, unless otherwise specifically provided under this Act, be decided by a majority of votes of the members present and voting:

Provided that in case of equality of votes the person presiding shall have a second or casting vote.

(6) No member shall vote on and take part in the discussion of any question coming up for consideration at a meeting of a Zilla Panchayat if the question is one in which he has any direct or indirect pecuniary interest other than an interest as a member of the public.

(7) If it appears to any member present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion or any question coming up for consideration as referred to in sub-section (6) and a motion brought by him to that effect is carried, such a person shall not preside at such meeting and shall not take part therein, and for the purposes of sub-section (4) such person shall be deemed to be absent during the discussion or consideration of the particular matter.

Reconsideration of question disposed of by Zilla Panchayat

49. No subject once finally disposed of by the Zilla Panchayat shall be reconsidered by it within six months unless the recorded consent of not less than one half of members has been obtained therefor.

List of business to be transacted at a meeting

50. A list of the business to be transacted at every meeting of a Zilla Panchayat except at an adjourned meeting, shall be sent to each member of the Zilla Panchayat at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting, other than the business of which notice has been so given, except with the approval of the majority of the members present at such meeting:

Provided that non-receipt of a notice by a member shall not vitiate the proceedings of a meeting:

Provided further that if the Adhakshya thinks that a situation has arisen for which an emergent meeting of the Zilla Panchayat should be called, he may call such meeting after giving three days notice to the members:

Provided also that not more than one matter shall be included in the list of business to be transacted at meeting called under the second proviso.

(2) The business of the Zilla Panchayat shall be transacted in the language spoken and understood by the members.

(3) Minutes of the proceedings of each meeting of the Zilla Panchayat shall be recorded in a book to be kept for this purpose and shall be read out and signed by the Adhakshya of the meeting before the meeting disperses.

(4) The Sachiva of a Zilla Panchayat shall, within a week after a meeting of the Zilla Panchayat, send copies of minutes of every such meeting to the Deputy Development Officer-cum-Planning Officer and the Secretary.
51. The Adhakshya shall—
   (a) regulate the meetings of the Zilla Panchayat;
   (b) be responsible for the maintenance of record and registers of the Zilla Panchayat;
   (c) exercise supervision and control over the act done and action taken by the members of the Zilla Panchayat and such officers and such other employees whose services may be placed at the disposal of the Zilla Panchayat by the State Government;
   (d) operate jointly with the Sachiva of the Zilla Panchayat the Fund of the Zilla Panchayat including authorisation of payment, issue of cheques and refunds;
   (e) issue receipts under his signature for sums of money received by him for and on behalf of the Zilla Panchayat;
   (f) cause preparation of all statements and reports required by or under this Act;
   (g) exercise such other powers, perform such other functions and discharge such other duties as the Zilla Panchayat may, by general or special resolution, direct or as the State Government may, by order specify:

   Provided that the Adhakshya shall not exercise such powers, perform such functions or discharge such duties as may be required by the rules made under this Act to be exercised, performed or discharged by the Zilla Panchayat at a meeting.

52. The Upadhakshya shall—
   (a) in the absence of the Adhakshya, preside over and regulate the meetings of the Zilla Panchayat;
   (b) exercise such of the powers, perform such of the functions and discharge such of the duties as the Zilla Panchayat may, by general or special resolution, direct or as the State Government may, by order specify:

   Provided that the Adhakshya may at any time withdraw all or any of the powers, functions and duties so delegated to the Upadhakshya;
   (c) during the absence of the Adhakshya, exercise all the powers, perform all the functions and discharge all the duties of the Adhakshya.

53. At a meeting of a Zilla Panchayat, a member may move any resolution and put questions to the Adhakshya or Upadhakshya, as the case may be, on matters connected with the administration of Zilla Panchayat or execution of rural works or schemes entrusted to or undertaken by such Zilla Panchayat.

54. (1) An Adhakshya or an Upadhakshya or a member of a Zilla Panchayat may resign his office by notifying in writing his intention to do so to the prescribed authority and on such resignation being accepted the Adhakshya or the Upadhakshya or the member shall vacate his office and casual vacancy shall be deemed to have occurred in such office:

   Provided that a person tendering resignation may withdraw his resignation before it is accepted.
(2) When the resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the Zilla Panchayat within thirty days of such acceptance.

Removal of Adhakshya and Upadhakshya.

55. (1) An Adhakshya or an Upadhakshya may, at any time, be removed from office by a resolution of the Zilla Panchayat passed by the majority of the members of the Zilla Panchayat present and voting at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:

Provided that at any such meeting while any resolution for the removal of—

(i) the Adhakshya from his office is under consideration; or

(ii) the Upadhakshya from his office is under consideration, he shall not, though he is present, preside at such meeting and the provisions of sub-section (4) of section 48 shall apply in relation to every such meeting as they apply in relation to a meeting from which the Adhakshya or, as the case may be, the Upadhakshya is absent.

(2) No person who has been removed from his office under sub-section (1) shall be eligible for re-election to the vacancy so caused.

Filling of casual vacancy in the office of Adhakshya or Upadhakshya.

56. In the event of removal of an Adhakshya or an Upadhakshya under section 55 or when a vacancy occurs in the office of the Adhakshya or Upadhakshya by resignation, death or otherwise, the Zilla Panchayat shall elect another Adhakshya or Upadhakshya, the case may be. The person so elected shall take office forthwith and shall hold office for the unexpired term of office of his predecessor.

Removal of member of Zilla Panchayat.

57. (1) The prescribed authority may, after giving opportunity to a member of a Zilla Panchayat other than an ex-officio member to show cause against the action proposed to be taken against him, by order, remove him from office if—

(a) after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or

(b) he was disqualified to be a member of the Zilla Panchayat at the time of his election; or

(c) he incurs any of the disqualifications mentioned in clauses (b), (c), (d), (e), (g), (h) or (j) of section 9 after his election as a member of the Zilla Panchayat; or

(d) he is absent from three consecutive meetings of the Zilla Panchayat without the leave of the Zilla Panchayat provided he is not an ex-officio member of the Zilla Panchayat.

(2) Any member of a Zilla Panchayat who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority and after giving the appellant and opportunity of being heard, modify, set aside or confirm the order.
(3) The order passed by such authority on such appeal shall be final.

(4) If a member of a Zilla Panchayat referred to in clause (c) of sub-section (2) of section 42 ceases to be the member of the Legislative Assembly of the State he shall cease to be the member of the Zilla Panchayat and the newly elected person shall become the member of the Zilla Panchayat.

**Filling of casual vacancy in office of a member of Zilla Panchayat**

58. If the office of a member of a Zilla Panchayat becomes vacant by reason of his death, resignation, removal or otherwise, such vacancy shall be filled in by election of another person under this Act. The person so elected shall take office forthwith and shall hold such office for the un-expired term of office of his predecessor:

Provided that no election for filling in of a casual vacancy shall be held if the vacancy occurs within a period of three months preceding the date on which the term of office of the person concerned expires.

**Sachiva of Zilla Panchayat**

59. (1) There shall be a Sachiva for a Zilla Panchayat appointed by the State Government on such terms and conditions as may be prescribed:

Provided that any person so appointed shall be recalled by the State Government if a resolution to that effect is passed by the Zilla Panchayat, at a meeting specially convened for the purpose, by a majority of the total number of members holding office for the time being.

(2) The Sachiva shall also supervise all records of every Gram Panchayat falling under the jurisdiction of a Zilla Panchayat of a concerned district.

(3) The Sachiva shall be incharge of the office of the Zilla Panchayat and shall discharge such duties and perform such functions as may be prescribed.

**CHAPTER VI**

**Powers and Duties of Zilla Panchayat**

60. (1) Subject to any general or special directions of the State Government, a Zilla Panchayat shall have power in respect of—

(a) regulating melas or hats within its local limits;

(b) construction and maintenance of Panchayat Ghars, Dharamsalas and rest houses;

(c) construction, repair and maintenance of such small irrigation projects of such class or types thereof, as may be specified by the State Government by general or special order in this behalf, and regulating of supply of water therefrom for irrigation purposes;

(d) regulating supply of water for irrigation or drinking water supply schemes constructed by the Government and entrusted to it for maintenance and repair;

(e) regulating, maintaining and developing of lands vested in it by the Government;
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(f) organising plantation programme in the public land, road sides and such other places as may be specified for promo-
tion of social forestry and environmental conservation and maintaining and regulating of such forests;

(g) establishing and maintaining primary schools and organising adult education centres;

(h) establishing health centres and maternity and child welfare centres;

(i) managing or maintaining any works of public utility and adopting measures for the relief of distress;

(j) preparing plans for all round development of the district after obtaining previous approval of the Government and with such technical assistance as may be made available by the Government;

(k) co-ordinating and integrating the development plans and schemes prepared by Gram Panchayats within its jurisdiction;

(l) fulfilling any other obligation imposed by or under this Act or by any other law for the time being in force or by gene-
ral or special order of the Government in this behalf.

Other duties of Zilla Panchayat. 61. (1) Subject to such conditions as may be imposed by the State Govern-
ment, a Zilla Panchayat may, if the State Government so directs, make provisions for—

(a) the promotion of opportunity of employment through commu-
nity farming by organising model agriculture or dairy farms and small scale village industries;

(b) the organisation and maintenance of clubs and other places for recreation or games;

(c) establishment and maintenance of library or reading rooms and public radio listening centres;

(d) construction and maintenance of destitute homes, slaughter houses and encamping grounds;

(e) rendering assistance in extinguishing fire and protecting life and property when fire occurs;

(f) assisting in the prevention of burglary and dacoity;

(g) the promotion of socio-cultural and communal harmony;

(h) the promotion of agriculture and allied activities connected with it;

(i) any other local work or service of public utility which is likely to promote the health, comfort, convenience or mate-
rial prosperity of the public not otherwise provided for in this Act.

(2) Where the State Government directs a Zilla Panchayat to make provision for any of the items enumerated in sub-section (1), it shall place such funds at the disposal of the Zilla Panchayat as may be required for making such provision.
(3) A Zilla Panchayat shall have the power to advise the State Government on all matters relating to the development works in the Gram Panchayats.

(4) Notwithstanding anything in sub-section (1), a Zilla Panchayat shall not undertake or execute any scheme confined to a Gram unless the implementation of such a scheme is beyond the competence of the Gram Panchayat concerned financially or otherwise. In the latter case the Zilla Panchayat may execute the scheme itself or entrust its execution to the Gram Panchayat and give such assistance as may be required:

Provided that a Zilla Panchayat shall undertake or execute any scheme if it extends to more than one Gram.

Vesting of Zilla Panchayat with certain powers.

(1) A Zilla Panchayat may be vested by the State Government with such power under any local or special Act as the State Government may think fit.

(2) A Zilla Panchayat shall exercise such other powers, perform such other functions or discharge such other duties as the State Government may, by general or special order, direct.

Joint execution of schemes by two or more Zilla Panchayats.

The Zilla Panchayats of two or more adjacent districts may jointly undertake and execute at common cost any development scheme or project on such terms and conditions as may be agreed upon, and in case of any difference as to the interpretation of such terms and conditions the matter shall be referred to the State Government whose decision shall be final.

Power of supervision by Zilla Panchayat over Gram Panchayats.

A Zilla Panchayat shall exercise general powers of supervision over Gram Panchayat in the district and it shall be the duty of Gram Panchayat to give effect to any direction of Zilla Panchayat on matters of policy or planning for development.

CHAPTER VII
Property and Fund

Works constructed by a Zilla Panchayat to vest in it.

All roads, buildings or other works constructed by a Zilla Panchayat with its own funds shall vest in it.

Allocation of properties to Zilla Panchayat.

(1) The State Government may allocate to a Zilla Panchayat any public property of whatsoever nature or kind situated within its local limits, and therupon, such property shall vest in and come under the control of the Zilla Panchayat.

(2) No property vested in or belonging to a Zilla Panchayat shall be transferred by way of sale, gift, mortgage, exchange or lease without the previous sanction of the State Government.

(3) Where the State Government is of opinion that any property vested in or belonging to a Zilla Panchayat is required for the purpose of any National or State Development plan or for any other public.
purpose, the State Government may resume such property and upon such resumption the property shall cease to vest in the Zilla Panchayat and shall re-vest in the State Government.

(4) No compensation other than the amount paid by the Zilla Panchayat for such transfer and the market value of any building or works erected or executed on such property by the Zilla Panchayat at the time of such resumption shall be payable. Any sum so received shall be credited to the Zilla Panchayat Fund.

Acquisition of land for Zilla Panchayat.

67. Where a Zilla Panchayat requires land for carrying out any of the purposes of this Act, it may negotiate with the person or persons having interest in the said land, and if it fails to reach an agreement it may make an application to the District Collector for the acquisition of the land, who may, if he is satisfied that the land is required for a public purpose, take steps to acquire the land under the provisions of the Sikkim Land (Requisition and Acquisition) Act, 1977.

Zilla Panchayat Fund.

68. (1) For every Zilla Panchayat there shall be constituted a Zilla Panchayat Fund bearing the name of the Zilla Panchayat and there shall be placed to the credit thereof—

(a) contributions and grants, if any, made by the Central or the State Government including such portion of land revenue collected within its jurisdiction as may be determined by the State Government;

(b) contributions and grants, if any, made by any other local authority;

(c) loans, if any, granted by the Central or State Government;

(d) proceeds of collection of revenues in respect of schemes, projects and other properties undertaken or vested in the Zilla Panchayat by the Government at such rates as may be determined by the State Government;

(e) such rates, fees, taxes, as may be imposed and realised under the provisions of this Act;

(f) such sums received from the Government for fulfilling duties and obligations entrusted to the Zilla Panchayat by the State Government;

(g) all other sums received by or on behalf of the Zilla Panchayat.

(2) Every Zilla Panchayat shall set apart and apply annually such sum as may be required to meet the cost of its administration including allowances payable to the members.

(3) Every Zilla Panchayat shall have the power to spend such sums as the State Government may, order, specify for carrying out the purpose of this Act.

(4) The Zilla Panchayat Fund shall be vested in the Zilla Panchayat and the amount standing to the credit of the Fund shall be kept in such custody or invested in such manner as the State Government may, from time to time, direct.
Subject to such general control as the Zilla Panchayat may exercise, from time to time, orders and cheques for payment from the Zilla Panchayat Fund shall be signed by the Adhakshya.

Subject to the maximum rates which may be fixed by the State Government, a Zilla Panchayat may levy following taxes, rates and fees, namely—

(a) a tax on fairs, melas and other entertainments;

(b) a general sanitary tax for the construction, maintenance, or both the construction and maintenance of public latrines and for the removal and disposal of refuse;

(c) a water rate where arrangement for the supply of water for drinking, irrigation or any other purpose is made by the Zilla Panchayat within its jurisdiction;

(d) a fee for temporary erection on, or putting up projections over, or temporary occupation of any village road or place;

(e) a fee on private latrines, premises or compounds cleaned by the Zilla Panchayat agency;

(f) a fee for grazing cattle on the grazing lands vested in a Zilla Panchayat;

(g) a fee on the registration of animals sold in any market or place belonging to or under the control of the Zilla Panchayat;

(h) a market fee on persons exposing goods for sale in any market or at any place or in any building or structure therein belonging to or under the control of the Zilla Panchayat;

(i) a fee for the use of dharmasalas, rest houses, slaughter houses and encamping grounds;

(j) a fee for drainage where system of drainage has been introduced by the Zilla Panchayat;

(k) a temporary tax for special works of public utility.

The Zilla Panchayat shall not levy taxes, rates or fees referred to in sub-section (1) if such taxes, rates or fees are already been levied by any other authority under any law for the time being in force or by any other local authority.

The State Government may make rules to regulate the imposition, assessment to, and collection of taxes, rates and fees under sector 69.

Subject to the provisions of this Act or rules made thereunder, no person shall object in respect of his liability to any assessment made or tax imposed under this Act.

An appeal against any tax, rate or fee under section 69 may be preferred to the prescribed authority in such manner and within such time as may be prescribed and the decision of such authority shall be final.

Any arrear of tax, rate or fee imposed under section 69 shall be recoverable as arrears of land revenue or public demand if the Zilla Panchayat passes a resolution to that effect and communicates it to the District Collector.
Action by District Collector. 73. (1) The District Collector on receipt of communication under section 72 and on being satisfied with the demand shall proceed to recover it.

(2) Any sum so recovered shall be sent to the Zilla Panchayat and shall be credited to the Zilla Panchayat Fund.

Power of State Government in regards to relief in taxes. 74. (1) If on a complaint made to it or otherwise, it appears to the State Government that any tax, rate or fee imposed by a Zilla Panchayat, is excessive, it may, after calling a report from the Zilla Panchayat in this regard, abolish or suspend or reduce the amount of any tax, rate or fee, as the case may be.

(2) The State Government may, on its own motion or otherwise after giving the Zilla Panchayat an opportunity of expressing its view in the matter, by order, exempt—

(a) any person or class of persons; or

(b) any property or description of properties,

from the payment of whole or part of any tax, rate or fees subject to such conditions as may be specified in such order.

Budget of Zilla Panchayat. 75. (1) Every Zilla Panchayat shall at such time and in such manner as may be prescribed, prepare in each year a budget of its estimated receipts and expenditure for the next financial year and submit it to the State Government for approval.

(2) No expenditure shall be incurred unless the budget is approved by the State Government.

Supplementary budget. 76. A Zilla Panchayat may prepare in each year supplementary estimates providing for any modification of its budget and submit it to the State Government for approval within such time and in such manner as may be prescribed.

Accounts. 77. A Zilla Panchayat shall keep such accounts in such manner as may be prescribed.

CHAPTER VIII
Audit

Audit of account of fund. 78. The accounts of the Fund of a Gram Panchayat or Zilla Panchayat shall be examined and audited by an auditor appointed in that behalf by the State Government at such time and place and in such manner as the State Government may prescribe.

Submission of account to audit. 79. The Sabhapati or, as the case may be, the Adhakshya shall produce, or cause to be produced, to the auditor all such accounts of the Fund of the Gram Panchayat or the Zilla Panchayat concerned as may be required by the auditor.

Powers of Auditors. 80. For the purposes of an audit under this Act an auditor may—

(i) require in writing the production before him of any document or the supply of any information which he considers to be necessary for the proper conduct of the audit;
(ii) require in writing the personal appearance before him of any person accountable for, or having the custody or control of, any such document, or having, directly or indirectly, whether by himself or his partner, any share or interest in any contract made with, by or on behalf of, the members of the Gram Panchayat or the Zilla Panchayat concerned;

(iii) require any person so appearing before him to make and sign a declaration in respect of any such document or to answer any question or prepare any submit and statement.

Penalty. 81. Any person who neglects or refuses to comply with the requisition made by the auditor under section 80 within such time as may be specified, shall, on conviction by a Court, be punishable with a fine which may extend to fifty rupees in respect of each item included in the requisition.

Audit report. 82. (1) Within two months from the date on which an audit under this Act is completed, the auditor shall prepare a report and send a copy of the report to the Sabhapati or Adhakshya, as the case may be, of the Gram Panchayat or the Zilla Panchayat and to the State Government.

(2) The auditor shall append to his report a statement showing —

(a) the grants-in-aid received by the Gram Panchayat or the Zilla Panchayat and the expenditure incurred therefrom;

(b) any material impropriety or irregularity which he may observe in the expenditure or in the recovery of money due to the Gram Panchayat or the Zilla Panchayat or in the accounts of the Gram Panchayat or the Zilla Panchayat Fund;

(c) any loss or wastage of money or other property owned by or vested in the Gram Panchayat or the Zilla Panchayat.

Action on audit report. 83. (1) Within two months from the date of receipt of the report referred to in section 82, the Gram Panchayat or the Zilla Panchayat concerned shall, at a meeting, remove or cause to be removed any defect or irregularity pointed out in the report and shall also inform the auditor of the action taken by it. The Gram Panchayat or the Zilla Panchayat concerned shall give reasons or explanations if any defect or irregularity is not removed.

(2) If, within the period referred to in sub-section (1), no information is received by the auditor from the Gram Panchayat or the Zilla Panchayat concerned or if the reasons or explanations given by it for not removing any defect or irregularity pointed out in the report is not considered sufficient by the auditor, the auditor shall if he has not already exercised or does not propose to exercise the powers conferred upon him by section 84 refer the matter to the State Government within such time and in such manner as the State Government may prescribe.

(3) On receipt of the report under sub-section (2), it shall be competent for the State Government to pass such orders thereon as it may think fit. The orders of the State Government shall, save as provided in sections 84 and 85, be final and the Gram Panchayat or the Zilla Panchayat concerned shall take action in accordance with such orders.
(4) If the Gram Panchayat or the Zilla Panchayat concerned fails to comply with the order within the period specified therein, the State Government may empower any officer of the State Government to carry out the order.

(5) Officer empowered under sub-section (4) shall, for the purpose of carrying out the order, exercise any of the powers which might have been exercised by the Gram Panchayat or Zilla Panchayat concerned.

Power of auditor to surcharge etc. 84. (1) The auditor, after giving the person concerned an opportunity to submit an explanation within a time to be specified by him and after considering such explanation, shall disallow every item of account contrary to law and surcharge the same on the person making or authorising the making of the illegal payments, and shall charge against any person responsible for the amount of any loss incurred by the negligence or misconduct of that person, and shall, in every such case, certify the amounts due from such person:

Provided that the auditor may in his discretion waive the surcharge or charge in cases where the amount involved does not exceed 20 rupees.

(2) For the purposes of this section any member of Gram Panchayat or Zilla Panchayat, as the case may be, who is present at a meeting at which a motion or resolution is passed authorising any expenditure which is subsequently disallowed under sub-section (1) or authorizing any action which results in any such expenditure, shall be deemed to be a person authorising such expenditure if dissent is not recorded in the proceedings. All such persons shall be held jointly and severally liable for such expenditure.

(3) The auditor shall record in writing his reasons for every disallowance, surcharge and charge made under sub-section (1) and shall, in such manner as may be prescribed, send a certificate of the amount due and a copy of the reasons for his decision to the person in respect of whom the certificate is made, and shall also furnish copies thereof to the Sahapati or Adhakshya, as the case may be, and the State Government.

(4) The State Government may, of its own motion and within one year from the receipt by it of the copy of the certificate, set aside or modify any disallowance, surcharge or charge and any certificate in respect thereof made by the auditor.

Appeal 85. (1) Any person from whom any sum has been certified by the auditor to be due under section 84 may, within thirty days of the receipt by him of the certificate, appeal to the State Government to set aside or modify the disallowance, surcharge or charge in respect of which the certificate was made and the State Government may pass thereon such orders as it thinks fit, and such orders shall be final.

(2) Where a person referred to in sub-section (2) of section 84, who has been surcharged as authorising an illegal expenditure, appeals to the State Government under this section, the State Government shall set aside such surcharge if it is proved to its satisfaction that such person voted for the resolution or motion in good faith.
Payment of certified sums. 86. (1) The sum certified by the auditor to be due from any person under section 84 or when an appeal is made under sub-section (1) of section 85, such sum as may be ordered by the State Government to be due from such person shall, within two months of the date of certification, or order, as the case may be, be paid by such person to the Gram Panchayat or the Zilla Panchayat concerned which shall credit the sum to the Fund of the Gram Panchayat or the Zilla Panchayat concerned.

(2) Any sum not paid in accordance with the provision of sub-section (1) shall be recoverable as arrears of land revenue if the Gram Panchayat or the Zilla Panchayat, as the case may be, passes a resolution to that effect and communicates it to the District Collector.

(3) The District Collector on receipt of such communication under sub-section (2) and on being satisfied with the demand, shall proceed to recover it as soon as may be and the sum so recovered by him shall be sent to the Gram Panchayat or Zilla Panchayat concerned and the same shall be credited to the Fund of the Gram Panchayat or Zilla Panchayat concerned.

Certain costs and expenses payable out of Funds 87. (1) All expenses incurred by the Gram Panchayat or the Zilla Panchayat concerned in complying with any requisition of the auditor under section 80 and in prosecuting an offender under section 81 shall be paid from the Fund of the Gram Panchayat or the Zilla Panchayat concerned.

(2) All expenses incurred by the District Collector in connection with the proceedings for recovery of any sum under sub-section (3) of section 86 from a person, if not recovered from the person, shall be paid from the Fund of the Gram Panchayat or the Zilla Panchayat concerned.

CHAPTER IX

Miscellaneous

Oath of affirmation. 88. Every member of a Gram Panchayat or Zilla Panchayat other than a member referred to in clause(c) of sub-section (2) of section 42 shall before taking his office make and subscribe before such authority as may be specified by the State Government in this behalf an oath or affirmation according to the Form set out for the purpose in the Schedule.

Validation. 89. No act or proceeding of a Gram Panchayat or Zilla Panchayat shall be deemed to be invalid merely by reason of the existence of any vacancy in the Gram Panchayat or Zilla Panchayat, as the case may be, or any defect or irregularity in the constitution thereof.

Members and officers and employees to be public servants. 90. All members, officers and employees of the Gram Panchayat and Zilla Panchayat shall be deemed, when acting or purporting to act in pursuance of the discharge of their duties, or in the exercise of their powers under this Act or under the rules made thereunder, to be public servants within the meaning of section 21 of the Indian Penal Code.
Indemnity 91. No suit or other legal proceedings shall lie against a Gram Panchayat or Zilla Panchayat or against any member thereof or any officer or any employee for anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

Reference of dispute. 92. (1) If any dispute arises between two or more Gram Panchayats, within the jurisdiction of the same Zilla Panchayat, it shall be referred to the Zilla Panchayat concerned by any party to the dispute and the decision of the Zilla Panchayat thereon shall be final.

(2) If any dispute arises—
   (a) between a Gram Panchayat within a district on the one side and the Zilla Panchayat of the same district on the other; or
   (b) between two or more Zilla Panchayats; or
   (c) between one or more Gram Panchayats in one district on the one side and one or more Gram Panchayats in another district on the other; or
   (d) between one or more Gram Panchayats in one district on the one side and the Zilla Panchayat of another district on the other;

such dispute shall be referred to the State Government by any party to the dispute and the decision of the State Government thereon shall be final.

Inspection. 93. (1) The State Government shall empower the Secretary and such other officers as it may consider necessary for the purpose of inspecting or superintending the works of all, or any class of, Gram Panchayats or Zilla Panchayats.

(2) An officer so empowered to inspect or superintend the works of a Gram Panchayat or Zilla Panchayat may at any time—
   (a) inspect or cause to be inspected any immovable property used or occupied by the Gram Panchayat or Zilla Panchayat or any work in progress under the direction of Gram Panchayat or Zilla Panchayat;
   (b) inspect or examine any work or thing under the control of the Gram Panchayat or Zilla Panchayat;
   (c) require, for the purposes of inspection or examination, the Gram Panchayat —
      (i) to produce any book, record, correspondence, plan or other document; or
      (ii) to furnish any return, plan, estimate, statement, accounts or statistics; or
      (iii) to furnish or obtain any report or information.

(3) When an inspection of a Gram Panchayat or Zilla Panchayat is undertaken by any officer referred to in sub-section (1), a report of such inspection shall be submitted by such officer to the State Government as soon as possible but not beyond a period of thirty days after the date of completion of inspection.
Power of State Government to rescind or suspend resolution of a Gram Panchayat or Zilla Panchayat.

94. (1) The State Government may, by order in writing, rescind any resolution passed by a Gram Panchayat or Zilla Panchayat, if in its opinion such resolution—

(a) has not been legally passed; or

(b) is in excess or abuse of the powers conferred by or under this Act or any rules made thereunder; or

(c) is likely to cause, if executed, danger to human life, health, or safety or is likely to lead to breach of the peace.

(2) The State Government shall, before taking any action under sub-section (1) give the Gram Panchayat or Zilla Panchayat concerned an opportunity of making any representation against the proposed order.

Power of State Government officers to attend meetings.

95. Any officer of the State Government authorised by the State Government in this behalf, shall be entitled to attend meetings of the Gram Panchayat or the Zilla Panchayat, as the case may be, for the purpose of furnishing facts, information and technical advice but shall not be entitled to vote at any such meeting.

Direction by State Government.

96. In the discharge of their functions the Gram Panchayat and the Zilla Panchayat shall be guided by such instructions or directions as may be given to them by the State Government from time to time in conformity with the provisions of this Act.

Power to remove Sabhapati, Up Sabhapati, Sachiva of Gram Panchayat, Adhakshya Upadhyaksha of Zilla Panchayat.

97. (1) The State Government may, notwithstanding anything contained in sub-section (2) of section 10, sub-section (4) of section 24 and sub-section (2) of section 45, by an order in writing, remove with effect from a date to be specified in the order any Sabhapati or Up Sabhapati or any Sachiva of Gram Panchayat, any Adhakshya or Upadhyaksha of Zilla Panchayat from his office, if in its opinion, he wilfully omits or refuses to carry out the provisions of this Act or any rules or orders made thereunder or abuses the powers vested in him under this Act.

(2) The State Government shall, before making any order under sub-section (1), give to the person concerned an opportunity of making a representation against the proposed order.

Power of State Government to supersede a Gram Panchayat or Zilla Panchayat.

98. If, in the opinion of the State Government, any Gram Panchayat or Zilla Panchayat—

(a) has shown its incompetence to perform or has persistently made default in the performance of the duties imposed on it by or under this Act or any other law; or

(b) has exceeded or abused its powers, the State Government may, by order, to be published in the Official Gazette stating the reasons therefore, supersede the Gram Panchayat or Zilla Panchayat, as the case may be, and direct that it be reconstituted within such period not exceeding the maximum period of one year as may be specified in the order:

Provided that the State Government shall, before making any order under sub-section (1), give the Gram Panchayat or the Zilla Panchayat, as the case may be, an opportunity of making a representation against the proposed order.
Consequences of supersession. (1) When an order of supersession has been passed under section 98 then with effect from the date of the order—
(a) all the members of the Gram Panchayat or the Zilla Panchayat, as the case may be, shall vacate their offices;
(b) all the powers, duties and functions which, under the provisions of this Act or any rule made thereunder or any law for the time being in force may be exercised, discharged or performed by the Gram Panchayat or Zilla Panchayat, as the case may be, shall be exercised, discharged or performed by such authority, person or persons as may be appointed by the State Government in this behalf;
(c) all properties vested in the Gram Panchayat or Zilla Panchayat, as the case may be, shall remain vested in the State Government until the reconstitution of the such Gram Panchayat or Zilla Panchayat.

(2) On the reconstitution of the Gram Panchayat or Zilla Panchayat, as the case may be, the authority, person or persons appointed under clause (b) of sub-section (1) shall cease to exercise his functions.

Election of Sabha- 
pati or Up-Sabha- 
pati or Sachiva or member of Gram 
Panchayat or Adhakshya or Upadhakshya or member of Zilla Panchayat. If a Sabha-pati or an Up-Sabhapati or Sachiva or a member of a Gram Panchayat or an Adhakshya or an Upadhakshya or member of a Zilla Panchayat becomes a member of either house of Parliament or a member of Legislative Assembly, he shall be deemed to have vacated his office as Sabha-pati or Up-Sabhapati or Sachiva or member of a Gram Panchayat or Adhakshya or Upadhakshya or member of a Zilla Panchayat, as the case may be, with effect from the date of his becoming such member and a casual vacancy shall be deemed to have occurred in such office.

Superintendence of election. (1) Subject to the provision of this Act and rules made thereunder, the superintendence, direction and control and the conduct of election of members of a Gram Panchayat shall be vested in such authority as may be prescribed.

(2) For the performance of his duties and functions such authority shall be assisted by such other officers and staff as may be appointed by the State Government in this behalf.

Application for questioning the election. (1) The election of a person as a member of a Gram Panchayat or Zilla Panchayat shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the ground that—
(a) the election has not been a free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election; or
(b) that the result of the election has been materially affected—
(i) by the improper acceptance or rejection of any nomination;
(ii) by gross failure to comply with the provisions of this Act or the rules framed thereunder.

(2) The following shall be deemed to be corrupt practices of bribery or undue influence for the purposes of this Act.

(1) Bribery, that is to say—
(A) any gift, offer or promise by a candidate or by any other person with the connivance of a candidate of any gratification to
any person whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being a candidate at any election; or

(b) an elector to vote or refrain from voting at an election; or as a reward to—

(i) a person for having stood or not stood or having withdrawn his candidature; or

(ii) an elector for having voted or refrained from voting.

(B) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with the connivance of the candidate with the free exercise of any electoral right:

Provided that without prejudice to the generality of the provisions of this clause any such person as is referred to therein who—

(i) threatens any candidate, of any elector, or any person in whom a candidate or any elector is interested, with injury of any kind including social ostracism and excommunication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered object of divine displeasure or spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause.

(3) The application under sub-section (1) may be presented by any candidate at the election or any elector and shall contain such particulars as may be prescribed.

Explanation—Any person who filed a nomination paper at the election whether such nomination paper was accepted or rejected, shall be deemed to be a candidate at the election.

(4) The authority to whom the application under sub-section (1) is made shall, in the matter of—

(a) hearing of the application and the procedure to be followed at such hearing;

(b) setting aside the election or declaring the election to be void or declaring applicant to be duly elected or any other relief that may be granted to the petitioner, have such powers and authority may be prescribed.

(5) The order passed by the prescribed authority upon an application under sub-section (1), shall be final and conclusive and shall not be questioned in any civil court.

If any question arises as to whether a person has become subject to any disqualification under sub-section (1) of section 9, the question shall be referred to the prescribed authority for his decision and his decision shall, subject to the result of any appeal as may be prescribed, be final:

Provided that no order shall be passed under this section unless the person so disqualified is given an opportunity of being heard.
Improvement of sanitation. For the improvement of sanitation a Gram Panchayat or Zilla Panchayat may, by order, require the owner or occupier of any land or building, within such reasonable period as may be specified in the notice served upon him and after taking into consideration his financial position.

(a) to close, remove, alter, repair, cleanse, disinfect or put in good order any latrine, urinal, water closet, drain, cesspool, or other receptacle for filth, sull-age, rubbish or refuse pertaining to such land or building, or to remove or alter any door or trap or construct any drain for any such latrine, urinal or water closet which opens on to a street or drain or to shut off such latrine, urinal or water closet by a sufficient roof or wall or fence from the view of persons passing by or dwelling in the neighbourhood;

(b) to cleanse, repair, cover, fill up, drain off or remove water from, a private well, tank, reservoir, pool, pit, depression or excavation therein which may be injurious to health or offensive to the neighbourhood;

(c) to clear off any vegetation, undergrowth, prickly pear or scrub jungle therefrom;

(d) to remove any dirt, dung, nightsoil, manure or any obnoxious or offensive matter therefrom and to cleanse the land or building.

Power of Gram Panchayat or Zilla Panchayat over village roads, waterways and other matters.

(1) A Gram Panchayat or Zilla Panchayat shall have control over all village roads and waterways within its local limits and may do all things necessary for the maintenance and repair thereof, and may—

(a) construct new bridges and culverts;

(b) direct or close any such village road, bridge or culvert;

(c) widen, open, enlarge or otherwise improve any such village road, bridge or culvert and with minimum damage to the neighbouring fields, plant and preserve trees on the sides of such road;

(d) deepen or otherwise improve such waterways;

(e) trim hedges and branches of trees projecting on roads;

(f) set apart by public notice any public source of water supply for drinking or culinary purpose and likewise prohibit all bathing, washing or other acts likely to pollute the source so set apart.

(2) A Gram Panchayat or Zilla Panchayat, as the case may be, by a notice in writing, require any person who has caused obstruction or encroachment on or damage to any village road or drain or other property under the control and management of the said Gram Panchayat or Zilla Panchayat, to remove such obstruction or encroachment or repair such damage, as the case may be, within the time specified in the notice.

(3) If the obstruction or encroachment is not removed or damage is not repaired within the time so specified, the Gram Panchayat or the Zilla Panchayat concerned may cause such obstruction or encroachment to be removed or such damage to be repaired and the expenses of such removal or repair shall be recoverable from such person as arrears of land revenue or public demand.
For the purpose of removal of obstruction or encroachment under sub-section (3), the Gram Panchayat or the Zilla Panchayat concerned may apply to the District Collector and the District Collector shall, on such application, provide such help as may be necessary for the removal of such obstruction or encroachment.

Power of Gram Panchayat or Zilla Panchayat in respect of polluted water supply.

A Gram Panchayat or a Zilla Panchayat may, by written notice, require the owner of or the person having control over, a private water source, spring, well, or other place, the water of which is used for drinking or culinary purposes, after taking into consideration his financial position, to take all or any of the following steps within a reasonable period to be specified in such notice, namely—

(a) to keep and maintain the same in good repair;

(b) to clean the same, from time to time by removing any silt, refuse or decaying vegetation;

(c) to protect it from pollution;

(d) to prevent its use, if it has become so polluted as to be prejudicial to public health.

Emergent power on outbreak of epidemic.

In the event of an outbreak of cholera or any other water borne infectious disease in any locality situated within the local limits of the jurisdiction of a Gram Panchayat or a Zilla Panchayat, the Sabhapati or Up-Sabhapati of a Gram Panchayat or Adhakshya or Upadhakshya of a Zilla Panchayat may, during the continuance of the outbreak, without notice and at any time, inspect and disinfect any well or other place from which water is, or is likely to be, taken for the purpose of drinking and may further take such steps as he deems fit to prevent the drawing of water therefrom.

Nomination of member by State Government.

(1) The State Government may nominate one member of the Scheduled Castes or Scheduled Tribes and one woman to be members of any Gram Panchayat:

Provided that no such nomination shall be made if one or more members of the Scheduled Castes or Scheduled Tribes or one woman has been elected to such Gram Panchayat, as the case may be, under the provisions of this Act.

(2) Where no member of a minority community having a population of ten per cent or more of the total population within an area comprised in a Gram is elected to the Gram Panchayat, the State Government shall have the power to nominate one member for a population upto twenty per cent and two members for a population upto forty per cent to such Gram Panchayat:

Provided that no such nomination shall be made if the population of such minority community exceeds forty per cent of the total population within an area comprised in a Gram:

Provided further that no such nomination shall be made if one or more member or such minority community has been elected to such Gram Panchayat.

(3) Every member nominated under sub-section (1) or sub-section (2) shall exercise the same powers and functions and perform the same duties as are conferred upon the elected members under this Act.
<table>
<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tr>
<td>109.</td>
<td>Report on the work of Gram Panchayat or Zilla Panchayat. The Gram Panchayat or Zilla Panchayat concerned shall prepare and submit annually a report on work done during the previous year and the work proposed to be done during the following year to the prescribed authority within such period as may be specified by the State Government.</td>
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<td>110.</td>
<td>Placing of services of Government employees at the disposal of a Gram Panchayat or Zilla Panchayat. The State Government may, by notification, place at the disposal of a Gram Panchayat or Zilla Panchayat services of such officers or other employees serving under it on such terms and conditions as may be fixed by the State Government: Provided that the State Government shall have disciplinary control over such officers and employees.</td>
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<td>111.</td>
<td>Power to settle disputes. Where parties to a dispute approach the Gram Panchayat or as the case may be, the Zilla Panchayat for settlement of dispute, then, the Gram Panchayat or the Zilla Panchayat may settle such dispute if any law in force permits such settlement outside courts.</td>
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<tr>
<td>112.</td>
<td>Delegation. The State Government may, by notification, delegate, subject to such conditions as it may specify, all or any of its powers under this Act except the power to make rules mentioned in section 118 to any person or authority subordinate to it.</td>
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<td>113.</td>
<td>Allowances to members. The members of the Gram Panchayat or the Zilla Panchayat shall be entitled to such sitting allowances for attending meetings of the Gram Panchayat or the Zilla Panchayat and travelling allowances that may from time to time, be fixed by the State Government: Provided that such sitting allowances and travelling allowances are paid from the Gram Panchayat Fund or Zilla Panchayat Fund.</td>
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<tr>
<td>114.</td>
<td>Election not to be contested with. No person shall contest the election to any Panchayat with the support, direct or indirect, of any political party.</td>
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| 115.    | Penalty. 1. Any person who soon after the expiry of his term or resigning from the office or removal from the office of Sabhapati or Up-Sabhapati or Sachiva of Gram Panchayat or Adhakshya or Upadhakshya of Zilla Panchayat, as the case may be, fails to hand over any document of, or any money or other properties vested in or belonging to, the Gram Panchayat or Zilla Panchayat, as the case may be, which are in his possession or control, to his successor-in-office, shall, on conviction, be punished with a fine which may extend to fifty rupees and in the case of a continuing failure or contravention with an additional fine which may extend to twenty rupees for every day after the first conviction during which he has persisted in the failure or contravention.  
(2) Any person who wilfully obstructs any member or office bearer or servant of a Gram Panchayat or a Zilla Panchayat, as the case may be, in the discharge of his duties or any thing which he is empowered to do shall, on conviction, be punished with a fine which may extend to one hundred rupees.  
(3) Any person required by this Act or rules made thereunder to furnish any information fails to furnish such information or knowingly furnishes wrong information shall, on conviction, be punished with a fine which may extend to one hundred rupees. |
On and from the date of commencement of this Act, the Sikkim Panchayat Act, 1965 shall stand repealed and all assets and liabilities of the Block Panchayats constituted under the repealed Act (including the unspent amounts in the Block Panchayat Fund) shall stand transferred to and re-vest in the State Government:

Provided that such repeal shall not affect —

(a) the previous operation of the repealed Act or anything duly done or suffered thereunder;
(b) any right, privilege, obligation or liability acquired, accrued or incurred under the repealed Act; or
(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the repealed Act; or
(d) any investigation, legal proceeding or remedy in respect of any such right, privilege obligation, liability, penal forfeiture or punishment as aforesaid:

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty forfeiture or punishment may be imposed as if this Act had not been passed:

Provided further that subject to the preceding provision anything done or any action taken (including any appointment or delegation made, notification, notice, order, instructions or direction issued, rule, regulation, form or scheme framed, certificate obtained, permit or licence granted, tax imposed or fee or rates levied) under the repealed Act shall, in so far as it is in force immediately before commencement of this Act and is not inconsistent with the provisions of this Act be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until they are repealed or amended or suspended.

If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the purpose of removing such difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

The State Government may by notification, make rules for carrying out the purposes 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:

(i) manner of election of Sabhapati and Up-Sabhapati of Gram Panchayat under sub-section (1) of section 10;
(ii) manner in which meeting of Gram Panchayat shall be convened under sub-section (2) of section 12;
(iii) powers, functions and duties of Sabhapati of Gram Panchayat;
(iv) power, functions and duties of Sachiva of Gram Panchayat;
(v) manner in which and time within which an appeal may be made under section 35.
(vi) manner in which and time within which the Budget shall be prepared by Gram Panchayat under sub-section (1) of section 39;

(vii) manner in which and time within which the supplementary Budget shall be submitted under section 40;

(viii) manner in which accounts shall be kept by Gram Panchayat;

(ix) terms and conditions of appointment of Sachiva of Zilla Panchayat;

(x) duties and functions of Sachiva of Zilla Panchayat;

(xi) manner in which and time within which appeal may be made under section 71;

(xii) manner in which and time within which the Budget shall be prepared by Zilla Panchayat under sub-section (1) of section 75;

(xiii) manner in which and time within which supplementary Budget shall be submitted under section 76;

(xiv) manner in which accounts shall be kept by Zilla Panchayat:

(xv) manner in which, time within which, place whereon and the extent to which accounts of the Gram Panchayat and Zilla Panchayat shall be examined and audited:

(xvi) manner in which and time within which the matter shall be referred to the State Government under sub-section (2) of section 83;

(xvii) manner in which a certificate of the amount due and a copy of reasons thereof shall be sent under sub-section (3) of section 84:

(xviii) manner of superintendence, direction and control and the conduct of election of members of Gram Panchayat;

(xix) manner in which, time within which and the authority to whom the application for questioning the election shall be presented under sub-section (1) of section 102;

(xx) particulars to be furnished under sub-section (3) of section 102;

(xxii) powers and authority that shall be exercised by the authority under sub-section (4) of section 102;

(xxiii) matters which are to be and may be prescribed.
SCHEDULE

Form of oath or affirmation to be made by a member of a Gram Panchayat or a Zilla Panchayat.

(See section 88)

I, A. B., having been elected a member of ..............................................................
Gram Panchayat/Zilla Panchayat do swear in the name of God or solemnly affirm that I will
bear true faith and allegiance to the Constitution of India as by law established, and that I shall
faithfully discharge the duties upon which I am about to enter.

By Order of the Governor,

B. R. Pradhan,
Secretary to the Government of Sikkim,
Law Department.
F. No. 16 (155)/LD/82.
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th day of April, 1982, is hereby published for general information.


ACT NO. 4 OF 1982.

ACT No. 4 of 1982.

AN

ACT

to provide for the care, protection, maintenance, welfare, training, education and rehabilitation of neglected or delinquent children and for the trial of delinquent children in the State of Sikkim.

Be it enacted in the Thirty-third Year of the Republic of India as follows:—

CHAPTER I
PRELIMINARY.

1. (1) This Act may be called the Sikkim Children Act, 1982.
(2) It extends to the whole of the State of Sikkim.
(3) It shall come into force on such date as the Government may, by notification, appoint; and different dates may be appointed for different provisions of this Act or for different areas of the State.

2. In this Act, unless the context otherwise requires, —
(a) "authorised person" means a person authorised by the Government under sub-section (1) of section 16;
(b) "begging" means —
(i) soliciting or receiving alms in a public place or entering on any private premises for the purpose of soliciting or receiving alms, whether under the pretence of singing, dancing, fortune telling, performing tricks or selling articles or otherwise; or
(ii) exposing or exhibiting with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal; or
(iii) allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms;
(c) "brothel", "prostitute", "prostitution" and "public place" shall have the meanings respectively assigned to them in the Suppression of Immoral Traffic in Women and Girls Act, 1956;
(d) "child" means a person who has not attained the age of eighteen years and when used with reference to a child sent to a children's home or special school applies to that child during the whole period of the stay, notwithstanding that during the period of such stay, the child may have attained the above age limit;
(e) "children's court" means a court constituted under section 4;
(f) "children's home" means an institution established or certified by the Government under section 8 as a children's home;
(g) "competent authority" means a children's court and includes in respect of any area for which no children's court has been constituted any magistrate empowered under sub-section (2) of section 6 to exercise the powers conferred on a children's court by or under this Act;
(h) "dangerous drug" shall have the meaning assigned to it in the Dangerous Drugs Act, 1930;
"delinquent child" means a child who has been found to have committed an offence;

"fit person" or "fit institution" means any person or institution (not being a police station or jail) found fit by the competent authority to receive and take care of a child entrusted to his or its care and protection on the terms and conditions specified by the competent authority;

"Government" means the State Government of Sikkim;

"guardian", in relation to a child, includes any person who, in the opinion of the competent authority having cognizance of any proceeding in relation to a child, has, for the time being, the actual charge of, or control over, that child;

"neglected child" means a child who —

(i) is found begging; or

(ii) is found without any home or settled place of abode or any ostensible means of subsistence or is found destitute, whether he is an orphan or not; or

(iii) has a parent or guardian who is unfit or unable to exercise or does not exercise proper care and control over the child; or

(iv) lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life;

"observation home" means any institution or place established or recognised by the Government under section 10 as an observation home;

"offence" means an offence punishable under any law for the time being in force;

"place of safety" means any place or institution (not being a police station or jail), the person in charge of which is willing temporarily to receive and take care of a child and which in the opinion of the competent authority may be a place of safety for the child;

"prescribed" means prescribed by rules made under this Act;

"probation officer" means an officer appointed as a probation officer under this Act or under the Probation of Offenders Act, 1958;

"special school" means an institution established or certified by the Government under section 9;

"supervision", in relation to a child placed under the care of any parent, guardian or other fit person under this Act, means the supervision of that child by a probation officer for the purpose of ensuring that the child is properly looked after and that the conditions imposed by the competent authority are complied with;

all words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1898, shall have the meanings assigned to them in that Code.

Where an inquiry has been initiated against a child and during the course of such inquiry the child ceases to be such, then, notwithstanding any thing contained in this Act or in any other law for the time being in force, the inquiry may be continued and orders may be made in respect of such person as if such person had continued to be a child.
CHAPTER II
COMPETENT AUTHORITIES AND INSTITUTIONS
FOR CHILDREN

Children's courts.

4. (1) Notwithstanding anything contained in the Code of Ci-

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minal Procedure, 1898, the Government may, by notification, constitute

for any area specified in the notification, one or more children's courts for

exercising the powers and discharging the duties conferred or imposed on

such court under this Act.

(2) A children's court shall consist of such number of magis-

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trates forming a Bench as the Government think fit to ap-point, of whom one

shall be designated as the senior magistrate and not less than one shall be a

woman; and every such Bench shall have the powers conferred by the Code

of Criminal Procedure, 1898, on a magistrate of the first class.

Procedure, etc, in relation to
Children's courts.

5. (1) In the event of any difference of opinion among the magis-

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trates of a children's court the opinion of the majority shall prevail, but where

there is no such majority, the opinion of the senior magistrate shall prevail.

(2) A children's court may act notwithstanding the absence

of any magistrate and no orders made by the children's court shall be invalid

by reason only of the absence of any magistrate, during any stage of the pro-

ceeding.

(3) No person shall be appointed as a magistrate of a children's

court unless he has, in the opinion of the Government, special knowledge of

child psychology and child welfare.

Powers of children's court.

6. (1) Where a children's court has been constituted for any children's

area, such court shall, notwithstanding anything contained in any other law courts.

for the time being in force but save as otherwise expressly provided in this

Act, have power to deal exclusively with all proceedings under this Act rela-

ting to neglected children and delinquent children.

(2) Where no children's court has been constituted for any

area, the powers conferred on the children's court by or under this Act shall

be exercised in that area, only by the following, namely:—

(a) the district magistrate; or

(b) any magistrate of the first class.

(3) The powers conferred on the children's court by or under

this Act may also exercised by the High Court and the Court

of Session, when the proceeding comes before them in app-

eal, revision or otherwise.

Procedure to be followed by a
magistrate not empowered
under the Act

7. (1) When any magistrate not empowered to exercise the powers

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of a children's court under this Act is of opinion that a person brought before

him under any of the provisions of this Act (otherwise than for the purpose

of giving evidence) is a child, he shall record such opinion and forward the

child and the record of the proceeding to the competent authority having

jurisdiction over the proceeding.

(2) The competent authority to which the proceeding is for-

warded under sub-section (1) shall hold the inquiry as if the child had origi-

nally been brought before it.

Children's homes.

8. (1) The Government may establish and maintain as many chil-

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dren's homes as may be necessary, for the reception of neglected children under this Act.

(2) Where the Government is of opinion that any institution

other than an institution established under sub-section (1) is fit for the recap-

tion of the neglected children to be sent there under this Act, they may cer-

tify such institution as a children's home for the purposes of this Act.
(3) Every children's home to which a neglected child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral dangers or exploitation and shall also perform such other functions as may be prescribed.

(4) The Government may, by rules made under this Act, provide for the management of children's homes and the circumstances under which, and the manner in which, the certificate of a children's home may be granted or withdrawn.

Special schools

9. (1) The Government may establish and maintain as many special schools as may be necessary for the reception of delinquent children under this Act.

(2) Where the Government is of opinion that any institution other than an institution established under sub-section (1) is fit for the reception of the delinquent children to be sent there under this Act, it may certify such institution as a special school for the purposes of this Act.

(3) Every special school to which a delinquent child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for education but also provide him with facilities for development of his character and abilities and give him necessary training for his reformation and shall also perform such other functions as may be prescribed.

(4) The Government may, by rules made under this Act, provide for the management of special schools and the circumstances under which, and the manner in which, the certificate of a special school may be granted or withdrawn.

Observation homes

10. (1) The Government may establish and maintain as many observation homes as may be necessary for the temporary reception of children during the pendency of any inquiry regarding them under this Act.

(2) Where the Government is of opinion that any institution other than an institution established under sub-section (1) is fit for the temporary reception of children during the pendency of any inquiry regarding them under this Act, it may recognise such institution as an observation home for the purposes of this Act.

(3) Every observation home to which a child is sent under this Act shall not only provide the child with accommodation, maintenance and facilities for medical examination and treatment, but also provide him with facilities for useful occupation.

(4) The Government may, by rules made under this Act, provide for the management of observation homes and the circumstances under which, and the manner in which, an institution may be recognised as an observation home or the recognition may be withdrawn.

Aftercare organisations

11. (1) The Government, may, by rules made under this Act, provide for the establishment or recognition of aftercare organisations and may vest them with such powers as may be necessary for effectively carrying out their functions under this Act.

(2) Every such organisation shall take care of the children when they leave children's homes and shall, for the purpose of enabling them to lead an honest, industrious and useful life, take all such measures as it may deem necessary or as may be prescribed.

Board of Visitors

12. (2) For securing effective supervision of children's home, special schools, observation homes and aftercare organisations established or certified or recognised under the provisions of sections 8, 9, 10, and 11, the Government shall constitute Board of Visitors consisting such number of members as the Government may deem necessary.
The Board of Visitors constituted under sub-section (1) shall have the right to visit any children's home, observation home, special school or aftercare organisation and to record their comments on any matter it may think fit.

Copies of comments of the Board of Visitors referred to in sub-section (2) shall as soon as may be after they are recorded, be forwarded by the managers of the children's home, observation home, special school and aftercare organisation to the Sikkim State Children Welfare Advisory Board.

Copies of comments of the Board of Visitors referred to in sub-section (2) shall as soon as may be after they are recorded, be forwarded by the managers of the children's home, observation home, special school and aftercare organisation to the Sikkim State Children Welfare Advisory Board.

(1) The Government shall appoint a board to be called the Sikkim State Children Welfare Advisory Board.

(2) Such Board shall consist of such number of members as the Government may consider necessary and shall advise the Government generally in regard to the administration of this Act and more particularly in regard to the control and management of the children's homes, observation homes, special schools and aftercare organisations established, certified or recognised under sections 8, 9, 10 and 11 after considering the comments of the Board of Visitors.

(1)  

(2)  

(1) The Government may appoint a Chief Child Welfare Inspector and as many Inspectors and Assistant Inspectors as it thinks fit to assist the Chief Child Welfare Inspector:

Provided that one of such Inspectors and Assistant Inspectors shall be a woman.

(2) Every children's home, observation home, special school and aftercare organisation shall be inspected at least once in every three months by the Chief Child Welfare Inspector or by an Inspector or Assistant Inspector:

Provided that when children's home or school or other organisation referred to in sub-section (2) is exclusively used for the reception of girls only, such inspection shall be conducted either by the Chief Child Welfare Inspector or by a woman Inspector or Assistant Inspector.

Every inmate of children's home, observation home, special school or aftercare organisation established, certified or recognised under sections 8, 9, 10 and 11 may, as soon as practicable after his admission to such home, school or organisation and at such intervals thereafter as may be specified by the Government by a notification, and also whenever so required by the managers of such homes or schools, be examined by a Medical Officer authorised in this behalf by the Government and a report of such medical examination shall forthwith be sent by the Medical Officer to the manager of the homes or schools and to the Chief Child Welfare Inspector:

Provided that in the case of homes or schools used and for the reception of girls only, such medical officer, shall, whenever practicable, be a woman.

CHAPTER III
NEGLECTED CHILDREN

(1) If any police officer or any other person authorised by the Government in this behalf by general or special order, is of opinion that a person is apparently a neglected child, such police officer or other person may take charge of that person for bringing him before the children's court.

(2) When information is given to an officer-in-charge of a police station about any neglected child found within the limits of such station, he shall enter in a book to be kept for the purpose, the substance of such information and take such action thereon as he deems fit and if such officer does not propose to take charge of the child, he shall forward a copy of the entry made to the children's court.
Every child taken charge of under sub-section (1) shall be brought before the children's court within a period of twenty four hours of taking such charge excluding the time necessary for the journey from the place where the child had been taken charge of, to the children's court.

Every child taken charge of under sub-section (1) shall unless he is kept with his parent or guardian, be sent to an observation home (but not to a police station or jail) until he can be brought before a children's court.

17. (1) If a person, who in the opinion of the police officer or the authorised person is a neglected child, has a parent or guardian who has the actual charge of, or control, over, the child, the police officer or the authorised person may, instead of taking charge of the child, make a report to the children's court for initiating an inquiry regarding that child.

(2) On receipt of a report under sub-section (1), the children's court may call upon the parent or guardian to produce the child before it and to show cause why the child should not be dealt with as a neglected child under the provisions of this Act and if it appears to the children's court that the child is likely to be removed from its jurisdiction or to be concealed, it may immediately order his removal (if necessary by issuing a search warrant for the immediate production of the child ) to an observation home.

18. (1) When a person alleged to be a neglected child is produced before a children's court, it shall examine the police officer or the authorised person who brought the child or made the report and record the substance of such examination and hold the inquiry in the prescribed manner and may make such orders in relation to the child as it may deem fit:

Provided that before holding such inquiry the children's court shall direct the probation officer to furnish it with a report regarding the antecedents and family history of the child and other material circumstances likely to be of assistance to the court in holding the inquiry.

(2) Where a children's court is satisfied on inquiry that a child is a neglected child and that it is expedient so to deal with him, the children's court may make an order directing the child to be sent to a children's home for the period until he ceases to be a child:

Provided that the children's court may, for reasons to be recorded, extend the period of such stay, but in no case the period of stay shall extend beyond the time when the child attains the age of eighteen years in the case of a boy and twenty years in the case of a girl:

Provided further that the children's court may, if it is satisfied that having regard to the circumstances of the case it is expedient so to do, for reasons to be recorded, reduced the period of stay by such period not exceeding two years as it thinks fit.

(3) During the pendency of any inquiry regarding a child, the child shall, unless he is kept with his parent or guardian, be sent to an observation home for such period as may be specified in the order of the children's court:

Provided that no child shall be kept with his parent or guardian if, in the opinion of the children's court, such parent or guardian is unfit to exercise or does not exercise proper care and control over the child.

19. (1) If the children's court so thinks fit, it may, instead of making an order sub-section (2) of section 18 for sending the child to a children's home, make an order placing the child under the care of a parent, guardian or other fit person, on such parent, guardian or fit person executing a bond with or without surety to be responsible for the good behaviour and well being of the child and for the observance of such conditions as the children's court may think fit to impose.
(2) At the time of making an order under sub-section (1) or at any time subsequently, the children's court may, in addition, make an order that the child be placed under supervision for any period not exceeding three years in the first instance.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), if at any time it appears to the children's court on receiving a report from the probation officer or otherwise, that there has been a breach of any of the conditions imposed by it in respect of the child, it may, after making such inquiry as it deems fit, order the child to be sent to a children's home.

20. Where a parent or guardian of a child complains to the children's court that he is not able to exercise proper care and control over the child and the children's court is satisfied on inquiry that proceedings under this Act should be initiated regarding the child it may send the child to an observation home and make such further inquiry as it may deem fit, and the provisions of section 18 and section 19 shall, as far as may be, apply to such proceedings.

CHAPTER IV
DELIQUENT CHILDREN

21. (1) When any person accused of a bailable or non-bailable offence and apparently a child is arrested or detained or appears or is brought before a children's court, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898 or in any other law for the time being in force, be released on bail with or without surety, but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any reputed criminal or expose him to moral danger or that his release would defeat the ends of justice.

(2) When such person having been arrested is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause him to be kept in an observation home in the prescribed manner (but not in a police station or jail) until he can be brought before a children's court.

(3) When such person is not released on bail under sub-section (1) by the children's court, it shall, instead of committing him to prison, make an order sending him to an observation home for such period during the pendency of the inquiry regarding him as may be specified in the order.

Information to 72. Where a child is arrested, the officer-in-charge of the
patent or police station to which the child is brought shall, as soon as may be after the
 guardian or arrest, inform —
probation officer.

(a) the parent or guardian of the child if he can be
found, of such arrest and direct him to be present
at the children's court before which the child will
appear; and

(b) the probation officer, of such arrest in order to
enable him to obtain information regarding the ante-
cedents and family history of the child and other
materials circumstances likely to be of assistance to
the children's court for making the inquiry.

Inquiry by 73. Where a child having been charged with an offence appears.
court regar-
ding delin-
quent children.
or is produced before a children's court, the children's court shall hold the
inquiry in accordance with the provisions of section 39 and may, subject to
the provisions of this Act, make such order in relation to the child as it deems
fit.
24. (1) Where a children's court is satisfied on inquiry that a child has committed an offence, then, notwithstanding anything to the contrary contained in any other law for the time being in force, the children's court may, if it so thinks fit,—

(a) allow the child to go home after advice or admonition;

(b) direct the child to be released on probation of good conduct or placed under the care of any parent, guardian or other fit person, on such parent, guardian or other fit person executing a bond, with or without surety, that court may require, for the good behaviour and well-being of the child for any period not exceeding three years;

(c) make an order directing the child to be sent to a special school for the period until he ceases to be a child:

Provided that the children's court may, for reasons to be recorded, extend the period of such stay, but in no case the period, of stay shall extend beyond the time when the child attains the age of eighteen years in the case of a boy or twenty years in the case of a girl:

Provided further that the children's court may, if it is satisfied that having regard to the nature of the offence and the circumstance of the case it is expedient so to do, for reasons to be recorded, reduce the period of stay to such period as it thinks fit;

(d) order the child to pay a fine if he is over fourteen years of age and earns money.

(2) Where an order under clause (b) or clause (d) of sub-section (1) is made, the children's court may, if it is of opinion that in the interests of the child and of the public it is expedient so to do, in addition make an order that the delinquent child shall remain under the supervision of a probation officer named in the order during such period, not exceeding three years, as may be specified therein and may in such supervision order or impose such conditions as it deems necessary for the due supervision of the delinquent child.

Provided that if at any time afterwards it appears to the children's court en receiving a report from the probation officer or otherwise that the delinquent child, has not been of good behaviour during the period of supervision, it may, after making such inquiry as it deems fit, order the delinquent child to be sent to a special school.

(3) The children's court making a supervision order under sub-section (2) shall explain to the child and the parent, guardian or other fit person, as the case may be, under whose care the child has been places, the terms and conditions of the order and shall forthwith furnish one copy of the supervision order to the child, the parent, guardian or other fit person as the case may be, the sureties, if any, and the probation officer.

(4) In determining the special school or any person to whose custody a child is to be committed or entrusted under this Act, the court shall pay due regard to the religious denomination of the child to ensure that religious instruction contrary to the religious persuasion of the child is not imparted to him.

25. (1) Notwithstanding anything to the contrary contained in any other law for the time being in force, no delinquent child shall be sentenced to death or imprisonment, or committed to prison in default of payment of fine or in default, of furnishing security.
Provided that where a child who has attained the age of fourteen years has committed an offence and the children court is satisfied that the offence committed is of so serious a nature or that his conduct and behaviour have been such that it would not be in his interest or in the interest of other children in a special school to send him to such special school and that none of the other measures provided under this Act is suitable or sufficient, the children's court may order the delinquent child to be kept in safe custody in such place and manner as it thinks fit and shall report the case for the orders of the Government.

(2) On receipt of a report from a children's court under sub-section (1), the Government may make such arrangement in respect of the child as it deems proper and may order such delinquent child to be detained at such place and on such conditions as it thinks fit:

Provided that the period of detention so ordered shall not exceed the maximum period of imprisonment to which the child could have been sentenced for the offence committed.

**Proceeding under Chapter VIII of the Criminal Procedure Code not competent against child.**

No joint trial of child and person not a child.

**Notwithstanding anything contained in section 239 of the Code of Criminal Procedure, 1898, no proceeding shall be instituted under Chapter VIII of the said Code.**

**Providing that a child is let off after administering suitable warning to such child:**

Provided that every case in which a child is so let off shall forthwith be reported by such police officer to the children's court stating the reasons for not investigating the case or not proceeding with the investigation of the case, as the case may be.

**Power of police officers to administer warning.**

Any Police Officer not below the rank of a sub-Inspector, if he is of opinion that any offence reported or suspected to have been committed by a child is not of a serious nature or that it is not a repetition of a previous offence already committed by the child, may, notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force and subject to such restrictions and limitations as may be prescribed, let such child off after administering suitable warning to such child:

**Providing that every case in which a child is let off shall forthwith be reported by such police officer to the children's court stating the reasons for not investigating the case or not proceeding with the investigation of the case, as the case may be.**

**Removal of disqualification attaching to conviction.**

Notwithstanding anything contained in any other law, child who has committed an offence and has been dealt with under the provisions of this Act shall not suffer disqualification, if any, attaching to a conviction of an offence under such other law.

**Special provision in respect of pending cases.**

Notwithstanding anything contained in this Act, all proceedings in respect of a child pending in any court in any area on the date on which this Act comes into force in that area, shall be continued in that court as if this Act had not been passed and if the court finds that the child has committed an offence, it shall record such finding, and instead of passing any sentence in respect of the child, forward the child to the children's court which shall pass orders in respect of that child in accordance with the provisions of this Act as if it had been satisfied on inquiry under this Act that the child has committed the offence.
### CHAPTER V

**PROCEDURE OF COMPETENT AUTHORITIES GENERALLY AND APPEALS AND REVISION FROM ORDERS OF SUCH AUTHORITIES.**

| Sitting etc, of children's courts. | 31. | (1) A children's court shall hold its sittings at such place, on such day and in such manner, as may be prescribed.  
(2) A Magistrate empowered to exercise the powers of a children's court under sub-section (2) of section 6 shall, while holding any inquiry regarding a child under this Act, as far as practicable, sit in a building or room different from that in which the ordinary sittings of civil and criminal courts are held, or on different days or at times different from those at which the ordinary sittings of such court are held. |
| Persons who may be present before competent authority. | 32. | (1) Save as provided in this Act, no person shall be present at any sitting of a competent authority, except—  
(a) any officer of the competent authority; or  
(b) the parties to the inquiry before the competent authority, the parent or guardian of the child and other persons directly concerned in the inquiry including police officers; or  
(c) such other persons as the competent authority may permit to be present.  
(2) Notwithstanding anything contained in sub-section (1), if, at any stage during an inquiry, a competent authority considers it to be expedient in the interest of the child or on grounds of decency or morality that any person including the police officers, legal practitioners, the parent, guardian or the child himself should withdraw, the competent authority may give such direction and if any person refuses to comply with such direction, the competent authority may have him removed and may, for this purpose, cause to be used such force as may be necessary. |
| Attendance of parent or guardian of child. | 33. | Any competent authority before which a child is brought under any of the provisions of this Act may, whenever it so thinks fit, require any parent or guardian having the actual charge of, or control over, the child to be present at any proceeding in respect of the child. |
| Dispensing with attendance of child. | 34. | If, at any stage during the course of an inquiry, a competent authority is satisfied that the attendance of the child is not essential for the purpose of the inquiry, the competent authority may dispense with his attendance and proceed with the inquiry in the absence of the child. |
| Committal to approved place of child suffering from dangerous disease and its future disposal. | 35 (1) | When a child who has been brought before a competent authority under this Act is found to be suffering from a disease requiring prolonged medical treatment or physical or mental complaint that will respond to treatment, the competent authority may send the child to any place recognised to be an approved place in accordance with the rules made under this Act for such period as it may think necessary for the required. |
|  |  | (2) Where a child is found to be suffering from leprosy or is of unsound mind he shall be dealt with under the provisions of the Lepers Act, 1898 or the Indian Lunacy Act, 1912, as the case may be. |
(3) Where a competent authority has taken action under sub section (1) in the case of a child suffering from an infectious or conta-
genous disease, the competent authority before restoring the
said child to his partner in marriage, if there has been such, or to
the guardian, as the case may be, where it is satisfied that such action will be in the interest of the said child, call upon
his partner in marriage or the guardian, as the case may be, to satisfy the competent authority by submitting to medical
examination that such partner or guardian will not re-infect the child in respect of whom the order has been passed.

Presumption and determination of age.

(1) Where it appears to a competent authority that a person brought before it under any of the provisions of this Act
(otherwise than for the purpose of giving evidence) is a child, the competent authority shall make due inquiry as to the age
of that person and for that purpose shall take such evidence as may be necessary and shall record a finding whether the person
is a child or not, stating his age as nearly as may be.

(2) No order of a competent authority shall be deemed to have become invalid merely by any subsequent proof that the person
in respect of whom the order has been made is not a child, and the age recorded by the competent authority to be the age of
the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person.

Circumstances to be taken into consideration in making orders under the Act.

In making any order in respect of a child under this Act, a competent authority shall take into consideration the following circumstances
namely :-

(a) the age of the child;
(b) the circumstances in which the child is living;
(c) the reports made by the probation officer;
(d) the religious persuasion of the child;
(e) such other circumstances as may, in the opinion of the competent authority, require to be taken into consideration in the interests
of the child:

Provided that in the case of a delinquent child, the above circumstances shall be taken into consideration after the competent au-
thority has recorded a finding against the child that he has committed the offence:

Provided further that if no report of the probation officer is received within ten weeks of his being directed under section 18 or
of his being informed under section 22 it shall be open to the competent authority to proceed without the report of the probation officer.

Sending a child outside jurisdiction.

In the case of a neglected or delinquent child whose ordinary place of residence lies outside the jurisdiction of the competent authority before
which he is brought, the competent authority may, if satisfied after due inquiry that it is expedient so to do, send the child back to a relative
or other person who is fit and willing to receive him at his ordinary place of residence and exercise proper care and control over him, not-
withstanding that such place of residence is outside the jurisdiction of the competent authority, and the competent authority exercising juris-
diction over the place to which the child is sent shall in respect of any matter arising subsequently have the same powers in relation to the
child as if the original order had been passed by itself.

Report to be treated as confidential.

The report of the probation officer or any circumstances considered by the competent authority under section 33 shall be treated as confi-
dential.
Provided that the competent authority may, if it so thinks fit, communicate the substance thereof to the child or his parent or guardian and may give such child, parent or guardian an opportunity of producing such evidence as may be relevant to the matter stated in the report.

Prohibition of publication of names etc. of children involved in any proceeding under the Act.

40. (1) No report in any newspaper, magazine for news sheet of any inquiry regarding a child under this Act shall disclose the name, address or school or any other particulars calculated to lead to the identification of the child, nor shall any picture of any such child be published:

Provided that for reasons to be recorded in writing the authority holding the inquiry may permit such disclosure if its opinion such disclosure is in the interest of the child.

(2) Any person contravening the provisions of sub-section (1) shall be punishable with fine which may extend to one thousand rupees,

Appeals.

41. (1) Subject to the provisions of this section, any person aggrieved by an order made by a competent authority under this Act may, within thirty days from the date of such order, prefer an appeal to the court of session:

Provided that the court of session may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time,

(2) No appeal shall lie from—

(a) any order of acquittal made by the children's court in respect of a child alleged to have committed an offence; or

(b) any order made by the children's court in respect of a finding that a person is not a neglected child.

(3) No second appeal shall lie from any order of the court of session passed in appeal under this section.

Revision.

42. The High Court may, at any time, either of its own motion or on an application received in this behalf, call for the record of any proceeding in which any competent authority or court of session has passed an order, for the purpose, of satisfying itself as to the legality or propriety of any such order and may pass such order in relation thereto as it thinks fit:

Provided that the High Court shall not pass an order under this section prejudicial to any person without giving him a reasonable opportunity of being heard.

Procedure in inquiries appeals and revision proceedings.

43. (1) Save as otherwise expressly provided by this Act, a competent authority while holding any inquiry under any of the provisions of this Act, shall follow such procedure as may be prescribed and subject thereto, shall follow, as far as may be, the procedure laid down in the Code of Criminal Procedure, 1898, for trials in summons cases.

(2) Save as otherwise expressly provided by or under this Act, the procedure to be followed in hearing appeals or revision proceedings under this Act shall be, as far as practicable, in accordance with the provisions of the Code of Criminal Procedure, 1898.

Power to amend orders.

44. (1) Without prejudice to the provisions for appeal and revision under this Act, any competent authority may, either on its own motion or on an application received in this behalf, amend any order as to the institution to which a child is to be sent or as to the person under whose care or supervision a child is to be placed under this Act.
(2) Clerical mistakes in orders passed by a competent authority or errors arising therein from any accidental slip or omission may, at any time, be corrected by the competent authority either on its own motion or on an application received in this behalf.

CHAPTER VI

SPECIAL OFFENCES IN RESPECT OF CHILDREN

Punishment for cruelty to child. 45. (1) Whenever, having the actual charge of, or control over a child, assaults, abandons, exposes or wilfully neglects the child or causes or procures him to be assaulted, abandoned, exposed or neglected in a manner likely to cause such child unnecessary mental and physical suffering, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

(2) No Court shall take cognizance of an offence punishable under sub-section (1) unless the complaint is filed with the previous sanction of the Government or an officer authorised by it in this behalf.

Employment of children for begging. 46. (1) Whoever employs or uses any child for the purposes of begging or causes any child to beg shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(2) Whoever, having the actual charge of, or control over, a child, abets the commission of the offence punishable under sub-section (1) shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

(3) The offence punishable under this section shall be cognizable.

Penalty for giving intoxicating liquor or dangerous drug to a child. 47. Whoever gives or causes to be given, to any child any intoxicating liquor in a public place or any dangerous drug, except upon the order of a duly qualified medical practitioner or in case of sickness or other urgent cause, shall be punishable with fine which may extend to two hundred rupees.

Exploitation of child employees. 48. Whoever ostensibly procures a child for the purpose of any employment and withholds the earning of the child or uses such earning for his own purposes shall be punishable with fine which may extend to one thousand rupees.

Power of the Government to discharge and transfer children. 49. (1) The Government may, notwithstanding anything contained in this Act, at any time, order a neglected or delinquent child to be discharged from the children's home or special school either absolutely or on such conditions as the Government may think fit to impose.

(2) The Government may, notwithstanding anything contained in this Act, order—

(a) a neglected child to be transferred from one child's home to another;

(b) a delinquent child to be transferred from one special school to another or from a special school to a borstal school or from a special school to a children's home;

(c) a child who has been released on licence which has been revoked or forfeited, to be sent to the special school or children's home from which he was released or to any other special school or children's home or borstal school:

Provided that the total period of the stay of the child in a special school or children's home shall not be increased by such transfer.
(3) The Government may, notwithstanding anything contained in this Act, at any time, discharge a child from the care of any person under whom he was placed under this Act, either absolutely or on such conditions as the Government may think fit to impose.

(1) The Government may direct any neglected child or delinquent child to be transferred from any children's home or special school within the State of Sikkim to any other children's home, special school or institution of a like nature in any other State with the consent of the Government of that State.

(2) The Government may, by general or special order, provide for the reception in a children's home or special school of a neglected child or delinquent child detained in a children's home or special school or institution of a like nature in any other State, where the Government of that State make an order for such transfer and upon such transfer the provisions of this Act shall apply to such child as if he had been originally ordered to be sent to such children's home or special school under this Act.

(1) Where it appears to the Government that any child kept in a children's home or special school in pursuance of this Act is suffering from leprosy or tuberculosis or is of unsound mind, the Government may order his removal to a leper asylum or T.B. Sanatorium or mental hospital or other place of safe custody for being kept there for the remainder of the term for which he has to be kept in custody under the orders of the competent authority or for such further period as may be certified by a medical officer to be necessary for the proper treatment of the child.

(2) Where it appears to the Government that the child is cured of leprosy or tuberculosis or of unsoundness of mind, the Government may, if he child is still liable to be kept in custody, order the person having charge of the child to send him to the special school or children's home from which he was removed, or, if the child is no longer liable to be kept in custody, order him to be discharged.

(1) When a child is kept in a children's home or special school, the Government may, if it thinks fit, release the child from the children's home or special school and grant him a written licence for such period and on such conditions as may be specified in the licence permitting him to live with, or under the supervision of any responsible person named in the licence, willing to receive and take charge of him with a view to educate him and train him for some useful trade or calling.

(2) Any licence so granted under sub-section (1) shall be in force for the period specified in the licence or until revoked or for forfeited by the breach of any of the conditions on which it was granted.

(3) The Government may, at any time, by order in written revoke any such licence and order the child to return to the children's home or special school from which he was released or to any other children's home or special school and shall do so at the desire of the person with whom or under whose supervision the child has been permitted to live in accordance with a licence granted under sub-section (1).
(4) When a licence has been revoked or forfeited and the child refuses or fails to return to the children's home or special school to which he was directed so to return, the Government may, if necessary, cause him to be taken charge of and to be taken back to the children's home.

(5) The time during which a child is absent from a children's home or special school in pursuance of a licence granted under this section a shall be deemed to be part of the time for which he is liable to be kept in custody in the children's home or special school:

Provided that when a child has failed to return to the children's home or special school on the licence being revoked or forfeited, the time which elapses after his failure so to return shall be excluded in computing the time during which he is liable to be kept in custody.

53. Notwithstanding anything to the contrary contained in any other law for the time being in force, any police officer may take charge without warrant of a child who has escaped from a children's home or special school or from the care of a person under whom he was placed under this Act and shall send the child back to the children's home or special school or that person, as the case may be, and no proceeding shall be instituted in respect of the child by reason of such escape, but the children's home, special school or the person may, after giving the information to the competent authority which passed the order in respect of the child, take such steps against the child as may be deemed necessary.

54. No child either neglected or delinquent shall be handcuffed or fettered.

55. (1) The competent authority which makes an order for sending a neglected child or a delinquent child to a children's home or special school or placing the child under the care of a fit person may make an order requiring the parent or other person liable to maintain the child to contribute to his maintenance, if able to do so, in the prescribed manner.

(2) The competent authority before making any order under sub-section (1) shall inquire into the circumstances of the parent or other person liable to maintain the child and shall record evidence, if any, in the presence of the parent or such other person, as the case may be.

(3) The person liable to maintain a child, shall for the purposes of sub-section (1), include, in the case of illegitimacy, his putative father:

Provided that where the child is illegitimate and an order for his maintenance has been made under section 488 of the Code of Criminal Procedure, 1898 the competent authority shall not ordinarily make an order for contribution against the putative father, but may order the whole or any part of the sums accruing due under the said order for maintenance to be paid to such person as may be named by the competent authority and such sum shall be paid by him towards the maintenance of the child.

(4) Any order made under this section may be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898.
| Control of custodian over child. | 56. Any person in whose custody a child is placed in pursuance of this Act shall, which the order is in force, have the like control over the child as he would have if he were his parent, and shall be responsible for his maintenance and the child shall continue in his custody for the period stated by the competent authority, notwithstanding that he is claimed by his parent at any other person: Provided that no child while in such custody shall be married except with the permission of the competent authority. |
| Delinquent child undergoing sentence at the commencement of the Act | 57. In any area in which this Act is brought into force, the Government may direct that a delinquent child who is undergoing any sentence of imprisonment on commencement of this Act shall, in lieu of undergoing such sentence, be sent to a special school or be kept in safe custody in such place and manner as the Government thinks fit, for the remainder of the period of the sentence, and the provisions of this Act shall apply to the child as if he had been ordered by a children's court to be sent to such special school or, as the case may be, ordered to be detained under sub-section (1) of section 24. |
| Appointment of officers. | 58. (1) The Government may appoint as many probation officers, officers for special school, observation homes or aftercare organisations and such other officers as it may deem necessary for carrying out the purposes of this Act. (2) It shall be the duty of the probation officer— (a) to inquire, in accordance with the direction of a competent authority, into the antecedents and family history of any neglected child or of any child accused of an offence, with a view to assist the authority in making the inquiry; (b) to visit neglected and delinquent children at such intervals as the probation officer may think fit; (c) to report to the competent authority as to the behaviour of any neglected or delinquent child; (d) to advise and assist neglected or delinquent children and, if necessary, endeavour to find them suitable employment; (e) where a neglected or delinquent child is placed under the care of any person on certain conditions, to see whether such conditions are being complied with; and (f) to perform such other duties as may be prescribed. (3) Any officer empowered in this behalf by the Government may enter any children's home, special school, observation home or aftercare organisation and make a complete inspection of all its departments and of all papers, registers and accounts relating thereto and shall submit the report of such inspection to the Government. |
| Officers appointment under the Act to be public servants. | 59. Probation officers and other officers appointed in pursuance of this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 5 of 1898. |
| Procedure in respect of | 60. The provisions of Chapter XLII of the Code of Criminal Procedure, 1898, shall, as far as may be, apply to bonds taken under this Act. 5 of 1898. |
| Delegation of powers. | 61. The Government may, by general or special order, direct that any power exercisable by them under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercisable also by an officer subordinate to the Government. |
Protection of action taken in good faith.

62. No suit or other legal proceeding shall lie against the Government or any probation officer or other officer appointed under this Act in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made there under.

Certain provision of Central Act 5 of 1898 not to apply.

63. Section 29B and section 399 of the Code of Criminal Procedure, 1898, shall cease to apply to any area in which this Act has been brought into force.

Power to make rules.

64. (1) The State Government may make rules for giving effect to the provisions of this Act.
(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) facilities for education etc. that may be provided in children's homes under sub-section (3) of section 8;
(b) the circumstances and the manner in which certificates of a children's home, special schools, observation homes may be granted or withdrawn;
(c) manner in which alternative organisations may be recognised;
(d) measures to be taken by aftercare organisations to enable the child to live an honest and useful life;
(e) the manner in which a Police Officer may deal with a delinquent child not released on bail until its production in a children's court;
(f) restrictions and limitations under which a Police Officer may let off a delinquent child after a warning;
(g) the places at which the children's court may hold its sittings;
(h) the procedure that may be followed by the competent authority while holding inquiries under this Act;
(i) the manner in which the parents of a child are to contribute towards the maintenance of the child;
(j) such other duties that may be performed by the probation officers;
(k) any other matter which has to be, or may be, prescribed.

By Order of the Governor,

B. R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,
F. No. 16/(153)/LD/82.
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th day of April, 1982, is hereby published for general information.

The Sikkim Motor Vehicles Taxation Act, 1983 Act No. 5 of 1982
THE SIKKIM MOTOR VEHICLES TAXATION ACT, 1982
( ACT No. 5 OF 1982 ).

An
Act
to provide for the imposition and levy of a tax on motor vehicles in Sikkim.

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

1. (1) This Act may be called the Sikkim Motor Vehicles Taxation Act, 1982.
(2) It extends to the whole of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires—
(a) "motor vehicle" includes a vehicle, carriage or other means of conveyance propelled or which may be propelled, on a road by electrical or mechanical power either entirely or partially;
(b) "notification" means a notification published in the Official Gazette;
(c) "prescribed" means prescribed by rules made under this Act;
(d) "tax" means the tax imposed under this Act;
(e) "Taxation Officer" means an Officer authorised by the State Government to perform the duties and exercise the powers conferred upon such officer by this Act;
(f) "tractor" means a motor vehicle which is not itself constructed to carry any load (other than equipment used for the purpose of propulsion), and includes a motor vehicle used for towing disabled vehicles but does not include a road roller;
(g) Words and expressions used herein and not defined but defined in the Sikkim Motor Vehicles Act, 1957 shall have the meanings respectively assigned to them in that Act.

3. The State Government may, by notification, appoint such persons as it may think fit to be Taxation Officers and may in such notification specify the areas within which such officers shall exercise the powers conferred and perform the duties imposed on them by or under this Act.

4. A tax at the rate specified in the Schedule shall be imposed and levied on all motor vehicles used or kept for use in Sikkim.

Explanation.—For the purposes of this Act,—

(i) a person who keeps a motor vehicle of which the certificate of registration is current shall be deemed to keep such vehicle for use; and

(ii) "use" included letting on hire otherwise than on a hire purchase.
(2) The tax imposed under sub-section (1) shall be payable for the year in advance by the person by whom a motor vehicle is used or kept for use:

Provided that Taxation Officer may allow payment of the tax for one or more quarterly periods at the rate, for each such quarterly periods, of one quarter of the tax payable for the year:

Provided further that in the case of a motor vehicle registered outside Sikkim whether temporarily under section 25 of the Motor Vehicles Act, 1939 or otherwise, which is used or kept for use in Sikkim temporarily, the tax shall be payable for every week or part thereof, for which the motor vehicle is so used or kept for use in Sikkim, at the rate of one-fifty second part of the tax payable for the year, per week.

(3) If the Taxation Officer is satisfied that the certificate of registration and the token delivered under section 10 on payment of the tax for the year in respect of a motor vehicle has been surrendered or that a motor vehicle has not been used or kept for use for any complete calendar month in the year, he shall, on application made under section 6 refund or remit in respect of the said vehicle one-twelfth of the tax payable for the year for every complete calendar month for which the said vehicle has not been used or kept for use:

Provided that where a motor vehicle, other than a motor vehicle for the transport of goods or plying for hire for the carriage of passengers, has not been used for any period in Sikkim by reason of its being removed and kept outside Sikkim during such period, the Taxation Officer shall not refund or remit in respect of the said vehicle any portion of the tax for the quarterly period during which the said vehicle is so removed.

(4) If any person fails to deliver a declaration or additional declaration in accordance with the provisions of section 7, the Taxation Officer may after making such inquiry as he thinks fit and after giving an opportunity to such person to be heard, require him to pay any tax or additional tax which the Taxation Officer may find such person liable to pay under the provisions of this Act and may also impose on him a penalty which may extend to half the amount of the tax to which he is found liable.

Report of registered motor vehicles brought into Sikkim from outside.

Every person who brings into Sikkim any motor vehicle registered outside Sikkim whether temporarily under section 25 of the Motor Vehicles Act, 1939 or otherwise, and uses or keeps for use such vehicle in Sikkim shall submit to the Taxation Officer a report thereof within such time, in such form and containing such particulars as may be specified by the State Government by a notification.

Manner of claiming refund or remission.

A person claiming refund or remission of tax under sub-section (3) of section 4 shall, within such time as may be specified by the State Government by a notification, make to the Taxation Officer an application in this behalf in writing which shall be accompanied by such documents as may be specified in such notification.
### Declaration by person keeping or using a motor vehicle.

7. **(1)** Every person by whom a motor vehicle is used or kept for use shall fill up and sign a declaration in such form stating truly therein such particulars and shall deliver the declaration, as so filled up and signed, to the Taxation Officer within such time as may be specified by the State Government by a notification and shall pay to the Taxation Officer the tax which he appears by such declaration to be liable to pay in respect of such vehicle.

**(2)** Where a motor vehicle is altered so as to render the person by whom such vehicle is used or kept liable to the payment of an additional tax under section 8, such person shall fill up and sign an additional declaration in such form showing the nature of the alteration made and containing such particulars and shall deliver such additional declaration, as so filled up and signed, to the Taxation Officer within such time as may be specified by the State Government by a notification and shall pay to the Taxation Officer the additional tax payable under section 8 which he appears by such additional declaration to be liable to pay in respect of such vehicle.

**(3)** Every person who owns any motor vehicle which is let for hire otherwise than on a hire-purchase agreement shall, for the purposes of this Act, be deemed to be the person who keeps such vehicle for use.

### Payment of additional tax.

8. Where any motor vehicle in respect of which the tax has been paid is altered in such a manner as to cause the vehicle to become a vehicle in respect of which a higher rate of tax is payable, the person by whom such vehicle is used or kept for use shall be liable pay an additional tax of a sum which is equal to the difference between the tax already paid in respect of such vehicle and the tax which is payable in respect of such vehicle after its being so altered, and the registering authority shall not grant a fresh certificate of registration or renew any certificate of registration in respect of such vehicle as so altered until such amount of tax has been paid.

### Receipt for tax.

9. The Taxation Officer shall grant and deliver to every person, who pays to him the tax or additional tax in respect of any motor vehicle a receipt in which shall be specified the particulars of the tax paid and such other particulars as may be prescribed.

### Token to be exhibited on motor vehicles.

10. **(1)** The Taxation Officer shall, at the time of granting a receipt for the tax, deliver to the person paying the tax a token in such form and containing such particulars as may be prescribed.

**(2)** Every person to whom such token is delivered shall cause it to be exhibited in the prescribed manner on the vehicle in respect of which the tax is paid.

### Appeal.

11. **(1)** Any person aggrieved by any order made by a Taxation Officer under this Act may prefer appeal against that order to such appellate authority appointed by the State Government in this behalf, in such manner, within such time and on payment of such fees as may be prescribed:
Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(2) Any such appeal shall be heard and decided by the appellate authority in such manner as may be prescribed and the decision of the appellate authority on such appeal shall be final:

Provided that no appeal shall be decided without giving the appellant an opportunity of being heard.

Power to check and seize motor vehicles.

(1) Any Police Officer in uniform or other officer of the State Government not below such rank as may be specified by the State Government by a notification, may—

(a) check any motor vehicle either in any garage after the sunset or before the sun-rise or stop and check any motor vehicle plying on the road for the purpose of satisfying himself that the tax payable under this Act in respect of such vehicle has been paid; and;

(b) seize and detain the vehicles if he is authorised by the State Government in this behalf and if he has reasons to believe that any motor vehicle as been or is being used or kept for use in contravention of the provisions of sections 5, 7 and 8 may take or cause to be taken such steps as he may consider necessary for the temporary safe custody of the vehicle so seized and detained unless the owner or the person in charge of the vehicle executes a bond for the production thereof before a court when so required.

(2) Any motor vehicle seized and detained under clause (b) of sub-section (1) shall be produced before the court within twenty-four hours of such seizure and the court shall thereupon pass such orders as it may think fit for the disposal of the vehicle.

(3) Where any bond is executed under clause (b) of sub-section (1) for the production of any motor vehicle before the court, the provisions of section 514 of the Code of Criminal Procedure, 1898 shall, as far as may be, apply to such bond.

Penalties for certain offences.

Whoever—

(a) uses or keeps for use a motor vehicle without having paid the tax or additional tax in respect of such vehicle; or

(b) delivers a declaration or additional declaration wherein the particulars required by or under this Act are not fully and truly stated; or

(c) obstructs any officer referred to in section 12 in the exercise of his powers under that section, shall be punishable with fine which may extend to one and half times, and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to twice the amount of the tax payable for the year for the motor vehicle in respect of which the offence is committed and the amount of any tax due shall also be recovered as if it were a fine.
Suspension of the certificate of registration. 14. If the Taxation Officer is satisfied that in respect of any motor vehicle—

(a) a declaration or additional declaration has not been delivered in accordance with the provisions of section 7 within such time as specified in the notification as referred to in that section; or

(b) any tax or additional tax payable under this Act has not been paid within one month of the date on which such tax was payable; or

(c) any penalty imposed under sub-section (4) of section 4 has not been paid within one month of the date on which such penalty was imposed,

he may, notwithstanding anything contained in the Sikkim Motor Vehicles Act, 1957 or any rules made thereunder, declare the certificate of registration of such motor vehicle to be suspended and such certificate shall thenceforth be deemed to be suspended until the whole amount of tax and penalty, if any, due in respect of such motor vehicle has been paid.

Other penalties. 15. Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, if no other penalty is elsewhere provided in this Act for such contravention, be punishable with fine which may extend to two hundred rupees, and, in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to three hundred rupees.

Trail of offences. 16. No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

Power of State Government to exempt certain motor vehicles from the tax. 17. The State Government if it thinks fit so to do in the public interest, may, by notification, exempt either totally or partially any motor vehicle or class of motor vehicles from any tax leviable under this Act.

Power to make rules. 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 the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) Such other particulars as may be prescribed under section 9;
(b) form of token of receipt of any tax and the particulars to be stated therein under sub-section (1) of section 10;
(c) the manner in which token shall be exhibited on motor vehicle under sub-section (2) of section 10;
(d) the manner in which, time within which and fees payment of which the appeal shall be made to the appellate authority under sub-section (1) of section 11;
(e) the manner in which the appeal shall be heard and decided under sub-section (2) of section 11;
(f) any other matter which is to be or may be prescribed.

Repeal and Saving. 19. (1) On and from the commencement of this Act, the provisions contained in notification No. 1/STA dated the 16th August, 1973 and all other orders on the subject which are inconsistent with the provisions of this Act, shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the notification so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.
THE SCHEDULE
(See Section 4)

Description of Motor Vehicles and the rate of tax.

A. Vehicle for carrying passengers not plying for hire.

I. Vehicle other than Omnibuses

<table>
<thead>
<tr>
<th>Description of Vehicle</th>
<th>Rate of tax payable for the year.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Motor Cycle/Scooters kept for the personal use of the owners, not being companies registered under the law relating to registration of companies for the time being in force.</td>
<td>Rs. 30.00</td>
</tr>
<tr>
<td>(2) Motor Cycle/Scooters with side car for the personal use of owners, not being companies registered under the law relating to registration of companies for the time being in force.</td>
<td>Rs. 40.00</td>
</tr>
<tr>
<td>(3) (a) Fiat Car kept for the personal use of owners, not being companies registered under the law relating to registration of companies for the time being in force and invalid carriages.</td>
<td>Rs. 100.00</td>
</tr>
<tr>
<td>(b) Fiat Car owned by companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers</td>
<td>Rs. 200.00</td>
</tr>
<tr>
<td>(4) Ambassador Car kept for the personal use of owners, not being registered under the law relating to registration of companies for the time being in force and invalid carriages.</td>
<td>Rs. 120.00</td>
</tr>
<tr>
<td>(b) Ambassador Car owned by the companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.</td>
<td>Rs. 240.00</td>
</tr>
<tr>
<td>(5) (a) Jeep (private) kept for the personal use of owners not being registered under the law relating to registration of companies for the time being in force and invalid carriages.</td>
<td>Rs. 125.00</td>
</tr>
<tr>
<td>(b) Jeep (private) owned by companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.</td>
<td>Rs. 250.00</td>
</tr>
<tr>
<td>(6) Motor Cycle/Scooters owned by Companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.</td>
<td>Rs. 75.00</td>
</tr>
<tr>
<td>(7) Motor Cycle/Scooters with side car owned by companies registered under the law relating to registration of companies for the time being in force for carrying employees or other passengers.</td>
<td>Rs. 90.00</td>
</tr>
</tbody>
</table>

II. Omnibuses with seating capacity for :-

<table>
<thead>
<tr>
<th>Description of Vehicle</th>
<th>Rate of tax payable for the year.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Not more than 8.</td>
<td>Rs. 250.00</td>
</tr>
<tr>
<td>(b) More than 8, but not more than 20</td>
<td>Rs. 300/- for 9 seats plus Rs. 30/- for every additional seat beyond 9 &amp; upto 20.</td>
</tr>
<tr>
<td>(c) More than 20.</td>
<td>Rs. 660/- for 21 seats plus Rs.25/- for every additional seat beyond</td>
</tr>
</tbody>
</table>
Provided that if an Omnibus is fitted with solid tyres, there shall be a surcharge per annum of 12 1/2 % of the amount payable under clause (a) or (b) or (c) above, as the case may be.

B. Vehicles for carrying passengers plying for hire :—

I. Stage Carriage with seating capacity for—

(a) Not less than 8 but not more than 26

Rate of tax payable for the year.

Rs. 350/- for 8 plus

Rs. 40/- for every additional seat beyond 8 and upto 26.

(b) Not less than 27 but not more than 45.

Rs. 1,100/- for 27 plus

Rs. 35/- for every additional seat beyond 27 up to 45.

Provided that if a stage carriage is fitted with solid tyres there shall be a surcharge per annum of Rs. 12 1/2% of the amount payable under clause (a) or (b) above, as the case maybe, for such stage carriage.

II. Vehicles other than stage carriage with seating capacity for—

(a) Not more than 4

Rates of tax payable for the year.

3 Wheellers .. .. .. .. Rs. 100.00

4 Wheellers .. .. .. .. Rs. 150.00

(b) More than 4

.. .. .. .. .. Rs. 300/- for 5 plus

Rs. 30/- for every additional seat beyond 5.

(c) In case of Jeep (Tourist Taxi) plying in Sikkim, there shall be payable an additional charge per annum of 100% of the amount payable under clause (b) above :

Provided that if a vehicle for carrying passengers plying for hire which is not a stage carriage is fitted with solid tyres there shall be a surcharge per annum of 12 1/2 % of the amount payable under clause (a) or (b) above as the case may be, for such vehicle.

C. Vehicles for transport of goods including private carriages :—

(a) Upto 500 Kilograms registered laden weight.

Rate of tax payable for the year.

Rs. 175/-

(b) Exceeding 500 Kilograms but not exceeding 2000 Kilograms registered laden weight.

Rs. 175/- plus Rs. 20/- for every additional 250 Kilograms or part thereof above 500 Kilograms.
(c) Exceeding 2000 Kilograms but not exceeding 4000 Kilograms registered laden weight. 

Rs. 295/- plus Rs. 25/- for every additional 250 Kilograms or part thereof above 2000 Kilograms.

(d) Exceeding 4000 Kilograms but not exceeding 8000 Kilograms registered laden weight. 

Rs. 495/- plus Rs. 15/- for every additional 250 Kilograms or part thereof above 4000 Kilograms.

(e) Exceeding 8000 Kilograms registered laden weight. 

Rs. 655/- plus Rs. 20/- for every additional 250 Kilograms or part thereof above 8000 Kilograms.

Provided that where a vehicle for transport of goods is fitted with solid tyres there shall be a surcharge per annum of 12 1/2% of the amount payable under clause (a) or (b) or (c) or (d) or (e) above as the case may be, for such vehicles.

D. Tractors not used solely for agricultural purposes.

Rate of tax payable for the year.

(a) Upto 500 Kilograms unladen weight. 

Rs. 100/-

(b) Exceeding 500 Kilograms but not exceeding 2,000 Kilograms unladen weight. 

Rs. 100/- plus Rs. 25/- for every additional 250 Kilograms or part thereof above 500 Kilograms.

(c) Exceeding 2000 Kilograms but not exceeding 4,000 Kilograms unladen weight. 

Rs. 250/- plus 30/- for every additional 250 Kilograms or part thereof above 2000 Kilograms.

(d) Exceeding 4000 Kilograms but not exceeding 8000 Kilograms unladen weight. 

Rs. 490/- plus 75/- for every additional 250 Kilograms or part thereof above 8000 Kilograms.

(e) Exceeding 8000 Kilograms unladen weight. 

Rs. 1290/- plus 75/- for every additional 250 Kilograms or part thereof above 8000 Kilograms.

Provided that where a tractor is fitted with solid tyres there shall be a surcharge per annum of 12 1/2% of the amount payable under clause (a) or (b) or (c) or (d) or (e) above, as the case may be, for such tractor.
E. Trailers.

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate of tax payable for the year</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Upto 500 Kilograms registered laden weight.</td>
<td>Rs. 100/-</td>
</tr>
<tr>
<td>(b) Exceeding 500 Kilograms but not exceeding 2000 Kilograms registered laden weight.</td>
<td>Rs. 100/- plus Rs. 10/- for every additional 250 Kilograms or part thereof, above 500 Kilograms.</td>
</tr>
<tr>
<td>(c) Exceeding 2000 Kilograms but not exceeding 4000 Kilograms registered laden weight.</td>
<td>Rs. 160/- plus Rs. 15/- for every additional 250 Kilograms or part thereof, above 2000 Kilograms.</td>
</tr>
<tr>
<td>(d) Exceeding 4000 Kilograms but not exceeding 8000 Kilograms registered laden weight.</td>
<td>Rs. 280/- plus Rs. 20/- for every additional 250 Kilograms or part thereof, above 8000 Kilograms.</td>
</tr>
<tr>
<td>(e) Exceeding 8000 Kilogram; laden weight.</td>
<td>Rs. 660/- plus 25/- for every additional 250 Kilograms or part thereof, above 8000 Kilograms:</td>
</tr>
</tbody>
</table>

Provided where a tractor is tied with solid tyres there shall be a surcharge per annum of 121/2% of the amount payable under clause (a) or (b) or (c) or (d) or (e) above, as the case may be, for such tractor.

*By Order of the Governor,*

B. R. Pradhan,
Secretary to the Government of Sikkim,
Law Department.
F. No. 16 (156)/LD/82.
LAW DEPARTMENT
GOVERNMENT OF SIKKIM

Notification No. 25/LD/82.

Dated Gangtok, the 16th April, 1982.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 7th day of April, 1982, is hereby published for general information.

THE SIKKIM MOTOR VEHICLES (AMENDMENT) ACT, 1982.

AN ACT to amend the Sikkim Motor Vehicles Act, 1957.

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

Short title and commencement.

1. (1) This Act may be called the Sikkim Motor Vehicles (Amendment) Act, 1982.

(2) It shall come into force at once.

Insertion of new section 61A.

2. In the Sikkim Motor Vehicles Act, 1957 (hereinafter referred to as the principal Act), after section 61, the following section shall be inserted, namely:—

Use of red light on motor vehicles.

(1) The State Government may, by order published in the Official Gazette, specify the person or class of persons or a motor vehicle or class of motor vehicles who or which, as the case may be, shall be entitled to use a red light on the top of motor vehicle subject to such conditions and restrictions as may be specified in the order.

(2) Whoever contravenes the provisions of any order made under sub-section (1), shall be punished—

(a) on first conviction, with a fine which may extend to rupees five hundred; and

(b) on the second and subsequent conviction, with a fine which may extend to rupees one thousand.
(3) Where the person who contravenes the provisions of any order made under sub-section (1), is a Government servant, he may, in addition to the punishment specified in sub-section (2) be also liable to disciplinary action under the provisions of the relevant Conduct rules applicable to him as a Government servant.

(4) Every offence under this section shall be cognizable and shall be tried summarily."

3. In section 99 of the principal Act—

(a) for the words, abbreviation and figures "with fine which may extend to Rs. 20", the words "with fine which shall not be less than fifty rupees and may extend to five hundred rupees" shall be substituted;

(b) for the words "with fine which may extend to one hundred rupees", the words "with fine which shall not be less than one hundred rupees and may extend to one thousand rupees" shall be substituted.

By Order of the Governor,

B.R. PRADHAN
Secretary to the Government of Sikkim
Law Department,
F. No. 16 (151)/LD/82
LAW DEPARTMENT  
GOVERNMENT OF SIKKIM  

Notification No. 26/LD/82.  

Dated Gangtok, the 16th April, 1982.  

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 31st day of March, 1982, is hereby published for general information.  

THE SIKKIM APPROPRIATION ACT, 1982.  

ACT NO. 7 OF 1982.  

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, 1981-82  

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

1. This Act may be called the Sikkim Appropriation Act, 1982.  

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 five crores sixty four lakhs seventy six thousands of Rupees towards defraying the charges which will come in course for payment during the financial year 1981-82 in respect of the services specified in column 2 of the Schedule.  

3. The sum authorised to be paid and applied from and out of the Consolidate 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>SERVICE 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>1</td>
<td>State Legislature</td>
<td>Revenue 280</td>
<td>15</td>
<td>295</td>
</tr>
<tr>
<td>2</td>
<td>Appropriation-Governor</td>
<td>Revenue 140</td>
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<td>140</td>
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<tr>
<td>3</td>
<td>Agriculture</td>
<td>Revenue 201</td>
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<td>4</td>
<td>Education</td>
<td>Revenue 2299</td>
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<td>Capital</td>
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<td>6</td>
<td>Establishment Department</td>
<td>Revenue 90</td>
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<td>90</td>
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<td>7</td>
<td>Excise (Akhaiti)</td>
<td>Revenue 57</td>
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<td>57</td>
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<tr>
<td>8</td>
<td>Finance Department</td>
<td>Revenue 170</td>
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<td>170</td>
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<tr>
<td>9</td>
<td>Income Tax &amp; Sales Tax</td>
<td>Revenue 10</td>
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<td>10</td>
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<tr>
<td>10</td>
<td>Other Expenditure of the Finance</td>
<td>Revenue 315</td>
<td>3443</td>
<td>3758</td>
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<tr>
<td>Department</td>
<td></td>
<td>Revenue —</td>
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<td>11</td>
<td>Cottage Industries</td>
<td>Revenue 212</td>
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<td>212</td>
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<td>12</td>
<td>Industries</td>
<td>Revenue 200</td>
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<tr>
<td>13</td>
<td>Food and Civil Supplies</td>
<td>Revenue 45</td>
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<td>14</td>
<td>Forest, &amp; Soil Conservation</td>
<td>Revenue 200</td>
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<td>200</td>
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<tr>
<td>15</td>
<td>Fisheries and Wild Life</td>
<td>Revenue 360</td>
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<td>16</td>
<td>Home Department</td>
<td>Revenue 819</td>
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<td>17</td>
<td>Administration of Justice</td>
<td>Revenue 63</td>
<td>71</td>
<td>134</td>
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<td>18</td>
<td>Industries</td>
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<td>Revenue —</td>
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<tr>
<td>20</td>
<td>Government Institute of Cottage</td>
<td>Revenue —</td>
<td></td>
<td></td>
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<td>Industries</td>
<td>Capital —</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21</td>
<td>Mines and Geology</td>
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<td>22</td>
<td>Land Revenue</td>
<td>Revenue 16792</td>
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<td>23</td>
<td>Local Self Government</td>
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<td>24</td>
<td>Medical and Public Health</td>
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<td>25</td>
<td>Motor Vehicles</td>
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<td>26</td>
<td>Press, Information &amp; Publicity</td>
<td>Revenue 942</td>
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<td>27</td>
<td>Cultural Affairs</td>
<td>Capital 6121</td>
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<td>6121</td>
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<td>28</td>
<td>Public Works, Roads, Bridges and Water</td>
<td>Revenue 459</td>
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<td>459</td>
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<td>Supply</td>
<td>Capital —</td>
<td></td>
<td></td>
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<tr>
<td>29</td>
<td>Education</td>
<td>Revenue 500</td>
<td></td>
<td>500</td>
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<td>30</td>
<td>Rural Development</td>
<td>Capital 300</td>
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<td>300</td>
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<td>31</td>
<td>Sikkim Nationalised Transport</td>
<td>Revenue 157</td>
<td></td>
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<td>32</td>
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<td>Revenue 8000</td>
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<tr>
<td>33</td>
<td>Schedule Caste and Scheduled Tribe</td>
<td>Revenue 301</td>
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<tr>
<td>34</td>
<td>Welfare</td>
<td>Revenue 3450</td>
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<td>3450</td>
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<tr>
<td>35</td>
<td>Capital</td>
<td>Revenue 2385</td>
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<td>Total</td>
<td>Revenue 1509</td>
<td></td>
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<td>56476</td>
</tr>
</tbody>
</table>

By Order of the Governor,

B. R. PRADHAN
Secretary to the Government of Sikkim
Law Department,

F. No. 16(82)/L
No. 29  
Gangtok, Friday, April 16, 1982

LAW DEPARTMENT  
GOVERNMENT OF SIKKIM  

Notification No. 27/LD/82.  
Dated Gangtok, the 16th April, 1982.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 31st day of March, 1982, is hereby published for general information.

THE SIKKIM APPROPRIATION ACT, 1982.  

ACT NO. 8 OF 1982  
AN  
ACT

to authorised 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, 1982-83.

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

<table>
<thead>
<tr>
<th>Short title</th>
<th>1.</th>
<th>This Act may be called the Sikkim Appropriation Act, 1982.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue of Rs.54,77,76,000 out of the Consolidated Fund of the State of Sikkim for the Financial year 1982-83.</td>
<td>2.</td>
<td>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 fifty four crores seventy seven lakhs and seventy six thousands rupees towards defraying the several charges which will come in course for payment during the financial year 1982-83, in respect of the services specified in column 2 of the Schedule.</td>
</tr>
<tr>
<td>Appropriation</td>
<td>3.</td>
<td>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.</td>
</tr>
</tbody>
</table>
### SCHEDULE

(See Section 2 & 3)

<table>
<thead>
<tr>
<th>No. of Vote</th>
<th>SERVICE &amp; PURPOSES</th>
<th>Voted by the Legislative Assembly</th>
<th>SUMS NOT EXCEEDING Charged on the Consolidated Fund (In thousands of Rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. State Legislature</td>
<td>Revenue 1195</td>
<td>Capital 9</td>
<td>60</td>
</tr>
<tr>
<td></td>
<td>Appropriation-Governor</td>
<td>Revenue ---</td>
<td>Capital 7</td>
</tr>
<tr>
<td>2. Cabinet</td>
<td>Revenue 2130</td>
<td>Capital 15</td>
<td>---</td>
</tr>
<tr>
<td>3. Agriculture</td>
<td>Revenue 24270</td>
<td>Capital 3190</td>
<td>---</td>
</tr>
<tr>
<td>4. Animal Husbandry</td>
<td>Revenue 11793</td>
<td>Capital 2650</td>
<td>---</td>
</tr>
<tr>
<td>5. Co-operation</td>
<td>Revenue 2750</td>
<td>Capital 720</td>
<td>---</td>
</tr>
<tr>
<td>6. Ecclesiastical Dept.</td>
<td>Revenue 1040</td>
<td>Capital 6</td>
<td>---</td>
</tr>
<tr>
<td>7. Education</td>
<td>Revenue 34263</td>
<td>Capital 5650</td>
<td>---</td>
</tr>
<tr>
<td>8. Establishment Department</td>
<td>Revenue 371</td>
<td>Capital 9</td>
<td>---</td>
</tr>
<tr>
<td>9. Excise (Abkari)</td>
<td>Revenue 826</td>
<td>Capital 15</td>
<td>---</td>
</tr>
<tr>
<td>10. Finance Department</td>
<td>Revenue 1115</td>
<td>Capital 7</td>
<td>---</td>
</tr>
<tr>
<td>11. Income Tax &amp; Sales Tax</td>
<td>Revenue 348</td>
<td>Capital 6</td>
<td>---</td>
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<tr>
<td>12. Other Expenditure of the Finance Department</td>
<td>Revenue 3699</td>
<td>Capital 1945</td>
<td>7800</td>
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<tr>
<td>13. Food &amp; Civil Supplies</td>
<td>Revenue 1065</td>
<td>Capital 720</td>
<td>---</td>
</tr>
<tr>
<td>14. Forest and Soil Conservation</td>
<td>Revenue 27219</td>
<td>Capital 25</td>
<td>---</td>
</tr>
<tr>
<td>15. Fisheries &amp; Wild Life</td>
<td>Revenue 3500</td>
<td>Capital 1525</td>
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<tr>
<td>16. Home Department</td>
<td>Revenue 4518</td>
<td>Capital 533</td>
<td>---</td>
</tr>
<tr>
<td>17. Administration of Justice</td>
<td>Revenue 574</td>
<td>Capital 25</td>
<td>---</td>
</tr>
<tr>
<td>18. Police</td>
<td>Revenue 20527</td>
<td>Capital 1200</td>
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</tr>
<tr>
<td>19. Industries</td>
<td>Revenue 5730</td>
<td>Capital 6055</td>
<td>---</td>
</tr>
<tr>
<td>20. Govt. Institute of Cottage Industries</td>
<td>Revenue 3730</td>
<td>Capital 207</td>
<td>---</td>
</tr>
<tr>
<td>21. Mine &amp; Geology</td>
<td>Revenue 1350</td>
<td>Capital 1155</td>
<td>---</td>
</tr>
<tr>
<td>22. Labour Welfare</td>
<td>Revenue 140</td>
<td>Capital 3</td>
<td>---</td>
</tr>
<tr>
<td>23. Land Revenue</td>
<td>Revenue 4243</td>
<td>Capital 50</td>
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<tr>
<td>24. Law Department</td>
<td>Revenue</td>
<td>339</td>
<td>—</td>
</tr>
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<td></td>
<td>Capital</td>
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<td>—</td>
</tr>
<tr>
<td>25. Local Self Government</td>
<td>Revenue</td>
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<td>26. Medical Public Health</td>
<td>Revenue</td>
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<td>Capital</td>
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<td>27. Vehicles</td>
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<td>28. Planning &amp; Development</td>
<td>Revenue</td>
<td>1315</td>
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<td>Capital</td>
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<tr>
<td>29. Power</td>
<td>Revenue</td>
<td>19165</td>
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<tr>
<td>30. Press, Information &amp; Public Relations.</td>
<td>Revenue</td>
<td>3412</td>
<td>—</td>
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<tr>
<td>31. Cultural Affairs</td>
<td>Revenue</td>
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<td>32. Roads &amp; Bridges</td>
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<td>33. Public Works &amp; Water Supply.</td>
<td>Revenue</td>
<td>10840</td>
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<td>Capital</td>
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<td>34. Rural Development</td>
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<td></td>
<td>Capital</td>
<td>50</td>
<td>—</td>
</tr>
<tr>
<td>35. Schedule Castes &amp; Scheduled Tribes Welfare</td>
<td>Revenue</td>
<td>4741</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>6</td>
<td>—</td>
</tr>
<tr>
<td>36. Sikkim Nationalised Transport.</td>
<td>Revenue</td>
<td>31585</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>8676</td>
<td>—</td>
</tr>
<tr>
<td>37. Tourism</td>
<td>Revenue</td>
<td>3225</td>
<td>—</td>
</tr>
<tr>
<td></td>
<td>Capital</td>
<td>315</td>
<td>—</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>533023</td>
<td>14753</td>
</tr>
</tbody>
</table>

By Order of the Governor,

BR. PRADHAN,
Secretary to the Government of Sikkim
Law Department,

F.No.16(82)/LD/79.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
THE SIKKIM APPROPRIATION ACT 1982

ACT NO. 9 OF 1982.

AN

ACT

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of State of Sikkim to meet the amounts spent on certain services during the financial year ended on 31st day of March 1977 and 31st day of March 1978, in excess of the amounts authorised or granted for the said services.

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

1. Short Title

This Act may be called the Sikkim Appropriation Act, 1982.

2. Issue of Rs. 3,87,81,362

The sums specified in Column (5) of the Schedule amounting to three crores, eighty seven lakh, eighty one thousand three hundred and sixty two rupees shall be deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim to meet the amounts spent for defraying the charges in respect of the services and purposes specified in Column (2) of the Schedule during the financial year ended on the 31st day of March 1977 and 31st day of March 1978 in excess of the amounts authorised or granted for those services and purposes for those years.

3. Appropriation.

The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State under this Act shall be appointed and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the financial year ended on the 31st March 1977 and 31st day of March 1978.
### Sums not exceeding Rs.

<table>
<thead>
<tr>
<th>Demand No.</th>
<th>Services and Purposes</th>
<th>Voted by the Legislative Assembly</th>
<th>Charged on Consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
</tr>
<tr>
<td>3.</td>
<td>Agriculture</td>
<td>Capital</td>
<td>9,65,653</td>
<td>9,65,653</td>
</tr>
<tr>
<td>8.</td>
<td>Education</td>
<td>Capital</td>
<td>3,14,076</td>
<td>3,14,076</td>
</tr>
<tr>
<td>9.</td>
<td>Establishment Department</td>
<td>Revenue</td>
<td>8,489</td>
<td>8,489</td>
</tr>
<tr>
<td>14.</td>
<td>Other Expenditure of the Finance Department</td>
<td>Revenue</td>
<td>43,838</td>
<td>43,838</td>
</tr>
<tr>
<td>15.</td>
<td>Food &amp; Civil Supplies and Fair Price Shops</td>
<td>Capital</td>
<td>1,85,040</td>
<td>1,85,040</td>
</tr>
<tr>
<td>18.</td>
<td>Sikkim Nationalised Transport</td>
<td>Revenue</td>
<td>1,81,230</td>
<td>1,81,230</td>
</tr>
<tr>
<td>82.</td>
<td>Public Works, Roads, Bridges and Water Supply</td>
<td>Revenue</td>
<td>3,59,15,813</td>
<td>3,59,15,813</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total:</td>
<td>3,87,81,362</td>
<td>3,87,81,362</td>
</tr>
</tbody>
</table>

By Order of the Governor,

**BR. PRADHAN**
Secretary to the Government of Sikkim
Law Department,
F.No. 16 (82)/LD/79

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Notification No. 146/HCS/RULES.

In exercise of the powers conferred by Section 8 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 amends and makes the following amendments in the Sikkim High Court (Judicial Business) Rules of 1980 published under Notification No. 83/HCS/RULES, dated 3rd October, 1980 in Sikkim Government Gazette Extraordinary.

1. In the first paragraph of the Notification for the word and figure "Section 6" the word and figure "Section 8" be substituted.

2. After Rule 38 in Chapter - I and before Chapter II, the following rules be inserted as "PART-E" and "PART-F"

"PART-E: RULES RELATING TO THE REPRESENTATION OF PAUPER APPEALS"

38 A. No application for leave to appeal as a pauper shall be received unless it is accompanied by a memorandum of appeal, nor shall a memorandum of appeal purporting to be on behalf of a pauper be received unless it is accompanied by an application for leave to appeal as a pauper. A schedule of any moveable property belonging to the applicant, with the estimated value thereof, shall be annexed thereto. The schedule shall also be signed and verified in the manner prescribed for the signing and verification

38 B. Such application and memorandum of appeal shall be presented to the Court by the applicant in person;

Provided that any person who is exempted from personal appearance either under these rules or under any other provision of law in force in the State of Sikkim may present such application and memorandum of appeal through an authorised agent, who can answer all material questions relating to the applications;

Provided further such application and memorandum shall not be received unless ground of exemption from personal appearance is specified in the application, along with a statement that the authorised agent is competent to answer all material questions relating to the matter.
38 C. When an application or memorandum of appeal is one that cannot be received under the foregoing rules, the Registrar or the Deputy Registrar shall record, or cause to be recorded, thereon, the name of the person presenting such application or memorandum, the date of presentation and an order returning the same for due presentation with the reason for such order and shall sign and date such order with his own hand.

PART F:— RULES RELATING TO REPRESENTATION OF MINORS AND PERSONS OF UNSOUND MIND

38 D. In every appeal presented to the Registrar or to the Deputy Registrar in which it appears from the memorandum of appeal or the copies of the Judgements filed therewith, that the appellant or any of the appellants or respondents is a minor, the Registrar or the Deputy Registrar, as the case may be, shall cause a note to be made on such appeal for the information and orders of the Judge or the Bench exercising jurisdiction in the appeal.

38 D. Whenever a Judge or a Bench sees cause to appoint a next friend of a minor plaintiff or appellant or a guardian in the suit or appeal of a minor defendant or respondent, and an order to that effect is passed, the Registrar or the Deputy Registrar shall cause the memorandum of parties names in the suit or the appeal to the amended accordingly.

38 F. No notice in relation to an appeal shall be issued to any respondent who, from the memorandum of appeal or the proceedings of the lower courts, appears to be a minor, unless and until a guardian for such minor has been appointed by an order of the Court or unless the issue of such notice be authorised by the special order of a Judge.

38 G. The foregoing rules shall apply, so far as may be, to proceedings in review of judgment or in revision and to other proceedings of Civil nature (other than appeals) to which Order XXXII of the Code of Civil Procedure may be applied in principle.

38 H. The foregoing rules relating to the representation of minors shall apply mutatis mutandis, to the representation of person adjudged to be of unsound mind under any law for the time being in force.

38 I. Nothing in the foregoing rules shall be deemed to require that any order made thereunder shall be made or signed by more than one Judge of the Court.

3. These amendments shall come into force at once.

By Order

S.N.KAPOOR,
Registrar,
High Court of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In exercise of the power conferred by section 554 of the Code of Criminal Procedure, 1898 (V of 1898) and in supersession of all Notifications on the subject, the Government of Sikkim hereby makes the following rules for the payment, on the part of the State Government, of the reasonable expenses of the complainants and witness attending any Criminal Court in the State for the purpose of any inquiry, trial or other proceedings before such Court under the said Code namely:-

1. Short title and extent:- (a) These rules may be called the Sikkim Payment by Government of Expenses of complainants and Witnesses (Attending Criminal Court) Rules, of 1981.

   (b) They extend to the whole of Sikkim.

2. Definitions:- In these Rules, unless the context otherwise requires,(a) “Code” means the Code of Criminal Procedure, 1898 (V of 1898);
   (b) “Witness” means a person required to attend a Criminal Court on behalf of the State for giving evidence in any inquiry, trial or other proceedings before such Court under the Code, and includes a Complainant attending such Court for any of said purposes.

3. Authority and conditions for payment of expenses, to Witnesses:- (1) Payment, on the part of the State Government, of the reasonable expenses of witnesses as provided in these rules may be ordered:-
   (a) by the High Court or a Court of Sessions in any case which comes before such Court;
   (b) by a Magistrate

   (2) The Court may refuse the payment of such expenses,
   (a) to any complainant whose complainant has been declared to be false or frivolous;
   (b) to any witness whose evidence the court does not consider to be substantially true;
   (c) to any complainant or witness who without sufficient cause remains absent on any day fixed for the hearing and whose presence is secured by the issue of any coercive process.

4. The Diet and Travelling Allowance:-
   (i) There shall be paid a diet allowance varying according to the circumstances, but not exceeding the average daily wage of the class to which the witness belongs subject to the following maximum:-
   Witness of Class I Rs. 15 per day
   Witness of Class II Rs. 10 per day
Explanation:—

(a) Witnesses of Class I include persons having an annual income of Rs. 6,000/- or more;

(b) Witnesses of Class II include persons having an annual income of less than Rs. 6,000/-(ii)

(ii) Diet Allowance may be paid to the witnesses only for the days of Court attendance and for the minimum period required preliminary to such attendance and immediately thereafter.

(iii) Subject to rule 5, Travelling Allowance will be paid at the discretion of the Court and at the following rates, only if the witness had to travel five kilometers or more in order to attend the Court and had spent for the journey-

(a) When the journey is by road—Witness of Class I ) 
Witness of Class II ) Actual bus fare

(b) When the journey is by railway-
Witness of Class I 1st Class fare 
Witness of Class II 2nd Class fare

(iv) Diet Allowance shall ordinarily be paid only to such witness who have had to travel more than five kilometers in order to attend the Court to give evidence.

(v) Notwithstanding anything contained in sub rules (iii) and (iv) the Court may in appropriate cases, for reasons to be recorded, order payment of travelling allowance at the rate of 50 paise per KM. for journey on foot and such Diet Allowances as it may consider reasonable when the distance to be travelled by the witness is on foot within five kilometers of the Court-house and when the journey is performed partly by bus and partly on foot for more than five kilometers.

(vi) Diet Allowance may, at the discretion of the Presiding Officer of the Court be paid also to an escort of a Witness or Witnesses, who, by reason of tender age or bodily infirmity, is/are unable to travel alone in order to attend the Court, if the escort himself is not required to attend the Court as Witness

5. Payment of daily allowance and Travelling Allowance to Government Servants in a case in which Government is not a party:— When a Government servants appears to give evidence in a case to which the State Government is not a party the Government servant giving evidence regarding the facts of which he has official knowledge will be paid daily and travelling allowances according to the rules under which the Government servant draws such allowances for a journey on tour.

J. T. DENSAPA
Home Secretary
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
The Governor of Sikkim is pleased to make the following rules regulating the method of preparation of panels of legal practitioners and payment of fees to them in cases relating to Legal Aid to the Poor Accused at State Expenses, namely:

1. Short title and commencement.

   (1) These rules may be called the Sikkim Legal Aid to the Poor Accused at State Expenses, Rules, 1982.
   (2) It shall come into force at once.

2. Preparation of Panel of Legal Practitioners.

   The legal Remembrancer in the Law Department, Government of Sikkim shall, prepare a panel of resident legal practitioners and also a panel of legal practitioners from outside the State.
   (2) As far as practicable only resident legal practitioners shall be engaged in cases pertaining to the Legal Aid to the Poor Accused at State Expenses:
   Provided that the Legal Remembrancer may, if the occasions so warrants and for reasons to be recorded in writing, requisition the services of a senior lawyer from outside the State and assign the brief to him.

3. Disqualification of Legal Practitioners to be included in the Panel.

   No legal practitioner who has rendered himself liable to sentence of a fine or a penalty under the Legal Practitioners Act, 1879 (Central Act XVIII of
1879), or who has been found guilty of professional misconduct under the Advocates Act, 1961 (25 of 1961) shall he eligible to be included or retained in the panel.

Validity of Panel.

4. The Panel shall be revised once in two years. If vacancies arise during the said period of two years they may, if necessary, be filled up by inclusion of fresh names for the rest of the period.

Appointment of more number of Legal Practitioners in one case.

5. Where there are several accused persons and the defence of each of them is of such a nature that it appears undersirable to entrust the defence of all accused to one legal practitioner, as many legal practitioners as may he found necessary by Legal Remembrancer may be appointed in the same case for different accused persons.

Legal Practitioner not to accept any profit, reward, etc., from the poor accused.

6. (1) No legal practitioner who has been engaged by the Legal Remembrancer under these rules shall take or agree to take or seek to obtain from the poor accused any fee, profit or reward for the conduct of proceedings other than the fee allowed to him by Legal Remembrancer under these rules.

(2) Where any legal practitioner accepts any fee, profit or reward from the poor accused in contravention of sub-rule (1), he shall be deemed, to be guilty of professional Misconduct and his case may be referred to the State Bar Council with which he is enrolled.

Rules also to apply to appeals, etc.

7. The provisions of these rules shall also apply to appeals, reviews and revisions arising out of the decisions on an action or suit for which legal aid has been granted and no separate application shall be required to be made by the poor accused for seeking, legal aid for filing or representing an application for review or revision to any court or before any authority:
Provided that no such appeal, review or revision shall be filed unless on the report by the Legal Remembrancer certifying that the case is fit for appeal, review or revision.

<table>
<thead>
<tr>
<th>Legal Practitioner to be given papers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. (1) Legal Practitioner appointed under these rules shall be furnished with necessary papers free of cost or they may be paid the expenses required for obtaining such papers.</td>
</tr>
<tr>
<td>(2) The legal practitioner shall be allowed sufficient time to prepare for the defence.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Honorarium Payable to the Legal Practitioner.</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. The legal practitioner engaged under these rules may be paid the following honorarium:</td>
</tr>
<tr>
<td>(1) When resident legal practitioner is engaged to appear in the High Court of Sikkim, he shall be paid an honorarium of Rs. 85/- per day per appearance subject to a maximum of Rs. 510/- in one case.</td>
</tr>
<tr>
<td>(2) When legal practitioner residing in Gangtok is engaged to appear before the District and other subordinate courts in Gangtok, he shall be paid Rs. 50/- per day per appearance subject to a maximum of Rs. 850/- in one case.</td>
</tr>
<tr>
<td>(3) When a legal practitioner from Gangtok is engaged to appear in Courts at District Headquarters (other than Gangtok), he shall be paid the following fees in addition to the fees payable to him under clause (2) above:</td>
</tr>
<tr>
<td>(a) Double the bus fare from Gangtok to the place of sitting of Court and back;</td>
</tr>
<tr>
<td>(b) Rs. 50/- for boarding and lodging per day for the days of his stay at District Headquarters;</td>
</tr>
<tr>
<td>(c) Profession loss @ Rs. 100/- per every twenty-four hours of absence from Gangtok beginning from the time of his departure from Gangtok and ending with his time of return to Gangtok period of less than 12 hours being ignored.</td>
</tr>
<tr>
<td>(4) (a) When a legal practitioner is engaged from outside Gangtok to appear before the High Court of Sikkim or District Court or other Subordinate Courts at Gangtok or District</td>
</tr>
</tbody>
</table>
Headquaters he shall be paid an honorarium of Rs. 100/- per day per appearance subject to a maximum of Rs. 600/- per case for appearances before the High Court and Rs.1000/- per case for appearance before other courts.

(b) He shall also be paid the honorarium and other charges as specified in items (a), (b) and (c) of sun rule (3) of rules 3.

10. **Persons to whom legal aid may be given.**

   (1) Legal aid under these rules shall be given -

   (a) to those accused who are poor and not in position to engage a lawyer for their defence, and

   (b) whose case is recommended for legal aid by the court before whom any proceeding is pending.

(2) The Court may, before recommending case of poor accused, hold such inquiry as it may deem fit,

(3) The Legal remembrancer shall appoint a legal practitioner from the panel maintained by him under rule 2, by rotation.

Sd/- B.R. Pradhan,
Legal Remembrancer and Secretary.

F.No.16(161)ID/198
Table: Public Holidays in Sikkim for 1982

<table>
<thead>
<tr>
<th>Name of Holidays</th>
<th>Date on which these fall</th>
<th>Days of the week</th>
<th>No. of days</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>All Sunday</td>
<td></td>
<td></td>
<td>52</td>
<td></td>
</tr>
<tr>
<td>New Years Day</td>
<td>1st January</td>
<td>Friday</td>
<td>1</td>
<td>Vacation.</td>
</tr>
<tr>
<td>Maghi Sankranti</td>
<td>13th &amp; 14th January</td>
<td>Wednesday</td>
<td>2</td>
<td>Vacation.</td>
</tr>
<tr>
<td>Republic Day</td>
<td>26th January</td>
<td>Tuesday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Tibetan New Year</td>
<td>24th February</td>
<td>Wednesday</td>
<td>1</td>
<td>Vacation.</td>
</tr>
<tr>
<td>Dol Jatra (Holi)</td>
<td>10th March</td>
<td>Wednesday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Good Friday</td>
<td>9th April</td>
<td>Friday</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Monsoon Break</td>
<td>31st May to 12th June</td>
<td>Monday to Saturday</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Bhanu Jayanti</td>
<td>19th June</td>
<td>Saturday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Idul Fittar</td>
<td>23rd July</td>
<td>Friday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Drukpa Tseshi</td>
<td>24th July</td>
<td>Saturday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Janamashtami</td>
<td>12th August</td>
<td>Thursday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Pang Labsol</td>
<td>3rd September</td>
<td>Friday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Durga Puja</td>
<td>25th September to 1st October</td>
<td>Saturday to Friday</td>
<td>7</td>
<td></td>
</tr>
<tr>
<td>Lakshmi Puja</td>
<td>18th October to 23rd October</td>
<td>Monday to Saturday to Friday</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Gandhi Jayanti</td>
<td>2nd October</td>
<td>Saturday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Kagyat Dance</td>
<td>14th December</td>
<td>Tuesday</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Lossong Ngempa Guzom</td>
<td>16th December to Thursday</td>
<td>Saturday to Friday</td>
<td>14</td>
<td></td>
</tr>
<tr>
<td>X-Mas Holidays</td>
<td>31st December</td>
<td>Friday</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**VACATION**: Winter vacation from 1st January to 28th February, 1982.

**NOTE**: This list does not indicate State Day on 16th May, Saga Dawa on 6th June, Independence Day on 15th August, Lhabab Thuchen on 7th November, as holidays for they fall on Sundays.

S.N. KAPOOR,
Registrar,
High Court of Sikkim.
In continuation of this Department's circular No. 16/Fin. dated 20th October, 1981 the Government of Sikkim is pleased to decide that the rates of Dearness Allowance to State Government employees will stand modified as follows from 1st April, 1981 and 1st June, 1981:-

<table>
<thead>
<tr>
<th>Periods</th>
<th>Pay range</th>
<th>Modified rates of D.A p.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. 1.4.1981</td>
<td>(a) Upto Rs. 900/-p.m.</td>
<td>25% subject to a minimum of Rs. 87/- p.m. and maximum of Rs. 225/-p.m.</td>
</tr>
<tr>
<td>to 31.5.1981</td>
<td>(b) Above Rs. 900/-p.m.</td>
<td>Amount by which pay falls short of Rs. 1125/-p.m.</td>
</tr>
<tr>
<td></td>
<td>and upto Rs. 922/50 p.m.</td>
<td>Rs. 202/50 p.m.</td>
</tr>
<tr>
<td></td>
<td>(c) Above Rs. 922/50 and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>upto Rs. 2400/- p.m.</td>
<td></td>
</tr>
<tr>
<td>2. 1.6.1981</td>
<td>(a) Upto Rs. 1600/- p.m.</td>
<td>27 1/2% subject to a minimum of Rs. 95/- p.m. and a maximum of Rs. 247/50 p.m.</td>
</tr>
<tr>
<td></td>
<td>(b) Above Rs. 1600/- and</td>
<td>Amount by which pay falls short of Rs. 1847/50</td>
</tr>
<tr>
<td></td>
<td>upto Rs. 1645/- p.m.</td>
<td>Rs. 202/50</td>
</tr>
<tr>
<td></td>
<td>(c) Above Rs. 1645/- and</td>
<td></td>
</tr>
<tr>
<td></td>
<td>upto Rs. 2400/- p.m.</td>
<td></td>
</tr>
</tbody>
</table>

The above orders will also be applicable to employees appointed on contract and the work charged establishment drawing pay in the regular pay scales.

By Order.

K. SHERAB,
Secretary, Finance,
Government of Sikkim
NOTIFICATION No. 102/SLAS/82-83/56
Dated Gangtok, the 23rd April, 1982.

The following order of the Governor of Sikkim dated 22nd April, 1982 is published
genral information:

"No.SKM/GOV/483/82 — In exercise of the powers conferred by Article 174 (2) (a)
the Constitution, I, Homi J. H. Taleyarkhan, Governor of Sikkim, hereby prorogue the
Sikkim Legislative Assembly which was summoned to meet on Tuesday, the 16th March, 1982.

HOMI J.H. TALEYARKHAN,
Governor of Sikkim."

By Order

R. K. GUPTA,
Secretary,
Sikkim Legislative Assembly.
WHEREAS the State Government is satisfied that in the public interest, it is necessary and expedient to prohibit strikes in an Essential Service, namely, the Department of Power relating to the supply of electricity and other similar establishment connected with it;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Sikkim Essential Services Maintenance Act, 1978 (7 of 1978), the State Government hereby exhibits strikes in the said Essential Service.

This notification shall remain in force for a period of six months commencing on and from 1st day of April, 1982.

J. T. DENSAPA,

Home Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM

GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No.36  Gangtok Tuesday May 4, 1982

HOME DEPARTMENT
NOTIFICATION


Government of Sikkim have hereby granted permission to the Army to use the area
detailed below as a gun emplacement for the period from 29th March, 1982 to 30th April, 1982
both days inclusive):

THE SCHEDULE

(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 Pach Mile area.

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

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
No. 7(7) Home/80

Dated Gangtok, the 27th March, 1982.

The following Notification of the Ministry of Home Affairs, Government of India is hereby published for general information:—

MINISTRY OF HOME AFFAIRS

New Delhi, the 8th February, 1982.

No.II/15011/1/82-IS (DO II).— Whereas in the judgement in the Writ petitions, namely (1) No. 5724 of 1980, A.K. Roy Vs. Union of India and A & R, (2) No. 5874 of 1980, Than Singh Tyagi Vs. Union of India and A & R and (3) No. 5433 of 1980, Dr. Vasant Kumar Pandit Vs. Union of India, the Supreme Court has held that no person can be detained under sub-section (2) of section 3 of the National Security Act, 1980 (65 of 1980), with a view to preventing him from acting in any manner prejudicial to the maintenance of supplies and services essential to the community unless by a law or notification made or published fairly in advance the supplies and services, the maintenance of which is regarded as essential to the community and in respect of which the order of detention is proposed to be passed, or made known appropriately to the public.

Now, therefore, for the purpose of detention under sub-section (2) of section 3 of the National Act, 1980 (65 of 1980), the Central Government notified the following supplies and services as supplies and services essential to the community, namely:-

(i) any postal, telegraph or telephone service, including any service connected therewith;

(ii) any railway service or any transport service for the carriage of passengers or goods by air or any other transport service for the carriage of passengers or goods by land or water

(iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft, or any service in the International Airport Authority of India constituted under section 3 of the International Airports Authority Act, 1971, (43 of 1971);

(iv) any service in, or in connection with the working of any major port, including any service connected with the loading, unloading, movement or storage of goods in any support;

(v) any service connected with the clearance of goods or passengers through the customs with the prevention of smuggling;

(vi) any service in any establishment of, or connected with, the armed forces of the Union in any other establishments or installations connected with defence;

(vii) any service in any establishment or undertaking dealing with the production of good required for any purpose connected with defence;
(viii) any service in any section of any industrial undertaking pertaining to a schedules industry on the working of which the safety of such undertaking or the employed therein depends,

**Explanation.**— For the purpose of this sub-clause, the expressions "industrial undertaking and "scheduled industry" shall have the meanings respectively assigned to them in clauses (d) and (i) of section 3 of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

(ix) any service in, or in connection with, the working of any undertaking being an undertaking engaged in the purchase, procurement, storage, supply or distribution of foodgrains;

(x) any service in, or in connection with the working of, any system of public conservation sanitation or water supply, hospitals or dispensaries;

(xi) any service in connection with or in relation to banking;

(xii) any service in any establishment or undertaking dealing with the production, supply of distribution of coal, power, steel of fertilizers;

(xiii) any service in any oilfield or refinery or in any establishment or undertaking dealing with the production, supply or distribution of petroleum and petroleum product;

(xiv) any service in any mint or security press;

(xv) any service in connection with election to Parliament or to the Legislature of the State

(xvi) any service in connection with the affairs of the Union, or a State not being a serving specified in any of the foregoing categories.

G. S. GREWAL, Jt. Sec.

J. T. DESAPA

Home Secretary
Government of Sikkim
In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor hereby makes the following rules, namely:—

1. **SHORT TITLE AND COMMENCEMENT.**
   
   (1) These Rules may be called the Sikkim Government Service (Leave) Rules, 1982.
   
   (2) They shall be deemed to have come into force on the 1st day of April, 1981.

2. **EXTENT OF APPLICATION.**

   Save as otherwise provided in these rules, they shall apply to Government servants appointed to the various services and posts in connection with the affairs of the State of Sikkim, but shall not apply to —

   (a) persons employed on work-charged basis;
   
   (b) persons in casual, or daily-rated or part-time employment;
   
   (c) persons appointed in leave vacancies;
   
   (d) members of All India Services and employees on deputation from Central Government or other Governments to the extent where there are specific provisions in the All India Services (Leave) Rules, 1955 or Central Civil Services (Leave) Rules, 1972 and Leave rules applicable to the concerned employee on deputation from other State Government;
   
   (e) honorary workers;
   
   (f) persons employed on contract except when the contract provides otherwise.

3. **DEFINITIONS.**

   (1) In these rules, unless the context otherwise requires—

   (a) “authority competent to grant leave” means—

   (i) in relation to gazetted officers, the Secretary in the Establishment Department;
   
   (ii) in relation to non-gazetted officers, the Secretary, Head of Department or the Head of Office declared by the Establishment Department to be competent to grant the leave;
   
   (b) “Form” means the Form appended to these rules;
   
   (c) “vacation department” means a department or part of department, to which regular vacations are allowed, during which Government servants serving in the Department are permitted to be absent from duty;
(2) words and expressions used herein and not defined but defined in the Sikkim Government Service Rules, 1974 shall have the meanings respectively assigned to them in those rules.

4. **RIGHT TO LEAVE.**— (1) Leave cannot be claimed as a matter of right.

(2) When the exigencies of public service so require, leave of any kind may be refused or revoked or curtailed by the authority competent to grant leave.

(3) The authority competent to grant leave may commute one kind of leave, or refusal to different kind which may be admissible at the time leave was originally sanctioned. But the Government servant cannot claim it as a matter of right.

(4) Any unauthorised absence from duty without the prior sanction for leave, or refusal to return to duty on recall before the expiry of leave or failure to return to duty after expiry of leave sanctioned shall be treated as misbehaviour and the Government servant concerned shall be liable to disciplinary action, and the period of such unauthorised absence may be treated as dies non.

Explanation.— The unauthorised period of absence treated as dies non shall constitute an interruption of service for the purpose of increment, leave and pension and unless there are specific order not to treat the period as such, the entire past service shall stand forfeited.

5. **REGULATION OF CLAIM TO LEAVE.**— A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

6. **EARNING OF LEAVE.**— Save as otherwise provided in these rules, leave shall be earned for the period for which a Government servant is on duty only.

Explanation I.— Duty includes periods of casual leave, departmental examination leave under rule 25, in-service training, joining time, quarantine leave but does not include the periods of extraordinary leave, examination leave, study leave, maternity leave and all other kinds of leave including special disability leave for accidental injury.

Explanation II.— For the purpose of this rule, the period spent on deputation to autonomous bodies, public undertakings shall count as duty only if contributions towards leave salary and pension are paid either by the borrowing employer or the Government servant.

7. **EFFECT OF DISMISSAL, REMOVAL OR RESIGNATION ON LEAVE AT CREDIT.**

(1) Except as provided in these rules, any claim to leave to the credit of a Government servant, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.

(2) A Government servant who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

8. **APPLICATION FOR LEAVE.**—

An application for leave or for extension of leave shall be made in Form I.

Note 1.— Where a Government servant is working in an Office subordinate to a Department the application should be routed through proper channel.

Note 2.— Gazetted employees should route their applications to the Establishment Department through the Head of Office and the Head of Department concerned or the Secretary to the Government as the case may be.

9. **LEAVE ACCOUNT.**—

A leave account shall be maintained in Form IV by the authority competent to grant leave or under its directions and no leave shall be granted to a Government servant until a report regarding its admissibility is verified and found correct in all respects.

10. **COMMENCEMENT AND TERMINATION OF LEAVE.**—

Except as provided in rule 11, leave ordinarily begins on the day on which the transfer of charge effected in accordance with the working arrangement made in the order granting the leave and ends on the preceding that on which the charge is resumed.
Note 1.- Except in cases requiring immediate medical attendance, leave in all other cases shall be applied for at least one month before the date on which the leave commences.

Note 2.- It is obligatory on the part of the authority recommending the leave to propose working arrangements during the leave, if so required.

Explanation I.— If a Government servant is transferred to some other Department while on leave, he ceases, from the date transfer, to be on leave and to draw leave salary unless there are specific orders permitting such Government servant to assume charge of the new post after expiry of the leave sanctioned.

Explanation II.— If a Government servant takes leave while in transit on transfer from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave. On the expiry of the leave, the Government servant may be allowed normal joining time.

Explanation III.— When a Government servant officiating in a higher post under rule 39 of chapter VII of the Sikkim Government Service Rules, 1974 proceeds on leave, he is to be treated as continuing to hold that higher post during his leave for the purposes of drawal of leave salary and other allowances.

11. COMBINATION OF HOLIDAYS WITH LEAVE.—

(1) When the day immediately preceding the day on which a Government servant leaves, being or the day immediately following the day on which his leave expires, is a holiday or one of the series of holidays, the Government servant shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing or suffixing holidays to leave is specifically withheld) to leave the place of his posting at the close of the day before or return to it on the day following such holiday or the series of holidays.

(2) Unless the authority competent to grant leave in any case otherwise directs-

(a) If holidays are prefixed to leave, the leave and any consequent rearrangements of pay and allowances shall take effect from the day after the holidays; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

Explanation I.- The holidays falling in between a spell of leave shall be counted as part of leave.

Explanation II.- Where charge allowance has been sanctioned to a substitute, the charge allowance shall be admissible of the period of holidays prefixed and/or suffixed.

12. RECALL TO DUTY BEFORE EXPIRY OF LEAVE.—

(1) Where a Government servant is recalled to duty in the interest of public service before expiry of the leave, such recall to duty shall be treated as compulsory in all cases.

(2) The Government servant who is so recalled to duty before expiry of leave shall be allowed travelling allowances admissible as on official tour from the place alt which he receives such orders to the place to which he is recalled. The actual period covered by the journey shall be treated as duty but during such period he shall draw emoluments equal to the leave salary only.

(3) The unavailed portion of leave shall be cancelled and credited to his leave account.

13. RETURN FROM LEAVE.—

(1) A Government servant on leave shall not return to duty before the expiry of the period of leave granted to him is permitted to do so by the authority which granted him leave. On return from leave he shall submit, in duplicate, a report in Form II.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from returning to duty, save with the prior approval in writing of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

(3) A Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form III.

14. ABSENCE after expiry of leave.—

(1) Unless the authority competent to grant leave extends the leave, a Government servant which remains absent after the end of leave, with or without application, is entitled to no leave salary for the period of such absence and that period shall be treated as extraordinary leave.
(2) Wilful absence from duty after the expiry of leave renders a Government servant liable
disciplinary action.

Note.— Where the facts and circumstances of the case so warrant, disciplinary action shall be taken for
contravention of this rule for unauthorised absence from duty or overstaying of leave even for one day,
treating it as misconduct.

15. COMBINATION OF DIFFERENT KINDS OF LEAVE.
Except as otherwise provided in these rules, any kind of leave under these rules may be granted
by the competent authority in combination with or in continuation of any other kind of leave.

Explanation.- Casual leave which is treated as duty under these rules shall not be combined with any other
kind of leave admissible under these rules. Where a leave admissible under these rules has preceded or
immediately followed by the casual leave the period of casual leave shall be converted into leave of the kind
that has been sanctioned for the period preceding or succeeding such casual leave.

16. MAXIMUM AMOUNT OF LEAVE ADMISSIBLE.-
(1) The maximum amount of earned leave on full pay granted in any one spell shall not exceed
120 days unless otherwise provided in these rules.

(2) The maximum amount of half pay leave sanctioned in one spell shall not exceed

(3) The total continuous period of absence on leave shall not exceed 1080 days in one spell:
Provided that no leave shall be granted to a Government servant placed under suspension.

17. EARNED LEAVE FOR GOVERNMENT SERVANTS SERVING IN DEPARTMENTS
OTHER THAN THE VACATION DEPARTMENT.-
(1) Save as otherwise provided in rule 27, all Government servants shall be eligible for earned
leave on full pay to the extent of one-eleventh of the period spent on duty.

(2) In addition, a Government servant shall be entitled to half pay leave of 20 days in respect
of each completed year of service which may be granted on medical certificate or on private affairs

Note.— A Government servant shall cease to earn or accumulate leave under sub-rule (1) above when the
earned leave art: credit exceeds 180 days.

18. CALCULATION OF EARNED LEAVE.-
In calculating earned leave referred to in sub-rule (1) of rule 17, the actual number of days of
duty shall first be counted and then multiplied by 1/11 and the product expressed in days. The fraction in the
earned leave shall be rounded off to the nearest day, that is fraction below half a day shall be ignored and that
fraction exceeding half a day or more shall be reckoned as one day.

19. COMMUTTED LEAVE (MEDICAL LEAVE).-
(1) Commuted leave may be granted to a Government servant including employees working
in the vacation Department not exceeding half the period of half pay leave at his credit, subject to the following
conditions namely:—

(a) the leave shall be granted on the sickness of the Government servant or his family;
(b) the Government servant's half pay leave at credit shall be debited with twice the number
of days of commutted leave thus granted;
(c) such leave shall be granted only on the basis of a medical certificate;
(d) the maximum amount of commutted leave granted shall not exceed 240 days, that is
480 days of half pay leave, during the entire service;
(e) commutted leave under this rule may be granted to a Government servant if he applied
for it, even though he has earned leave at his credit.

20. EXTRAORDINARY LEAVE.-
(1) When no other kind of leave is admissible, or when other kinds of leave are due and admissible
but the Government servant applies in writing for the grant of extraordinary leave, the authority compe-
tant to grant leave, if satisfied that the leave applied for is on account of unavoidable reasons, may grant to the
Government servant extraordinary leave, subject to the provisions of rule 16. Such leave may be granted in
combination with or in continuation of any other kind of leave that is due and admissible.
2. The authority competent to grant leave shall also have the discretion to convert period of absence without leave like overstayal of leave, joining time, into extraordinary leave, even when any other kind of leave was due and admissible at the time the absence without leave commenced.

3. Extraordinary leave is not debited to the leave account, but the period of absence on such leave shall be recorded in the remarks column of the leave account in order that such period may not inadvertently be treated as duty later on.

4. During extraordinary leave, the Government servant shall continue to hold lien to the post or grade from which he proceeded on leave.

5. No leave salary or other emoluments shall be admissible during extraordinary leave.

21. MATERNITY LEAVE.-

1. The authority competent to grant leave may grant to a female Government servant maternity leave on full pay for a period not exceeding 60 days from the date of its commencement.

2. Every application for maternity leave shall be supported by a medical certificate or by certificate by the immediate superior officer under whom she has been working at the time of application for maternity leave.

3. Maternity leave may be combined with leave of any other kind, but any leave applied for in continuation of the former may be granted only if the request is supported by a medical certificate.

4. Maternity leave may also be granted in case of miscarriage, including abortion, subject to the conditions that:
   (a) the leave shall not exceed 30 days;
   (b) the application for the leave is supported by a medical certificate certifying the actual occurrence of the miscarriage or abortion.

5. The maternity leave shall not be debited against the leave account.

22. STUDY LEAVE.-

1. At the discretion of the Government study leave upto a maximum period of 720 days may be granted with due regard to the exigencies of Government service to a Government servant who has rendered less than one year's service and who has been sponsored by the Government considering the actual need of the department, to enable him to undergo, in or out of India, a special course consisting of higher studies specialised in a professional or technical subject having a direct or close connection with the sphere of his duty.

2. A Government servant who is due to retire within 10 years may not, however, be granted study leave.

3. The Government servant concerned must execute a bond in Form V giving an undertaking to continue to serve the Government for such period as may be fixed by the Government on the expiry of such leave or to refund the entire expenditure incurred by the Government during the period of study leave.

4. A Government servant granted study leave under sub-rule (r) shall be entitled during the period of such leave to draw a study leave allowance equivalent to the leave salary admissible during period of half pay leave. The period of study leave shall not be debited to the leave account.

5. The Government may cancel any portion of study leave granted and may require the Government servants to return to his post if the progress of the study for which leave was granted is found to be unsatisfactory or if the exigencies of Government service so warrant.

Note.- A Government servant who has not completed one year's service or who has been nominated of selected for a course which has no direct or close connection with the sphere of his duty may be granted study leave without study leave allowance or leave salary. In such a case the sponsoring Department may decide the quantum of financial assistance to be extended in consultation with the Finance Department.

23. SPECIAL DISABILITY LEAVE FOR ACCIDENTAL INJURY.-

1. A Government servant who is disabled by injury accidentally incurred in, or in consequence of performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds, may be granted special disability leave.

2. Special disability leave shall not be debited against the leave account.
Special disability leave may be granted for not more than 720 days for any one disability.

The period of leave granted shall be such as is certified by a Medical Board constituted by the Secretary, Health Department, through a general order.

Special disability leave may be combined with leave of any other kind admissible under these rules. During special disability leave, only half the salary drawn immediately before the grant of the leave under sub-rule (1) shall be admissible.

24. QUARANTINE LEAVE.—

Where in consequence of the presence of an infectious disease in the family or household of a Government servant at his place of duty, residence or sojourn, his attendance at his office is considered hazardous to the health of other Government servants, such Government servant may be granted quarantine leave.

Explanation I.— The presence of an infectious disease should be certified by a Government Medical Officer.

Explanation II.— The period of Quarantine leave shall be as advised by the Government Medical Officer.

Explanation III.— For the purpose of this rule "infectious disease" means Cholera, Small-pox, Plague, Diphtheria, Typhoid fever, Cerebrospinal Meningitis and any other disease which may hereafter be declared as infectious disease by the Director of Health Services.

Explanation IV.— Quarantine leave may be granted on the certificate of a Medical Officer for a period not exceeding 30 days. During the quarantine leave, a Government servant is entitled to his normal salary.

25. DEPARTMENTAL EXAMINATION LEAVE.—

A Government servant absent from his office or from his headquarters with the prior permission of the authority to attend an obligatory departmental examination may be granted departmental examination leave, which shall be treated as on duty, for the day or days of examination including any reasonable period that may be required for the journey to and from the place of examination.

26. EXAMINATION LEAVE.

(1) Examination leave may be allowed to a Government servant to appear at a recognised examination conducted by a Secondary Board of Education or University. The authority competent to grant leave should satisfy itself that the Government servant has actually appeared at the examination in respect of which such leave is granted:

Provided that no examination leave under this sub-rule shall be granted to a leave substitute to a Government servant who has not rendered a minimum period of one year's service.

(2) In case of break other than Gazette holidays falling in between, the day of examinations, period of such break—

(a) exceeding two days when the examination is held at the place where a Government servant is posted; or

(b) exceeding four days when the examination is held outside the place where the Government servant is posted,

Shall be treated as leave of the kind due to the credit of a Government servant if he fails to return to duty the period.

(3) At the discretion of the authority competent to grant leave, such leave may be allowed to adjusted or combined with any other kind of leave admissible.

27. EARNED LEAVE FOR PERSONS SERVING IN VACATION DEPARTMENT.—

(1) No earned leave on full pay to a Government servant serving in a vacation department shall be admissible.

Explanation I.— Office staff, peons and sweepers whose services are continuously required and cannot by regular vacation will be treated as belonging to the non-vacation department but cooks and such other employees who avail of regular vacation shall be treated as belonging to the vacation department.

Explanation II.— Government servants serving in vacation departments are, however, eligible for leave on pay at the same rate as admissible under sub-rule (2) of Rule 17.
(2) If a Government servant serving in a vacation department is, by general or special orders of Government, prevented from availing himself of the whole or part of a vacation by reason of his having to perform such duties as are allotted to by the Head of the Department continuously during the period of regulate vacation, shall be eligible to earn leave under sub-rule (1) of rule 17 provided that it is certified by the Head of the Department that such refusal of vacation is in the exigencies of Government service.

(3) Duty, for the purpose of sub-rule (2), shall be the actual period during which he was required to be on duty during the vacation.

(4) A Government servant transferred from a non-vacation department to a vacation department shall be eligible to avail himself of the earned leave which was at his credit at the time of such transfer.

(5) A Government servant transferred from a vacation department to a non-vacation department shall be eligible to avail himself of the half pay leave which was at his credit at the time of such transfer.

(6) If a Government servant is transferred from a vacation department to a non-vacation department, he shall be entitled to the earned leave to the extent specified in sub-rule (1) of the Rule 17 from the date on which he joins such non-vacation department. The leave, if any, earned by such Government servants while serving in the vacation department shall also be credited to his leave account.

28. LEAVE PREPARATORY TO RETIREMENT.-

(1) A Government servant may be permitted to take leave preparatory to retirement to the extent of leave due, not exceeding 180 days together with half pay leave due, subject to the condition that such leave extents up to and includes the date of retirement.

(2) In case the leave under sub-rule (1) is refused to the government servant in public interest, then he may

be granted, from the date of retirement, the amount of earned leave so denied, increased by the amount of earned leave earned by him during the period between the date of which leave preparatory to retirement was to commence and the date of retirement, and decreased by such leave, if any, availed of during the same period, subject to the maximum limit of 180 days.

(3) Except as provided in sub-rule (2), all leave at the credit of a Government servant shall lapse on the date of his superannuation unless the service of the Government servant is extended in the interest of public service under rule 100 of the Sikkim Government Service Rules, 1974.

(4) Where a Government servant who is on deputation with any local body, corporation or company wholly or substantially owned or controlled by the State Government of Sikkim or a body controlled by the Government of Sikkim (hereinafter referred to as the borrowing organisation) applies for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken, by the borrowing organisation with the concurrence of the Government of Sikkim.

(5) Where a Government servant referred to in sub-rule (4) has been refused the leave, such Government servant shall avail of the leave to the extent admissible under sub-rule (2).

29. SPECIAL CONCESSIONS TO GOVERNMENT SERVANTS SUFFERING FROM TUBERCULOSIS OR CANCER.-

(1) Notwithstanding anything contained in rule 16, a Government servant who is in regular services and has completed a minimum period of one year and suffers from tuberculosis or cancer shall be eligible for the following special concessions, namely:-

(a) the entire period of earned leave and half pay leave at his credit at the time the leave is applied for on grounds of either of these disease;

(b) after the leave as mentioned under clause (a) is exhausted, special leave for a period not exceeding 240 days:

Provided that the total continuous leave as under clauses (a) and (b) shall not exceed 840 days.

Note.- During the period when the Government servant is on special leave specified in clause (b), he may be paid the subsistence allowance at the following rates-

(i) fifty percent of the actual pay drawn immediately before the commencement of leave; and

(ii) full allowances admissible on such pay.

(2) Leave under this rule may be combined with any other kind of leave.

(3) The above concessions shall be granted only if a Medical Board constituted by the Secretary, Health Department through a general order, certifies that the Government servant has been actually suffering from any of the diseases mentioned in sub-rule (1).
30. **CASUAL LEAVE.**

(1) Casual leave may be granted to a Government servant for a total period of 10 days in a Calendar year, for personal reasons, provided that it shall not cause any evasion of the rules regarding:

(a) date of commencement of pay and allowances;
(b) date of assumption of charge of office;
(c) commencement and end of regular leave;
(d) date of return to duty;
(e) extension of the period of leave beyond already sanctioned.

Explanation I. Heads of Departments or Heads of Offices may grant casual leave. The Chief Secretary may grant casual leave to Secretaries/Heads of Departments. The authority competent to grant casual leave shall ensure that casual leave applied for is proportionate with the period of duty actually rendered by a Government servant and is for unavoidable reasons. The authority granting casual leave shall maintain proper accounts for casual leave.

Explanation II. Gazetted holidays falling in between a spell of casual leave shall not be counted as part of the casual leave.

Explanation. Substitutes appointed in leave vacancies shall not be entitled to any casual leave. In their cases leave applied for as casual leave shall be treated as leave without pay.

31. **LEAVE DURING A PERIOD OF EXTENSION OF SERVICE.**

Where the services of a Government servant has been extended in the interest of pubic service beyond the date of his retirement, such Government servant may be granted earned leave, subject to a maximum of 180 days, as follows:

(i) during the period of extension, any earned leave due in respect of that period of such extension and, to the extent necessary, the earned leave which could have been granted to him under sub-rule (2) of rule 28 had he retired on the date of retirement;

(ii) after the expiry of the period of extension:

(a) the earned leave which could have been granted to him under sub-rule (2) of rule 28, had he retired on the date of retirement decreased by the amount of such leave availed of during the period of extension; and

(b) any leave earned during the period of extension as has been formally applied for as preparatory to final retirement in sufficient time during the extension and refused to him on account of the exigencies of the public service.

32. **LEAVE DURING A PERIOD OF RE-EMPLOYMENT AFTER RETIREMENT.**

In the case of a Government servant re-employed after retirement, the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

33. **LEAVE TO GOVERNMENT SERVANTS COMPULSORILY RETIRED.**

A Government servant who is retired by the Government by giving him pay and allowances in lieu of notice, may be allowed also to encash the leave due at his credit on the date of issue of such notice excluding that period for which pay and allowances in lieu of notice have been allowed.

34. **LEAVE TO GOVERNMENT SERVANTS SEEKING VOLUNTARY RETIREMENT.**

A Government servant who seeks voluntary retirement by giving the required period of notice may apply before expiry of such notice, for the leave on full pay standing at his credit which may be granted to him to run concurrently with the period of notice. The period of full pay leave, if any, extending beyond the date of retirement of expiry of notice may be allowed as terminal leave and, at the option of the Government servants, may even be encashed.

35. **ACCEPTANCE OF EMPLOYMENT DURING LEAVE.**

Except during leave preparatory to retirement, a Government servant on leave shall not, without the previous sanction of the Government, accept any occupation which involves the receipt of remuneration of any kind.
36. **CASH PAYMENT IN LIEU OF UNUTILISED EARNED LEAVE ON THE DATE RETIREMENT.**

The Government may sanction to a Government servant who retires from service under the Sikkim Government Service Rules, 1974, cash equivalent of leave salary in lieu of the period of earned leave full pay standing at his credit on the date of his retirement subject to a maximum of 180 days.

37. **UNUTILISED EARNED LEAVE OF THE DECEASED GOVERNMENT SERVANT.**

Where a Government servant dies while in service, the cash equivalent of leave salary that deceased Government servant would have received immediately prior to his death had he availed himself earned leave at his credit subject to a maximum of 180 days, shall be paid to his family, in lieu of unutilised earned leave at the credit of the deceased Government servant.

38. **CONCESSIONS TO GOVERNMENT SERVANTS IN VACATION DEPARTMENT.**

The Government servants serving in the vacation departments may be granted the benefits provided for under rules 33, 34, 36 and 37 by converting the leave on half pay at credit into full pay by defining their leave on half pay twice the number of days on full pay to the extent admissible under these rules.

39. **ENCASHMENT OF LEAVE.**

(1) A Government servant including an employee serving in a vacation department who has completed a minimum service of three years on or before the commencement of these rules may, once in block of two calendar years, apply for encashment of leave for 30 days by surrendering an equivalent amount of earned leave from the amount of earned leave accrued and standing at his credit.

(2) While surrendering the leave for the purpose of encashment, the earned leave of the Government servant shall be debited by 30 days in respect of employees serving in non-vacation department a 60 days in respect of employees serving in vacation department in the calendar year in which the encashment has been obtained.

Explanation I. For the purpose of this rule only earned leave shall be surrendered.

Explanation II.- The first block calendar year may be counted from the 1st day of January of the year One thousand nine hundred and eighty.

Explanation III.- In case of Government servants who have not completed three years service the block calendar year shall start immediately on the completion of three years continuous service by the said Government servants.

Explanation IV.- The encashment may be availed of by a Government servant at any time during the block calendar years.

40. **LEAVE SALARY.**

(1) A Government servant who proceeds on earned leave or commuted leave is entitled leave salary equal to the emoluments drawn immediately before proceeding on earned leave or commuted leave.

Explanation.- Emoluments include all allowances being drawn immediately before proceeding on leave, by the special pay or allowance being drawn, if any, by the Government servant proceeding on leave shall not be admissible if the period of leave exceeds 30 days at one stretch.

(2) A Government servant on half pay leave is entitled to leave salary equal to half the pay full allowances being drawn immediately before proceeding on such leave subject to explanation to sub-rule Explanation.- Full allowances means the allowances calculated on the basis of the percentage of basic pay being drawn immediately prior to the departure on such leave notwithstanding the fact that only half, of the basic pay is being drawn during the leave on half pay.

(3) A Government servant on extraordinary leave is not entitled to any leave salary.

41. **ADVANCE OF LEAVE SALARY.**

A Government servant proceeding on leave for a period not less than thirty days may be allowed advance of leave salary for a maximum of one month subject to the normal recoveries.
42. **INTERPRETATION.**

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government in the Establishment Department or decision.

43. **POWER TO RELAX.**

Where the Government is satisfied that the operation of any of these rules cause undue hardship in any particular case, the Government may, by order, for reasons to be recorded in writing, dispence with the requirements of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner.

44. **REPEAL AND SAVING.**

(1) On and from the commencement of these rules, Chapter X of the Sikkim Government service Rules, 1974, containing rules from 65 to 93 (both inclusive) and the leave account form appended thereto shall stand repealed.

(2) Where on and from the commencement of these rules there is at the credit of any Government servant leave exceeding 180 days the leave in excess of 180 days shall lapse:

Provided that the State Government may by a separate order give such benefits as it may think in respect of leave in excess of 180 days.

(3) Notwithstanding such repeal anything done or any action taken or any leave granted to a Government servant under the rules hereby repealed shall be deemed to have been done, taken or granted under the corresponding provisions of these rules or under the rules in force at the relevant time.

---

**EXPLANATORY MEMORANDUM**

A number of employees after serving the Government for a considerable length of period retired last year. They had large amounts of leave accumulated in their leave accounts before their retirement and as such they had represented individually for some monetary benefit in lieu of the unavailed amount accumulated leave which would have lapsed under the old rules. In order to consider their representation favourably, the old rules have been replaced by a liberalised set of new leave rules. Unless the rules thus revised are made effective from 1.4.1981 employees who retired from 1.4.1981 to date of the published of the new rules would not be in a position to avail of the benefits provided in the new rules. The Government, therefore, deems it expedient that the rules be made effective from 1.4.1981.

The rules which are being given retrospective effect are not likely to adversely affect the interest of any employee.
FORM I

(See Rule 8)

Application for leave or for extension of leave.

(For use by the Government servant applying for leave)

1. Name of applicant: 
2. Designation: 
3. Department: 
4. Nature and period of leave applied for with date: 
5. Sunday (s) and holiday (s), if any, proposed to be prefixed or suffixed to leave: 
6. Grounds on which leave is applied for: 
7. Date of return from last leave: 
8. Whether Medical Certificate enclosed in case the leave is on Medical ground: 

To ________________________________

Signature of applicant (with date)

FOR USE BY THE SANCTIONING/RECOMMENDING AUTHORITY

Dated ________________________________

Signature (with designation)

FORM II

[See rule 13 (1)]

REPORT OF RESUMPTION OF DUTY

I beg to report for duty today the __________ day of __________, 19________ the forenoon/aftemoon after availing of __________ days earned leave/ __________ days of half pay leave/ __________ days leave without pay granted to me vide office order No. __________ dated __________ of the __________ Department.

Name in Capitals
Designation

FORM III

[See rule 13 (3)]

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

We have examined Mr/Mrs/Miss ________________________________ of ________________________________ who was suffering from ________________________________ from __________ to __________ and found him/her fit to resume official duty with effect from __________.

1. Signature of the Specialist.

Signature of the Government servant.
## Earned Leave

<table>
<thead>
<tr>
<th>Particulars of duty</th>
<th>Leave taken</th>
<th>Leave surrendered for encashment</th>
<th>Balance of earned leave</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
<td>To</td>
<td>Period in Day</td>
<td>From</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

## Half Pay Leave

<table>
<thead>
<tr>
<th>Length of service</th>
<th>Leave taken</th>
<th>Leave surrendered for encashment</th>
<th>Balance of leave on half pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>From</td>
<td>To</td>
<td>No. of completed year</td>
<td>Leave</td>
</tr>
<tr>
<td>11</td>
<td>12</td>
<td>13</td>
<td>14</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
AGREEMENT BOND FOR TRAINING IN ________________________________

This Agreement is made on the____________________day of______________between________________

(full name)__________________________resident of _______________________ (hereinafter called "the Trainee") of the

first part and ______________________son of______________________________________________resident

of_____________________________(hereinafter called "the Surety") of second part and the Governor of Sikkim

(hereinafter called "the Government of Sikkim") of the third part.

Whereas the Government of Sikkim have selected the trainee for the aforesaid training and where-

as the trainee has agreed to undergo the above Training for _________________________months on the terms and

conditions hereinafter contained;

AND WHEREAS the sureties have agreed to give a security for the due performance of the

terms and conditons of the agreement by the trainee;

Now this agreement witnesses and the parties hereto hereby agree as follows:

1. That the trainee shall be trained in_______________________for a period of_________months

at the Government of Sikkim expenses.

2. That the trainee after undergoing the course prescribed for training shall serve the Department

of________________, Government of Sikkim as hereinafter required for a period of ____________________years

unless he is prevented by ill-health which has been certified by competent medical authority to the satisfac-

tion of the Government of Sikkim, to be such as to render him unable to continue to receive the training or

to be in services.

3. That the trainee shall, during the course of training or after appointment, abide by all the rules

and regulations laid down by the Government of Sikkim and shall during such course of training, abstain from

engaging in any other vocation and shall not leave the training in the middle of the course or resign.

4. That the said trainee shall not take part in any political or other activity which may be considere-

by the Government of Sikkim to be undesirable and against the Government of Sikkim.

5. That if the trainee either discontinues  the studies in the middle of the course or neglects the

training resulting in failure or resigns the appointment before the expiry of the period of__________year

stipulted above or fails to join at the place posted within the time prescribed or is dismissed for misconduct

or negligence duties while undergoing training or holding the appointment or takes part in any political

or other activity which may be considered by the Government of Sikkim to be undesirable and against the

Government of Sikkim, the said trainee shall forfeit all claims for the payment of pay, all allowances and the

trainee and the surety shall be liable jointly or severally at the option of the Government of Sikkim to refund

twice the entire amount paid to the trainee as stipend or other scholarship during the period of training toge-

other with the additional cost of living like travel expenses etc.

IN WITNESS WHEREOF, THE_________________________________________________

(designation of the

lead of the Department.

Governor of Sikkim and the trainee and the surety have signed this deed on_______________day of______

of the year______________________.

(Signature and Designation of

Head of the Department for and on

behalf of the Governor)

Signature of the trainee)

Signature of Surety.

witness to aforementioned signature with address

1._____________________son of_____________resident of_________________________________

2.______________________son of_____________resident of_________________________________
HOME DEPARTMENT (ELECTION)

NOTIFICATION No. 2/H.

Dated Gangtok, the 3rd April, 1982.

The following Order No. 76/SKM/79, dated 6th March, 1982 of Election Commission India, New Delhi is published for general information:—

ORDER

Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Legislative Assembly, Sikkim as specified in cloumn (3) against his name has failed to lodge an account of his election expenses within the time and in the manner, as shown in column (5) of the said Table as required by the representation of the People Act, 1951 and the Rules made thereunder;

AND, whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representation made by them, if any, is satisfied that they have no good reason or justification of the said failure;

NOW, therefore, in pursuance of section 10A of the said Act, the Election Commission thereby declares the persons specified in column (4) of the Table below to be disqualified for chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Particulars of elections</th>
<th>Sl. No. and name of assembly constituency</th>
<th>Name of the contesting candidate</th>
<th>Reason for disqualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Genaral Election to Sikkim Legislative Assembly,1979. -do-</td>
<td>22-Khamdong (SC) A.C</td>
<td>Shri Janga Bahadur Khati, Barmiok, West Sikkim.</td>
<td>Account not lodged</td>
</tr>
<tr>
<td></td>
<td>-do-</td>
<td>22-Khamdong (SC) A.C</td>
<td>Shri Sukman Darjee, Parkha, East Sikkim.</td>
<td>-do-</td>
</tr>
<tr>
<td></td>
<td>-do-</td>
<td>28-Rumtek A.C.</td>
<td>Shri Namgyal Tsering Bhutia, Tadong, Sikkim.</td>
<td>-do-</td>
</tr>
</tbody>
</table>

By Order,

Sd/- S. C. JAIN
Under Secretary.

H.R. GUPTA,
Deputy Chief Electoral Officer, Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS GANGTOK
NOTIFICATION No. SLAS/81-82/247/705

Dated Gangtok, the 31st March, 1982.

In accordance with Rule 258 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the following members are hereby nominated to be the member of the Third Committee of Privileges:—

1. Shri Chamla Tshering
2. Shri Dorjee Tshering
3. Shri D. B. Thatal
4. Shri P. L. Gurung
5. Shri G. M Gurung

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

The Committee of Privileges shall function in accordance with Rule 259 of the Rules Procedure and Conduct of Business in the Sikkim Legislative Assembly.

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

SONAM TSHERING,
Speaker,
Sikkim. Legislative Assembly.
NOTIFICATION No. SLAS/81-82/247/706.
Dated Gangtok, the 31st March, 1982.

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 of the third Committee on Rules:-

1. Shri L. B. Basnet
2. Shri B. B. Gurung
3. Shri Dadul Bhutia
4. Shri Dawgyal Pintso Bhutia

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

The term of the Committee shall be one year 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.
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

NOTIFICATION No. SLAS/81-82/247/707

Dated Gangtok, the 31st March, 1982.

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 Third Committee on Government Assurances:—

1. Shri B. B. Lohar
2. Shri K. N. Upreti
3. Shri M. P. Sharma
4. Shri Dugo Bhutia
5. Shri I. B. Limboo

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. Lohar is hereby appointed as its Chairman.

The Committee on Government Assurances shall function in accordance with Rule 69 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly.

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

SONAM TSHERING,
Speaker,
Sikkim Legislative Assembly.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
NOTIFICATION No. SLAS/81-82/247/708.
Dated Gangtok. the 31st March, 1982.

In accordance with Rule 267 of the Rules of Procedure and Conduct of Business the Sikkim Legislative Assembly the following members were elected by the House on 25 March, 1982 to be the members of the 4th Committee on Estimates:

1. Shri J. B. Pradhan
2. Shri Tenzing Dadul Bhutia
3. Shri B. P. Kharel
4. Shri T. B. Limbu
5. Shri G. B. Rai

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

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

The Committee on Estimates shall function in accordance with Rule 266 of the Rule of Procedure and Conduct of Business in the Sikkim Legislative Assembly.

SONAM TSHERING,
Speaker,
Sikkim Legislative Assembly.
NOTIFICATION No. SLAS/81-82/247/709
Dated Gangtok, the 31st March, 1982.

In accordance with Rule 265 of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the following members were elected by the House on 25th March, 1982 to be the members of the Fifth Committee on Public Accounts:

1. Shri N. B. Khatiwada
2. Shri Ram Lepcha
3. Shri Katuk Bhutia
4. Shri Pradeep Yonzon
5. Shri K. N. Upreti

In exercise of the powers under Rule 210 of the Rules of Procedure and Conduct of Business of the Sikkim Legislative Assembly, Shri N. B. Khatiwada is hereby appointed as its 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.
LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 86(531)/L.R.(S) Dated Gangtok, the 24th March, 1982.

Declaration under Section 6 of Land Acquisition Act I of 1894.

Whereas the Governor is satisfied that land is needed for a public purpose, not being purpose the Union, namely for the construction of staff quarters as housing scheme in the block Boomtar, Elakha Namchi, South District. It is hereby declared that a piece of and comprising cadastral survey plot No. 13 measuring 2.12 acres bounded on the:-

<table>
<thead>
<tr>
<th>SIDE</th>
<th>Boundary</th>
</tr>
</thead>
<tbody>
<tr>
<td>EAST</td>
<td>DF of Ratna Bahadur</td>
</tr>
<tr>
<td>WEST</td>
<td>DF of Sanman Tamang</td>
</tr>
<tr>
<td>NORTH</td>
<td>DF of Upinmaya Tamang</td>
</tr>
<tr>
<td>SOUTH</td>
<td>DF Village Road</td>
</tr>
</tbody>
</table>

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

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

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

By Order.

T. CHHOPEL,
Secretary,
Land Revenue Department,
Government of Sikkim.
HOME DEPARTMENT (ELECTION)

NOTIFICATION NO. 3/II.

Dated Gangtok, the 20th April, 1982.

The following notification No. 56/82, dated 12th April, 1932 of the Election Commission of India, New Delhi is published for general information:—

NOTIFICATION

Whereas in pursuance of the provisions of paragraph 6 read with paragraph 7 of the Election symbols (Reservation and Allotment) Order, 1968, the Election Commission of India has reviewed the poll performance of various political parties on the basis of the results of the General Elections to the House of the people held in 1980 and the general Elections held in 1979 and 1980 to the Legislative Assemblies of certain States and Union Territories;

And whereas, as a result of the said review, the Commission has decided to de-recognise some State Parties;

And whereas the Election Commission has also reviewed the poll performance of political parties registered but unrecognised for the purpose of above-mentioned symbols order, (including those political parties now decided to be de-recognised), on the basis of the results of General Elections referred to above, and as a result of the said review, it has decided to de-register some registered parties;

And whereas the Commission has decided to accord recognition to Indian Congress (Socialist) as a National Party until further orders having regard to the terms of the order of the Commission dated the 3rd July, 1981 determining the dispute in the Indian National Congress.

Now, therefore, in pursuance of clause (a), (b), (c), and (d) of sub-paragraph (1) and sub-paragraph (2) paragraph 17 of the Symbols Order referred to above and in supersession of its notification No. 6/79, dated the 28th September, 1979, published as S.O. 557 (E), in the Gazette of India, Extraordinary, part II, Section 3 (ii), dated the 28th September, 1979, amended from time to time, the Election Commission hereby specifies—

(a) the National Parties and the symbols respectively reserved for them in Table 1;

(b) the State Parties, the State or States in which they are State Parties and the symbols respectively reserved for them in such State or States in Table 2;

(c) the unrecognised registered political parties the State or States in which they function in Table 3; and

(d) the free symbols for each State in Table 4.
### TABLE - 1

<table>
<thead>
<tr>
<th>National Parties</th>
<th>Symbol reserved</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bharatiya Janata Party</td>
<td>Lotus</td>
</tr>
<tr>
<td>2. Communist Party of India</td>
<td>Ears of Corn and Sickle</td>
</tr>
<tr>
<td>3. Communist Party of India Marxist)</td>
<td>Hamaer, Sickle and Star</td>
</tr>
<tr>
<td>4. Indian Congress (Socialist)</td>
<td>Charkha</td>
</tr>
<tr>
<td>5. Indian National Congress</td>
<td>Hand</td>
</tr>
<tr>
<td>6. Janata Party</td>
<td>Haldhar within Wheel (Chakra Haldhar)</td>
</tr>
<tr>
<td>7. Lok Dal</td>
<td>Farmer ploughing the field Khet Jotata Hua Kisan)</td>
</tr>
</tbody>
</table>

### TABLE - 2

<table>
<thead>
<tr>
<th>Name of the State/Union Territory.</th>
<th>Name of the State Party</th>
<th>Symbol Reserved</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Plaines Tribals Council of Assam</td>
<td>Cultivator cutting crop</td>
</tr>
<tr>
<td></td>
<td>2. Jammu and Kashmir Peoples Conference</td>
<td>Lion</td>
</tr>
<tr>
<td>KERALA</td>
<td>1. All India Muslim League</td>
<td>Boat</td>
</tr>
<tr>
<td></td>
<td>2. Kerala Congress</td>
<td>Horse</td>
</tr>
<tr>
<td></td>
<td>3. Kerala Congress (J)</td>
<td>Elephant</td>
</tr>
<tr>
<td></td>
<td>4. Muslim League</td>
<td>Ladder</td>
</tr>
<tr>
<td></td>
<td>5. Revolutionary Socialist Party</td>
<td>Spade and Stoker</td>
</tr>
<tr>
<td>MAHARASHTRA</td>
<td>Peasants 'and Workers' Party</td>
<td>Cart</td>
</tr>
<tr>
<td>MANIPUR</td>
<td>1. Kuki National Assembly</td>
<td>Two Leaves</td>
</tr>
<tr>
<td></td>
<td>2. Manipur Peoples Party</td>
<td>Bicycle</td>
</tr>
<tr>
<td>MEGHALAYA</td>
<td>1. All Party Hill Leaders Conference</td>
<td>Flower</td>
</tr>
<tr>
<td></td>
<td>2. Public Demands Implementation Convention</td>
<td>Spade</td>
</tr>
<tr>
<td>NAGALAND</td>
<td>Naga National Democratic Party</td>
<td>Cock</td>
</tr>
<tr>
<td>PUNJAB</td>
<td>Shiromani Akali Dal</td>
<td>Scales</td>
</tr>
<tr>
<td>SIKKIM</td>
<td>1. Sikkim Congress (R)</td>
<td>Rising Sun</td>
</tr>
<tr>
<td></td>
<td>2. Sikkim Janata Parishad</td>
<td>Horse</td>
</tr>
<tr>
<td></td>
<td>3. Sikkim Prajatantra Congress</td>
<td>Ladder</td>
</tr>
<tr>
<td>TAMIL NADU</td>
<td>1. All India Anna Dravida Munnetra Kazhagam</td>
<td>Two Leaves</td>
</tr>
<tr>
<td></td>
<td>2. Dravida Munnetra Kazhagam</td>
<td>Rising Sun</td>
</tr>
<tr>
<td>TRIPLIRA</td>
<td>Tripura Upajati Juba Samiti</td>
<td>Two Leaves</td>
</tr>
<tr>
<td>WEST BENGAL</td>
<td>1. All India Forward Bloc</td>
<td>Lion</td>
</tr>
<tr>
<td></td>
<td>2. Revolutionary Socialist Party</td>
<td>Spade</td>
</tr>
<tr>
<td>ARUNACHAL PRADESH</td>
<td>People's Party of Arunachal</td>
<td>Mithun</td>
</tr>
<tr>
<td>GOA, DAMAN AND DIU</td>
<td>Maharashtrawadi Gomantak</td>
<td>Lion</td>
</tr>
<tr>
<td>MIZORAM</td>
<td>Peopae's Conference</td>
<td>Scales</td>
</tr>
<tr>
<td>PONDICHERY</td>
<td>1. All India Anna Dravida Munnetra Kazhagam</td>
<td>Two Leaves</td>
</tr>
<tr>
<td></td>
<td>2. Dravida Munnetra Kazhagam</td>
<td>Rising Sun</td>
</tr>
<tr>
<td>Name of the Un-recognised registered political Party</td>
<td>State/States in which it is treated as functioning as registered un-recognised political party.</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>1. Backward &amp; Depressed People's Protection Front</td>
<td>Tamil Nadu</td>
<td></td>
</tr>
<tr>
<td>2. Doordharshi Party</td>
<td>1. Gujarat and 2. Uttar Pradesh,</td>
<td></td>
</tr>
<tr>
<td>3. Gandhi Kamaraj National Congress</td>
<td>Tamil Nadu</td>
<td></td>
</tr>
<tr>
<td>4. Jharkhand Mukti Morcha</td>
<td>Bihar</td>
<td></td>
</tr>
<tr>
<td>5. Jharkhand Party</td>
<td>Orissa</td>
<td></td>
</tr>
<tr>
<td>7. National Democratic Party</td>
<td>Kerala</td>
<td></td>
</tr>
<tr>
<td>8. Republic Party of India</td>
<td>Maharashtra</td>
<td></td>
</tr>
<tr>
<td>9. Republic Party of India (Khobragade)</td>
<td>Maharashtra</td>
<td></td>
</tr>
<tr>
<td>10. Socialist Unity Centre of India</td>
<td>West Bengal</td>
<td></td>
</tr>
<tr>
<td>11. Tamil Nadu Congress (K)</td>
<td>Tamil Nadu</td>
<td></td>
</tr>
<tr>
<td>12. Tripura State Congress for Democracy</td>
<td>Tripura</td>
<td></td>
</tr>
</tbody>
</table>

### Table 4

<table>
<thead>
<tr>
<th>Name of State/ Union Territory</th>
<th>Free Symbols</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. ANDHRA PRADESH</td>
<td></td>
</tr>
<tr>
<td>2. ASSAM</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------------------------------------------</td>
</tr>
<tr>
<td>11</td>
<td>Railway Engine</td>
</tr>
<tr>
<td>12</td>
<td>Scales</td>
</tr>
<tr>
<td>13</td>
<td>Spade</td>
</tr>
<tr>
<td>14</td>
<td>Spade and Stoker</td>
</tr>
<tr>
<td>15</td>
<td>Sparrow</td>
</tr>
<tr>
<td>16</td>
<td>Tiger</td>
</tr>
<tr>
<td>17</td>
<td>Two leaves</td>
</tr>
<tr>
<td>18</td>
<td>Ladder</td>
</tr>
</tbody>
</table>

3. BIHAR

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>A woman carrying basket on her head</td>
</tr>
<tr>
<td>2</td>
<td>Boat</td>
</tr>
<tr>
<td>3</td>
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8. **KARNATAKA**

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9. **KERALA**

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10. **MADHYA PRADESH**

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<td>Spectacles</td>
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<td>28.</td>
<td>Sewing Machine</td>
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<td>29.</td>
<td>Two leaves</td>
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<tr>
<td>30.</td>
<td>Tractor</td>
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<td>31.</td>
<td>Two swords and a shield</td>
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<td>32.</td>
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<td>34.</td>
<td>Basket containing vegetables</td>
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<td>Cultivators cutting crop</td>
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<td>Cocunut tree bearing fruits</td>
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<td>38.</td>
<td>Cultivator winnowing grain</td>
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<td>Eagle about to fly</td>
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<td>Two cultivators returning after cutting crop</td>
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11. MAHARASTRA

1. Areoplane
2. Boat
3. Bucket
4. Basket containing vegetables
5. Camel
6. Cultivator cutting crop
7. Coconut tree bearing fruits
8. Cock
9. Car
10. Chair
11. Cultivator winnowing grains
12. Clock
13. Drum
14. Deer
15. Elephant
16. Eagle about to fly
17. Fish
18. Flaming Torch
19. Goat
20. Horse
21. Hurricane Lamp
22. Hand Pump
23. Ink Pot and Pen
24. Jug
25. Lion
26. Ladder
27. Lock and Key
28. Mug
29. Pot
30. Pigeon
31. Peacock
32. Railway Engine
33. Rising Sun
34. Radio
35. Scales
36. Sparrow
37. Swastik within a circle
38. Spade and Stoker
39. Spectacles
40. Sewing Machine
41. Two leaves
42. Two Swords and a Shield
43. Tiger
44. Tractor
45. Two cultivators returning after cutting crop
12. MANIPUR
   1. Camel
   2. Elephant
   3. Eagle about to fly
   4. Flower
   5. Horse
   6. Lion
   7. Pot
   8. Railway Engine
   9. Scales
   10. Spade
   11. Sparrow

13. MEGHALAYA
   1. Boat
   2. Dao
   3. Drum
   4. Hurricane Lamp
   5. Ladder
   6. Pot
   7. Rising Sun
   8. Scales
   9. Sparrow
   10. Sewing Machine
   11. Two leaves

14. NAGALAND
   1. A pair of Pigeons
   2. Bow and Arrow
   3. Elephant
   4. Flaming Torch
   5. Hornbill
   6. Log Drum
   7. Mug
   8. Tiger

15. ORISSA
   1. Aeroplane
   2. Boat
   3. Bow and Arrow
   4. Camel
   5. Dam
   6. Drum
   7. Elephant
   8. Horse
   9. Lion
   10. Pot
   11. Railway Engine
   12. Two leaves

16. PUNJAB
   1. Bow and Arrow
   2. Boat
   3. Camel
17. RAJASTHAN

1. Boat
2. Camel
3. Cock
4. Car
5. Cultivator cutting crop
6. Deer
7. Elephant
8. Flaming Torch
9. Horse
10. Lion
11. Ladder
12. Pot
13. Rising Sun
14. Railway Engine
15. Scales
16. Sparrow
17. Two leaves
18. Tractor
19. Swastik within a circle
20. Aeroplane
21. Fish
22. Sewing Machine

18. SIKKIM

1. Bicycle
2. Bow and Arrow
3. Clock
4. Car
5. Drum
6. Deer
19. TAMIL NADU

1. Aeroplane
2. Boat
3. Camel
4. Car
5. Clock
6. Cock
7. Coconut tree bearing fruits
8. Elephant
9. Flower
10. Fish
11. Horse
12. Lion
13. Pot
14. Railway Engine
15. Scales
16. Spade
17. Sparrow
18. Swastik within a circle
19. Ship
20. Ladder
21. Bicycle

20. TRIPURA

1. Bicycle
2. Flaming Torch
3. Horse
4. Lion
5. Pot
6. Rising Sun
7. Scales
8. Spade
9. Sparrow
10. Swastik within a circle
11. Spade and Stoker
12. Two cultivators returning after cutting crop
13. Tiger

21. UTTAR PRADESH

1. Aeroplane
2. Boat
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22. WEST BENGAL

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<td>A pair of Pigeons</td>
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<td>22.</td>
<td>Tractor</td>
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<td>Two leaves</td>
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23. ANDAMAN AND NICOBAR ISLANDS
1. Bicycle
2. Boat
3. Rising Sun
4. Scales
5. Two leaves
6. Lion

24. ARUNACHAL PRADESH
1. Aeroplane
2. A Woman Carrying Basket on her head
3. Boat
4. Bow and Arrow
5. Bucket
6. Elephant
7. Fish
8. Flaming Torch
9. Hornbill
10. Horse
11. Hurricane Lamp
12. Ink Pot and Pen
13. Pot
14. Scales
15. Spade
16. Tiger
17. Two leaves
18. Two Swords and a Shield

25. CHANDIGARH
1. Bicycle
2. Boat
3. Bow and Arrow
4. Camel
5. Eagle about to fly
6. Elephant
7. Flaming Torch
8. Flower
9. Horse
10. Lion
11. Railway Engine
12. Rising Sun
13. Scales
14. Spade
15. Swastik within a circle
16. Tractor
17. Two leaves
18. Pot
19. Lock ansd Key
20. Drum
21. Hurricane Lamp
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<td>Ink and Pen</td>
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**16. DADRA AND NAGAR HAVELI**

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<tr>
<td>4.</td>
<td>Horse</td>
</tr>
<tr>
<td>5.</td>
<td>Scales</td>
</tr>
<tr>
<td>6.</td>
<td>Two leaves</td>
</tr>
</tbody>
</table>

**17. DELHI**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Aeroplane</td>
</tr>
<tr>
<td>2.</td>
<td>Bicycle</td>
</tr>
<tr>
<td>3.</td>
<td>Boat</td>
</tr>
<tr>
<td>4.</td>
<td>Bow and Arrow</td>
</tr>
<tr>
<td>5.</td>
<td>Camel</td>
</tr>
<tr>
<td>6.</td>
<td>Elephant</td>
</tr>
<tr>
<td>7.</td>
<td>Flaming Torch</td>
</tr>
<tr>
<td>8.</td>
<td>Flower</td>
</tr>
<tr>
<td>9.</td>
<td>Horse and Rider</td>
</tr>
<tr>
<td>10.</td>
<td>Ladder</td>
</tr>
<tr>
<td>11.</td>
<td>Lion</td>
</tr>
<tr>
<td>12.</td>
<td>Pot</td>
</tr>
<tr>
<td>13.</td>
<td>Rising Sun</td>
</tr>
<tr>
<td>14.</td>
<td>Railway Engine</td>
</tr>
<tr>
<td>15.</td>
<td>Scales</td>
</tr>
<tr>
<td>16.</td>
<td>Two leaves</td>
</tr>
<tr>
<td>17.</td>
<td>Tractor</td>
</tr>
<tr>
<td>18.</td>
<td>Two Swords and a Shield</td>
</tr>
<tr>
<td>19.</td>
<td>Swastik within a circle</td>
</tr>
<tr>
<td>20.</td>
<td>Cock</td>
</tr>
<tr>
<td>21.</td>
<td>Car</td>
</tr>
<tr>
<td>22.</td>
<td>Cultivator cutting crop</td>
</tr>
<tr>
<td>23.</td>
<td>Deer</td>
</tr>
<tr>
<td>24.</td>
<td>Horse</td>
</tr>
<tr>
<td>25.</td>
<td>Sparrow</td>
</tr>
<tr>
<td>26.</td>
<td>Drum</td>
</tr>
</tbody>
</table>
28. GOA, DAMAN AND DIU
1. Bicycle
2. Boat
3. Camel
4. Cock
5. Car
6. Elephant
7. Fish
8. Flower
9. Horse
10. Ladder
11. Pot
12. Peacock
13. Railway Engine
14. Rising Sun
15. Scales
16. Spade
17. Sparrow
18. Two leaves
19. Tiger

29. LAKSHADWEEP
1. Bicycle
2. Boat
3. Camel
4. Elephant
5. Horse
6. Scales
7. Spade
8. Two leaves

30. MIZORAM
1. Bicycle
2. Boat
3. Camel
4. Eagle about to Fly
5. Elephant
6. Fish
7. Flaming Torch
8. Lion
9. Pot
10. Railway Engine
11. Rising Sun
12. Spade
13. Spade and Stoker
14. Sparrow
15. Two leaves
16. Tiger

31. PONDICHERY
1. Bicycle
2. Horse and Rider
<table>
<thead>
<tr>
<th>1</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td>Ladder</td>
</tr>
<tr>
<td>4.</td>
<td>Lion</td>
</tr>
<tr>
<td>5.</td>
<td>Railway Engine</td>
</tr>
<tr>
<td>6.</td>
<td>Scales</td>
</tr>
<tr>
<td>7.</td>
<td>Spade</td>
</tr>
<tr>
<td>8.</td>
<td>Sparrow</td>
</tr>
</tbody>
</table>

By ORDER

( H.R. GUPTA)               K. GANESH
SECRETARY               SECRETARY
DEPUTY CHIEF ELECTORAL OFFICER, ELECTION COMMISSION OF INDIA
SIKKIM.
HOME DEPARTMENT (ELECTION)

NOTIFICATION No. 4/H

Dated Gangtok, the 1st May, 1982.

The following notification No. 56/82-II, date 26th April, 1982/ Vaisakha 6, 1904 (S) of Election Commission of India, New Delhi is published for general information:-

NOTIFICATION

Whereas a representation has been made by the Bharatiya Janata Party, a recognised National Party that free symbol ‘FLOWER’ resembles that party’s reserved symbol ‘LOTUS’ and allotted of ‘FLOWER’ symbol to the independent candidates will cause confusion in the minds of voters and therefore, that party has requested that the symbol ‘FLOWER’, be deleted from the list of free symbols all over the country;

And whereas the Commission is satisfied that the said request of Bharatiya Janata Party is reasonable;

Now, therefore, in pursuance of the power conferred on it by Article 324 of the Constitution read with rule 5 and rule 10 of the Conduct of Election Rules, 1961, paragraphs 4, 5, 8, 10, 11, 12, and 18 of the rule Election Symbols (Reservation and Allotment), Order, 1968 and all other power enabling it in this behalf, the Election Commission hereby directs that for the purpose of the general election to the Legislature Assemblies of Haryana and Kerala now in progress, the symbol ‘Flower’ shall be deleted from the list of free symbols in the State of Haryana and Kerala.

2. 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 to its notification No. 56/82, dated the 8th April, 1982 as amended vide notification No. 56/82-I, dated 23rd April 1982 which shall be deemed to have been made with effect from the 17th April, 1982 namely-

   (a) Against item No. 5, Haryana under column 2, the entry “8. Flower” shall be deleted;
   (b) the existing entries 9 to 20 shall be renumbered as 8 to 19;
   (c) against item 9, Kerala under column 2, the entry “5. Flower” shall be deleted; and
   (d) the existing entries 6 to 15 shall be renumbered as 5 to 14.

The above amendments shall remain in force only in respect of Assembly election to Haryana and Kerala which are being held in pursuance of notifications issued 17th April, 1982.

By Order

K. GANESAN
Secretary

(J. K. SIBBU)
Special Officer.
HOME DEPARTMENT
GOVERNMENT OF SIKKIM

No.9(2) Home/1982/752. Dated Gangtok, the 22nd April, 1982.

NOTIFICATION

In exercise of the powers conferred by article 318 of the Constitution, the Governor of Sikkim is pleased to make the following regulations further to amend the Sikkim Public Service Commission Regulations, 1976, namely:—

(1) These regulations may be called the Sikkim Public Service Commission (Amendment) Regulations, 1982.

(2) They shall be deemed to have come into force on and from the 1st day of January 1982.

In the Sikkim Public Service Commission Regulations, 1976:—

(a) in regulation 6, the words "when such Chairman or a Member is not in occupation of accommodation provided by the State Government" shall be added at the end;

(b) for the first proviso to regulation 6, the following proviso shall be substituted, namely:—

"Provided that the Chairman or a Member may be paid the pay and allowances at the following rates:—

(i) his grade pay and other allowances admissible in the parent services plus Sikkim Composite Compensatory Allowance at the rate of 40% of his basic pay subject to a maximum of Rs. 650/- p.m., if he is in the active service of the Government of India or any other State Government; and

(ii) his grade pay and allowances admissible to him in his parent service plus rupees three hundred as special pay per month if he is in the active service of the Government of Sikkim.

untill his retirement or resignation from the parent service, whichever is earlier."

J. T. DENSAPA,
Home Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT

Notification No. 29/LD/82.

Dated Gangtok, the 23rd April, 1982.

The Governor of Sikkim is pleased to make the following rules regulating the method of preparation of panels of legal practitioners and payment of fees to them in cases relating to Legal Aid to the Poor Accused State Expenses, namely:—

1. (1) These rules may be called the Sikkim Legal Aid to the Poor Accused at State Expenses, Rules, 1982.

    (2) It shall come into force at once.

2. The Legal Remembrancer in the Law Department, Government of Sikkim shall, prepare a panel of resident legal practitioners and also a panel of legal practitioners from outside the State.

    (2) As far as practicable only resident legal practitioners shall be engaged in cases pertaining to the Legal Aid to the Poor Accused at State Expenses.

    Provided that the Legal Remembrancer may, if the occasions warrants and for reasons to be recorded in writing, requisitions the service of a Senior lawyer from outside the State and assign the brief to him.

3. No legal practitioner who has rendered himself liable to sentence a fine or a penalty under the Legal Practitioners Act, 1879 (Central Act XVI of 1879), or who has been found guilty of professional misconduct under the Advocates Act, 1961 (25 of 1961), shall be eligible to be included or retained in the panel.

4. The panel shall be revised once in two years. If vacancies arising during the said period of two years, they may, if necessary, be filled up inclusion of fresh names for the rest of the period.

5. Where there are several accused persons and the defence of each of them is of such a nature that it appears undesirable to entrust the defence of all accused to one legal practitioner, as many legal practitioners as may be found necessary by Legal Remembrancer may be appointed in the same case for different accused-persons.
Legal Practitioners not to except any proceed reward, etc, the poor accused.

6. (1) No legal practitioner who has been engaged by the Legal Remembrancer under these rules shall take or agree to take or seek to obtain from the poor accused any fee, profit or reward for the conduct of proceedings other than the fee allowed to him by Legal Remembrancer under these rules.

(2) Where any legal practitioner accepts any fee, profit or reward from the poor accused in contravention of sub-rule (1) he shall be deemed to be guilty of professional misconduct and his case may be referred to the State Bar Council with which he is enrolled.

Rules also to apply to appeals, etc.

7. The provisions of these rules shall also apply to appeals, reviews and revisions arising out of the decisions on an action or suit for which legal aid has been granted and no separate application shall be required to b the poor accused for seeking legal aid for filing or representing an a for review or revision to any court or before any authority:

Provided that no such appeal, review or revision shall be filled unless on the report by the Legal Remembrancer certifying that the case is fit for appeal, review or revision.

Legal Practitioners to be even papers.

8. (1) Legal Practitioner appointed under these rules shall be furnished with necessary papers free of cost or they may be paid the expenses required for obtaining such papers.

(2) The legal practitioner shall be allowed sufficient time to prepare for the defence.

Honorarium payable to the Legal Practitioner.

9. The legal practitioner engaged under these rules may be paid the following honorarium:-

(1) When resident legal practitioner is engaged to appear in the High Court of Sikkim, he shall be paid an honorarium of Rs. 85/- per day per appearance subject to a maximum of Rs. 510/- in one case.

(2) When legal practitioner residing in Gangtok is engaged to appear before the District and other sub-ordinate courts in Gangtok, he shall be paid Rs. 50/- per day per appearance subject to a maximum of Rs. 850/- in one case.

(3) When a legal practitioner from Gangtok is engaged to appear in Courts at District Headquarters (other than Gangtok), he shall be paid the following fees in addition to the fees payable to him under clause (2) above.

(a) Double the Bus fare from Gangtok to the place of sitting of Court and back;
(b) Rs. 50/- for boarding and lodging per day for the days of his stay at District Headquarters;
(c) Profession loss @ Rs. 100/- per every twenty four house of absence from Gangtok beginning from the time of his departure from Gangtok and ending with his time of return to Gangtok period of less 12 hours being ignored.

(4) (a) When a legal practitioner is engaged from outside Gangtok to appear before the High Court of Sikkim or District Court or other Sub-ordinate Courts at Gangtok or District Headquarters he shall be paid an honorarium of Rs. 100/- per day per appearance subject to a maximum of Rs. 600/- per case for appearances before the High Court and Rs. 1000/- per case for appearance before other courts.
(b) He shall also be paid the honorarium and other charges as specified in items (a), (b) and (c) of sub-rule (3) of rule 3.

Persons to whom legal aid may be given.

10. (1) Legal aid under these rules shall be given—

(a) to those accused who are poor and not in a position to engage a lawyer for their defence and

(b) whose case is recommended for legal aid by the court before whom any proceeding is pending.

(2) The Court may, before recommending case of poor accused hold such inquiry as it may deem fit.

(3) The Legal Remembrancer shall appoint a legal practitioner from the panel maintained by him under rule 2, by relation.

B.R. Pradhan,

Legal Remembrancer & Secretary
F. No. 16 (161) LD/82.
The Government of Sikkim have constituted a Committee to study advantages and disadvantages of the affiliation of Nyingma Sheda, Deorali, Gangtok to Smpuranand Sanskrit University, Varanasi. The Committee shall also examine the modalities of affiliating the Institute to the University, if it recommends for such affiliation. The following shall be the composition of the Committee:

1. Shri K. Sherab, Secretary (Finance) --- Chairmam
2. Shri M. M. Rasaily, Secretary (Education and Health) --- Member
3. Shri C. D. Rai, Secretary (Excise) --- Member
4. Shri Passong Namgyal, Secretary (Eccl) --- Member
5. Dr. Banerjee, Dir/SRITOBS --- Member
6. Shri N. Dorji, Deputy Secretary (Eccl) --- Secretary

M.P. PRADHAN,
Chief Secretary,
Government of Sikkim.
Circular No. 4/Fin.                                                                                        Dated Gangtok, the 12th May, 1982.

In continuation of this Department's Circular No. 22/Fin. dated 19th March, 1982, the Government of Sikkim is pleased to decide that the rates of Dearness Allowance to State Government employees will stand modified as follows until further orders:—

<table>
<thead>
<tr>
<th>Period</th>
<th>Pay range</th>
<th>Modified rates of D.A. p.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.8.1981 to 30.9.1981</td>
<td>(a) Upto Rs. 2400/- p.m.</td>
<td>30% of pay subject to a minimum of Rs. 103/- and a maximum of Rs. 270/-</td>
</tr>
<tr>
<td>1.10.1981 to 31.10.1981</td>
<td>(a) Upto Rs. 900/- p.m.</td>
<td>32 1/2% of pay subject to a minimum of Rs. 111/- and a maximum of Rs. 292.50p.</td>
</tr>
<tr>
<td>1.11.1981 to 31.12.1981</td>
<td>(b) Above Rs. 900/- p.m. and upto Rs. 922.50/- p.m.</td>
<td>Amount by which pay falls short of Rs. 1192.50p.</td>
</tr>
<tr>
<td>1.1.1982 onwards</td>
<td>(c) Above Rs. 922.50/- p.m. and upto Rs. 2400/- p.m.</td>
<td>Rs. 270/-</td>
</tr>
<tr>
<td></td>
<td>(a) Upto Rs. 1600/- p.m.</td>
<td>35% of pay subject to minimum of Rs. 119/- and a maximum of Rs. 315/-</td>
</tr>
<tr>
<td></td>
<td>(b) Above Rs. 1600/- p.m. and upto Rs. 1645/- p.m.</td>
<td>Amount by which pay falls short of Rs. 1915/-</td>
</tr>
<tr>
<td></td>
<td>(c) Above Rs. 1645/- p.m. and upto Rs. 2400/- p.m.</td>
<td>Rs. 270/-</td>
</tr>
<tr>
<td></td>
<td>(a) Upto Rs. 2400/- p.m.</td>
<td>37 1/2% of pay subject to a minimum of Rs. 127/- and maximum of Rs. 337.50p.</td>
</tr>
<tr>
<td></td>
<td>(c) Above Rs. 2400/- p.m.</td>
<td>Rs. 337.50p.</td>
</tr>
</tbody>
</table>

The above orders will also be applicable to employees appointed on contract and the work charged establishment drawing pay in the regular pay scales.

By Order

K. SHERAB,
Secretary, Finance,
Government of Sikkim
HOME DEPARTMENT (ELECTION)

NOTIFICATION No. 5/II.

Dated Gangtok, the 17th May, 1982

The following notification No. 56/82-III, dated 1st May, 1982/Vaisakha 11, 1904(S) of Election Commission of India, New Delhi is published for general information:—

NOTIFICATION

Whereas in pursuance of the provisions of paragraph 6 read with paragraph 7 of the Election Symbol(Reservation and Allotment) Order, 1968, the Election Commission of India had reviewed the poll performance of various political parties on the basis of the results of the General Elections to the House of the People held in 1980 and the General Elections held in 1979 and 1980 to the Legislative Assemblies of certain States and Union Territories;

And whereas, as a result of the said review, the Commission had decided to de-recog- nise and de-register the 'Hill State Peoples' Democratic Party' which was until then a recog- nised State Party under paragraph 6 of the symbols Order referred to above in Meghalaya;

And whereas, the said Organisation has since representsted to the Commission for resto- ration of its registration and recognition under the Symbols Order referred to above, explaining the circumstances in which it could not contest the Lok Sabha general election in 1980 in view of the peculiar situation obtaining in Meghalaya State at the time and also the reason why it could not reply to the Commission's show cause notice as to why it should not be derecog- nised;

And whereas, the Commission has heard the representatives of the party in support of its request for restoration of recognition;

And whereas, the Commission is satisfied with the explanation furished by the said party and the representations made during the hearing and has decided to restore the registration and recognition to the said party in Meghalaya under the name and style 'Hill State Peoples' Democratic Party' and also restore to the party the election symbol 'Lion' reserved for it earlier.

Now, therefore, in pursuance of paragraphs 3, 4, 5, 6, 7 and 8 and clause (b) 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 follow- ing amendment to its notification No. 56/82, dated the 8th April, 1982 published in the Gazette of India, Extraordinary, Part II, Section 3(iii), on the 12th April, 1982, as amended from time to time namely-
In Table 2 of the said notification, against the State of Meghalaya, referred to under column 1, the following entries shall be substituted for the existing entries under columns 3 of the said table:-

1. All Party Hill Leaders' Conference
2. Hill State Peoples' Democratic Party
3. Public Demands Implementation Convention

The above amendment shall be deemed to have come into effect with effect from the 8th April, 1982.

By order,

(J. K. SIBBU)                                                    K. GANESAN,
Special Officer.                                           Secretary.

to the Election Commission of India

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
HOME DEPARTMENT (ELECTION)

NOTIFICATION No. 6/H.

Dated Gangtok, the 17th May, 1982.

The following notification No. 56/82-IV, dated 4th May, 1982/Vaisakha 14, 1904(s) of Election Commission of India, New Delhi is published for general information:-

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 to its notification No. 56/82, dated 8th April, 1982, published in the Gazette of India, Extraordinary, Part II, Section 3(iii), dated the 12th April, 1982 as amended from time to time which shall be deemed to have been made with effect from 17th April, 1982, namely—

IN TABLE 4 appended to the said notification

(1) against item 5. Haryana mentioned in column 1 insert the following entries in column 2 of the said Table—

"20. Eagle about to fly 21. Horse
22. Lock and Key 23. Drum"

(2) against item 6. Himachal Pradesh mentioned in column 1, insert the following entries in column 2 of the said Table—

"10. Ladder 11. Cart
12. Camel 13. Umbrella
14. Pitcher 15. Cock
16. Horse and Rider 17. Cultivator winnowing grain
18. Drum 19. Eagle about to fly
20. Elephant."

The above amendments shall remain in force only in respect of general elections to State Assemblies of Haryana and Himachal Pradesh being held in pursuance of notifications issued the 17th April, 1982.

(J.K.SIBBU)    By Order,                                             Sd- G L. ROSE,
Special Officer.         Under Secretary.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
NOTIFICATION

The following amendments shall be made in Notification No. 6(18)Home/81 dated 15th November, 1981 for the regulation of terms and conditions in respect of Government advocates-cum-Public Prosecutors, namely:

1. In Rule 8, for clause (d), substitute——

"Neither the Senior Government Advocate-cum-Public Prosecutor nor the Government Advocate-cum-Public Prosecutor shall accept any private case in which two or more individuals are contesting and the State Government is not involved. The Provision shall not apply in the cases of the Central Government or Statutory Corporation or body Corporate where interest of such Statutory Corporation or body Corporate is not adverse in any manner with the interest of the State Government. Provided always, the Government Advocates may, with the approval in writing from the Minister-in-Charge, Home, and on the instructions of the Home Secretary, appear for any individual where such individual is a party along with the State Government in which the interest of the State Government and such individual is the same. The Government Advocates may, with the approval of the Home Secretary, also appear for Government employees if it is necessary to do so in the interest of the State. The Government Advocates may appear in any case without fees when engaged by any court as an Amicus Curiae."

2. After Rule 14, the following shall be inserted namely:

"14A The Senior Government Advocate-cum-Public Prosecutor and the Government Advocate-cum-Public Prosecutor shall be entitled to the fees for drafting and consultation in terms of clause 14(ii) and 14 (iii) while such drafting and consultation will be done in Gangtok pertaining to any case pending in the Supreme Court or proposed to be filed before the Supreme Court."

By order,

J. T. DENSAPA,
Secretary,
Home Department,
Government of Sikkim.
HOME DEPARTMENT (ELECTION)
NOTIFICATION No. 7/H.

Dated Gangtok, the 7th June, 1982.

The following Notification Nos. 479/3/82/I, 479/3/82/II, and 479/3/III all dated 7th June, 1982/Jyaishta 17, 1904 (S) of Election Commission of India, New Delhi are published for general information:—

NOTIFICATION
No.479/3/82/I.— In pursuance of sub-section (1) of section 3 of the Presidential and Vice-Presidential Election Act, 1952 (31 of 1952), the Election Commission, in consultation with the Central Government, hereby appoints the Secretary General to the Rajya Sabha, Parliament House, New Delhi, to be the Returning Officer for the Presidential election.

NOTIFICATION
No.479/3/82/II.— In pursuance of Sub-section (1) of section 3 of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952), the Election Commission hereby appoints Shrimati K.K. Chopra, Additional Secretary, Rajya Sabha Secretariat, Parliament House, New Delhi, to be an Assistant Returning Officer for the Presidential election.

NOTIFICATION
No.479/3/82/III- In pursuance of sub-section (1) of section 3 of the Presidential and Vice Presidential Elections Act, 1952 (31 of 1952), the Election Commission hereby appoints the Secretary to the Legislative Assembly of each State to be an Assistant Returning Officer for the Presidential Election.

By Order,

M.P.PRADHAN,
Chief Electoral Officer,
Sikkim

K. GANESAN
Secretary to the Election Commission of India.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
NOTIFICATION
No.6(24) Home/82/2153.
Dated Gangtok, the 8th June, 1982.

Having regard to the acute shortage of police personnel, the Governor of Sikkim, in supersession notifications, rules, order etc. on the subject, hereby directs that with effect from the date of publication of this notification in the Official Gazette, the following procedure shall be followed in respect of service of summons-warrants of possession and other processes by any court of Sikkim.

1. Save as otherwise provided in this notification service of police officers shall not be utilised by any court for service of processes in—
   (a) any civil proceedings;
   (b) writ proceedings;
   (c) civil appeal matters;
   (d) execution of decrees.

2. The service of police officers may be utilised by any Criminal Court for the purposes of serving summon/processes on witnesses for the prosecution for ensuring their attendance in any court.

3. Services of police may be asked for by any court after exhausting all steps as are provided or in the of Civil Procedure.

4. Any court asking for police help/assistance shall approach the Superintendent of police of the District Specifying the number of police officers required for specific purposes giving the court during which the services of such police officers are required.

5. Sufficient notice shall be given to the Superintendent of Police for providing required number of people officers and it shall be lawful for the Superintendent of Police to refuse police help if he is of the view that sufficient police officers cannot be made available at the required date and the interests of maintenance of law and order in the District.

6. The Superintendent of Police shall provide police help only after the party which seeks police help has deposited in the Court in the name of the S.P. the amounts stated below and such deposit is mentioned in the requisition to the S.P. for police help:—

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Fees Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) For effecting service of summons/notice of defendant/respondent/opposite party.</td>
<td>Rs. 50/- for services on each person.</td>
</tr>
</tbody>
</table>
(ii) for executing decree/warrant of possession—
   (a) for hire charges and cost of petrol for use of a Vehicle Rs. 300/- for each Vehicle.
   (b) for services of each inspector Rs. 200/-
   (c) for services of Sub-Inspector Rs. 150/-
   (d) for services of each Constable Rs. 100/-
   (e) for services of lady Constable or Sub-Inspector Rs. 150/-

7. The S.P.of the of the District shall withdraw the amount deposited in any Court and shall credit the same to the Sikkim Police Welfare Fund.

8. For the purposes of this Notification,—
   (a) "Court" means any Court of Civil or Criminal jurisdiction and includes the Sikkim High Court;
   (b) "Police Officer" includes a police constable.

J. T. DENSAPA,

Home Secretary
Government of Sikkim,
HOME DEPARTMENT (ELECTION)

NOTIFICATION NO. 8/H

Dated, Gangtok, the 9th June, 1982.

The following notification Nos. 479/82, 479/7/82/I, 479/7/82 II and 479/7/82 III all dated 9th June, 1982/Jyaishta 19, 1904(8) of Election Commission of India, New Delhi are hereby published for general information:-

NOTIFICATION

No.479/82.-WHEREAS the term of office of Shri Neelam Senjiva Reddy, President of India, is due to expire on 24 July, 1982.

AND WHEREAS under sub-section (3) of section of the Presidential and Vice-Presidential Election Act, 1952(31 of 1952), the Election Commission is required to appoint the dates for the election to fill the office of President of India so that it will be completed in time to enable the President thereby elected to enter upon his office on the 25th day of July, 1982.

NOW THEREFORE ia pursuance of sub-section (1) of section 4 of the said Act, the Election Commission hereby appoints in respect of the said election —

(a) 23.6.82 (Wednesday) as the last date for making nominations;

(b) 24.6.82 (Thursday) as the date for the scrutiny of nominations;

(c) 26.6.82 (Saturday) as the last date for the withdrawal of candidatures; and

(d) 12.7.82 (Monday) as the date on which a poll shall, if necessary, be taken.

NOTIFICATION

No.479/7/82/I- pursuance of rule 7 of the Presidential and Vice-Presidential Elections Rules, 1974, the Election Commission hereby -

(a) fixes each of the places specified in column 1 of the Table below to be a place of polling at the Presidential election to be held in accordance with its notification No. 479/82 dated 9th June, 1982 and

(b) with respect to each such place of polling, specifies in the corresponding entry in column 2 of the said Table the group of electors who will be entitled to vote at that place.
<table>
<thead>
<tr>
<th>Place of polling</th>
<th>Group of electors</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Parliament House, New Delhi</td>
<td>Elected members of Parliament (excluding those who after intimation to the Election Commission intend to vote at any other place of polling) and any elected member of the Legislative Assembly of a State who on a special request made by him to the Election Commission to vote at the place of polling in New Delhi is permitted by the Election Commission to do so.</td>
</tr>
<tr>
<td>(2) Andhra Pradesh Legislative Assembly Buildings, Hyderabad</td>
<td>Elected members of the Andhra Pradesh Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Hyderabad.</td>
</tr>
<tr>
<td>(3) Assam Legislative Assembly Buildings, Dispur</td>
<td>Any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Dispur.</td>
</tr>
<tr>
<td>(4) Bihar Vidhan Sabha Building, Patna</td>
<td>Elected members of the Bihar Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Patna.</td>
</tr>
<tr>
<td>(5) Gujarat Legislative Assembly, Gandhinagar</td>
<td>Elected members of the Gujarat Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Gandhinagar.</td>
</tr>
<tr>
<td>(6) Haryana Vidhan Sabha Secretariat, Vidhan Bhavan, Chandigarh</td>
<td>Elected members of the Haryana Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Chandigarh.</td>
</tr>
<tr>
<td>(7) Himachal Pradesh Legislative Assembly Buildings, Chandigarh</td>
<td>Elected members of the Himachal Pradesh Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends the vote at the place of polling in Simla.</td>
</tr>
<tr>
<td>(8) Jammu and Kashmir Legislative Assembly Buildings, Srinagar</td>
<td>Elected Members of the Jammu and Kashmir Legislative Assembly and any elected Member of Parliament which after intimation to the Election Commission intends the vote at the place of polling in Srinagar.</td>
</tr>
<tr>
<td>(9) Karnataka Legislature Secretariat, Vidhan Soudha, Bangalore</td>
<td>Elected members of the Karnataka Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Bangalore.</td>
</tr>
<tr>
<td>(10) Kerala Legislative Assembly Buildings, Trivandrum</td>
<td>Elected members of the Kerala Legislative Assembly any elected Member of Parliament who after intimation the Election Commission intends to vote at the polling in Trivandrum.</td>
</tr>
<tr>
<td>(11) Madhya Pradesh Vidhan Sabha Bhawan, Bhopal</td>
<td>Elected members of the Madhya Pradesh Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote the place of polling in Bhopal.</td>
</tr>
<tr>
<td>(12) Maharashtra Legislative Assembly Buildings, Bombay</td>
<td>Elected members, of the Maharashtra Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Bombay.</td>
</tr>
<tr>
<td>(13) Manipur Legislative Assembly, Imphal</td>
<td>Elected members of the Manipur Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Imphal.</td>
</tr>
</tbody>
</table>
NOTIFICATION

No.479/7/82/II - In pursuance of clause (b) of rule 7 of the Presidential and Vice-Presidential Election Rules, 1974, the Election Commission hereby specifies the hours from 10.00 a.m. to 5.00 p.m. both inclusive, to be the hours during which the poll will be taken at each place of polling fixed by the Commission in its notification No.479/7/82/I, dated 9 June, 1982 for the Presidential election.

NOTIFICATION

No.479/7/82/III - Besides the Returning Officer for the Presidential Election, 1982 who shall conduct the poll to be taken at the said election on the 12 July, 1982 at the place of polling in the Parliament House in New Delhi, the Assistant Returning Officers who are hereby specified in Column 1 of the Table below by the Election Commission under sub-rule (1) of rule 9 of the Presidential and Vice-Presidential Elections Rules, 1974, shall also conduct the poll at the said election on the said date and the place of polling at which each such Assistant Returning Officer shall conduct the poll is specified against him in Column 2 of the said Table:-

<table>
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<tr>
<th>1</th>
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<tbody>
<tr>
<td>(14) Meghalaya Legislative Assembly, Shillong.</td>
<td>Elected members of the Meghalaya Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Shillong.</td>
</tr>
<tr>
<td>(15) Nagaland Legislative Assembly, Kohima.</td>
<td>Elected members of the Nagaland Legislative Assembly and any elected member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Kohima.</td>
</tr>
<tr>
<td>(16) Orissa Legislative Assembly Buildings, Bhubaneswar.</td>
<td>Elected members of the Orissa Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Bhubaneswar.</td>
</tr>
<tr>
<td>(17) Punjab Vidhan Sabha Secretariat, Vidhan Bhawan, Chandigarh.</td>
<td>Elected members of the Punjab Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Chandigarh.</td>
</tr>
<tr>
<td>(18) Rajasthan Legislative Assembly Sawai Man Singh Town Hall, Jaipur.</td>
<td>Elected members of the Rajasthan Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Jaipur.</td>
</tr>
<tr>
<td>(19) Sikkim Legislative Assembly Buildings, Gangtok.</td>
<td>Elected members of the Sikkim Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Gangtok.</td>
</tr>
<tr>
<td>(20) Secretariat Buildings, Fort St. George, Madras.</td>
<td>Elected members of the Tamil Nadu Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Madras.</td>
</tr>
<tr>
<td>(21) Tripura Legislative Assembly Agartala.</td>
<td>Elected members of the Tripura Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Agartala.</td>
</tr>
<tr>
<td>(22) Vidhan Bhawan, Lucknow.</td>
<td>Elected members of the Uttar Pradesh Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Lucknow.</td>
</tr>
<tr>
<td>(23) West Bengal Legislative Assembly Building, Calcutta.</td>
<td>Elected members of the West Bengal Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Calcutta.</td>
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<tr>
<td>Assistant Returning Officer</td>
<td>Place of Polling</td>
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<td>1. The Secretary, Aadhra Pradesh Legislative Assembly, Hyderabad.</td>
<td>Andhra Pradesh Legislative Assembly Building, Hyderabad.</td>
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<td>2. The Secretary, Assam Legislative Assembly, Dispur.</td>
<td>Assam Legislative Assembly Building, Dispur.</td>
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<tr>
<td>3. The Secretary, Bihar Legislative Assembly, Patna</td>
<td>Bihar Vidhan Sabha Buildings, Patna.</td>
</tr>
<tr>
<td>4. The Secretary, Gujarat Legislative Assembly, Gandhinagar.</td>
<td>Gujarat Legislative Assembly, Gandhinagar.</td>
</tr>
<tr>
<td>5. The Secretary, Haryana Legislative Assembly, Chandigarh.</td>
<td>Haryana Vidhan Sabha Secretariat, Chandigarh.</td>
</tr>
<tr>
<td>6. The Secretary, Himachal Pradesh Legislative Assembly, Simla.</td>
<td>Himachal Pradesh Legislative Assembly Building, Simla.</td>
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<tr>
<td>7. The Secretary, Jammu &amp; Kashmir Legislative Assembly, Srinagar.</td>
<td>Jammu &amp; Kashmir Legislative Assembly Building, Srinagar.</td>
</tr>
<tr>
<td>8. The Secretary, Karnataka Legislative Assembly, Bangalore.</td>
<td>Karnataka Legislative Secretariat, Vidhan Building Bangalore.</td>
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<tr>
<td>9. The Secretary, Kerala Legislative Assembly, Trivandrum.</td>
<td>Kerala Legislative Assembly Building, Trivandrum.</td>
</tr>
<tr>
<td>10. The Secretary, Madhya Pradesh Legislative Assembly, Bhopal.</td>
<td>Madhya Pradesh Vidhan Sabha Bhawan, Bhopal.</td>
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<tr>
<td>11. The Secretary, Maharashtra Legislative Assembly, Bombay.</td>
<td>Maharashtra Legislative Assembly, Bombay.</td>
</tr>
<tr>
<td>12. The Secretary, Manipur Legislative Assembly, Imphal.</td>
<td>Manipur Legislative Assembly, Imphal.</td>
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<tr>
<td>13. The Secretary, Meghalaya Legislative Assembly, Shillong.</td>
<td>Meghalaya Legislative Assembly, Shillong.</td>
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<tr>
<td>14. The Secretary, Nagaland Legislative Assembly, Kohima.</td>
<td>Nagaland Legislative Assembly, Kohima.</td>
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<tr>
<td>15. The Secretary, Orissa Legislative Assembly, Bhubaneswar.</td>
<td>Orissa Legislative Assembly, Bhubaneswar.</td>
</tr>
<tr>
<td>16. The Secretary, Punjab Legislative Assembly, Chandigarh.</td>
<td>Punjab Vidhan Sabha Secretariat, Chandigarh.</td>
</tr>
<tr>
<td>17. The Secretary, Rajasthan Legislative Assembly, Jaipur.</td>
<td>Rajasthan Legislative Assembly, Sawai Mansingh, Town Hall, Jaipur.</td>
</tr>
<tr>
<td>18. The Secretary, Sikkim Legislative Assembly, Gangtok.</td>
<td>Sikkim Legislative Assembly, Gangtok.</td>
</tr>
<tr>
<td>19. The Secretary, Tamil Nadu Legislative Assembly, Madras.</td>
<td>Tamil Nadu Legislative Assembly, Madras.</td>
</tr>
<tr>
<td>20. The Secretary, Tripura Legislative Assembly, Agartala.</td>
<td>Tripura Legislative Assembly, Agartala.</td>
</tr>
<tr>
<td>21. The Secretary, Uttar Pradesh Legislative Assembly, Lucknow.</td>
<td>Uttar Pradesh Vidhan Bhavan, Lucknow.</td>
</tr>
<tr>
<td>22. The Secretary, West Bengal Legislative Assembly, Calcutta.</td>
<td>West Bengal Legislative Assembly, Calcutta.</td>
</tr>
</tbody>
</table>

BY ORDER,

Sd/- (K.GANESAN)

Secretary to the Election Commission of India.

H.R.GUPTA.

Deputy Chief Electoral Officer Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK. 
HOME DEPARTMENT (ELECTION)

NOTIFICATION No. 9/H.

Dated Gangtok, the 9th June, 1982.

The following Public Notice of Election to the office of President of India, dated 9th June, 1982 issued by the Returning Officer for the Presidential Election and Secretary-General Rajya Sabha, New Delhi, is published for general information:—

PUBLIC NOTICE

WHEREAS a notification under sub-section (1) of section 4 of the Presidential and Vice-Presidential Elections Act, 1952, for the holding of an election to fill the office of President of India has been issued by the Election Commission, I, Sudarshan Agarwal, the Returning Officer for such election, do hereby give notice that—

(i) Nomination papers may be delivered by a candidate or any one of his proposers or seconders to the undersigned at his office in Room No. 29, Ground Floor, Parliament House, New Delhi, or if he is unavoidably absent to Shrimati K.K. Chopra, Assistant Returning Officer and Additional Secretary, Rajya Sabha Secretariat, at the said office between 11 00 a.m. and 3.00 p.m. on any day (other than a public holiday) not later than Wednesday the 23rd June, 1982;

(ii) each nomination paper shall be accompanied by a certified copy of the entry relating to the candidate in the electoral roll for the Parliamentary Constituency in which the candidate is registered as an elector;

(iii) every candidate shall deposit or cause to be deposited a sum of rupees two thousand five hundred only. This amount may be deposited in cash with the Returning Officer at the time of presentation of the nomination paper or deposited earlier in the Reserve Bank of India or in a Government Treasury and in the latter case a receipt showing that the said deposit of the sum has been so made is required to be enclosed with the nomination paper;

(iv) forms of nomination papers may be obtained from the above said office at the times aforesaid;

(v) the nomination papers, other than those rejected under sub-section (4) of section 5B of the Act, will be taken up for scrutiny at the said office in the Room No. 29, Ground Floor, Parliament House, New Delhi, on Thursday, the 24th June, 1982 at 11 A.M.
(vi) the notice of withdrawal of candidatures may be delivered by a candidate, or any one of his proposers or seconders who has been authorised in this behalf in writing by the candidate, to the undersigned at the place specified in paragraph (i) above before three o'clock in the afternoon of Saturday, the 26th June, 1982;

(vii) in the event of the election being contested, the poll will be taken on Monday, the 12th My, 1982, between the hours from 10 a.m. to 5. p.m. both inclusive, at the places of polling fixed under the rules.

Sd/- (SUDARSHAN AGARWAL)

Returning Officer for the Presidential Election and Secretary-General, Rajya Sabha

H.R. GUPTA,

Deputy Chief Electoral Officer, Sikkim.
It has been observed that Agencies including Government Departments have been
denoting places with different spellings. In order to adopt uniformity in naming places,
State Government hereby notify the correct names on the recommendation of the Commission
constituted for the purpose. Correct names will henceforth be written as follows:-

<table>
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<tr>
<th>Existing names</th>
<th>Correct names</th>
<th>District</th>
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T. CHHOPEL,

Secretary,
Land Revenue Department
Government of Sikkim.
GOVERNMENT OF SIKKIM

LAW DEPARTMENT

Dated Gangtok, the 19th June, 1982.

The following Ordinance promulgated by the Governor on 19th June, 1982, is hereby published for general information:

THE SIKKIM INDUSTRIES LICENSING ORDINANCE, 1982

( ORDINANCE NO 1 OF 1982 ).

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

An Ordinance

to provide for licence to industries in Sikkim, abolition of exclusive right in industries and for industrial progress of the State.

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

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:-

Short title, extent and commencement.

1. (1) This Ordinance may be called the Sikkim Industries Licensing Ordinance, 1982.

(2) It extends to the whole of Sikkim.

(3) Save and except as expressly provided hereinafter, this Ordinance shall come into force at once.

Definitions.

2. In this Ordinance, unless the context otherwise requires:-

(a) "industry" means any establishment for manufacture;
(b) "manufacture" means any process for making, fabricating, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal;
(c) "owner of an industry" includes a person who has ultimate control over the affairs of the industry and where the said affairs are substantially entrusted to or carried on by a person such person shall be deemed to be the owner of such industry;
(d) "prescribed" means prescribed by rules made under this Ordinance.

**Procedure for Licensing.**

3. (1) Every person who intends to commence an industry shall obtain before its commencement a licence in accordance with the provisions of this Ordinance and the rules made thereunder.

(2) Sub-section (1) shall not apply to small scale industries which are already registered under the Notification No. 22/Home/76 dated the 3rd May, 1976 except those which have ceased to be small scale industries before or after the commencement of this Ordinance.

*Explanation.*—For the purpose of sub-section (2) a small scale industry shall mean an undertaking having investment in fixed assets in plant and machinery (whether held on ownership terms or by lease or by hire purchase) not exceeding Rs. 20 lakhs.

(3) Every licence under this Ordinance shall be obtained by the owner of an existing industry within 30 days from date of publication of the rules in the Official Gazette under this Ordinance. The application for obtaining a licence shall be made in the prescribed form.

(4) An application for licence shall be made to the Director Industries, Government of Sikkim.

(5) No licence under this Ordinance shall be granted if the State Government is of the opinion that granting of such licence shall be against the public interest.

**Penalties.**

4. Any person who contravenes the provisions of sub-sections (1) and (3) of section 3 shall be liable to imprisonment which may extend to 6 months and shall also be liable to fine.

**Offences by companies.**

5. (1) Where an offence under this Ordinance or any rule made thereunder has been committed by a company, every person who at the time the offences has committed, was in charge of and was responsible to, the company for the conduct of business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Ordinance 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 shall 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.

**Abolition of exclusive right.**

6. Notwithstanding anything contained in any law, order, custom, promise or contract to the contrary, no owner of an industry in Sikkim shall have an exclusive right to manufacture any substance for any period within the State of Sikkim. Any person, company, body corporate or firm having exclusive right to carry on any industry or to manufacture any substance (to the exclusion of others) shall cease to have such right from the date of commencement of this Ordinance.

*Explanation.*—Nothing in this Section shall apply to article 19 (6) (ii) of the Constitution of India.

**Cancellation of licence.**

7. (1) A Licence granted under this Ordinance may be suspended, cancelled or revoked by the State Government in the public interest.

(2) No order under the sub-section (1) shall be made without following the procedure prescribed in the rules.
8. No suit, proceeding or other legal proceeding shall lie against the State Government or any officer or authority authorised by the State Government for any thing which is in good faith done or intended to be done under this Ordinance.

9. The Notification No.2/TIC dated 16th February, 1974 (entitled: Incentive for Growing industries in Sikkim) except paragraph (v) (b) thereof (relating to Income-Tax) is hereby repealed. This section shall be deemed to have come into force with effect from the 24th day of May, 1976.

10. The State Government may, by Notification published in the Official Gazette, make rules for carrying out the purposes of this Ordinance including rules for prescribing fees for application and granting of licence under this Ordinance. The power to make rules under this section shall include power to grant such incentives to industries, as the State Government may think fit.

Gangtok, Dated the 19th June, 1982.

HOMI J.H. TALEYARKHAN
GOVERNOR.

P. K. PRADHAN,
Secretary to the Government of Sikkim, Law Department.

F. No. 16 (167) LD/82.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
GOVERNMENT OF SIKKIM
OFFICE OF THE SECRETARY FOOD & CIVIL SUPPLIES
GANGTOK (SIKKIM)

Notification No. 2/FCS. Dated Gangtok, the 13th May, 1982

In exercise of the powers conferred by sub-section 1 of section 12A of the Essential Commodities (Special Provisions) Act, 1981 (18 of 1981) the State Government hereby constitutes Court for the whole of the State of Sikkim for the purpose of providing speedy trial offences under the Essential Commodities Act as amended by the Essential Commodities (Special Provisions) Act, 1981.

This notification shall come into force at once.

By Order,

P. THAPA,
Deputy Secretary,
Food & Civil Supplies Department.
Government of Sikkim.
The Government of Sikkim has been pleased to declare the road leading from the crossing of the Government Institute of Cottage Industries to the Secretariat Building at Tashiling Gangtok as "BHANU PATH".

By Order.

T. P. SHARMA,
Secretary to the Government of Sikkim.
No.63      Gangtok, Friday June 25, 1982

HOME DEPARTMENT

NOTIFICATION

Dated Gangtok, the 20th May, 1982.

No.6(27)Home/82/965. The Ministry of Law, Justice & Co. Affairs (Department of Justice), New Delhi Notification No. 63/1/82-Jus dated the 10th May, 1982 is republished for general information:-

"In exercise of the powers conferred by Article 223 of the Constitution of India, the President is pleased to appoint Shri Justice Anandamoy Bhattacharje a Judge of the Sikkim High Court to perform, during the absence on leave, with suffixed High Court holidays, of Shri Justice Man Mohan Singh Gujral, Chief Justice of the Sikkim High Court, the duties of the Chief Justice of that High Court with effect from 10th May, 1982 to 13th June, 1982.

S. K. SHARMA,

Deputy Secretary to the Govt, of India"

J. T. DENSAPA,

Home Secretary,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Notification No. 7(17) Home/79-81
Dated Gangtok, the 22nd May, 1982.

NOTIFICATION

In exercise of the powers conferred by clause (3) of Article 166 of the Constitution of India, the Governor of Sikkim is hereby pleased to make the following rules further to amend the Government of Sikkim (Allocation of Business) Rules, 1975 namely:

1. These Rules may be called the Government of Sikkim (Allocation of Business) Amendment Rules, 1982.

2. In the SECOND SCHEDULE to the Government of Sikkim (Allocation of Business) Rules, 1975, after the entry 'Law Commission' under the heading '24. Law Department', the following entry shall be inserted, namely:—

"Litigation pertaining to the accused and engagement of lawyers for the accused at State Expenses".

By order of the Governor.

J. T. DENSAPA,
Secretary,
Home Department.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GANGTOK

Notification No. 95(552)/L.R.(S) Dated Gangtok, the 25th May, 1982

(Notification under Section 4 of the Land Acquisition Act 1894 (I of 1894)

Whereas the function of the Central Government under the Land Acquisition Act, 1894(I of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. F. 12018/12/76-LRD dated 10th January, 1978 by the Government of India in the Ministry of Agriculture-Irrigation under clause (1) of Article 258 of the constitution of India;

And whereas it appears to the Governor that land is likely to be needed for a public purpose of the Union, for Construction of UHF Station for Telecommunication the Block of Geyzing Elakha District West it is hereby notified that a piece of land comprising cadastral plots No. 27 and measuring 150'x145' i.e. more or less 0.50 acres bounded on:

EAST : Land of Shri Kezing  
WEST : Land of Pemayangtse Monastery  
NORTH : Land of Shri Kezing  
SOUTH : Land of Pemayangtse Monastery

is likely for the aforesaid public purpose at the public expense within the aforesaid block of Geyzing West District (Sikkim).

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

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

And whereas there is urgency to acquire the land the Governor is further leased to direct under Section 17(4) that the provision of Section 5-A of the Act shall not apply.

A plan of land may be inspected in the office of the District Collector, West District, Gyalshing.

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 substances of this Notification is given in the locality, file an objection in writing before the Collector of West District.

By Order of the Governor.  
T.CHIHOPHEL  
Secretary,  
Land Revenue Department,  
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT

Notification No. 96(282) L.R.(S) Dated Gangtok, the 24th June, 1982

It is hereby published for information of the public that dry land upto 5 acres in the aggregate holdings in different blocks in the State of Sikkim are exempted from payment of land revenue from the calendar year 1982.

By Order.

T. CHHOPHEL,
Secretary to the
Government of Sikkim,
Land Revenue Department.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT

Circular No. 3018/RDD. Dated Gangtok, the 31st May, 1982.

The Rural Development Department, Government of Sikkim, Gangtok, through its different Agencies is imparting training to unemployed village youths from the low income group under the National Scheme of Training of Rural Youths for Self Employment (TRYSEM).

Considering the distances that the trainees have to cover to attend such trainings daily and also to nonavailability of accommodation at such training venues, Govt. have been pleased to fix a uniform rate of stipends to such trainees at Rs. 100/- per month irrespective of their place of stay.

P. K. PRADHAN,
Secretary to the Government of Sikkim.
GOVERNMENT OF SIKKIM
ESTABLISHMENT DEPARTMENT

No. 59(Gen)Est. Dated Gangtok, the 8th June, 1982.

NOTIFICATION

In exercise of the powers conferred by Rule 14 of the Sikkim Vigilance Police, (Recruitment, Seniority and Promotion) Rules 1981, the Governor of Sikkim is pleased to reduce the minimum qualifying experience required for promotion of Sub-Inspectors to Inspectors from five years to three years in column 6 of the schedule ‘A’ for a period of three years from the date of the issue of this order in consideration of the shortage of Inspectors and exigencies of the services in Vigilance Department.

T. CHHOPHEL,

Secretary to the
Government of Sikkim,
Establishment Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
**HOME DEPARTMENT (ELECTION)**

**NOTIFICATION NO. 10/H.**

Dated Gangtok, the 2nd July, 1982.

The following list of contesting candidates relating to the Election to the office of the President of India issued by the Returning Officer for the Presidential Election and Secretary-General, Rajya Sabha, New Delhi, dated 26th June, 1982, is published for general information:

**ELECTION TO THE OFFICE OF PRESIDENT OF INDIA**

**LIST OF CONTESTING CANDIDATES**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Candidate</th>
<th>Address of Candidate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.</td>
<td>Shri Zail Singh</td>
<td>5, Race Course Road, New Delhi</td>
</tr>
</tbody>
</table>

SUDARSHAN AGARWAL,
Secretary-General, Rajya Sabha and Returning Officer for the Presidential Election.

(J. K. SIBBU)
Special Officer.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
HOME DEPARTMENT

No. 26(14) RDD/81-82 Dated Gangtok, the 16th June, 1982

NOTIFICATION

The Government hereby approves the conversion of Schedule of Rates from Foot of (unit of length) — Pound (unit of weight) - Second (unit of time) system to metric system Metre-Kilogram-Second and directs that all Government Departments should follow this system and they should revise their Schedule of Rates accordingly. All departments which executed works on the basis of estimates prepared with reference to an approved Schedule of rates should implement the new system latest by 1st January, 1983.

By Order

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
LAND REVENUE DEPARTMENT

Notification No.2/SPP/Rev(Ref.) F. 1/6/80

Dated Gangtok, the 18th June, 1982.

In exercise of the powers conferred by clause (b) of Section 2 of the Sikkim Public Premises(Eviction of Unauthorised Occupants and Rent Recovery) Act, 1980 (9 of 1980) the State Government, hereby appoint the Deputy District Magistrate-cum-Deputy Collector in all District to perform the functions of the Collector under the aforesaid Act and the rules framed thereunder within their respective jurisdictions.

By Order,

T. CHHOPHEL,

Secretary to the Government of Sikkim,
Land Revenue Department.
No.72  
Gangtok, Friday July 9, 1982

HOME DEPARTMENT (ELECTION)

NOTIFICATION NO. 11/H.

Dated Gangtok, the 8th July, 1982.

NOTIFICATION

The following notification No. 497/82, dated 2nd July, 1982/Asadha 11, 1904 (Saka) of Election Commission of India, New Delhi is published for general information:—

No. 479/82.- In pursuance of rule 27 of the Presidential and Vice Presidential Elections Rules, 1974, the Election Commission hereby appoints 15 July, 1982, (Thursday), as the day on which and 11.30 A.M. of that day as the time at which the counting of votes at the Presidential election, 1982, shall take place in the Office of the Returning Officer in Room No. 63, First Floor, Parliament House, New Delhi.

By Order

C. L. ROSE,
Under Secretary,  
Election Commission of India.

H. R. GUPTA,
Deputy Chief Election Officer,  
Sikkim.
HOME DEPARTMENT (ELECTION)

NOTIFICATION NO. 12/H.

Dated Gangtok, the 8th July, 1982.

The following notifications No.479/7/82-I and 479/7/82-III, both dated 2nd July, 1982/Asadha, 11,1904(Saka) of Election Commission of India, New Delhi are published for general information:—

NOTIFICATION

No. 479/7/82-1 ( . ) In the Commission's Notification No.479/7/82 I dated 9-6-82 published in an extraordinary issue of the gazette of India Part II, Section 3(iii) dated 9 June,1982, in the Table under column 1, for existing entries 1 to 23, the following entries shall be substituted:—

TABLE

Sl.No. Place of polling.

2. Commitee Room of the Assembly Buildings, Hyderabad.
3. Room No.2, Assam Legislative Assembly Building at Dispur.
4. 'Reading Room' (Upper Floor of the Library of the Bihar Vidhan Sabha in the Bihar Legislative Assembly Building, Patna.
5. Gujrat Legislative Assembly Library, Gandhinagar.
7. Main Committee Room of Himachal Pradesh Legislative Assembly Building, Council Chamber, Simla.
8. Assembly Lobby Raigarh Lawns, Srinagar.
9. Committee Room, Room No.118, 1st Floor of Vidhana, Soudha, Bangalore.
10. The Conference Room attached to the Legislature Library, Legislature Secretariat Buildings, Trivandrum.
11. Committee Room of the Madhya Pradesh Vidhan Sabha Bhavan, Bhopal.
12. Central Hall, (Fourth Floor), Vidhan Bhavan Backbay Reclamation, Bombay-400032.
13. Committee Room of the Legislative Assembly Building, Imphal.
<table>
<thead>
<tr>
<th>Assistant Returning Officer</th>
<th>Place of polling</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The Secretary, Andhra Pradesh Legislative Assembly, Hyderabad.</td>
<td>Committee Room of the Assembly Buildings Hyderabad.</td>
</tr>
<tr>
<td>2. The Secretary, Assam Legislative Assembly, Dispur.</td>
<td>Room No. 2, Assam Legislative Assembly bly, Building at Dispur.</td>
</tr>
<tr>
<td>3. The Secretary, Bihar Legislative Assembly, Patna.</td>
<td>'Reading Room' (Upper Floor of the Library bly, of the Bihar Vidhan Sabha in the Bihar Legislative Assembly Building Patna.</td>
</tr>
<tr>
<td>5. The Secretary, Haryana Legislative Assembly, Chandigarh.</td>
<td>Committee Room of the Haryana Vidhan Sabha Secretariat, Vidhan Bhavan, Chandigarh-1.</td>
</tr>
<tr>
<td>6. The Secretary, Himachal Pradesh Legislative Assembly, Simla.</td>
<td>Main Committee Room of Himachal Pradesh Legislative Assembly Buildings Council Chamber, Simla.</td>
</tr>
<tr>
<td>7. The Secretary, Jammu &amp; Kashmir Legislative Assembly, Srinagar.</td>
<td>Assembly Lobby Rajgarh Lawns, Srinagar.</td>
</tr>
<tr>
<td>8. The Secretary, Karnataka Legislative Assembly, Bangalore.</td>
<td>Committee Room, Room No. 118, 1st Floor of Vidhana Soudha, Bangalore.</td>
</tr>
<tr>
<td>9. The Secretary, Kerala Legislative Assembly, Trivandrum.</td>
<td>The Conference Room attached to the Legislature Library, Legislature Secretariat Buildings Trivandrum.</td>
</tr>
</tbody>
</table>
10. The Secretary, Madhya Pradesh Legislative Assembly, Bhopal.
11. The Secretary, Maharashtra Legislative Assembly, Bombay.
12. The Secretary, Manipur Legislative Assembly, Imphal.
13. The Secretary, Meghalaya Legislative Assembly, Shillong.
14. The Secretary, Nagaland Legislative Assembly, Kohima.
15. The Secretary, Orissa Legislative Assembly, Bhubaneswar.
16. The Secretary, Punjab Legislative Assembly, Chandigarh.
17. The Secretary, Rajasthan Legislative Assembly, Jaipur.
18. The Secretary, Sikkim Legislative Assembly, Gangtok.
19. The Secretary, Tamil Nadu Legislative Assembly, Madras.
20. The Secretary, Tripura Legislative Assembly, Agartala.
21. The Secretary, Uttar Pradesh Legislative Assembly, Lucknow.
22. The Secretary, West Bengal Legislative Assembly, Calcutta.

Committee Room of the Madhya Pradesh Vidhan Sabha Bhavan, Bhopal.
Central Hall, (Fourth Floor), Vidhan Bhavan Backbay Reclamation, Bombay-400032.
Committee Room of the Legislative Assembly Building imphal.
Committee Room, Meghalaya Legislative Assembly Secretariat, Shillong.
Committee Room in the Assembly Building Kohima.
Office Room No. 7 of Secretary of Orissa Legislative Assembly in the Assembly Building, Bhubaneswar.
Committee Room of the Punjab Vidhan Sabha Secretariat, Vidhan Bhavan, Chandigarh-160001.
Room No. 36, Rajasthan Vidhan Sabha Bhavan, Swai Mansingh Town Hall, Jaipur.
Office Chamber Hall of Hon'ble Speaker of Sikkim Legislative Assembly, Gangtok.
Legislature Committee Room in the ground floor of the Secretariat Building, Fort St. George, Madras.
Assembly Library Room, Tripura Legislative Assembly, Agartala.
Tilak Hall, Vidhan Bhavan, Lucknow.
Assembly Chamber in Assembly House, Calcutta.

By Order,

(H.R. GUPTA) C. L. ROSE,
Deputy Chief Electoral Officer, Under Secretary.
Sikkim.
HOME DEPARTMENT

In exercise of the powers conferred by section 12 of the Code of Criminal Procedure, 1898 (V of 1890) the State Government hereby confers the powers of Magistrate of the first class upon Shri T. P. Dorji, Deputy Collector-cum-Magistrate, East District.

By Order

J.T. DENSAPA
Home Secretary.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT

No.1(47A)NOT/RW/75-76(P1)/RDD. Dated Gangtok, the 12th July, 1982

NOTIFICATION

In exercise of the powers conferred by the proviso to Sub-Section (4) of Section (6) of the Sikkim Panchayat Act, 1966 and as ammended by the Sikkim Panchayat (Amendment) Act, of 1982(Act No. 2 of 1982) the State Government hereby extends the term of the existing Block Panchayat for a further period of 6 (six) months with effect from 21.8.82.

P. K. PRADHAN LAS.,
Secretary to the
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No.2(2)-Home/82

The Governor of Sikkim is pleased to reallocate the portfolios among the Council of Minister as follows with immediate effect.

1. Shri Nar Bahadur Bhandari, Hon'ble Chief Minister
   Home, Planning & Development
   Panchayat & Rural Development
   Law & Legislative and Establishment.

2. Shri Sherab Palden, Hon'ble Minister, Finance, Land Revenue, Excise

3. Shri Sanchaman Limbu Hon'ble Minister, Education, Industry and Culture
4. Shri Lachen Gomchen Rimpoche, Hon'ble Minister,

5. Shri Tulsi Ram Sharma, Hon'ble Minister- Co-operation, Agriculture, Animal
   Husbandry and Irrigation.
6. Shri Athup Lepcha, Hon'ble Minister,

7. Shri Padam Bahadur Gurung, Hon'ble Minister.

8. Shri Samten Tshering, Hon'ble Minister,

By Order,

M.P.PRADHAN,
Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
OFFICE ORDER

No. 51(3)- Home/82
Dated Gangtok, the 18th June, 1982

In supersession of Office Order No. 41(l)Home/81/402, dated the 20th July, 1981, the Governor of Sikkim has been pleased to reconstitute the Board of Management of Government Fruit Preservation Factory, Singtam, with the following members with immediate effect:-

1. Shri Soloman Saring, MP., Rajya Sabha — Chairman
2. Secretary, Land Revenue — Member
3. Director, Industries — Member
4. Joint Secretary, Finance — Member
5. Director Agriculture --- Member

Chairman will be entitled to only those benefits as laid down in Home Department Order No.2(3)Home/77, dated the 8th December, 1977 and letter No. 1(21)80-81/619/620, dated the 31st March, 1981 addressed to the Chief Pay & Accounts Officer and copy endorsed to all the Chairman.

By Order

M.P. PRADHAN,
Chief Secretary,
Government of Sikkim

PRINTED AT THE SIKKIM GOVERNMENT PRESS
GOVERNMENT OF SIKKIM

HOME DEPARTMENT

No.41(3)Home/80/2274. Dated Gangtok, the 19th June, 1982.

NOTIFICATION

The Governor is pleased to reconstitute the Board of Director of the Sikkim Time Corporation Ltd. with the following members with immediate effect:—

1. Development Commissioner — Member.
2. Secretary, Finance — Member
3. Secretary, L S.G. — Member
4. Director, Industries — Member

M. P. PRADHAN,

Chief Secretary.

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GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 41(9)Home/82/2276. Dated Gangtok, the 19th June, 1982.

NOTIFICATION

The Governor of Sikkim is pleased to reconstitute the Board of Sikkim Livestock development Corporation with the following members with immediate effect:—

1. Development Commissioner — Member
2. Director, Agriculture — Member
3. Director, Animal Husbandry — Member
4. Joint Secretary, Finance — Member

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

In supersession of Home Department Notification No. 25/Home/80 of 3/4/80, the Governor of Sikkim is pleased to nominate the following members on the Board of Sikkim Flour Mills Ltd. with immediate effect—

1. Secretary, Rural Development Deptt. — Member
2. Secretary, Food & Civil Supplies — Member
3. Director, Industries — Member
4. Director, Animal Husbandry — Member
5. Deputy Secretary, Finance (dealing with Industries) — Member

M. P. PRADHAN,

Chief Secretary,
Government of Sikkim.
NOTIFICATION

The Governor of Sikkim is pleased to reconstitute the Board of State Trading Corpora-
of Sikkim with the following members with immediate effect:—

1. Secretary, Finance          ---          Member
2. Chief Engineer (Power)      ---          Member
3. Secretary, Rural Development ---          Member
4. Chief Engineer (Roads & Brid.) ---          Member
5. Secretary, Forest          ---          Member

It has been decided that all the quota of scooters received periodically shall go to the
general pool and the same shall be allotted on the basis of rules already framed. In other words,
no one shall have any reserved quota of scooter in his favour.

M. P. PRADHAN,

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


NOTIFICATION

The Governor of Sikkim is pleased to reconstitute is the Board of Sikkim Mining Corporation with the following members with immediate effect.

1. Secretary, Mines & Geology — Member
2. Chief Engineer, Power — Member

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
Government of Sikkim
Home Department

No. 41(5)Home 0/2286. Dated Gangtok, the 22nd June, 1982.

NOTIFICATION

In supersession of Home Department Office Order No. 41(5)Home/8G, dated the 21st June, 1980, the Governor of Sikkim is pleased to nominate the following members on the Board Messrs Sikkim Distilleries Ltd. with immediate effect:—

1. Secretary, Excise ― Member
2. Secretary, Labour ― Member
3. Deputy Secretary (Finance) (dealing with Excise) ― Member

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
It pursuance of sub-section (4) of section 49F of the Gangtok Municipal Corporation (Amendment) Ordinance, 1981, the Gangtok Municipal Corporation Tribunal hereby makes the following rules regulating the procedure for filing appeals before the Tribunal.

**THE GANGTOK MUNICIPAL CORPORATION TRIBUNAL (APPEAL) RULES, 1982.**

No.85 Gangtok, Thursday July 29, 1982

No.246(16)2778/LSGHD Dated Gangtok, the 26th July, 1982.

1. (1) These rules may be called the Gangtok Municipal Corporation Commencement Tribunal (Appeal) Rules, 1982.

   (2) It shall come into force at once.

2. In these rules, unless the context otherwise requires,
   (a) "Act" means the Gangtok Municipal Corporation Act, 1975;
   (b) "Form" means the Form annexed to these rules;
   (c) "Tribunal" means the Tribunal constituted under section 49F of the Act.

3. (1) An appeal to the Tribunal under the Act shall be made in the the Tribunal.

   Form annexed to these rules and be verified in the manner indicated therein.

   (2) The Form of appeal referred to in sub-rule (1) and the form of verification appended thereto, shall be signed.—
   (a) in the case of an individual, by the individual himself; where the individual is absent from India, by the individual concerned or by some person duly authorised by him in this behalf; and where the individual is mentally/physically incapacitated from attending to his affairs, by his guardian or by any other person competent to act on his behalf;
   (b) in the case of a Hindu undivided family, by the Karta, and, where the Karta is absent from India or is mentally or physically incapacitated from attending to his affairs, by any other adult member of such family;
   (c) in the case of a company or local authority, by the principal officer thereof;
   (d) in the case of a firm, by any partner thereof, not being a minor;
   (e) in the case of any other association, by any member of the association or the principal officer thereof; and
   (f) in the case of any other person, by that person or by some person competent to act on his behalf.
**Procedure for filing appeals.**

4. (1) An appeal to the Tribunal shall be presented, by the appellant in person or by his advocate, to the Tribunal at its headquarters in Gangtok or to an office authorised in this behalf by the Tribunal or sent by registered post addressed to the President of the Tribunal or to such officer.

(2) An appeal sent by post under sub-rule (1) shall be deemed to have been presented to the Tribunal or to the officer authorised by the Tribunal, on the day on which it is received in the office of the Tribunal at Gangtok or, as the case may be, in the office of such officer:

**Contents of Form of appeal.**

5. Every Form of appeal to the Tribunal shall be written in English and shall set forth, concisely and under distinct heads the grounds of appeal without any arguments or narrative and such grounds shall be numbered consecutively.

**What to accompany an appeal.**

6. (1) Every Form of appeal to the Tribunal shall be in triplicate and shall be accompanied by two copies (at least one of which shall be a copy duly certified by the Gazetted Officer) of the notice of demolition or other notice or order of the corporation appeal against.

(2) The Tribunal may in its discretion accept a form of appeal which is not accompanied by all or any of the documents refer to in sub-rule (1).

**Filing of affidavits.**

7. Where a fact which cannot be borne out by, or is contrary to, the record is alleged, it shall be stated clearly and concisely and supported by duly sworn affidavit.

**Grounds which may be taken in appeal.**

8. The appellant shall not, except by leave of the Tribunal, urge or may be taken in support of any ground not set forth in the Form of appeal.

**Authorisation to be filed.**

9. An advocate appearing on behalf of the appellant at the hearing an appeal shall file document of authorisation before the commencement of the hearing.

**Hearing of the appeal.**

10. (1) On the day fixed, or any other day to which the hearing may be adjourned, the appellant or his advocate shall be heard in support of the appeal.

(2) The Tribunal shall, then, if necessary, hear the respondent or by advocate against the appeal, and in such case the appellant his advocate shall be entitled to reply.

**Dismissal of appeal for appellant's default, etc.**

11. Where on the day fixed for hearing or any other day to which the hearing may be adjourned, the appellant does not appear when the appeal is called on for hearing, the Tribunal may in its discretion, either dismiss the appeal for default or may hear it ex-parte:

**Hearing appeal ex-parte.**

12. Where on the day fixed for hearing or any other day to which the hearing may be adjourned the appellant appears and the respondent does not appear when the appeal is called on for hearing, the Tribunal may hear the appeal ex-parte:

Provided that where the appeal has been dismissed for default to has been heard ex-parte and the appellant/respondent appears afterwards and satisfies the Tribunal that there was sufficient cause for his non-appearance when the appeal was called on for hearing, the Tribunal may make an order setting aside the dismissal or ex-parte order and restore the appeal.

**Explanation** In rule 11 and in rule 12, "appear" means appear in person through an advocate/authorised agent.

**Remand of the case by the Tribunal.**

13. Where the Tribunal is of the opinion that the case should be remanded it may remand it to the corporation with such directions as the Tribunal may think fit.
| Production of additional evidence before the Tribunal. | 14. The parties to the appeal shall not be entitled to produce additional evidence either oral or documentary before the Tribunal, except by the leave of the Tribunal. |
| Mode of taking additional evidence. | 15. Such document may be produced or such witness examined or such evidence adduced before the Tribunal as the Tribunal may direct. |
| Adjournment of appeal. | 16. The Tribunal may, on such terms as it think fit, and at any stage, adjourn the hearing of the appeal. |
| Order to be signed and dated | 17. The order of the Tribunal shall be in writing and shall be signed and dated by the members present. |
| Sitting hours. | 18. The Tribunal shall normally sit to transact its business after 3 P.M. on working days and also on holidays and Sundays at such time as may be fixed by the Tribunal. |
| Place of sitting of the Tribunal. | 19. The Tribunal shall normally hold its sittings in the premises of the Gangtok Municipal Corporation Building at Gangtok. It may also hold its sittings in the Court room of the District and Sessions Judge in the District Court buildings at Gangtok with prior notice to the parties or their representatives/authorised agents/lawyers. |
FORM OF APPEAL

1. Name of the appellant.......................................................................................................................... 
2. Father's name...................................................................................................................................... 
3. Permanent address.................................................................................................................................. 
4. Name of Respondent with full address............................................................................................... 
5. Details of the Notice/Requisition/Order of the Corporation against which the appeal is preferred.

GROUNDs OF APPEAL

1. ........................................................................................................................................................ 
2. ........................................................................................................................................................ 
3. ........................................................................................................................................................ 

VERIFICATION

I Shri...................................................................................................................... son of Shri/Late...................................... aged about........................................ years residing at............................................do hereby verify that the particulars and statements given above in this appeal are true to my knowledge and belief and I sign this verification at Gangtok this the....................day of.................. ..........19.................. 

Signature.

G. P. ROY, 
President, 
Gangtok Municipal Corporation Tribunal 
Gangtok.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 38(18)Home/75/2287. Dated Gangtok, the 22nd June, 1982.

NOTIFICATION

In supersession of all the previous orders, the Governor of Sikkim is pleased to nominate the following members on the Board of Directors of Sikkim Jewels Ltd. with immediate effect.

1. Joint Secretary, Finance                     __ Member
2. Director, Industries                         __ Member

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.

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GOVERNMENT OF SIKKIM
LAW DEPARTMENT

Notification No. 30/LD/82.

Dated Gangtok, the 28th July, 1982.

ORDER

In the Order of the Government of Sikkim in the Law Department No. 9/LD/81, dated the 14th August, 1981, in the Schedule, after the heading "XIII-Public Works Department" and the entries thereunder, the following heading and entry shall be inserted, namely:-

"XIV-Sikkim Nationalised Transport Department.

Additional General Manager
Joint General Manager
Deputy General Manager."

P. JETHWANI,
Joint Secretary,
Law Department.
13(24)/LD/1981.
NOTIFICATION

In partial modification of Home Department Notification No. 41(3) Home/79/257, dated the 6th May, 1980, the Governor of Sikkim is pleased to nominate the following members on the Board of Sikkim Industrial Development and Investment Corporation Limited with immediate effect:—

1. Managing Director, STCS — Chairman
2. Joint Secretary, Finance — Member

M. P. PRADHAN,

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

No. 41(1)Home/80/2289. Dated Gangtok, the 22nd June, 1982.

NOTIFICATION

In supersession of Home Department Office Order No. 41(t)Home/80, dated 5th April, 1980, the Governor is pleased to nominate the following members on the Board of State Bank Sikkim with immediate effect:

1. Secretary, Finance — Director
2. Secretary, L.S.G. — Member

M.P.PRADHAN,

Chief Secretary,
Government of Sikkim.
In superssion of all the previous orders the Governor of Sikkim is pleased to nominate the following members on the Board of Denzong Agriculture Cooperative Limited with immediate effect:-

1. Hon’ble Minister, Agriculture — Chairman
2. Joint Secretary, Finance — Member
3. Director, Agriculture — Member
4. Director, Animal Husbandry — Member
5. Chief Conservator of Forests — Member

M.P. PRADHAN,

Chief Secretary.
Government of Sikkim.
In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Governor of Sikkim hereby makes the following rules to amend the Sikkim State Services (Regulation of Seniority) Rules, 1980, namely:

1. (i) These rules may be called the Sikkim State Services (Regulation of Seniority Amendment Rules, 1982.
(ii) They shall be deemed to have come into force on and from the date the Sikkim State Services (Regulation of Seniority) Rules, 1980 come into force.

2. In the Sikkim State Services (Regulation of Seniority) Rules, 1980 for the first provision to clause (ii) of sub-rule (b) of rule 4, the following proviso shall be substituted, namely:—

"Provided that officers promoted/appointed to higher gazetted grades on or before the dates of the constitution of the services shall rank senior irrespective of their dates of appointment to the Gazetted Grade”.

EXPLANATORY MEMORANDUM

In the earlier proviso to Rule 4(b) (ii) of the Sikkim State Services (Regulation of Seniority) Rules, 1980, provisioned been made for giving weightage to those officers who had held non-gazetted posts initially at the rate of one year for every five years of non gazetted service. The seniority list was also drawn accordingly. It was, however, subsequently noticed that any change in the seniority as it existed prior to the introduction of the Sikkim State Services (Regulation of Seniority) Rules, 1980, adversely affected particularly the officers of the State Police Service since, in their cases, their wearing of uniforms had to be changed if the seniority based on the earlier proviso to the said rules had to be followed. This was not how ever possible.

Secondly, as a result of the previous proviso, persons holding higher grade/post earlier became junior to those who were promoted to the same grade/post later thus creating an anomalous situation.

As a result of the present amendment, these irregularities and anomalies will disappearance No legitimate right of any officer is likely to be adversely affected by these rules being given retrospective effect.

T. CHIOPHEL,
Secretary to the Government of Sikkim,
Establishment Department.
NOTIFICATION

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

(i) These Rules may be called the Sikkim Government Retirement Benefits (Amendment) Rules, 1982.

(ii) They shall be deemed to have come into force with effect from the 1st day of April, 1981.

In the Sikkim Government Retirement Benefits Rules, 1974 rules, 8, 9 and 11 shall be committed following rule shall be substituted, namely :-

8. DEATH-CUM-RETIREMENT GRATUITY:-

1. A Government servant who is entitled to a superannuation or retiring pension shall on his be granted death-cum-retirement gratuity equal to one-fourth of his pay immediately before his retirement for each completed six monthly period of his qualifying service subject to a maximum of 16 1/2 times of his pay.

2. If a Government servant dies while in service after completing five years of qualifying service, the amount of death-cum-retirement gratuity shall be equal to 12 times of his pay or the amount determined under sub-rule (1), whichever is higher and it shall be paid to his nominees to legal heirs as the case may be:

Provided that the amount of death-cum-retirement gratuity payable under sub-rules (1) and(2) shall, in no case, exceed twentyfive (25) thousand rupees.

3. If a Government servant dies while in service after completing one year of qualifying service but before completing five years of qualifying service, the amount of death-cum-retirement gratuity shall be equal to six times of his pay at the time of his death and it shall be said to his nominees or legal heirs, as the case may be.

4. A Government servant who is compulsorily retired as a penalty but is granted a retiring pension under sub-rule (2) of rule 6 may, within the discretion of the Government with reference to the particular circumstances of the case leading to the penalty, be granted a gratuity in the basis of his qualifying service:
Provided that the competent authority imposing the penalty may direct that the gratuity shall be paid at reduced rate, which, however, may not be less than half of the normal prescribed rate.

T. CHHOPHEL
Secretary to the Govt. of Sikkim
Establishment Department

The following Explanatory Memorandum which ought to have been published below the Sikkim Government Retirement Benefits (Amendment) Rules, 1982 published with the Notification of the Government of Sikkim in the Establishment Department No. 81/Gen/Est. dated the 1st July, 1982 is hereby published for general information.

EXPLANATORY MEMORANDUM

A number of Government servants retired between 1.4.1981 and 1.7.1982 i.e the date of issue of these rules. It is felt that these employees should not be deprived of the benefit which new rules seek to confer on Government employees. For these reasons, the rules has been given effect from retrospective date. It is certified that no Government Servants is likely to be adversely affected by these rules being given retrospective effect.

T. CHHOPHEL
Secretary to the Govt. of Sikkim
Establishment Department
GOVERNMENT OF SIKKIM
HOME DEPARTMENT


NOTIFICATION

In supersession of Notification No. 41(3)Home/77/257 dated 6th May, 1980, 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. Managing Director, STCS — Chairman
2. Joint Secretary, Finance — Director
3. Secretary, Government of Industries Director of Industries, Government of Sikkim — Director
4. Managing Director, Sikkim Industrial Development & Investment Corporation Limited — Director
5. Representative Director, State Bank of Sikkim — Director
6. Representative of Ministry of Industries, Government of India — Nominee Director
7. Representative of Industrial Development Bank of India — Nominee Director

Notification No. 41(3)Home/77/2288 dated 22nd June, 82 stands cancelled.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.41(1)Home/80 dated 22nd June, 1982 stands cancelled.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
Notification No.97(696)/L.R.(S) Dated Gangtok, the 15th July, 1982.

Whereas the land whose description are given below was likely to be needed for public purpose and notification No. LA(3)190/L.R(S) dated 19th May, 1978 and LA(3)528/L.R.(S) dated the 2nd August,1978 published in the Sikkim Govt. Extra Ordinary Gazette vide Vol. Nos.77 dated 6th June ’78 and 105 dated 4th August, 1978 under Sections 4 and 6 respectively of Land Acquisition Act, 1894 and whereas it has subsequently been revealed that land is not required for resettlement of the families being displaced by acquisition of land for Key Location Plan of Army at Bhusuk, Paham, a portion of Namong and Naitam Blocks and that possession over the land has not been taken over by the Collector-cum-Sp. LAO., Land Revenue Department, the above mentioned notifications made earlier under Sections 4 and 6 of the L. A. Act, 1894 are hereby cancelled.

DESCRIPTION OF LAND:


BLOCK -NAMONG, District-East.

BOUNDARY:-

| NORTH     | Part of Namong Block |
| SOUTH     | Naitam Block         |
| EAST      | Gangtok-Bhusuk-Pakyong Road |
| WEST      | RORO-CHU             |

T. CHHOPHEL,

Secretary to the
Government of Sikkim,
Land Revenue Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NO. 38(34)Home/81.

Dated Gangtok, the 18th August, 1982

NOTIFICATION

In partial modification of Notification No. 38(34)Home/82, dated 8th January, 1982 it is hereby notified that the Durga Puja and Lakshmi Puja (Diwali) holidays will be observed as under:


M. P. PRADHAN,

Chief Secretary,
Government of Sikkim.
OFFICE OF THE CHIEF SECRETARY
GOVERNMENT OF SIKKIM

No.1/4/(70)80-81/WM/FCS

Dated Gangtok, the 14th July, 1982.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 5 of the Sikkim Weights and Measures Act, 1980 (4 of 1980), the State Government hereby appoints, with immediate effect, Shri R.B.Mukhia, IAS, Secretary to the Government in the Food & Civil Supplies Department, as the ex-officio Controller of Legal Metrology for the entire State for the purposes of the said Act.

By Order of the Governor.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
OFFICE OF THE CHIEF SECRETARY
GOVERNMENT OF SIKKIM

No.2/4(70)80-81/WM/FCS. Dated Gangtok, the 14th July, 1982.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 5 of the Sikkim Weights and Measures Act, 1980 (4 of 1980), the State Government hereby appoints, with immediate effect, Mrs. P. Thapa, Deputy Secretary to the Government in the Food and Civil Supplies Department as the ex-officio Deputy Controller of Legal Metrology for the entire State for the purposes of the said Act.

By Order of the Governor.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
OFFICE OF THE CHIEF SECRETARY
GOVERNMENT OF SIKKIM

No.3/4(70)80-81/WM/FCS. Dated Gangtok, the 14th July, 1982

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 5 of the Sikkim Weight and Measures Act, 1980 (4 of 1980), the State Government hereby appoints, with immediate effect, Shri B.K. Pradhan as the Assistant Controller of Legal Metrology for the entire State for the purposes of the said Act.

By Order of the Governor.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
OFFICE OF THE CHIEF SECRETARY
GOVERNMENT OF SIKKIM

Dated Gangtok, the 14th July, 1982.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 5 of the Sikkim Weight and Measures Act, 1980 (4 of 1980), the State Government hereby appoints, Shri DR. Mukhia to act until further orders as Inspector of Legal Metrology for the purposes of the said Act and to posts him in the District of North Sikkim with headquarter at Gangtok with effect from the date he takes over charge as such Inspector.

By Order of the Governor.

MP. PRADHAN,
Chief Secretary,
Government of Sikkim.
OFFICE OF THE CHIEF SECRETARY
GOVERNMENT OF SIKKIM

Dated Gangtok, the 14th July, 1982

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 5 of the Sikkim Weight and Measures Act, 1980 (4 of 1980), the State Government hereby appoints Shri R.P Dawa to act until further orders as Inspector of Legal Metrology for the purposes of the said Act and posts him in the District of South Sikkim with headquarter at Namchi with effect from the date he takes over charge as such Inspector.

By Order of the Governor.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
OFFICE OF THE CHIEF SECRETARY
GOVERNMENT OF SIKKIM

No.6/4(70)80-81/WM/FCS. Dated Gangtok, the 14th July, 1982.

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 5 of the Sikkim Weight and Measures Act, 1980 (4 of 1980), the State Government hereby appoints, Shri Robin Rai to act until further orders an Inspector of Legal Metrology for the purposes of the said Act and posts him in the District of West Sikkim with headquarter at Gyalzing with effect from the date he takes overcharge as such Inspector.

By Order of the Governor.

MP. PRADHAN,

Chief Secretary,
Government of Sikkim.
OFFICE OF THE CHIEF SECRETARY
GOVERNMENT OF SIKKIM

No.7/4(70)80-81/WM/FCS. Dated Gangtok, the 14th July, 1982

NOTIFICATION

In exercise of the powers conferred under sub-section (1) of section 5 of the Sikkim Weight and Measures Act, 1980 (4 of 1980), the State Government hereby appoints Shri Mohan Prasad Pradhan to act untill further orders as Inspector of Legal Metrology for the purposes of the said Act and posts him in the District of East Sikkim with head quarter Gangtok with effect from the date he takes over charge as such Inspector.

By Order of the Governor.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
In exercise of the powers conferred by sub-section (3) of section 5 of the Sikkim Weight and Measures Act, 1980, (4 of 1980), I, Controller of Legal Metrology hereby direct that the Inspectors mentioned in column (2) of the Table below shall exercise the powers and discharge the duties conferred or imposed upon them by or under the said Act within the local limits as are specified against each or them in column (3) of the said Table-

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri M. P. Pradhan</td>
<td>Area comprised in the District of East Sikkim.</td>
</tr>
<tr>
<td>2.</td>
<td>Shri D. R. Mukhia</td>
<td>Area comprised in the District of North Sikkim.</td>
</tr>
<tr>
<td>3.</td>
<td>Shri R. P. Dawa</td>
<td>Area comprised in the District of South Sikkim.</td>
</tr>
<tr>
<td>4.</td>
<td>Shri Robin Rai</td>
<td>Area comprised in the District of West Sikkim.</td>
</tr>
</tbody>
</table>

R. B. MUKHIA,
Controller of Legal Metrology
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

No.18/SLAS/82-83/623. Dated Gangtok, the 30th August, 1982

The following order made by the Governor of Sikkim is hereby published for general information:-

"No. SKM/GOV/843/82 Dated 30th August, 1982

ORDER

In exercise of the powers conferred on me by Article 174 (1) in Part VI of the Constitution of India, I, Homi J.H. Taleyarkhan, Governor of Sikkim, hereby summon the Sikkim Legislative Assembly to meet on Monday, 20th September, 1982 at 11 A.M. in the Assembly House at Gangtok.

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

HOMI J.H. TALEYARKHAN
Governor of Sikkim.”

R. K. GUPTA,
Secretary.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No.7(14)Home/82/141. Dated Gangtok, the 22nd July, 1982.

NOTIFICATION

In exercise of the power conferred by clause (2) of Article 166 of the Constitution of India and in accordance with the Home Department Notification No. H(GA)/III/75/3 of 16th May, 1975, the Governor of Sikkim is pleased to declare the Joint General Manager, Sikkim Nationalised Transport, as ex-officio Joint Secretary of the Department for the purpose of authenticating the orders and other instruments made and executed in the name of the Governor.

By Order of the Governor.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
No.107         Gangtok, Friday September 10, 1982

LAND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 98(535)/L.R.(S)                                                   Dated Gangtok, the 5th August, 1982.

(Notification under Section 4 of the Land Acquisition Act 1894 (I of 1894)
Whereas it appears to the Governor that land is likely to be needed for a public pur-
pose, not being a purpose of the Union namely for "establishment of Food Godown" in the
block of Upper Fambong, West District, it is hereby notified that a piece of land comprising
 cadastral plot No. 185 and measuring more or less 0.44 acres, bounded on the;
NORTH : Land of Shri Asong Lepeha
SOUTH : Land of late Tshering Namgyal
WEST : Land of late Tshering Namgyal
EAST : Jhora

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 Act I of 1894 to all whom it may concern.

A plan of land may be inspected in the office of the District Collector, West
District ,Gyalshing.

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

Any person interested in the above land who has any objection to the acquisition
thereof, may, within thirty days after the date on which public notice of the substance of this
notification is given in the locality, files an objection in writing before the Collector.

C. D. RAI,
Secretary
Land Revenue Department,
Government of Sikkim.
In exercise of the powers conferred by sub-section (3) of Section 1 of the Sikkim Armed Police Force Act, 1981 (8 of 1981), the State Government hereby appoints the 6th day of August, 1982 as the date on which the said Act shall come into force in the State of Sikkim.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
The State Government hereby makes the following amendments in the Resolution of the Government of Sikkim in the Law Department No, 16(83)LD/79/248, dated the 22nd February, 1982, namely:-

(a) In the said resolution, in clause 2—
   (i) after entry 4, the following entry shall be inserted, namely:—
       "4A. Secretary to the Government of Sikkim, Law Department.... Member;"
   (ii) for entry 14, the following entry shall be substituted, namely:—
       "Joint Secretary to the Government of Sikkim,
       Law Department .... Member Secretary;"

(b) In clause 3, in sub-clause (2) and (3), the words, figures and brackets "referred to at serial numbers (5), (6), (7), (12) and (13) in clause (2)" shall be omitted;

(c) In clause (12), for the abbreviation, figures, brackets and words "Rs. 2,500/- (Rupees Two thousand five hundred only", the abbreviation, figures, brackets, and words "Rs. 7,800/- (Rupees seven thousand eight hundred only)" shall be substituted,

P.K. PRADHAN, IAS.,
Secretary,
GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

NOTIFICATION

No. 16(83)/LD/1979-82.

Dated Gangtok, the 14th September, 1982

In pursuance of paragraph 2 of the Resolution constituting the Sikkim State Legal and Advice Board adopted by the Cabinet on 7th March, 1981, the Government hereby make the following amendments in the said Resolution, namely:—

In the said Resolution,—

(a) after entry 4, the following entry shall be inserted, namely:—

"4A. Member ..... Secretary, Law Department;"

(b) against entry 14, for the words "Secretary, Law Department", the words "J" Secretary, Law Department", shall be substituted.

P.K.PRADHAN, I.A.S,

Secretary.
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

NOTIFICATION

No. SLAS/82/83/204/744. Dated Gangtok, the 15th September, 1982.

In pursuance of Rules 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. to OF 1982)

A BILL

to provide for licences for regulation of industries in Sikkim for abolition of exclusive right in industries; for industrial progress of the State and matters connected therewith or incidental thereto,

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

1. (1) This Act may be called the Sikkim Industries Licensing Act, 1982. Short title, extent

(2) It extends to the whole of Sikkim, and commencement.

(3) Save as otherwise provided in section 8, this Act shall be deemed to have come into force on the 19th day of June, 1982.

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

(a) "government means the Government of Sikkim;

(b) "industry" means any establishment for manufacture;

(c) "licensing authority" in relation to -

(i) a small scale industry, means the Department of the Government dealing with Industries; and

(ii) other industries means the Government,

Explanation:-For the purpose of Subclause (i), a small scale industry shall mean an undertaking having investment in fixed assets in plant and machinery (whether held on ownership terms or by lease or by hire purchase) not exceeding rupees ten lakhs and that of approved ancillaries upto rupees fifteen lakhs,
(e) "manufacture" means any process for making, fabricating, altering repairing, ornamenting, finishing, packing, oiling) washing, cleaning, breaking up, demolishing or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal

(f) "notification" means the notification published in the Official Gazette

(g) "owner of an industry includes a person who has ultimate control over the affairs of the industry and where the said affairs are substantially entrusted to or carried on by a person such person shall be deemed to be the owner of such industry;

(h) "prescribed" means prescribed by rules made under this Act.

3. Licence for establishing an industry.

(1) No person or authority other than the Government, shall, after the commencement of this Act, establish or carry on any industry in the State of Sikkim except under and in accordance with a licence issued in that behalf by the licensing authority under this Act.

(2) A licence under sub-section (1) may contain such conditions and in particular,

(a) conditions as to percentage of shares to be offered to persons domiciled in Sikkim for subscription;

(b) appointment of Managing Director, or Chairman of an industry;

(c) minimum employment of persons domiciled in Sikkim;

(d) minimum and maximum production;

(e) right of the Government to inspect and control quality produced;

(f) location of the industry, as may be prescribed,

(3) Notwithstanding anything contained in sub-section (2) or the rules made under section 16, the licensing authority may specify on the licence such other conditions as it may deem fit in the interest of development of Industries in the State and in the interests of person domiciled in Sikkim.

4. Procedure for obtaining Licence

(1) An application for licence shall be made to the licensing authority in such form as may be prescribed and shall be accompanied by such fees not exceeding rupees ten thousand as may be prescribed.

(2) Where before the commencement of this Act, any person was carrying on any industry, such person shall apply for licence under sub-section and may continue to carry on such business without a licence in respect of such industry -

(a) for a period of six months from the date of publication of the Act in the Official Gazette; or;

(b) if before the expiry of said six months, such person has made an application, for grant of licence under this Act for such industry until the final disposal of his application.

(3) On receipt of the application for licence, the licensing authority may either grant or refuse a licence; Provided that no licence under this Act shall be granted if the licensing authority for reasons to be recorded in writing, is of opinion that granting of such licence shall be against the public interest.

5. Duration and renewal of Licence

(1) Every licence granted under this Act shall be valid for a period of ten years from the date on which it is granted and may be renewed as provided in this section.

(2) An application for renewal of licence shall be made to the licence authority not later than three months before the date of its expiry in such form and shall be accompanied by such fees not exceeding rupees five thousand as may be prescribed,
6. (1) The licensing authority may vary the conditions subject to which a licence has been granted except such of them as has been prescribed and for that purpose require the holder of licence by notice in writing to deliver up the licence to it within such time as may be specified in the notice.

(2) The licensing authority may, on the application of the holder of licence also vary the conditions of licence except such of them as have been prescribed.

(3) The licensing authority may, by an order in writing, suspend a licence for such period as it, thinks fit or revoke a licence.

(a) if it is satisfied that the holder of licence is prohibited by any law for the time being in force to carry on an industry; or
(b) if the holder of the licence has violated any of the conditions under which the licence was granted; or
(c) if the licensing authority deems it necessary in the interest of public peace or public safety to suspend or revoke a licence; or
(d) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of licence or any other person on his behalf at the time of applying for licence; or
(e) if the holder of licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up-to licence; or
(f) if the holder of licence has been convicted of an offence under the Prevention of Food Adulteration Act, 1954, the Essential Commodities Act, 1955, the Foreign Exchange Regulation Act, 1973, the Essential Commodities (Special Provisions) Act, 1981, or any other offence involving moral turpitude.

(4) Where the licensing authority makes an order varying the conditions of a licence under sub-section (1) or an order suspending or revoking a licence under sub-section (3), it shall record in writing the reasons therefor and furnish to the holder of the licence on demand and on payment of a fee of rupees fifty a brief statement of the same.

(5) A court convicting the holder of a licence of any offence under this Act or the rules made thereunder or of any offence under the Acts referred to in clause (f) of sub-section (3), may also suspend or revoke a licence:

Provided that if the conviction is set aside on appeal or otherwise, the suspension or revocation shall become void.

(6) An order of suspension or revocation under sub-section (5) may also be made by an appellate court or by the High Court.

7. Notwithstanding anything contained in any law, order, custom, promise or contract to the contrary, no owner of an industry in Sikkim shall have an exclusive right to manufacture any article for any period within the State of Sikkim. Any person, company, body corporate or firm having exclusive right to carry on any industry or to manufacture any article (to the exclusion of others) shall cease to have such right from the date of commencement of this Act.

8. The Notification No. 2/TIC, dated the 16th February, 1974 relating to Incentive for Growing industries in Sikkim except paragraph (v) (b) and paragraph (vii) (a) and (b) thereof relating to Incomes Tax and Participation by the Government of and Sikkimese people is hereby repealed. This section shall be deemed to have come into force with effect form the 24th day of My, 1976.

9. Every licence holder shall submit to the licensing authority returns in respect of such statistics and other information at such intervals as the Government may, from time to time, require.
Licence holder to deposit certain amount with Government.

10. (1) Every licence holder shall deposit with the licensing authority such amount in such instalments as the said authority, may having regard to the nature of the industry and the number of persons employed therein,

(2) The amount also deposited may be utilised by the licensing authority for payment to the employees of the industry, compensation for of employment before the expiry of the period of licence.

Incentives to certain industries.

11. For promotion and development of traditional and small-scale indigenous industries using local materials, the Government may grant such incentives as it may think fit in each case.

Offences by Companies

12. (1) Where an offence under this Act or rules made thereunder has been committed by a company, every person who at the time the offences was committed was in charge of, and was responsible to, the company for the conduct of business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

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

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

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

Protection of action in good faith.

13. No suit or other legal proceeding shall lie against the Government or any officer or authority empowered by the Government for anything which is in good faith done or intended to be done under this Act or rules made thereunder.

Act not to be in derogation of any other law.

14. (1) This Act shall be, in addition to, and not in derogation of any other law for the time being in force-

(2) No suit or other proceedings shall lie against the Government or its officers for any damage caused or likely to be caused by any Act that may be enacted, extended and enforced by competent legislature in this State and his the effect of amending, adding to, varying, altering or repealing of any the provisions of this Act.

Penalties.

15. Every person who contravenes any of the provisions of this Act or rules make then under shall, on conviction, be liable to be punished with imprisonment which may extend to six months or to fine or with both.

Power to make rules.

16. (1) The State Government may, by notification, make rules for carrying the purposes of this Act.

(2) In particular, and without prejudice, to the foregoing power, such rules may provide for all or any of the following matters, namely:-
5

(a) the form of application for grant of licence and renewal thereof;
(b) the fees payable for grant and renewal of licence;
(c) the condition subject to which a licence may be granted;
(d) any other matter which is required to be or may be prescribed.

Appeal and saving. 17. (1) The Sikkim Industries Licensing Ordinance, 1982 (1 of 1982) 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.

Of late many industries have been set up in the State of Sikkim and many industrialists and enterpreneurs are keen to establish more industries. There is no law regulating the setting up of new industries. The need for such a law is felt both in the interest of Sikkimese people and the new industries. The Bill seeks to achieve the above objects.

SANCHAMAN LIMBOO,
MINISTER-IN-CHARGE,
INDUSTRIES.

Dated the 13th August, 1982.

Memorandum Regarding Delegated Legislation.

Clause 16 of the Bill empowers the State Government to make rules prescribing, the form of application for licence, the fees payable, for grant and renewal of licence and the conditions subject to which a licence may be granted. The matters in respect of which rules may be made pertain to administrative detail and procedure. The delegation of legislative power is, therefore, of normal character.

Financial Memorandum
Nil

By Order

R. K. GUPTA,
Secretary.
Sikkim Legislative Assembly
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT

Notification No. 100(799)/L.R.(S) Dated Gangtok, the 11th August, 1982.

The Governor of Sikkim is pleased to create a separate Revenue Block Called Salim-Pakel was hitherto included in Lingthem Block (Upper Dzongu) in North District. The boundaries of the newly created revenue block will be as under:—

East- Ship-Ger Revenue Block
West- Tolung Chu & Tingbong Revenue Block
North- Ramam & Tingsong Reserve Forests
South- Teesta River

By Order

C.D. RAI,
Secretary
Land Revenue Department,
Government of Sikkim.
No. 111 Gangtok, Thursday September 16, 1982

HOME DEPARTMENT
GOVERNMENT OF SIKKIM

No. 21(1) Jail/Home/82. Dated Gangtok, the 13th August, 1982

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 401 of the Criminal Procedure Code, 1898, the Government of Sikkim is pleased to grant remission of sentences to the prisoners in the Sikkim Jail on the occasion of the Thirty fifth Anniversary of the Independence of India i.e. 15th August, 1982 as mentioned below:—

<table>
<thead>
<tr>
<th>Name</th>
<th>Period of remission granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shri Suk Prasad Gurung</td>
<td>Remission for the remaining period of sentence</td>
</tr>
<tr>
<td>Shri Bazar Singh Rai</td>
<td>Remission for the remaining period of sentence</td>
</tr>
<tr>
<td>Shri Chakraman Rai</td>
<td>Remission of one year.</td>
</tr>
</tbody>
</table>

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

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
SIKKIM HOUSING & DEVELOPMENT BOARD

NOTIFICATION

No.56(HDB)/2/SHDB. Dated Gangtok, the 18th August,1982

As required under section 18 of the Sikkim Housing and Development Board 1979, the Baluakhani Shopping Centre Scheme at Gangtok is published hereunder for information—

Total area of Shopping Centre Plot — 7168 Sf
Total No. of Blocks — Two
Total No. of Lavatory Blocks — One
Total No. of shops --- Twelve
Estimated cost including separate Lavatory Block (one storey) --- Rs. 3,92
Plinth Area of each shop --- 257 Sft
Plinth Area of lavatory Block — 311 Sft
Number of staircases for upper floor to be constructed in future — Two
Tentative cost of each shop --- Rs. 32,

The building shall be constructed with the following specifications—

(1) Structure --- Framed structure in R.C.C 1:2:4
(2) Partitions — All partitions in cement concrete solid Block 4” thick in cement concrete 1:3:6.
(3) Flooring --- Cement concrete 1:2:4 flooring 1 1/2” thick ding glass strips and neat cement finishing.
(4) Roofing --- R.GG 1:2:4 slab plastered and white wash
(5) Electrification --- External/internal electrification shall be provided.
(6) Water supply, sanitary installation --- External/internal water supply and sanitation tallation shall be provided.
(7) Foot-path — Foot-path shall be provided in cement concule.

J. D. GOYAL,
Secretary,
Sikkim Housing & Development Board
Tashiling, Gangtok.
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

No.SLAS/82-83/204/757. Dated Gangtok, the 17th September, 1982.

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

THE SIKKIM REGULATION OF TRANSFER AND USE OF LANDS (REPEAL) BILL, 1982.


A BILL

to appeal the Sikkim Regulation of Transfer and Use of Lands Act, 1975.

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

1. This Act may be called the Sikkim Regulation of Transfer and Use of Lands (Repeal) Act, 1982. Short title.

2. The Sikkim Regulation of Transfer and Use of Lands Act, 1975 is hereby repealed. Repeal of Act VI of 1975.

STATEMENT OF OBJECTS AND REASONS

In the year 1975 when the drafting of the Sikkim Agricultural land Ceiling and Land Reforms legislation was under consideration, the Sikkim Regulation of Transfer and Use of Lands Act, 1975 was enacted as a pre-emptive measure so as to prohibit big landowners from transferring lands and thus to evade the provisions of the Land ceiling legislation. The Sikkim Agricultural Land Ceiling and Reforms Act was passed by the State Legislature in 1977 and holds the field at present. According to the provisions of the Sikkim Agricultural Land Ceiling Act, 1977, land-owners are allowed to retain land upto twelve and a half standard acres per family of five members without any restriction, whatsoever. The two Acts cannot exist together as their respective provisions are contradictory to each other. It is, therefore, proposed to repeal the Sikkim Regulation of Transfer and Use of Lands Act, 1975.

The Bill seeks to achieve the above object. SHERAB PALDEN, Minister-in-charge, Department of Land Revenue & Reforms.

By Order R. K. GUPTA, Secretary, Sikkim Legislative Assembly.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
GOVERNMENT OF SIKKIM
LOCAL SELF GOVERNMENT & HOUSING DEPARTMENT

Notification No, 6/LSGHD

Dated Gangtok, the 10th August, 1982.

The Government has been pleased to decide that no land would be allotted on both sides of the National High way starting from GMC Office to Zero Point and leading upto Nehru Park (near White Hall) as well as on both sides of the Bhanu Path.

J. D. GOYA L

Jt. Secretary,
LSG&Hi Deptt,
Gangtok.
GOVERNMENT OF SIKKIM

HEALTH DEPARTMENT

Dated Gangtok, the 20th August, 1982.

NOTIFICATION

The Government of Sikkim hereby notifies Auxilliary Nurse-Mid-Wife School, Gangtok as a School for training Auxilliary Nurse-Mid-Wives and further directs that the sai school shall be a recognised School for the aforesaid purpose.

K.C.PRADHAN,
Secretary, Health.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No. 1375/9/IT&ST
Dated Gangtok, the 8th September, 1982.

The Government of Sikkim have constituted a Committee to study feasibility of introducing new taxes on the industries in Sikkim. The Committee shall examine whether any adequate alternative sources of revenue in lieu of Central Excise Duty can be created for the State Government. The following shall be the composition of the Committee:—

1. Secretary, Finance Department — Chairman
2. Secretary Industries Department — Member
3. Secretary, Law Department — Member
4. Joint Secretary, Income & Sales Tax Department --- Member
5. Director of Industries — Member

By Order.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
SIKKIM

GOVERNMENT GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No.117 Gangtok. Friday September 24, 1982

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

NOTIFICATION

No.SLAS/82-83/780/337. Dated Gangtok, the 24th September, 1982.

In accordance with Rule 167 of the Rules of Procedure and Conduct of Business in Sikkim Legislative Assembly, and as provided under Article 190 (3) (b) of the Constitution, the Hon'ble Speaker of Sikkim Legislative Assembly, has been pleased to accept the resignation tendered by Shri Dugo Bhutia from the Membership of Sikkim Legislative Assembly w.e.f 23rd September, 1982.

R. K. GUPTA,
Secretary,
Sikkim Legislative Assembly.
The following order of the Governor of Sikkim dated 27th September, 1982 is published for general information:

"No. SKM/GOV/971/82- In exercise of the power conferred by Article 174 (2) (a) of the constitution, I, Homi J.H. Taleyarkhan, Governor of Sikkim, hereby prorogue the Sikkim Legislative Assembly which was summoned to meet on Monday, 20th September, 1982.

HOMI J.H. TALEYARKHAN,
Governor of Sikkim."

By Order

R.K. GUPTA,
Secretary.
Sikkim Legislative Assembly.
HOME DEPARTMENT (ELECTION)

NOTIFICATION NO. 13/H.

Dated Gangtok, the 2nd September, 1982.

The following Order No. 76/SGM-LA/28/79, dated the 7th August, 1982 of Election Commission of India, New Delhi is hereby published for general information:—

ORDER

Whereas the Election Commission is satisfied that Shri Tenzing Bhutia, Song, Rumtek, East Sikkim a contesting candidate for general election to the Legislative Assembly held in October, 1979, from 28-Rumtek constituency, has failed to lodge an account of his election expenses at all as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And Whereas the said candidate was served with a Show Cause Notice which was returned undelivered by the Postal Authorities as the addressee was not available. The candidate has also not given any reason or explanation for the failure and the Election Commission as 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 thereby declares the said Shri Tenzing Bhutia to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

By Order,

J.K.SIBBU,          S. C. JAIN,
Special Officer.      Under Secretary,
                      Election Commission of India.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
HOMER DEPARTMENT (ELECTION)

NOTIFICATION NO. 14/H.

Dated Gangtok, the 7th September, 1982.

The following Order No. 76/SKM-LA/79, dated 7th August, 1982 of Election Commission of India, New Delhi is hereby published for general information:-

ORDER

Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the Sikkim Legislative Assembly as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge an account of his election expenses within the time and in the manner, as shown in column (5) of the said Table as required by the Representation of the People Act 1951 and the Rules made thereunder;

AND, Whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Particulars of elections</th>
<th>S.No.and name of Assembly Constituency</th>
<th>Name of the contesting candidate</th>
<th>Reason for disqualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>General Election to Sikkim Legislative Assembly, 1979.</td>
<td>17-Central Pendam East Pendam A.C</td>
<td>Shri Dhan Bahadur Sewa, Pangpo (Pachey-Khani), East Sikkim.</td>
<td>Account not lodged,</td>
</tr>
<tr>
<td>2.</td>
<td>-do-</td>
<td>26-Rakdong Tintek A.C.</td>
<td>Shri Leythup Lepcha Makha (Rakdong) East Sikkim.</td>
<td>-do-</td>
</tr>
</tbody>
</table>

By order,

J.K. SIBBU,
Special Officer.

S.C. JAIN,
Under Secretary,
Election Commission of India.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT

Corrigendum to the notification No. 87/L.R. (S) dated 5.4.1982 published in Extra-Ordinary Gazette volume No. 59 dated 14.6.1982 in order to adopt uniformity in naming the following Revenue blocks.

Spellings wrongly printed in aforesaid Gazette: Correct spelling to be read: District:

Raley Khese Raley- Khese East District
Tshlumthang Tshlumthang " "
West Pendam West Pendam " "
Tsinge(1) Thingle(1) West District
Chongrung Chonggreng " "
Nampu Nambu " "
Gyalsing Gyalsgrang " "
Burikhop(Dodak) Burikhop(Dodak) " "
Chota Samdong(Samdong) Chota Samdong (Sumdong) " "
Dhalam(Daramden) Dhalam(Daramden) " "
Zurung Zarung South District
Sang-hanath Sanghanath " "
Barul Burul " "
Denchung Denchung " "
Khanamtek Kanamtek " "
Pani-Phensong Paney-Phensong North District

CD. RAI,
Secretary,
Land Revenue Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT

Notification No. 101(552)/L.R.(S) Dated Gangtok, the 26th August, 1982

Whereas the functions of the Central Government under the Land Acquisition Act 1894(1 of 1894), in relation to the acquisition of land for the purposes of the Union have been entrusted to the State Government by Notification No. F 12018/12/76 LRD dated 10.1.78 issued the Government of India in the Ministry of Agriculture & Irrigation under clause (1) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose being a purpose of the Union, namely for Construction of UHF Station for Telecommunication in the block of Gyalshing, West District Sikkim it is hereby declared that a piece of land comprising cadastral plots No. 27 and measuring more or less 150'x145 i.e. about 0.50' acres bounded on:-

EAST  Land of Shri Kezing
WEST  Land of PeMayangtse Monastery
NORTH  Land of Shri Kezing
SOUTH  Land of Pemayangtse Monastery

is needed for the aforesaid public purpose at the public expense within the aforesaid block on Gyalshing, West District.

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

A plan of the land may be inspected in the office of the District Collector, West District, Gyalshing.

CD. RAI.
Secretary,
Land Revenue Department
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
INCOME AND SALES TAX DEPARTMENT


It is hereby notified for the information of the public in general and dealers in Sikkim that in pursuance of the Notification of the Government of India, the Ministry of Home Affairs, No. S.O.738(E) dated the 27th December, 1978, THE CENTRAL GOVERNMENT HAVE APPOINTED ACT, 1956 (74 OF 1956) SHALL COME INTO FROCE IN THE STATE OF SIKKIM. The Notifications of the Government of India published in the Government of India Gazette are reproduced as under:

Government of India
Minister of Finance
Department of Revenue

ORDER

F. NO. 28/21/78-ST DATED 30 THE SEPTEMBER, ’82.


SD/-L. K. RATHOD
DEPUTY SECY. TO THE GOVT. OF INDIA.

F. NO. 28/21/78-ST DATED 1ST OCTOBER, 1982.

IN EXERCISE OF THE POWERS CONFERRED BY SUB SECTION (1) OF SECTION 7 OF THE CENTRAL SALES TAX ACT, 1956 (74 OF 1956) THE CENTRAL GOVERNMENT HEREBY SPECIFIES THE PERSONS MENTIONED IN COLUMN (3) OF THE SCHEDULE HERETO ANNEXED AS THE AUTHORITIES TO WHOM THE DEALER IN THE STATE OF SIKKIM DESCRIBED IN COLUMN (2) OF THE SAID SCHEDULE SHALL MAKE APPLICATION FOR REGISTRATION UNDER THE SAID SECTION.
### THE SCHEDULE

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Description of dealer</th>
<th>Description of authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>DEALERS HAVING A SINGLE PLACE OF BUSINESS, MORE THAN ONE PLACE OF BUSINESS, IN THE STATE OF SIKKIM.</td>
<td>SENIOR SALES TAX OFFICER AND THE SALES TAX OFFICERS OF THE SALES TAX BRANCH UNDER THE FINANCE DEPARTMENT, GOVERNMENT OF SIKKIM.</td>
</tr>
</tbody>
</table>

SD/- L. K. RATHOD,
DEPUTY SECY. TO THE GOVT. OF INDIA.

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### NOTIFICATION

F.NO. 28/21/78-ST
DATED FIRST OCTOBER, 1982.

IN EXERCISE OF THE POWERS CONFERRED BY SUB SECTION (1) OF SECTION 6 OF THE CENTRAL SALES TAX ACT, 1956 (74 OF 1956) THE CENTRAL GOVERNMENT HEREBY APPOINTS THE 1ST DAY OF NOVEMBER, 1982, AS THE DATE WITH EFFECT FROM WHICH EVERY DEALER IN THE STATE OF SIKKIM SHALL BE LIABLE TO PAY TAX UNDER THE SAID ACT ON ALL SALES OF GOODS OTHER THAN ELECTRICAL ENERGY EFFECTED BY HIM IN THE COURSE OF INTER-STATE TRADE OR COMMERCE.

SD/- L. K. RATHOD,
DEPUTY SECY. TO THE GOVT. OF INDIA

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The dealers, who purchase and sale goods in the course of inter-State Trade or Commerce are hereby directed to register themselves under the Central Sales Tax Act, 1956 (74 of 1956) in order to avail the Central Sales Tax at a concessional rate.

K. SHERA

Secretary Finance,
Income & Sales Tax Department
Government of Sikkim,
Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT

Notification No. 102(744) / L. R. (S) Dated Gangtok, the 14th September, 1982

Whereas the land whose description are given below was likely to be needed for public purpose and a notification to that effect had been made under this Department Notification No. 9(744) LR(S) dated 17.11.1980 published in the Sikkim Govt. Extra-Ordinary Gazettee Volume No. 105 dated 2nd December, 1980 under Section 4 of the Land Acquisition Act,1894, and whereas it had subsequently been revealed that the land is not required for public purpose (Police Housing Colony) and that possession over the land has not been taken over by the Collector, East District, th Notification made earlier under Section 4 of the L. A. Act, 1894 is hereby cancelled.

Description of Lands:-

Plot Nos: 435,443,752,434,& 550 under Tadong Block , East Sikkim.
Boundaries:-

- EAST :- P. F. of Sri Ben Subba & Ongda.
- North :- Jhora, P. F. of Ongda & Ben Subba.
- South :- P. F. of Sri Ben Subba.

Plot Nos :- 554 & 553 (Tadong Block ).
Boundaries :-

- EAST :- Jhora.
- WEST :- Road Reserve.
- North :- Road.
- South :- P.F. of Sri Pem Chhiten & Sonam Pintso.

C. D. RAI,
Secretary,
Land Revenue Department,
Government of Sikkim.
RURAL DEVELOPMENT DEPARTMENT
GOVERNMENT OF SIKKIM

Notification No. I (47A) NOT/ RW/P/ 75- 76/ PI/ RDD/5046

Dated Gangtok, the 19th October, 1982

Reorganisation of Gram Panchayats
GOVERNMENT OF SIKKIM
Rural Development Department
No. 1(47A) NOT/RW/75-76/(P)RDD/4056.
Dated Gangtok, the 19th October, 1982

NOTIFICATION

In exercise of the powers conferred by section 3 of the Sikkim Panchayat Act 1982(3 of 1982), the State Govt, hereby declares that:

(a) the village or villages specified in column (1) of the table below shall constitute a Gram for the purposes of the said Act:

(b) each Gram Panchayat shall be known by the name specified in column (2) of the table; and

(c) each Gram shall be divided into wards specified in column (3) of the table; and

(d) each ward shall elect such number of members as specified in column (4) of the table; and

(e) the local limits of each Gram Panchayat as mentioned in column (2) shall be as specified in column (5) of the said table.

<table>
<thead>
<tr>
<th>Name of village/villages</th>
<th>Name of the Gram Panchayat by which panchayat shall be known</th>
<th>Wards in which Gram is divided</th>
<th>No. of members to be elected from each ward</th>
<th>T</th>
<th>Jurisdiction of Gram Panchayat</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Pendam</td>
<td>1 West Pendam</td>
<td>West Pendam</td>
<td>5</td>
<td>5</td>
<td>Revenue block of West Pendam.</td>
</tr>
<tr>
<td>Central Pendam</td>
<td>2 Central Pendam</td>
<td>Central Pendam (SMC area) Sajong</td>
<td>3</td>
<td>5</td>
<td>Revenue blocks of Sajong.</td>
</tr>
</tbody>
</table>

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<th>4</th>
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<tr>
<td>East Pendam</td>
<td>3 East Pendam</td>
<td>East Pendam</td>
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<td>East Pendam, Kamere-Basme, Pachak</td>
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<td>Lingzey, Sumin</td>
<td>4 Sumin-Lingzey</td>
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<td>Sumin Lingzey, Mangthang</td>
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<td>Latuk</td>
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<td>Changy-Senti</td>
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<td>Aho-Yangtham</td>
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<td>Lossing-Pacheykhani</td>
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<td>Pachey-Sam, Sing, Changey-Senti</td>
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<td>Rewa, Parakha</td>
<td>12 Latuk-Chochenperi</td>
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<tr>
<td>Latuk</td>
<td>4</td>
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<td>Revenue blocks of Latuk, Chochenperi</td>
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<td>Chochenperi</td>
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15
By Order,

P. K. Pradhan, I. A. S.

Secretary,

Rural Development Department,

Government of Sikkim.
CORRIGENDUM

Please read column 1,2,3,4,5&6 of Gram Panchayat Unit 1 and 2 of North District (Page No. 10) as follows :

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Sd/-—

P. K. PRADHAN, I. A. S.

SECRETARY,
RURAL DEV DEPARTMENT,
GOVT. OF SIKKIM,
GANGTOK.
CORRIGENDUM

Please read column No. 1, 2, 3, 4, 5, & 6 of Gram Panchayat unit 7 of East District (page no 2) as under:

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By order.

Sd/- P. K. Pradhan, IAS.,
SECRETARY,
RURAL DEVELOPMENT DEPARTMENT
GOVT. OF SIKKIM
GANGTOK.
RURAL DEVELOPMENT DEPARTMENT
GOVERNMENT OF SIKKIM

Notification No. I (47A) RW/P75-76/PI/RDD/5047

Dated Gangtok, the 19th October 1982

The Sikkim Panchayat Election
Rules, 1982
NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 6, sub-section (1) of 101, section 118 of the Sikkim Panchayat Act, 1982 (3 of 1982), and all other powers the Government of Sikkim hereby makes the following rules to provide for the conduct of elections to Gram Panchayat and to provide for matters connected there with and incidental thereto:-

PART : I

Preliminary

1. Short title and commencement. —(1) These rules may be called the Sikkim Panchayat Election Rules 1982.
   (2) They shall come into force at once.

2. Interpretation.—(1) In these rules, unless the context otherwise requires:—
   (a) 'Act' means the Sikkim Panchayat Act, 1982. (Act No 3 of 1982)
   (b) 'Ballot Box' includes any box or other receptacle used for insertion of ballot papers by voters;
   (c) 'Candidate' means a person who has been or claims to have been duly nominated as a candidate at any election;
   (d) 'Contesting Candidate' means a candidate whose nomination has been found valid on scrutiny and who has not withdrawn his candidature in accordance with the provisions of these rules;
   (e) 'Corrupt Practices' means a corrupt practice as defined in sub-section (2) of section 102 of the Act:
   (f) 'Counterfoil' means the counterfoil attached to a ballot paper printed under the provisions of these rules;
   (g) 'Counting Agent' means an agent appointed by the candidate or his election agent under the provisions of these rules;
(h) 'Director of Panchayat election means the officer of the State Government appointed as such under rule 3;

(i) 'Election' election means election to a Gram Panchayat from at Panchayat Ward;

(j) 'Elector' elector in relation to an election of a member or members from a Panchayat Ward, means any person entitled to vote at that election;

(k) 'Electoral Roll' means the electoral roll of a Panchayat Ward as prepared in terms of sub-section (2) of section 6, and consisting of these persons whose names are included in the electoral roll of the Sikkim Legislative Assembly for the time being in force pertaining to the area comprised in the Panchayat Ward;

(l) "Electoral Roll Number" of a person means—

(i) the Serial Number of the entry in the electoral roll in respect of that person;

(ii) the name of the Panchayat Ward to which the electoral roll relates;

(m) 'Form' means a Form appended to these rules and includes a translation thereby in any of the languages used for the official purposes of the State of Sikkim;

(n) 'Marked Copy of the Electoral Roll" means a copy of the electoral roll set apart for the purposes of marking the names of the electors to whom ballot papers are issued at an election;

(o) 'Panchayat Ward' means a ward of Gram Panchayat as determined by the State Government under the provisions of sub-section(2) of section 3 ;

(p) 'Polling Agent' means a polling agent appointed by a candidate or his election agent under the provisions of these rules;

(q) 'Polling Station' means the place fixed for taking the poll under Rule 10;

(r) 'Presiding Officer' includes any polling officer performing any of the functions of Presiding Officer under the provisions of these rules;

(s) Returning Officer' includes any Assistant Returning Officer performing any of the functions of the Returning Officer which he is authorised to perform under the provisions of these rules;

(t) 'Schedule' means the schedule appended to these rules;

(u) 'Section' means a section of the Act;

(v) 'Service Voter means—
(i) any person having service qualification as defined in sub-section (8) of section 20 of the Representation of the People Act, 1950 (Central Act No. 43 of 1950) and whose name is entered in the electoral roll of the Sikkim Legislative Assembly for the time being in force;

(ii) the wife of any such person referred to in clause (i) whose name is also entered in the electoral roll of the Sikkim Legislative Assembly;

(iii) 'Voter on election duty' means any polling agent, polling officer, Presiding Officer or other public servant, who is an elector in the Panchayat Ward and is of reason of his being on election duty unable to vote at the polling station where he is entitled to vote.

(2) For the purposes of these rules, a person who is not able to write his name shall, unless otherwise expressly provided in these rules be deemed to have signed an instrument or other paper if—

(a) he has placed a mark on such instrument or other paper in the presence of the Returning Officer or the Presiding Officer or such other officer as may be specified in this behalf by the Director of Panchayat Elections, and

(b) such officer on being satisfied as to his identity has attested the mark as being the mark of that person.

(3) Any of the expressions not defined in these rules but defined in the Act shall have the same meaning as in the Act,
PART :II

GENERAL PROVISIONS & ADMINISTRATIVE MACHINERY FOR
CONDUCT OF ELECTIONS

3. **Director of Panchayat Elections** :- The superintendence, direction, control and the conduct of all elections to Gram Panchayat shall vest in the Director of Panchayat Elections who shall be such officer of the Government as the State Government may designate or nominate.

4. **Right to Vote in a Panchayat Ward** -

   (1) No person who is not, and except as expressly provided by these rules every persons who is for the time being entered in the electoral roll of a Panchayat Ward shall be entitled to vote at an election in the wards.

   (2) No person shall vote at a Gram Panchayat election in more than one Panchayat Ward, and if a person votes in more than one such ward his votes in all such wards shall be void.

   (3) No person shall at any Gram Panchayat elections vote in the same Panchayat Ward more than once, notwithstanding that his name may have been registered in the electoral roll for that ward more than once, and if he does so vote, all his votes in that ward shall be void.

   (4) No person shall vote as any Gram Panchayat election if he is confined in a prison whether under a sentence of imprisonment or transportation or otherwise, or is in the lawfull custody of the police:

Provided that nothing in this sub-rule shall apply to a person subjected to preventive detention under any law for the time being in force.

5. **Method of Voting.**— In a Panchayat Ward where more than one member is to be elected every elector shall have as many votes as there are members to be elected; but no elector shall give more than one vote to any one candidate.
6. General Duty of District Collector.— Subject to the superintendence, direction and control of the Director of Panchayat Elections the District Collector shall co-ordinate and supervise all work in the district under his jurisdiction in connection with the conduct of all elections to the Gram Panchayats.

7. Returning Officers.— For every Panchayat Ward, the Director of Panchayat Elections shall, in consultation with the State Government, designate or nominate a Returning Officer who shall be an officer of Government;

Provided that nothing in this rule shall preclude the Director of Panchayat Elections from designating or nominating the same officer to be the Returning Officer for more than one Panchayat Ward.

8. Assistant Returning Officers — (1) The Director of Panchayat Elections may appoint one or more persons to assist any Returning Officer in the performance of his functions;

Provided that every such person shall be an officer of Government.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer;

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the scrutiny of nominations unless the Returning Officer is unavoidably prevented from performing the said function.

9. General duty of the Returning Officer— It shall be the general duty of the Returning Officer at any election to do all such acts and things as may be necessary for effectively conducting the election in the manner provided under these Rules.

10. Polling Stations— The District Collector shall with the previous approval of the Director of Panchayat Elections provide sufficient number of polling stations for every Panchayat Ward in his district and shall publish in such a manner as the Director of Panchayat Elections may direct a list showing the polling stations so provided and the polling areas or groups of electors for which they have respectively been provided.
11. **Appointment of Presiding Officers and Polling Officers.**

(1) The Returning Officer shall appoint a Presiding Officer for each polling station and such other Polling Officer or officers to assist the Presiding Officer as he thinks necessary, but shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for a candidate in or about the election as a Presiding Officer or a Polling Officer; 

Provided that if any Polling Officer is absent from the Polling Station, the Presiding Officer may appoint in his place any person who is present at the polling station other than a person who has been employed by or on behalf, or has been otherwise working for a candidate in or about the election, to be the Polling Officer and shall when such appointment is made inform the Returning Officer accordingly:

Provided further that nothing in this sub-rule shall prevent the Returning Officer from appointing the same person to be the Presiding Officer for more than one polling station in the same premises.

(2) A Polling Officershall, if so directed by the Presiding Officer perform all or any of the functions of a Presiding Officer under these rules.

(3) If the Presiding Officer, owing to illness or for other unavoidable cause, is obliged to absent himself from the polling station his functions shall be performed by such Polling Officer as has been previously authorised by the Returning Officer to perform such functions under any such absence.

12. **General Duty of Presiding Officer**:— It shall be the general duty of the Presiding Officer at a Polling Station to keep order thereat and to see that the poll is fairly taken.
PART III — CONDUCT OF ELECTIONS

CHAPTER I — NOTIFICATION OF ELECTIONS
AND NOMINATIONS OF CANDIDATES


(1) An election shall be held for the purpose of constituting a new Gram Panchayat for the first time or on the expiration of duration of the existing Gram Panchayat or on its dissolution;

(2) For the said purposes, the State Government shall by one or more notifications publish in the official gazette on such date or dates as may be fixed and notified in this behalf, call upon all the Panchayat Wards to elect members in accordance with the provisions of the Act and the rules and orders made there under.

14. Appointment of dates for nominations etc.— As soon as the notification calling upon a panchayat ward to elect a member or members is issued the Director of Panchayat Elections shall, by notification published in the official gazette, appoint —

(a) the last date for making nominations, which shall be the seventh day after the date of publication of the first mentioned notification or if that day is a public holiday, the next succeeding day which is not a public holiday;

(b) the date for the scrutiny of nominations, which shall be the day immediately following the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;

(c) the last date for the withdrawal of candidatures, which shall be the second day after the date for the scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
(d) the date or dates on which a poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than the twentieth day after the last date for the withdrawal of candidatures;

(e) the date before which the election shall be completed.

15. Public Notice of Election. — On the issue of a notification under rule 14, the Returning Officer shall give public notice of the intended elections in Form 1 inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered and subject to any direction of the Director of Panchayat Elections, such public notice shall be published in such manner as the Returning Officer thinks fit.

16. Fixing Time for Poll. — The Director of Panchayat Elections shall fix the hours during which the poll will be taken, and the hours so fixed shall be published by notification in the Official Gazette;

Provided that the total period allotted on any day for polling at a polling station shall not be less than eight hours.

17. Nomination of Candidates. — Any person may be nominated as a candidate for election to fill a seat specified for in a Panchayat Ward if his name is included in the electoral roll of that ward and he is not otherwise disqualified under the provisions of the Act.

18. Presentation of nomination papers and requirements for valid nominations. — (1) On or before the last date appointed under clause (a) of rule 14 each candidate shall either in person or by his proposer deliver to the Returning Officer during the time and the place specified in this behalf in the notice issued under rule 15, the nomination papers duly completed and signed by the candidate and by an elector of the Panchayat Ward as a proposer.

(2) Any person whose name is entered in the electoral roll of the Panchayat Ward for which the candidate is nominated and who is not otherwise disqualified, may subscribe as proposer.

(3) Every nomination paper presented to the Returning Officer shall be in Form 2.

(4) No candidate shall be prevented from being nominated by more than one nomination paper for the election in the same Panchayat Ward;

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for the election.
(5) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll number of the candidate and his proposer as entered in the nomination papers are the same as those entered in the electoral roll of the Panchayat Ward for the time being in force.

19. **Choice of Symbols**—(1) A candidate for the election from any Panchayat Ward shall choose and shall be allotted one of the symbols specified in the Table of the Schedule.

(2) If more contesting candidates than one have indicated the ir preference for the same symbol, the Returning Officer shall decide by lot to which of those candidates the symbol be allotted.

(3) The allotment by the Returning Officer of any symbol to a candidate shall be final.

(4) Every candidate or his election agent shall be informed of the symbol allotted to the candidate and be supplied with a specimen thereof by the Returning Officer.

20. **Deposits**— (1) A candidate shall not be deemed to be duly nominated for election from a Panchayat Ward unless he deposits or causes to be deposited in cash with the Returning Officer a sum of Rupees Twenty five or where the candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of Rupees Fifteen.-

Provided that where a candidate has been nominated by more than one nomination paper for election not more than one deposit shall be required under this rule.

(2) The deposit made under sub-rule (1) shall either be returned to the person making it or his legal representative or be forfeited to the State Government in accordance with the provisions of this rule.

(3) Except in cases herein after mentioned, deposit shall be returned as soon as practicable after the result of the election is declared.

(4) If the candidate is not shown in the list of contesting candidates, or if he dies before the commencement of the poll, the deposit shall be returned as soon as practicable after the publication of the list or after his death, as the case may be.
Subject to the provision of sub-rule (4) of the deposit shall be forfeited if at an election where a poll has been taken, the candidate not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled by all the candidates.

21 Notice Of Nomination—

The Returning Officer shall, on receiving the nomination paper under sub-rule (1) of rule 18 from the persons delivering the same, enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him, and shall as soon as may be thereafter, cause to be affixed in Form 3 in some conspicuous public place a notice of the nomination containing descriptions similar those contained in the nomination paper both of the candidates and of the proposer.

22. Scrutiny of Nominations—(1) On the date fixed for the scrutiny of nomination under rule 14, the candidates, their election agents, and one proposer of each candidate, but no other person, may attend at the time and place appointed in this behalf in the public notice under rule 15 and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner as specified.

(2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may either on such objection or on his own motion, after such summary equiry, if any, as he thinks necessary, eject any nomination on any of the following grounds, namely—

(a) that the candidate is disqualified for being chosen to fill the seat by or under the Act,

(b) that the candidate or the proposer is not elector of the Panchayat Ward concerned;

(c) that there has been a failure to comply with any of the provisions of rules 18&20; and

(d) that the signature of the candidate or of the proposer on the nomination paper is not genuine.
(3) Nothing contained in clause (c) or clause (d) of sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of rule 14 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot, or open violence or by cause beyond his control;

Provided that in case any objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day, following the date fixed for scrutiny and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded the Returning Officer shall prepare a list in Form 4 of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix it on his notice board.

23. Withdrawal of Candidature:-(1) Any candidate may withdraw his candidature by a notice in writing which shall be subscribed by him and delivered before 3 0'Clock in the afternoon on the day fixed under clause (c) of rule 14 to the Returning Officer either by such candidate in person or by the election agent or his proposer who has been authorised in this behalf in writing by such candidate.

(2) No person who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel the notice.
(3) A notice of withdrawal of candidature under sub-rule (1) shall be in Form 5 and shall contain the particulars set out therein, and on receipt of such notice the Returning Officer shall note thereon the date and the time at which it was delivered.

(4) The Returning Officer shall, on being satisfied as to the genuineness of notice of withdrawal and the identity of the person delivering it under sub-rule (1), cause a notice in Form 6 to be affixed in some conspicuous place in his office.

24. Preparation and Publication of list of contesting Candidates:

(1) Immediately after the expiry of the period within which candidature may be withdrawn under sub-rule 1 of rule 23, the Returning Officer shall prepare a list of contesting candidates.

(2) The list of contesting candidates shall be in Form 7 and shall contain the particulars set out therein and shall be prepared in such language or languages as the Director of Panchayat Elections may direct.

(3) The names of contesting candidates in the list of contesting candidates shall be arranged in alphabetical order and if the list is prepared in more languages than one, the names of candidates therein shall be arranged alphabetically according to the script of such one of those languages as the Director of Panchayat Elections may direct.

(4) The Returning Officer shall cause a copy of the list of contesting candidates to be affixed in some conspicuous place in his office and if poll becomes necessary the Returning Officer shall supply a copy of the list of contesting candidates to each such candidate or his election agent and then shall also publish the list in the Officer Gazette.
CHAPTER-II
CANDIDATES AND THEIR AGENTS

25 **Appointment and revocation of election agent.**—(1) A candidate at an election may appoint any one person other than himself to be his election agent;

Provided that any person who is for the time being disqualified under the Act for being a member of Gram Panchayat or for voting at election shall, so long as the disqualification subsists, also be disqualified for being an election agent at any election.

(2) The appointment of an election agent shall be made in Form 8 and the notice of such appointment shall be given by forwarding the same in duplicate to the Returning Officer who shall return one copy thereof to the election agent after affixing thereon his seal and signature in token of approval of the appointment.

(3) The candidate may revoke the appointment of his election agent at any time and such revocation of the appointment of election agent shall be made in Form 9 and shall be operative from the date on which it is lodged with the Returning Officer.

(4) In the event of such a revocation or of death of an election agent whether that event occurs before or during the election, the candidate may appoint another person to be his election agent in the manner specified in sub-rule (1) and when such appointment is made notice of the appointment shall be given in the manner specified in the said sub-rule.

26. **Appointment and revocation of polling agent.**—(1) A contesting candidate for the election or his election agent may appoint in writing to be delivered to the Presiding Officer one person to act as his polling agent and two relief agents at each polling station and such appointment shall be made in Form 10.

(2) No polling agent shall be admitted into the polling station unless he has been duly appointed under sub-rule (1) and he has delivered to the Presiding Officer the letter of his appointment.
(3) The revocation of the appointment of a polling agent shall be made in Form 11 and longed with the Presiding Officer.

(4) In the event of any such revocation, the candidate or his election agent may, at any time before the poll is closed, make a fresh appointment in the manner specified in sub-rule (1).

27. **Functions of Election Agents and Polling Agents**.—(1) An election agent may perform such functions in connection with the election as are authorised by or under the act and these rules to be performed by an election agent.

(2) A polling agent may perform such functions in connection with the poll as are authorised by or under these rules to be performed by a polling agent.
CHAPTER—III
POSTAL BALLOT

28. **Persons entitled to vote by post**.—The following persons at an election in a Panchayat Ward shall, subject to their fulfilling the requirements hereinafter specified, be entitled to vote by post, namely—

(i) Service voters;
(ii) Voters on election duty; and
(iii) Electors subjected to preventive detention.

29. **Intimation by voters on election duty**.—(1) A voter on election duty who wishes to vote by post at an election shall send an application in Form 12 to the Returning Officer so as to reach him at least seven days or such shorter period as the Returning Officer may allow before the date of poll; and if the Returning Officer is satisfied that the applicant is a voter on election duty, he shall issue a postal ballot paper to him.

(2) Where such voter, being a Polling Officer, Presiding Officer or other-public servant on election duty in a Panchayat Ward of which he is an elector, wishes to vote in person at the election and not by post, he shall send an application in Form 12A to the Returning Officer so as to reach him at least four days, or such shorter period as the Returning Officer may allow, before the date of poll; and if the Returning Officer is satisfied that the applicant is such public servant and voter on election duty in the Panchayat Ward, he shall—

(a) issue to the applicant an election duty certificate in Form 12B;

(b) mark ‘EDC’ against his name in the marked copy of the electoral roll to indicate that an election duty certificate has been issued to him; and

(c) ensure that he is not allowed to vote at the polling station where he would otherwise have been entitled to vote.

30. **Electors under preventive detention**.—(1) The State Government shall, within 15 days of the calling of an election, ascertain and intimate to the Returning Officer the names of the electors, if any, subjected to preventive detention together with their addresses and electoral roll numbers and the particulars about their places of detention.
Any elector subjected to preventive detention may, within 15 days of the calling of an election, send an intimation to the Returning Officer that he wishes to vote by post, specifying his name, address, electoral roll number and place of detention.

The Returning Officer shall issue postal ballot paper to every elector subjected to preventive detention whose name has been intimated to him under sub-rule (1) or under sub-rule (2).

**31. Form of postal ballot paper** — (1) Every postal ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form, and the particulars therein shall be in such language or languages, as the Director of Panchayat Elections may direct.

(2) The names of the candidates shall be arranged on the postal ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

**32. Issue of Ballot Paper** — (1) A postal ballot paper shall be sent by post under certificate or posting to the elector together with —

(a) a declaration in Form 13 A;

(b) a cover in Form 13B;

(c) a large cover addressed to the Returning Officer in Form 13C; and

(d) instructions for the guidance of the elector in Form 13D.

Provided that the Returning Officer may, in the case of an elector under preventive detention or a voter on election duty, deliver the ballot paper and forms, or cause them to be delivered, to such voter personally.

(2) The Returning Officer shall at the same time—

(a) record on the counterfoil of the ballot paper the electoral roll number of the elector as entered in the marked copy of the electoral roll.

(b) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however, recording therein the serial number of the ballot paper issued to that elector; and
(c) ensure that the elector is not allowed to vote at polling station.

(3) Every officer under whose care or through whom a postal ballot paper is sent shall ensure its delivery to the addresses without delay.

(4) After ballot papers have been issued to all electors entitled to vote by post, the Returning Officer shall seal up in a packet that part of the marked copy of the electoral roll which relates to service voters and record on the packet a brief description of its contents and the date on which it was sealed and send the other relevant parts of the marked copy to the several Presiding Officers for marking the names of electors to whom ballot papers are issued at the polling stations without however, recording therein the serial numbers of the ballot papers issued to the electors.

(5) The Returning Officer shall also seal up in a separate packet the counterfoils of the ballot papers issued to electors entitled to vote by post and record on the packet a brief description of its contents and the date on which it was sealed.

33. **Recording of Vote** - (l) An elector who has received a postal ballot paper and desires to vote shall record his vote or votes on the ballot paper in accordance with the directions contained in Part I of Form 13D and then enclose it in the cover in Form 13B.

(2) The elector shall sign the declaration in Form 13A in the presence of, and have the signature attested by, a stipendiary magistrate or such other officer specified below, as may be appropriate, to whom he is personally known or to whose satisfaction he has been indentified-

(a) in the case of a service voter, such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed or such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) in the case of a voter on election duty, any gazetted officer or the Presiding Officer of the polling station at which he is on election duty;

(c) in the case of an elector under preventive detention the Superintendent of the Jail or the Commandant of the detention camp in which the elector is under detention; and
(d) in any other case, such officer as may be notified in his behalf by the State Government.

**Explanation.**— An honorary magistrate shall not be competent to attest any ballot paper and a member of the Parliament or State Legislative Assembly will not be deemed to be a gazetted officer for the purposes of attestation of postal ballot paper.

34. **Assistance to illiterate or infirm voters.**—(1) If an elector is unable through illiteracy, blindness, or other physical infirmity to record his vote on a postal ballot paper and sign the declaration, he shall take the ballot paper, together with the declaration and the covers received by him to an officer competent to attest his signature under sub-rule (2) of rule 34 and request that officer to record his vote and sign his declaration on his behalf.

(2) Such officer shall thereupon mark the ballot paper in accordance with the wishes of the elector in his presence, sign the declaration on his behalf and complete the appropriate certificate contained in Form 13A.

35. **Reissue of ballot papers.**—(1) When a postal ballot paper and other papers sent under rule 32 are for any reason returned undelivered, the Returning Officer may re-issue them by post under certificate of posting or deliver them or cause them to be delivered to the elector personally on a request being made by him.

(2) If any elector has inadvertently dealt with the ballot paper or any of the other papers sent to him under rule 32 in such a manner that they cannot conveniently be used, a second set of the papers shall be issued to him after he has returned the spoiled papers and satisfied the Returning Officer of the inadvertence.

(3) The Returning Officer shall cancel the spoilt papers so returned and keep them in a separate packet after noting thereon the particulars of the election and the serial numbers of the cancelled ballot papers.

36. **Return of Ballot Paper.**—(1) After an elector has recorded his vote and made his declaration under rule 33 or rule 34 he shall return the ballot paper and declaration to the Returning Officer in accordance with the instructions communicated to him in Part II of Form 13D so as to reach the Returning Officer before the hour fixed for the commencement of counting of votes.
(2) If any cover containing a postal ballot paper is received by the Returning Officer after the expiry of the time fixed in sub-rule (1), he shall keep all such covers together in a separate packet.

(3) The Returning Officer shall keep in safe custody until the commencement of the counting of votes all covers containing postal ballot papers received by him.
CHAPTER
GENERAL PROCEDURE

37. Death of Candidate before poll.— If a candidate whose nomination has been found valid on scrutiny under rule 22 and who has not withdrawn his candidature under rule 23 dies and a report of his death is received before the publication of the list of contesting candidates under rule 24 for if a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of death of the candidate, countermand the poll and report the fact to the State Government and the Director of Panchayat Elections and all proceedings with reference to the election shall be commenced a new in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of person who was a contesting candidate at the time of the countermanding of the poll:

Provided further that no person who has given a notice of withdrawal of his candidature under rule 23 before the countermanding of the poll shall be ineligible for being nominated as a candidate for election after such countermanding.

38. Procedure in contested and uncontested elections.— (1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall forthwith declare in Form 14 all such candidates to be duly elected to fill those seats.

(3) If the number of candidates is less than the number of seats to be filled, the Returning Officer shall forthwith declare in Form 14 all such candidates to be elected and send copies of declaration to the Director of Panchayat Elections and the State Government for taking appropriate action under sub-section (4) of rule 6.
CHAPTER — V

VOTING PROCEDURE AT POLLING STATIONS

39. **Manner of Voting.**— At every election where a poll is taken, votes shall be given by ballot in the manner hereinafter provided and no votes shall be received by proxy.

40. **Ballot Box.**— Every ballot box shall be of such design as may be proved by the Director of Panchayat Elections.

41. **Form of ballot paper.**— (1) Every ballot paper shall have a counterfoil attached thereto, and the said ballot paper and the counterfoil shall be in such form and the particulars therein shall be in such language or languages, as the Director of Panchayat Elections may direct.

   (2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

   (3) If two or more candidates bear the same name they shall be distinguished by the addition of their occupation or residence or in some other manner.

42. **Arrangement at polling stations.**— Outside each polling station there shall be displayed prominently—

   (a) a notice, specifying the polling area the electors of which are entitled to vote at the polling station; and

   (b) a copy of the list of contesting candidates.

43. **Admission to polling stations.**— The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

   (a) polling officer;
   (b) public servants on duty in connection with the election;
   (c) persons authorised by the Director of Panchayat Elections;
   (d) candidates, their election agents and one polling agent of each candidate at a time;
(e) a child in arms accompanying an elector;

(f) a person accompanying a blind or infirm elector who cannot move without help; and

(g) such other persons as the Returning Officer or the Presiding Officer may employ for the purpose for identifying the election

44. **Preparation of ballot boxes for poll**— (1) Every ballot box used at a polling station shall bear labels outside marked with—

   (a) the serial number, if any, and the name of the Panchayat Ward;

   (b) the serial number and name of the polling station;

   (c) the serial number of the ballot box where more than one ballot boxes is used in respect of a particular election; and

   (d) the date of poll.

   (2) The Presiding Officer shall immediately before the commencement of the poll satisfy all persons present that the ballot box is empty and bears the labels referred to in sub-rule (1).

   (3) The Presiding Officer shall then close, seal and secure the ballot box in such manner that the slit for the insertion of ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

   (4) The ballot box shall then be placed in full view of the Presiding Officer and the polling agents,

45. **Marked copy of electoral roll**— (1) Immediately before the commencement of poll, the Presiding Officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain.

   (a) any entry other than that made in pursuance of clause (b) of sub-rule (2) and rule 29;

   (b) any mark other than mark made in pursuance of clause (b) of sub-rule (2) of rule 32.
46. **Facilities for women voters**— (1) Where a polling station is for both men and women electors, the Presiding Officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The Returning Officer or the Presiding Officer may appoint a woman to serve as an assistant at a polling station to assist women electors and also to assist the Presiding Officer generally in taking the poll in respect of women electors and in particular, to help in searching any woman elector in case it becomes necessary.

47. **Identification of electors**— (i) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station the Presiding Officer or the polling officer authorised by him in this behalf shall check the elector's name and other particulars with the relevant entry in the list of electors and then call out the serial number, name and other particulars of the elector.

(3) Where the electors have been supplied with identity cards, the elector shall produce his identity card before the Presiding Officer or the polling officer authorised by him in this behalf.

(4) In deciding the right of the person to obtain a ballot paper, the Presiding Officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the list of electors if he is satisfied that such person is identical with the elector to whom such entry relates.

48. **Facilities for public servants on election duty**— (1) The provisions of rule 47 shall not apply to any person who produces at the polling station an election duty certificate in Form 12B and asks for the issue of a ballot paper to him although the polling station is different from one where he is entitled to vote.

(2) On production of such certificate the Presiding Officer shall—

(a) obtain thereon the signature of the person producing it;

(b) have the person's name and electoral roll number as mentioned the certificate entered at the end of the marked copy of the electoral roll, and

(c) issue to him a ballot paper, and permit him to vote, in the same manner as for an elector entitled to vote at the polling station.
49. Challenging of Identity.- (1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of Rupees in cash with the Presiding Officer for each challenge.

(2) On such deposit being made, the Presiding Officer shall—

(a) warn the person challenged of the penalty for impersonation;
(b) read the relevant entry in the list of electors in full and ask him whether he is the person referred to in that entry,
(c) enter his name and address in the list of challenged electors in Form 15;
(d) require him to affix his signature or thumb impression in the said list.

(3) The Presiding Officer shall thereafter hold a summery inquiry into the challenge and may for that purpose—

(a) require the challenger to adduce evidence in proof of the challenge and the person challenged to adduce evidence in proof of his identity-
(b) put to the person challenged any questions necessary for the purpose of establishing identity and require him to answer them on oath-
(c) administer an oath to the person challenged and any other person offering to give evidence.

(4) If, after the inquiry, the Presiding Officer considers that the challenge has not been established, he shall allow the person challenged to vote; and if he considers that the challenge has been established, he shall debar the person challenged from voting.

(5) If the Presiding Officer is of the opinion that the challenge is frivolous or has not been made in good faith he shall direct that the deposit made under sub-rule (1) be forfeited to the State Government, and in any other case, he shall return it to the challenger at the conclusion of the inquiry.

50. Safeguards against impersonation.—(1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied, shall allow his left forefinger to be inspected by the Presiding Officer or the Polling Officer and an indelible ink mark to be put on it.
58. **Account of ballot papers.** (1) The Presiding Officer shall at the close of the poll prepare a ballot paper account in Form 18 and enclose it in a separate cover with the words "Ballot paper Account" superscribed thereon.

(2) The Presiding Officer shall furnish to every polling agent at the close of the poll a true copy of the entries made in the ballot paper account after obtaining a receipt from the said polling agent therefore, and shall also attest it as a true copy.

59. **Sealing of other packets.** - (1) The Presiding Officer shall then make into separate packets -

(a) the marked copy of the electoral roll;

(b) the counterfoils of the used ballot paper.

(c) the ballot papers signed in full by the Presiding Officer under sub-rule (1) of rule 51 but not issued to the electors;

(d) any other ballot papers not issued to the electors;

(e) the ballot papers cancelled for violation of voting procedure under sub-rule (6) of rule 52;

(f) any other cancelled ballot papers;

(g) the cover containing the tendered ballot papers and the list of Form 17;

(h) the list of challenged votes; and

(i) any other papers directed by the Director of Panchayat Elections to be kept in sealed packet.

(2) Each such packet shall be sealed with the seals of the Presiding Officer and with the seals either of the candidate or his election agent or of his polling agent who may be present at the polling station and may desire to affix his seal thereon.

60. **Transmission of ballot boxes, Packets etc. to the Returning Officer** (1) The Presiding Officer shall then deliver or cause to be delivered to the Returning Officer at such place as the Returning Officer may direct—

(a) the ballot boxes;

(b) the ballot paper account;
(c) the sealed packets referred to in rule 59, and

(d) all other papers used at the poll.

(2) The Returning Officer shall make adequate arrangements for the safe transport of all ballot boxes, packets and other papers and for their safe custody until the commencement of counting of votes.

61. **Adjournment of poll in emergencies**.- (1) If at an election, the proceedings at any polling station are interrupted or obstructed by any riot or upon violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity, or any other sufficient cause, the Presiding Officer for such polling station shall announce an adjournment of the poll to a date to be notified later and he shall forthwith inform the Returning Officer concerned.

(2) Whenever a poll is adjourned under sub-rule [1] the Returning Officer shall immediately report the circumstances to the District Collector, the Director of Panchayat Elections and the Returning Officer shall, in consultation with the Director of Panchayat Elections, appoint the day on which the poll shall recommence, and fix the polling station at which, and the hours during which, the poll will be taken and shall not count the votes cast at such election until such adjournment poll shall have been completed.

62. **Procedure on adjournment of poll**.- (1) If the poll at any polling station is adjourned under rule 61, the provisions of rule 57 to 60 shall as far as practicable, apply as if the poll was closed at the hour fixed in that behalf under rule 16.

(2) When an adjourned poll is recommenced, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Returning Officer shall provide the Presiding Officer of the polling station at which such adjourned poll is held with the sealed packet containing the marked copy of the electoral roll and a new ballot box.
(4) The Presiding Officer shall open the sealed packet in the presence of the polling agents present and use the marked copy of electoral roll for marking the names of electors to whom ballot papers are issued at the adjourned poll, without recording therein the serial number thereof.

(5) The provisions of rules 39 to 60 shall apply in relation to the conduct of an adjourned poll as they apply in relation to the poll before it was so adjourned.

63. **Fresh poll in case of destruction, etc.of ballot boxes** - (1) If at any election-
(a) any ballot box used at a polling station is unlawfully taken out of the custody of the Presiding Officer or the Returning Officer or is accidentally or intentionally destroyed or is lost, or is damaged or tampered with, to such an extent, that the result of poll at the polling station cannot be ascertained, or
(b) any such error or irregularity in procedure as is likely to vitiate the poll is committed at a polling station,

the Returning Officer shall forthwith report the matter to the District Collector and the Director of Panchayat Elections,

(2) Thereupon, the Director of Panchayat Elections shall after taking all material circumstances into account, either-
(a) declare the poll at that polling station to be void, appoint a day, and fix the hour for taking a fresh poll at that polling station and notify the day so appointed and the hour so fixed in such manner as may deem fit; or
(b) if satisfied that the result of a fresh poll at that polling station will not, in anyway, affect the result of the election or that the error or irregularity in procedure is not material, issue such directions to the Returning Officer as he may deem proper for the further conduct and completion of the election.

64. **Maintenance of Secrecy of Voting.**—Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.
PART IV
COUNTING OF VOTES AND DECLARATION OF RESULTS
CHAPTER - I
COUNTING OF VOTES

65. Counting of Votes.—At every election where a poll is taken, votes shall be counted by or under the supervision and direction of the Returning Officer, and each contesting candidate, his election agent and his counting agents, shall have a right to be present at the time of counting.

66. Time and place for Counting of Votes.—The Returning Officer shall, at least one week before the date, or the first of the dates, fixed for the poll, appoint the place or places where the counting of votes will be done and the date and time at which the counting of votes will commence and shall give notices of the same in writing to each candidate or his election agent;

Provided that if for any reason the Returning Officer finds it necessary to do so, he may alter the data, time and place or places so fixed, or any of them after giving notice of the same in writing to each candidate or his election agent.

67. Appointment of counting agents and revocation of such appointment.—(1) The number of counting agents that a candidate may appoint shall, subject to such general or special direction as the Director of Panchayat Elections may issue in this behalf, not exceed sixteen at the place or each of the place fixed for counting under rule 66.

(2) Every such appointment shall be made in Form 19 in duplicate, one copy of which shall be forwarded to the Returning Officer while the other copy shall be made over to the counting agent for production before the Returning Officer not later than one hour before the time fixed for counting under rule 66,

(3) No counting agent shall be admitted into the place fixed for counting unless he has delivered to the Returning Officer the second copy of his appointment under sub-rule (2) after duly completing and signing the declaration contained therein and receiving from the Returning Officer an authority for entry into the place fixed for counting.
(4) The revocation of appointment of a counting agent shall be made in Form 20 and lodged with the Returning Officer.

(5) In the event of any such revocation before the commencement of the counting of votes, the candidate or his election agent may make a fresh appointment in accordance with sub-rule (2).

68. **Functions of counting agents.**—A counting agent may perform such functions in connection with the counting of votes as are authorised by or under these rules to be performed by a counting agent.

69. **Admission to the place fixed for counting.**—(1) The Returning Officer shall exclude from the place of counting of votes all persons except—

(a) such persons to be known as counting supervisors and counting assistants as he may appoint to assist his in the counting;

(b) persons authorised by the Director of Panchayat Elections,-

(c) public servants on duty in connection with the election, and

(d) candidates, their election agents and counting agents.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) The Returning Officer shall decide which counting agent or agents shall watch the counting at any particular table or group of counting tables.

(4) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Returning Officer may be removed from the place where the votes are being counted by the Returning Officer or by any police officer on duty or by any person-authorised in this behalf by the Returning Officer.

70. **Maintenance of secrecy at counting centre.**—The Returning Officer shall before the commencement of counting read out and explain the provisions of rule 64 to such persons as may be present.

71. **Counting of votes received by post.**—(1) The Returning Officer shall first deal with the postal ballot papers in the manner hereinafter provided.
(2) No cover in Form 13C received by the Returning Officer after the expiry of the time fixed in that behalf shall be opened and no vote contained in any such cover shall be counted.

(3) The other covers shall be opened one after another and as each cover is opened, the Returning Officer shall first scrutinise the declaration in Form 13A contained therein.

(4) If the said declaration is not found, or has not been duly signed and attested, or is otherwise substantially defective, or if the serial no. of the ballot paper as entered in it differs from the serial number endorsed on the cover in Form 13B that Cover shall not be opened, and after making an appropriate endorsement thereon, the Returning Officer shall reject the ballot paper therein contained.

(5) Each cover so endorsed and the declaration received with it shall be replaced in the cover in Form 13C and all such covers in Form 13C shall be kept in a separate packet which shall be sealed and on which shall be recorded the name of the Panchayat Ward, the date of counting and a brief description of its contents.

(6) The Returning Officer shall then place all the declarations in Form 13A which he has found to be in order in a separate packet which shall be sealed before any cover in Form 13B is opened and on which shall be recorded the particulars referred to in sub-rule (5).

(7) The covers in Form 13B not already dealt with under the foregoing provisions of this rule shall then be opened one after another and Returning Officer shall scrutinise each ballot paper an decide a validity of the vote recorded thereon.

(8) A postal ballot paper shall be rejected—

(a) if it bears any mark (other than the mark to record the vote) or writing by which the elector can be identified;

(b) if no vote is recorded thereon; or

(c) if votes are given on it in favour of more candidates than the number of candidates to be elected; or

(d) if it is so damaged or mutilated that its identity as a genuine ballot paper can not be established; or

(e) if it is a spurious ballot paper, or

(f) if it is not returned in the cover sent along with it to be elector by the Returning Officer.
(9) Each valid mark made on the ballot paper in favour of a candidate shall be counted as one vote for that candidate.

(10) A vote recorded on a postal ballot paper shall not be counted in favour of any candidate if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given; but the whole ballot paper shall not be rejected on that account.

(11) A vote recorded on a postal ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(12) The Returning Officer shall count all the valid votes given by postal ballot in favour of each candidate, record the total thereof in the result sheet in Form 21 and announce the same.

(13) Thereafter, all the valid ballot papers and all the rejected in ballot papers shall be separately bundled and kept together in a packet which shall be sealed with the seals of the Returning Officer and of such as the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packet so sealed shall be recorded the name of the Panchayat Ward, date of counting of and a brief description of its contents.

72. **Scrutiny and opening of ballot boxes.** — (1) The Returning Officer may have the ballot box or boxes used at more than one polling station opened and the ballot papers found in such box of boxes counted simultaneously.

(2) Before any ballot box is opened at a counting table, the counting agents present at that table shall be allowed to inspect the paper seal, if any, as might have been affixed thereon and to satisfy themselves that it is intact.

(3) The Returning Officer shall satisfy himself that none of the ballot boxes has in fact been tampered with.

(4) If the Returning Officer is satisfied that any ballot box has in fact been tampered with, he shall not count the ballot papers contained in that box and shall follow the procedure laid down in rule 63 in respect of that polling station.
73 **Counting of votes**— (1) The ballot papers taken out of each ballot box shall be arranged in convenient bundles and scrutinise

(2) The Returning Officer shall reject a ballot paper—

(a) if it bears any mark of writing by which the elector can be identified; or

(b) if it bears no mark at all or, to indicate the vote, it bears a mark elsewhere than on or near the symbols of the candidates on the face of the ballot paper or, it bears a mark made otherwise than with the instrument supplied for the purpose; or

(c) if votes are given on it in favour of more candidates than the number of candidate to be elected; or

(d) if it is a spurious ballot paper, or

(e) if it is so damaged or mutilated that its identity as a genuine ballot paper can not be established; or

(f) if it bears a serial number, or is of a design, different from the serial numbers, or as the case may be, design, of the ballot papers authorised for use at the particular polling station; or

(g) if it does not bear both the mark and the signature which it should have borne under the provisions of sub-rule (1) of rule 51:

    Provided that where the Returning Officer is satisfied that any such defect as is mentioned in clause (f) or clause (g) has been caused by any mistake or failure on the part of the Presiding Officer or Polling Officer, the ballot paper shall not be rejected merely on the ground of such defect:

    Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Each valid mark on the ballot paper in favour of a candidate shall be counted as one vote for that candidate.

(4) A vote recorded on a ballot paper shall not be counted in favour of any candidate if the mark indicating the vote is placed on the ballot paper in such manner as to make it doubtful to which candidate the vote has been given, but the whole ballot paper shall not be rejected on that account.
(5) Before rejecting any ballot paper under sub-rule (2) or rejecting any vote under sub-rule (4) the Returning Officer shall allow each counting agent present a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(6) The Returning officer shall endorse on every ballot paper which he rejects the word "Rejected" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp and shall initial such endorsement.

(7) All ballot papers rejected under this rule shall be bundled together.

(8) No cover containing tendered ballot papers shall be opened and no such ballot paper shall be counted.

(9) After the counting of ballot papers contained in all the ballot boxes used at the polling station has been completed—

(a) the counting supervisor shall fill in and sign Part II Result of Counting in Form 18 which shall also be signed by the Returning Officer; and

(b) the Returning Officer shall make the entries in a result sheet in Form 21 and announce the particulars.

74. **Sealing of used ballot papers**—The valid ballot papers and the rejected ballot papers shall thereafter be bundled separately and the several bundles made up into a separate packet which shall be sealed with the seals of the Returning Officer and of such of the candidates, their election agents or counting agents as may desire to affix their seals thereon and on the packe’s so sealed shall be recorded the following particulars, namely—

(a) the name of the Panchayat ward;

(b) the particulars of the polling station where the ballot papers have been used, and

(C) date of counting.

75. **Counting to be continuous**—The Returning Officer shall, as far as practicable, proceed continuously with the counting and shall during any intravels when the counting has to be suspended, keep the ballot papers, packet and all other papers relating to the election sealed with his own seal and the seals of such candidates or election agents as may desire to affix their seals and take sufficient precaution for their safe custody during such intervals.
76. **Recommencement of counting after fresh poll**— (1) If a fresh poll is held under rule 63, the Returning Officer shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed in that behalf and of which notice has been previously given to the candidates and their election agents.

(2) The provisions of rules 73 and 74 shall apply so far as may be to such further counting.

77. **Recount of votes**— (1) After the completion of the counting the Returning Officer shall record in the result sheet in Form 21 the total number of votes polled by each candidate and announce the same.

(2) After such announcement has been made, a candidate or in his absence, his election agent or any of his counting agents may apply in writing to the Returning Officer to re-count the votes whether wholly or in part stating the grounds on which he demands such re-count.

(3) On such an application being made the Returning Officer shall decide the matter and may allow the application in whole or in part or may reject it in toto if it appears to him to be frivolous or unreasonable.

(4) Every decision of the Returning Officers under sub-rule (3) shall be in writing and contain the reason therefor.

(5) If the Returning Officers decides under sub-rule(3) to allow a re-count of the votes whether wholly or in part, he shall.

(a) do the re-counting in accordance with rules 71 and 73;

(b) amend the result sheet in Form 21 to the extent necessary after such re-count;

(c) announce the amendments so made by him.

(6) After the total number of votes by each candidate has been announced under sub-rule (1) or sub-rule (5), the Returning Officer shall complete and sign the result sheet in Form 21 and no applications for re-count shall be entertained thereafter;

Provided that no step under this sub-rule shall be taken on the completion of the counting until the candidates and election agents present at the completion thereof have been given; a reasonable opportunity to exercise the right conferred by sub-rule (2).
78. **Equality of vote.**— If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates and the addition of one vote will entitle any of the candidates to be declared elected the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

79. **Destruction, Loss, etc. of ballot papers at the time of voting.**—(1) If at any time before the counting of votes is completed any ballot papers used at a polling station are unlawfully taken out of the custody of the Returning Officer or are accidently or intentionally destroyed or lost or are damaged or tampered with, to such an extent that the result of the poll at that polling station cannot be ascertained, the Returning Officer shall forthwith report the matter to the Director of Panchayat Elections.

(2) Thereupon, the Director of Panchayat Elections, shall after taking all material circumstances into account, either-

(a) direct that the counting of votes shall be stopped, declare the poll at the polling station to be void, appoint a day and fix the hours for taking a fresh poll at that polling station and notify the date so appointed and hours so fixed in such manner as he may deem fit, or

(b) if satisfied that the result of a fresh poll at that polling station will not, in any way, affect the result of the election, issue such directions to the Returning Officer, as he may deem proper for the presumption and completion of the counting and for the further conduct and completion of the election in relation to which the votes have been counted.

(3) The provisions of rules 39 to 60 or order made thereunder shall apply to every such fresh poll as they apply to the original poll.
80. **Declaration of results**.— (1) After the counting of votes recorded in favour of each candidate both in ballot papers contained in the ballot boxes and in postal ballot papers have been completed, the Returning Officer shall, in the absence of any direction by the Director of Panchayat Elections to the contrary, forthwith declare the result of the election in the manner hereinafter provided in this rule.

(2) The Returning Officer shall declare as many candidates as the number of Members to be elected from the Panchayat Ward, to whom the largest number of valid votes has been given, to be duly elected at the election.

(3) The Returning Officer shall make such declaration of result Form 22 or Form 22A, as may be appropriate, and send signed copies thereof to the State Government, Director of Panchayat Elections and District Collector.

(4) The Returning Officer shall also complete and certify the return of election in Form 22B and send signed copies thereof to the State Government, Director of Panchayat Elections and the District Collector.

81. **Report of the result**.— As soon as may be after the result of any election has been declared, the Returning Officer shall report the result to State Government and the Director of Panchayat Elections and the State Government shall publish in the official gazette the declarations containing the names of the elected candidates.

82. **Grant of certificate of election to returned candidate**.— As soon as may be after a candidate has been declared by the Returning Officer under the provisions of rule 38 or rule 80 to be elected, the Returning officer shall grant to such candidate a certificate of election in Form 23 and obtain from the candidate an acknowledgement of its receipt duly signed by him.
(2) If any elector—
(a) refuses to allow his left forefinger to be inspected or marked in accordance with sub-rule (1) has already such a mark on his left forefinger or does any act with a view to removing the ink mark, or
(b) fails or refuses to produce his identity card as required by sub-rule (3) of rule 47, he shall not be supplied with any ballot paper or allow to vote.

(3) Any reference in this rule to the left forefinger of an elector shall, in the case where the elected has his left forefinger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, to be construed as a reference to the forefinger or any other finger or his right hand and shall, in the case where all his fingers of both the hands are missing be construed as reference to such extremity of his left or right arms as he possesses.

51. Issue of ballot papers to electors.—(1) Every ballot paper before it is issued to an elector, and the counterfoil attached thereto, shall be stamped on the back with such distinguishing mark as the director of Panchayat Elections may direct, and every ballot paper, before it is issued, shall be signed in full on its back by the Presiding Officers.

(2) At the time of issuing a ballot paper to an elector the polling Officer shall—

(a) record on its counterfoil the electoral roll number of the elector as entered in the marked copy of the electoral roll,’

(b) obtain the signature or thumb impression of that elector on the said counterfoil; and

(c) mark the name of the elector in the marked copy of the electoral roll to indicate that a ballot paper has been issued to him, without however, recording therein the serial number of the ballot paper issued to the elector.

Provided that no ballot paper shall be delivered to an elector unless he has put his signature or thumb impression on the counterfoil of that ballot paper.

(2) Notwithstanding anything contained in sub-rule (2) of rule 2, it shall not be necessary for any Presiding Officer or Polling Officer or any other Officer to attest the thumb impression of the elector on the counterfoil.

(3) person in the polling station shall note down the serial numbers of the ballot papers issued to particular electors.
52. Maintenance of secrecy of voting by electors and others within polling station and voting procedure.—(1) Every elector to whom a ballot paper has been issued under rule 51 shall maintain secrecy of voting within the polling station and for that purpose observe the voting procedure herein-after laid down.

(2) The elector on receiving the ballot paper shall forthwith –

(a) proceed to one of the polling compartments;

(b) there make a mark or marks on the ballot paper with the instrument supplied for the purpose on or near the symbol or symbols of such of the candidates for whom he intends to vote,

(c) fold the ballot paper so as to conceal his vote,

(d) if required, show to the Presiding Officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box, and

(f) quit the polling station.

Explanation.—Under clause (b), an elector may place marks on or near the symbols of as many candidates, but not more, as the number of members to be elected at a particular election from a Panchayat Ward.

(3) Every voter shall vote without undue delay.

(4) No voter shall be allowed to enter a polling compartment when another voter is inside it.

(5) If an elector to whom a ballot paper has been issued, refuses, after warning given by the Presiding Officer, to observe the procedure as laid down in sub-rule (2), the ballot paper issued to him shall, whether he has recorded his vote thereon or not, be taken back from him by the Presiding Officer or a polling officer under the direction of the Presiding Officer.

(6) After the ballot paper has been taken back, the Presiding Officer shall record on its back the words "Cancelled—Voting procedure violated" and put his signature below those words.

(7) All the ballot papers on which the words "Cancelled -Voting procedure violated" are recorded, shall be kept in a separate cover which shall bear on its face the words "Ballot papers; Voting procedure violated" and such ballot papers shall not be counted.
53. **Recording of vote of blind or infirm elector**—(1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day;

Provided further that before any person is permitted to act as the companion of an elector on any day, the person shall be required to declare that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The Presiding Officer shall keep a record in Form 16 of all such cases.

54. **Spoilt and returned ballot papers**—(1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Presiding Officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked "Spoilt : Cancelled" by the Presiding Officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Presiding Officer, and the ballot paper so returned and the counterfoil of such ballot paper shall be marked as "Returned : Cancelled" by the Presiding Officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

55. **Tendered votes**—(1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector he shall, on satisfactorily answering such questions relating to his identity as the Presiding Officer may ask, be entitled, subject to the following provisions of this rule, to mark a ballot paper (hereinafter referred to as 'tendered ballot paper') in the same, manner as any other elector.
(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name or put his thumb impression against the entry relating to him in a list in Form 17.

(3) A tendered ballot paper shall be the same as the other ballot papers used at the polling station except that—

(a) such tendered ballot paper shall be serially the last in the bundle of ballot papers issued for use at the polling station;

(b) such tendered ballot paper and its counterfoil shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The elector, after marking a tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot box, give it to the Presiding officer, who shall place it in a cover specially kept for the purpose.

56. **Closing of poll** - (1) The Presiding Officer shall close a polling station at the hour fixed in that behalf under rule 16 and shall not there after, admit any elector into the polling station.

Provided that all electors present at the polling station before it is closed shall be allowed to cast their votes.

(2) If any question arises whether an elector was present at polling station before it was closed, it shall be decided by the Presiding Officer and his decision shall be final.

57. **Sealing of ballot boxes after poll** - (1) As soon as practicable after the closing of the poll, the Presiding Officer shall close the slit of the ballot box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

(2) The ballot box shall, thereafter, be sealed and secured.

(3) Where it becomes necessary to use a second ballot box by reason of the first ballot box getting full, the first ballot box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot box is put into use.
83. Publication of results of general elections to the Gram Panchayats.— Where a general election is held for the purposes of constituting a new Gram Panchayat, there shall be notified by the State Government in the Official Gazette as soon as may be after the results of the elections in all the Panchayat Wards (other than those in which the poll could not be taken for any reason on the date originally fixed under clause (d) of rule 14 or for which the time of completion of the election has been extended under the provisions of rule 119 have been declared by Returning Officers, the names of the members elected for those Panchayat Wards and upon the issue of such notifications that Gram Panchayat shall be deemed to be duly constituted:

Provided that the issue of such notification shall not be deemed—
(a) to preclude the taking of the poll and the completion of the election in any Panchayat Ward in which the poll could not be taken for any reason on the date originally fixed under clause (d) of rule 14 or the completion of the election in any Panchayat Ward for which time has been extended under the provisions of rule 119; or

(b) to effect the duration of the Gram Panchayat, if any, functioning immediately before the issue of the said notification.
84. Casual vacancies in a Gram Panchayat — when the seat of a Member elected to a Gram Panchayat becomes vacant or is declared vacant or his election to the Gram Panchayat is declared void, the Director of Panchayat Elections shall, by a notification in the official gazette, call upon the Panchayat Ward concerned to elect a person for the purposes of filling the vacancy so caused before such date as may be specified in the notification, and the provisions of the Act and these rules and orders made thereunder shall apply, as far as may be, in relation to the election of a Member to fill such vacancy.
PART VI

DISPUTES REGARDING ELECTIONS

85. Definitions.—In this part unless the context otherwise requires—
(a) 'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election to Gram Panchayat.
(b) "costs" means all costs charges and expenses of, or incidental to, a trial of an election petition.
(c) 'electoral right' means a right of a person to stand or not to stand as, or to withdraw or not to withdraw from being, a candidate, or to vote or refrain from voting at an election,
(d) returned candidate’ means a candidate whose name has been published under rule 81 as duly elected.

86. Election Petitions.—No election shall be called in question except by an election petition presented in accordance with the provisions of this Part.

87. Presentation of petitions.—(1) An election petition calling in question any election may be presented in one or more of the grounds specified in sub-rule (1) of rule .... to the Civil Judge by any candidate at such election or any elector within forty-five days from, but not earlier than, the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates.

Explanation.—In this sub-rule 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he has voted at such election or not.

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition, and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.
88. **Parties to the petition.**— A petitioner shall join as respondents to his petition—

(a) Where the petitioner, in addition to claiming a declaration that the election of all or any of the returned candidates is void, claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, all the returned candidates', and

(b) any other candidate against whom allegations of any corrupt practice are made in the petition.

89. **Contents of petition.**— (1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies',

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice, and

(c) shall be signed by the petitioner and verified in the manner laid down in the law relating to Code of Civil Procedure for the time being in force in this state for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the Form 24 annexed to these rules in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

90. **Relief that may be claimed by the petitioner.**— A petitioner may, addition to claiming a declaration that the election of all or any of the returned candidates is void, claim a further declaration that he himself or any other candidate has been duly elected.

91. **Trial of election petitions.**—(1) The Civil Judge shall dismiss an election petition which does not comply with the provisions of rule 87 or rule 88 or rule 114.
Explanation. An order of the Civil Judge dismissing an election petition under this sub-rule shall be deemed to be an order made under clause (a) of rule 98.

(2) Where more election petitions than one are presented to the Civil Judge in respect of the same election, the Civil Judge may in his discretion, try them separately or in one or more groups.

(3) Any candidate not already a respondent shall, upon application made by him to the Civil Judge within fourteen days from the date of commencement of the trial and subject to any order as to security for costs which may be made by the Civil Judge, be entitled to be joined as a respondent.

Explanation.—For the purposes of this sub-rule and of rule 97, the trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the Civil Judge and answer the claim or claims made in the petition.

(5) The Civil Judge may, upon such terms as to costs and otherwise as it may deem fit, allow the particulars of any corrupt practice alleged in the petition to be amended or amplified in such manner as may in its opinion be necessary for ensuring a fair and effective trial of the petition, but shall not allow any amendment of the petition which will have the effect of introducing particulars of a corrupt practice not previously alleged in the petition.

(6) The trial of an election petition shall, so far as practicable consistently with the interests of justice in respect of the trial, be continued from day to day until its conclusion, unless the Civil Judge finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(7) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date on which the election petition is presented to the Civil Judge for trial.

92 Procedure to be followed.—(1) Subject to the provisions of these rules, every election petition shall be tried by the Civil judge, as nearly as may be, in accordance with the procedure applicable under the law relating to the Code of Civil Procedure for the time being in force in this State to the trial of suits:
Provided that the Civil Judge shall have the discretion to refuse, for reasons to be recorded in writing, to examine any witness or witnesses if it is of the opinion that the evidence of such witness or witnesses is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the law relating to the Evidence Act for the time being in force, in this state shall, subject to the provisions of these rules, be deemed to apply in all respects to the trial of an election petition.

93. **Documentary evidence**.— Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition, on the ground that it is not duly stamped or registered.

94. **Secrecy of voting not to be infringed**.— No witness or other person shall be required to state for whom he has voted at an election.

95. **Answering of incriminating questions and certificate of indemnity**.—(1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may incriminate or may tend to incriminate him, or that it may expose or may tend to expose him to any penalty or forfeiture:

Provided that—

(a) a witness, who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the Civil Judge; and

(b) an answer given by a witness to a question put by or before the Civil Judge shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness, it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter Ixa of the Indian Penal Code (45 of 1860) or of the Act arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with an election imposed by this Act or any other law.
96. Expenses of witnesses— The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Civil Judge to such person and shall, unless the Civil judge otherwise directs, be deemed to be part of the costs.

97. Recrimination when seat claimed.—(1) when in an election petition a declaration that any candidate other than the returned candidate has been duly elected is claimed, the returned candidate or any other party may give evidence to prove that the election of such candidate would have been void if he had been the returned candidate and a petition has been presented calling in question his election:

Provided that the returned candidate or such other party, as aforesaid shall be entitled to give such evidence unless he has, within fourteen days from the date of commencement of the trial, given notice to the Civil Judge of his intention to do so and has also given the security and the further security referred to in rule 117 and 118 respectively.

(2) Every notice referred to in sub-rule (1) shall be accompanied by the statement and particulars required by rule 89 in the case of an election petition and shall be signed and verified in like manner.

98. Decision of the Civil Judge.—At the conclusion of the trial of an election petition the Civil Judge shall make an order -
(a) dismissing the election petition’, or
(b) declaring the election of all or any of the returned candidates to be void’, or
(c) declaring the election of all or any of the returned candidates to be void and the petitioner or any other candidate to have been duly elected.

99. Other orders to be made by the Civil judge.— (1) At the time of making an order under rule 98 the Civil Judge shall also make an order-

(a) where any charge is made in the petition of any corrupt practice having been committed at the election, recordings

(i) a finding whether any corrupt practice has or has not been proved to have been committed at the election, and the nature of that corrupt practice-,

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice; and

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(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid;

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (1) of clause (a) unless-

(a) he has been given notice to appear before the Civil Judge and to show cause why he should not be so named, and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Civil Judge and has given evidence against him, of calling evidence in his defence and of being heard.

(2) In this rule and in rule 100, the expression "agent" includes an election agent a polling agent and any person who is held to have acted as an agent in connection with the election with the consent of the candidate.

100. **Grounds for declaring election to be void**—(1) Subject to the provisions of sub-rule (2) if the Civil Judge is of opinion.

(a) that on the date of his election a returned candidate was not qualified, or was disqualified, to be chosen to fill the seat under the Constitution of the Act.

(b) that any corrupt practice has been committed by, a returned candidate or his election agent or by any other person with the consent of a returned candidate or his election agent, or

(c) that any nomination has been improperly rejected, or

(d) that the result of the election, in so far as it concerns a returned candidate, has been materially affected—

   (i) by the improper acceptance of any nomination; or

   (ii) by any corrupt practice committed in the interests of the returned candidate by an agent other than his election agent,

   (iii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void, or

   (iv) by any non-compliance with the provisions of the Constitution or of the Act or of any rules or orders made under the Act,

The Civil Judge shall declare the election of the returned Candidate to be void.
(2) If in the opinion of the Civil Judge, a returned candidate has been found guilty by an agent other than his election agent of any corrupt practice but the Civil Judge is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the consent of the candidate or his election agent,

(b) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt practices at the election, and

(c) that in all other respects the election was free from any corrupt practice on the part of the candidate or any of his agents, then the Civil Judge may decide that the election of the returned candidate is not void.

101. **Grounds for which a candidate other than the returned candidate may be declared to have been elected.**— If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate claimed a declaration that he himself or any other candidate has been duly elected and the Civil Judge is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes, or

(b) that but for the votes obtained by the returned candidate by corrupt practices the petitioner or such other candidate would have obtained a majority of the valid votes.

the Civil Judge shall after declaring the election of the returned candidate to be void declare the petitioner or such other candidate, as the case may be, to have been duly elected.

102. **Procedure in case of an equality of votes.**— If during the trial of an election petition it appears that there is an equality of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected then—

(a) any decision made by the Returning Officer under the provisions of the Act shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition and

(b) in so far as that question is not determined by such a decision the Civil Judge shall decide between them by lot and proceed as if the one on whom the lot, then falls had received an additional vote.
103. **Communication of orders of the Civil Judge.** — The Civil Judge, shall as soon as may be after the conclusion of the trial of an election petition, intimate the substance of the decision to the Director of Panchayat Elections and, as soon as may be thereafter, shall send to the Director of Panchayat Elections an authenticated copy of the decision.

104. **Transmission of order to the appropriate authority, etc, and its publication.** — As soon as may be after the receipt of any order made by the Civil Judge under rule 98 or rule 99, the Director of Panchayat Election shall forward copies of the order to the State Government and shall cause the order to be published in the Official Gazette.

105. **Effect of orders of the Civil judge.** — Subject to the provisions contained in rule 111 relating to the stay of operation of an order of the Civil Judge under rule 98 or rule 99, every such order shall take effect as soon as it is pronounced by the Civil Judge.

(2) Where by an order under rule 98 the election of a returned candidate is declared to be void, acts and proceedings in which that returned candidate has, before the date thereof, participated as a member of Gram Panchayat shall not be invalidated by reason of that order, nor shall such candidate be subjected to any liability or penalty on the ground of such participation.

106. **Withdrawal of election petitions.** — (1) An election petition may be withdrawn only by leave of the Civil Judge.

(2) Where an application for withdrawal is made under sub-rule (1), notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published in the Official Gazette.

107. **Procedure for withdrawal of election petitions.** — (1) If there are more petitioners than one, no application to withdraw an election petition shall be made except with the consent of all the petitioners.

(2) No application for withdrawal shall be granted if, in the opinion of the Civil Judge, such application has been induced by any bargain or consideration which ought not to be allowed.

(3) If the application is granted —

(a) the petitioner shall be ordered to pay the costs of the respondents theretofore incurred or such portion thereof as the Civil Judge may think fit.
(b) the Civil Judge shall direct that the notice of withdrawal shall be published in the Official Gazette and in such other manner as it may specify and thereupon the notice shall be published according.'

(c) a person who might himself have been a petitioner may within fourteen days of such publication, apply to be substituted as a petitioner in place of the party withdrawing, and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Civil Judge may deem fit.

108. **Report of withdrawal by the Civil Judge to the Director of Panchayat Elections.**— When an application for withdrawal is granted by the Civil Judge and no person has been substituted as petitioner under clause (c) of sub-rule (3) of rule 106, in place of the party withdrawing the Civil Judge shall report the fact to the Director of Panchayat Elections and thereupon the Director of Panchayat Elections shall publish the report in the Official Gazette.

109. **Abatement of Election petitions.**—(1) An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

(2) Where an election petition abates under sub-rule (1) a Civil Judge shall cause the fact to be published in such manner as it may deem fit.

(3) Any person who might himself have been a petitioner may, within fourteen days of such publication, apply to be substituted as petitioner and upon compliance with the conditions, if any, as to security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the Civil Judge may deem fit.

110. **Abatement or substitution on death of respondent.**— If before the conclusion of the trial of an election petition, the sole respondent dies or gives notice that he does not intend to oppose the petition or any of the respondents dies or gives such notice and there is no other respondent who is opposing the petition, the Civil judge shall cause notice of such event to be published in the Official Gazette, and thereupon any person who might have been a petitioner may, within fourteen days of such publication, apply to be substituted in place of such respondent to oppose the petition, and shall be entitled to continue the proceedings upon such terms as the Civil Judge may think fit.
111. **Appeals to District and Session Judge.** -(1) Notwithstanding anything contained in any other law for the time being in force, an appeal shall lie to the District and Sessions Judge on any question (whether of law or fact) from every order made by the Civil Judge under rule 98 or rule 99.

(2) Every appeal shall be preferred within a period of thirty days from the date of the order of the Civil Judge under rule 98 or rule 99:

Provided that the District and Sessions Judge may entertain an appeal after the expiry of the said period of 30 days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within such period.

112. **Stay of operation of order of Civil Judge.** -(1) An application may be made to the Civil and Sessions Judge for stay of operation of an order made by the Civil Judge under rule 98 or rule 99 before the expiration of the time allowed for appealing therefrom and the District and Sessions Judge may, on sufficient cause being shown on such terms and condition as it may think fit, stay the operation of the order, but no application for stay shall be made after an appeal has been preferred to the District and Sessions Judge.

(2) Where an appeal has been preferred against an order made under rule 98 or rule 99, the District and Sessions Judge may, on sufficient cause being shown and on such terms and conditions as it may think fit, stay the operation of the order appealed from.

(3) When the operation of an order is stayed by the Civil Judge or, as the case may be, the District and Sessions Judge, the order shall be deemed never to have taken affect under sub-rule (1) of 105; and a copy of the stay order shall immediately be sent by the District and Sessions Judge to the Director of Panchayat Elections.

113. **Procedure in appeal.**—(1) Subject to the, provisions these rules, if any, made thereunder, every appeal shall be heard and determined by the District and Sessions Judge as nearly as may be in accordance with the procedure applicable to the hearing and determination of an appeal from any final order passed by the Civil Judge in the exercise of its original civil jurisdiction; and all the provisions of the law relating to the Code of Civil Procedure, for the time being in force and the Rules of the Court (including provisions as to the furnishing of security and the execution of any order of the Court) shall so far as may be, apply in relation to such appeal.
(2) As soon as all appeal is decided, the District and Sessions Judge shall intimate the Substance of the decision to the Director of Panchayat Elections and the Speaker or Chairman, and as soon as may be thereafter shall send to the Director of Panchayat Elections authenticated copy of the decision; and upon its receipt, the Director of Panchayat Elections shall publish the same in the Official Gazette.

114. **Security for costs.**— (1) At the time of presenting an election petition, the petitioner shall deposit in the District and Sessions Judge a sum of one thousand rupees as security for the costs of the petition.

(2) During the course of the trial of an election petition, the Civil Judge may, at any time, call upon the petitioner to give such further security for costs as it may direct.

115. **Security for costs from a respondent.**— No person shall be entitled to be joined as a respondent under sub-rule (3) of rule 91 unless he has given such security for costs as the Civil Judge may direct.

116. **Costs.**— Costs shall be in the discretion of the Civil Judge: Provided that where a petition is dismissed under clause (a) of rule 98, the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the Civil Judge shall make an order for costs in favour of the returned candidate.

117. **Payment of costs out of security deposits and return of such deposits.**—

(1) If in any order as to costs under the provisions of this part there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or as far as possible, out of the security deposit, if any, made by such party under this Part, on an application made in writing on that behalf within a period of one year, from the date of such order to the District and Sessions Judge by the person in whose favour the costs have been awarded.

(2) If there is any balance left of the said security deposits after payment under sub-rule (1) of the costs referred to in that sub-rule such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposits may, on an application made in that behalf in writing to the District and Sessions Judge by the person by whom the deposits have been made, or if such person dies after making such deposits, by the legal representative of such person, be returned to the said person or to his legal representative, as the case may be.
118. **Execution of orders as to costs.**— Any order as to costs under the provisions of this Part may be produce before the civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such courts shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit:

Provide that where any such costs or any portion thereof may be recovered by an application made under sub-rule (1) of rule 117, no application shall lie under this rule within a period of one year from the date of such order unless it is for the recovery of one year balance of any costs which has been left unrealised after an application has been made under that sub-rule owing to the insufficiency of the amount of the security deposits referred to in that sub-rule.
119. **Extension of time for completion of Election.**— It shall be competent for the Director of Panchayat Elections for reasons which he consider sufficient, to extend the time for the completion of any election by making necessary amendments in the notification issued by him under rule 14.

120. **Custody of ballot boxes and papers relating to election.**— (1) All ballot boxes used at an election shall be kept in such custody as the Director of Panchayat Elections may direct.

(2) The District Collector shall keep in safe custody

(a) the packets of unused ballot papers with counterfoils attached thereto,

(b) the packets of used ballot papers whether valid, tendered or rejected,

(c) the packets of the counterfoils of used ballot papers,

(d) the packets of the marked copy of the electoral roll,

(e) the packets of the declarations by electors and the attestation of their signatures,

(f) all other papers relating to the election.

121. **Production and inspection of election papers.**— (1) While in the custody of the District Collector or, as the case may be, the Returning Officer

(a) the packets of unused ballot papers with counterfoils attached thereto,

(b) the packets of used ballot papers whether valid, tendered or rejected,

(c) the packets of the counterfoils of used ballot papers,

(d) the packets of the marked copy of the electoral roll; and

(e) the packets of declarations by electors and attestation of their signatures,

shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of the competent court.
(2) Subject to such conditions and to the payment of such fee the Director of Panchayat Elections may direct-

(a) all other papers relating to the election shall be opened to public inspection; and

(b) copies thereof shall on application be furnished.

(3) Copies of the returns by the Returning Officer forwarded under rule 80 shall be furnished by the Returning Officer, District Collector or the Director of Panchayat Elections on payment of a fee of two rupees for each copy.

122. **Disposal of election papers.**— Subject to any direction to the contrary given by the Director of Panchayat Elections or by a competent courts—

(a) the packets of unused ballot papers shall be retained for a period of six months and shall thereafter be destroyed in such manner as the Director of Panchayat Elections may direct;

(b) the other packets referred to in sub-rule (1) of rule 120 shall be retained for a period of one year and shall thereafter be destroyed.

Provided that packets containing the counterfoils of used ballot papers shall not be destroyed except with the previous approval of the Director of Panchayat Elections;

(c) all other papers relating to election shall be retained for such period as the Director of Panchayat Election may direct.

123. **Removal of difficulties, if any, by Government**—(1) The State Government may issue such general or special directions as may, in its opinion, be necessary for the purpose of giving effect to the provisions of these rule or holding any election under the Act.

(2) If any difficulty arises in giving effect to the provisions of these rules or in holding any election, the State Government, as occasion requires, may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulties.

By Order

Sd/- P. K. Pradhan I.A.S.

Secretary
Rural Development Deptt.
Govt, of Sikkim.

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<td>Tractor</td>
</tr>
</tbody>
</table>
FORM I
NOTICE OF ELECTION
(See rule 15)

Notice is hereby given that—

1. an election is to be held to elect member/members to.........
   *....................................................................................Gram Panchayat from
   *....................................................................................Panchayat Ward;

2. nomination papers may be delivered by a candidate or his proposer to the Returning
   Officer/Assistant Returning Officer (designation) at............................................
   between 11.00 a.m. and 3.00 p.m. on any day (other than a public holiday( not
   later than the ...........................................................

3. form of nomination paper may be obtained at the place and time aforesaid,.

4. the nomination papers will be taken up for scrutiny at (place)............
   ............................................................on............................................................
   at (time)............................................

5. Notice of withdrawal of candidature may be delivered by a candidate or his
   election agent to either of the officer specified in paragraph (2) above at his
   office before 3.00 p.m. on the (date).......................... ..............

6. in the event of the election being contested the poll will be taken on......
   ............................................................between hours of................................. . .............
   and.............................................................

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

Returning Officer

• Appropriate particulars of the election to be inserted here.
FORM 2

NOMINATION PAPER

( See Sub-rule (3) of Rule 18 )

I nominate as a candidate for election to the* ................................................
Gram Panchayat from the* ................................................................. Panchayat Ward,

Candidate's name.................................................................

His Postal address................................................................................

His name is entered at serial No............... in the electoral roll of the said Panchayat Ward.

My name is................................. and it is entered at Serial No................... in the electoral roll of the said Panchayat Ward.

Date.............. (Signature of proposer )

I. the above mentioned candidate, assent to this nomination and hereby declare—

(a) that I am not set up at this election by any Political party,

(b) that the symbols I have chosen are, in order of preference:

i.....................................................................................',
ii.....................................................................................', and
iii...........................................................................

* I further declare that I am a member of the......................... caste/tribe ** which is a scheduled caste/Scheduled Tribe ** of the State of Sikkim.

Date.................... (Signature of candidate )

* Score out this paragraph, if not applicable.
* * Score out the word not applicable.
Serial No. of nomination paper.....................................................

This nomination was delivered to me at my office at.............................

(hour) on...........................................(date) by the *candidate/proposer.

Date....................................                                                                        Returning Officers
_______________________________________________________________________________________

* Score out the word not applicable

Decision of Returning Officer accepting or rejecting the nomination paper,

I have examined this nomination paper in accordance with rule 18 and decide as follows :—

Date....................................                                                                        Returning Officers
_______________________________________________________________________________________

Receipt for nomination paper and notice of scrutiny (To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper.................................

The nomination paper of.......................... .................................. a candidate for election to the................................. Gram Panchayat constituency was delivered to me at my office at.................................(hour) on.....................(date) by the candidate/proposer. All nomination papers will be taken up for scrutiny at .....................................(hour) on..............................................(date) at.................................

.......................................(place)

Date....................................                                                                        Returning Officers
_______________________________________________________________________________________

* Appropriate particulars of the election to be inserted here.
** Strike off the inappropriate alternative.
Election to the *.........................................................Gram Panchayat
from ..................................Panchayat Ward.

Notice is hereby given that the following nominations in respect of the above election have been received upto 3.00 p.m. today:

<table>
<thead>
<tr>
<th>Sl.No</th>
<th>Name of nominatino paper</th>
<th>Name of candidate</th>
<th>Father/Mother/husband</th>
<th>Address</th>
<th>Electoral roll No. of candidate</th>
<th>Name of proposer</th>
<th>Electoral roll No. of proposer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
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<td>3</td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

Appropriate particulars of the election to be inserted here.
**LIST OF VALIDITY NOMINATED CANDIDATES**
(See Sub-rule 7 of rule 22)

Election to the *…………………………………………………*Gram Panchayat from *………………….*Panchayat Ward.

<table>
<thead>
<tr>
<th>SI. No.</th>
<th>Name of candidate</th>
<th>Name of father/mother/husband **</th>
<th>Address of candidate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

Place…………………………
Date…………………………
Returning Officer

*Appropriate particulars of the election to be inserted here.

**Strike off the inappropriate alternative.
FORM 5
NOTICE OF WITHDRAWAL BY THE CANDIDATE
(See Sub-rule (3) of rule 23)

Election to the *...................................................................Gram Panchayat
from........................................Panchayat Ward.

To

The Returning Officer,

I....................................................................a candidate nominated at the above election
do hereby give notice that I withdraw my candidature.

Place.................................
Date................................. Signature of Candidate

This notice was delivered to me at my office at...........................................................(hour) on........................................(date) by.................................................................(name)
the **..........................................
Place.............................................
Date.......................................... Returning Officer

Receipt for notice of withdrawal
(To be handed over to the person delivering the notice)

The notice of withdrawal of candidature by......................................................................,
candidate for the election to the*.............................. .............................................was delivered
to me by the **.................................................................at my office
at...........................................(hour) on ..............................................(date)

Place ..............................
Date................................ Returning Officer

__________________________________________

* Appropriate particulars of the election to be inserted here.
** Here insert one of the following alternatives as may be appropriate:

1. Candidate.
2. Candidate's election agent who has been authorised in writing by the candidate
to delivered it.
3. Candidate's proposer who has been authorised in writing by the candidate to deliverd it.
**FORM 6**

NOTICE OF WITHDRAWAL OF CANDIDATURES

(See. sub-rule (4) of rule 23 )

*Election to the.................................................................Gram Panchayat
from ..............................................................Panchayat Ward.

Notice is hereby given that the following candidate/candidates at the
election withdrew ... his candidature/their candidatures today :

<table>
<thead>
<tr>
<th>S.l No.</th>
<th>Name of candidate</th>
<th>Address of candidate</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2.</td>
<td>3.</td>
<td>4.</td>
</tr>
</tbody>
</table>

1. 
2. 
3. 
4. 
etc

Place.........................
Date............................ Returning Officer

*Appropriate particulars of the election to be inserted here.

**FORM 7**

LIST OF CONTESTING CANDIDATES

(See sub-rule(2) of rule 24 )

*Election to the.................................................................Gram Panchayat
from........... ................................Panchayat Ward.

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of candidate</th>
<th>Address of candidate</th>
<th>Symbol allotted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
</tbody>
</table>

1. 
2. 
3. 
4. 
etc

Place.........................
Date............................ Returning Officer

*Appropriate particulars of the election to be inserted here.
FORM 8

APPOINTMENT OF ELECTION AGENT
(See sub-rule(2) of rule-25)

Election to the*...............................................................Gram Panchayat
from ..........................................................Panchayat Ward.

To

The Returning Officer.

I, ...............................................................................of.................................................a
candidate at the above election do hereby appoint.................................
of ........................................as my election agent from this day at the above
election.

Place........................................
Date.................................                                 Signature of Candidate

I accept the above appointment.

Place........................................
Date.................................                                 Signature of Candidate

FORM 9

REVOCATION OF APPOINTMENT OF ELECTION AGENT
(See sub-rule (3) of rule-25)

Election to the*...............................................................Gram Panchayat.
from ..........................................................Panchayat Ward.

To

The Returning Officer,

I,.................................................................a candidate at the above election, hereby
revoke the appointment of............................................................my election agent.

Place........................................
Date.................................                                 Signature of Candidate

* Appropriate particulars of the election to be inserted here.
FORM 10

APPOINTMENT OF POLLING AGENT

(See sub-rule (1) of rule 26)

Election to the*

I................................................a candidate/the election agent of...........
...............................................who is a candidate at the above election do hereby
appoint........................................as a polling agent to attend polling station
No................................................at..........................................................

Place......................

Date....................... Signature of candidate/election agent

I agree to act as such polling agent.

Place......................

Date....................... Signature of polling agent

FROM 11

REVOCATION OF APPOINTMENT OF POLLING AGENT

(See sub-rule (4) of rule 26)

Election to the*

To

The Presiding Officer,

I...........................................(the election agent of..............................
........................................) a candidate at the above election, hereby revoke the appoint-
ment of...........................................my/ his polling agent.

Place..............

Date............... Signature of person revoking

• Appropriate particulars of the election to be inserted here.
FORM 12

LETTER OF INTIMATION TO RETURNING OFFICER
(See sub-rule (1) of rule 29)

To

The Returning Officer,

Sir,

I intend to cast my vote by post at the ensuing election to the ___________ Gram Panchayat from ___________. Panchayat Ward.

My name is entered at Sl. No. ___________ in ______________ the electoral roll of the said Panchayat Ward.

The ballot paper may be sent to me at the following address:

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

Place ..................................
Date .................................. Yours faithfully.

FORM 12 A

APPLICATION FOR ELECTION DUTY CERTIFICATE
(See Sub-rule (2) of rule 29)

To

The Returning Officer,

.......................................................................................................................... Panchayat Ward.

Sir,

I intend to cast my vote in person at the ensuing election to ___________ Gram Panchayat from ___________. Panchayat Ward.

I have been posted on election duty within the Panchayat Ward, but else where than the polling station at which I am entitled to vote.

My name is entered at Sl. No. ___________ in ______________ the electoral roll of the said Panchayat Ward.

I request that an Election Duty Certificate in Form 12 B may be issued to enable me to vote at the polling station where I may be on duty on the polling day. It may be sent to me at the following address:

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

Place ..................................
Date .................................. Yours faithfully.
FORM 12B
ELECTION DUTY CERTIFICATE
(See sub-rule 2 [a] of rule 29)

Certified that................. ...............is an electior in Panchayat Ward,........his electoral roll number being.................that by reason of his being oil election duty he is unable to vote a; the polling station where he is entitled to vote and that he is therefore, hereby authorised to vote at any Polling Station he may be on duty the date of poll.

Signature..................
Returning Officer.

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

SEAL

68
FORM 13A

DECLARATION BY ELECTOR
(See clause (a) of sub-rule (1) of rule 32)

Election to the*
(This side is to be used only when the elector signs the declaration himself)
I hereby declare that I am the elector to whom the postal ballot paper bearing serial number........................ has been issued at the above election.

Date.......................... Signature of elector
                        Address.....................

Attestation of signature

The above has been signed in my presence by..........................(elector) who is personally known to me/has been identified to my satisfaction by........................ (identifier) who is personally known to me.

Signature of identifier, if any.......................

Address................................. Signature of Attesting Officer
                              Designation..........................
                              Address.............................
                              Date.................................

(This side is to be used when the elector cannot sign himself)
I hereby declare that I am the elector to whom the postal ballot paper bearing serial number........................ has been issued at the above election.

Signature of Attesting Officer on behalf of elector
Address of Elector..............................................

CERTIFICATE

I hereby certify that—

(i) the above named elector is personally known to me/has been identified to my satisfaction by..........................(identifier) who is personally known to me;

(ii) I am satisfied that the elector is illiterate/suffers from..........................

........................(informity) and is unable to record his vote himself or sign his declaration:

(iii) I was requested by him to mark the ballot paper and to sign the above declaration on his behalf; and

(iv) the ballot paper was marked and the declaration signed by me on his behalf in his presence and in accordance with his wishes.

Signature of identifier, if any
Address................................. Signature of attesting Officer........
                              Designation..........................
                              Address............................
                              Date.................................
- Appropriate particulars of the election to be inserted here.

69

FORM 13B

COVER
(See clause (b) of sub-rule (1) of rule 32)

NOT TO BE OPENED BEFORE COUNTING
ELECTION

to the *………………………………………………………………

Serial No. of ballot paper………………………………………

FROM 13 C

COVER
(To be used at an election to the Gram Panchayat)
(See clause (c) of sub-rule (1) of rule 32)

NOT TO BE OPENED BEFORE COUNTING

ELECTION IMMEDIATE
POSTAL BALLOT PAPER

The Returning Officer

* ... ... ... ... ... ... ... ...
... ... ... ... ... ... ... ...
... ... ... ... ... ... ... ...

- Appropriate particulars of the election to be inserted here.

70
FORM 13D

INSTRUCTIONS FOR THE GUIDANCE OF ELECTORS

Election to the* ............ ...............

The persons whose names are printed on the ballot paper sent herewith are candidates at the above election. If you desire to vote, you should record your vote in accordance with the directions given in Part I below and then follow the instructions detailed in Part II.

PART I -Directions to Electors.

1. The number of members to be elected is.........................

2. You have as many votes as there are candidates to be elected.

3. You must not vote for more than the number of candidates to be elected. If you do your ballot paper will be rejected.

4. Record the votes by placing clearly a mark opposite the name of the candidate to whom you wish to give your vote.

5. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is to placed as to make it doubtful to which candidate you have given the vote that vote will be invalid.

6. Do not put your signature or write any word or make any mark, sign or writing whatsoever on the ballot paper other than the mark which you are required to make thereon in accordance with paragraph 4.

7. An elector shall obtain the attestation of his signature on the declaration in Form 13A by a magistrate, or

(a) if he is a member of the armed forces of the Union, or of an armed police force of a State but is serving outside that State, by such officer as may be appointed in this behalf by the Commanding Officer of the unit, ship or establishment in which the voter or her husband, as the case may be, is employed, or if he is employee under the Government of India in a post outside India, by such officer as may be appointed in this behalf by the diplomatic or consular representative of India in the country in which such voter is resident;

(b) if he is on election duty, by any gazetted Officer or by the Presiding Officer of the polling station in which he is on election duty; and

(c) if he is under preventive detention, by the Superintendent of Jail or the Commandant of the detention camp in which he is under detention.

71
PART II—Instructions for Electors.

(a) After you have recorded your votes on the ballot paper, place the ballot paper in the smaller cover marked 'A' sent herein with. Close the cover and secure it by seal or otherwise.

(b) You have then to sign the declaration in Form 13A also sent herewith, in the presence of a magistrate or any other officer competent to attest your signature (See direction 6 above). Take the declaration to any such Officer and sign it in his presence after he has been satisfied about your identity. The officer will attest your signature and return the declaration to you. You must not show your ballot paper to the attesting officer nor tell him how you have voted.

(c) If you are unable to mark the ballot paper and sign the declaration yourself in the manner indicated above by reason of illitaracy, blindness or other infirmity, you are entitled to have your vote marked and the declaration sign on your behalf by any officer refered to item (b). Such an officer will at your request mark the ballot paper in your presence and in accordance with your wishes. He will also complete the necessary certificate in this behalf.

(d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form 13A as also the smaller cover marked 'A' containing the ballot paper, in the larger cover marked -B'. After closing the larger cover, send it to the Returning Officer by post or by messenger. You have to give your full signature in the space provided on the cover marked 'B'. No postage stamps need be affixed by you, if the cover is posted within India. If, however, you are an elector employed under the Government of India in a post outside India, you should return the cover to the Returning Officer concerned direct by air mail service after the requisite postage stamp is duly affixed thereon by the office in which you are serving except where it is sent by diplomatic bag.

(e) You must ensure that the cover reaches the Returning Officer before............

    on................................

(f) Please note that—

(i) If you fail to get your declaration attested or certified in the manner indicated above, your ballot paper will be rejected, and

(ii) if the cover reaches the Returning Office after ....... ............* on the ......................................your vote will not be counted.

*Appropriate particulars of the elections to be inserted here.

* Here specify the hour and fixed for the commencement of counting of votes.
FORM 14

(For the use in Panchayat elections when seat is uncontested)
(See rule 38)

Declaration of the result of election under sub-rule (2) of rule 38 of the Sikkim Panchayat Election Rules, 1982,

Election to the ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... Ward (Revenue Block)

In pursuance of the provisions contained in sub-rules (2) of rule 38 of the Sikkim Panchayat Election Rules, 1982.

I declare that-

... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...(Name)

... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...(Address)

has been duly elected to fill the seat in that Ward.

Place ;

Date ;

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

Returning Officer
Election to the Ward (Block) ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...
Polling Station ... ... ... ... ... ...

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of elector of entry</th>
<th>Serial Number of roll</th>
<th>Elector's name in that part of</th>
<th>Signature or impression of the person challenged</th>
<th>Address of Name of Name of Order of Signature of challenger if any</th>
<th>Presiding Officer on receiving refund of deposit.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date;  

Signature of the Returning Officers.

74
FROM 16

LIST OF ILLITERATE, BLIND & INFRIM VOTERS
(Sub-rule (2) of Rule 53)

Election to the* ... ... ... ... ... ... ... ... ... ... ... ...

No. and name of polling station... ... ... ... ... ... ... ... ... ... ...

<table>
<thead>
<tr>
<th>Part No. &amp; Sl. No. of elector</th>
<th>Full name of elector</th>
<th>Full name of companion</th>
<th>Address of companion</th>
<th>Signature of companion</th>
</tr>
</thead>
<tbody>
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Date... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...

Signature of Presiding officer.

FORM 17

LIST OF TENDERED VOTES

See sub-rule (2) of rule 55.

Election to the* ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... 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... ... ... ... ......
**FORM 18**

(See Sub-rule (2) of rule 58)

**PART I- BALLOT PAPER ACCOUNT**

Election to the ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...

No. and name of Polling Station... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...

<table>
<thead>
<tr>
<th>Serial Nos. from</th>
<th>To</th>
<th>Total No.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Ballot paper received........ ... .....  

2. Ballot paper unused (i.e not issued to Voters)  
   (a) With the signature of Presiding Officer  
   (b) Without the signature of Presiding Officer.  
   Total (a + b)

3. Ballot papers used at the Polling Station  
   (1-2=3)

4. Ballot papers used at the Polling Station but **NOT INSERTED INTO THE BALLOT BOX.**  
   (a) Ballot paper cancelled for violation of voting procedure under rule.......  
   (b) Ballot papers cancelled for other reasons.  
   (c) Ballot papers used as tendered ballot papers  
   Total (a+b+c)

5. Ballot papers to be found in the ballot box.  
   (3-4=5)  
   (Serial numbers need not be given)

Date....................... Signature of the Presiding Officer.
FROM 19

APPOINTMENT OF COUNTING AGENT

Election to the (Sub-rule (2) of rules 67)

To the Returning Officer,

I……………………………..a candidate/the election agent of ……………………………………………….who is a candidate at the above election, do hereby appoint the following persons as my counting agents to attend the counting of votes at………………………………………..

<table>
<thead>
<tr>
<th>Name of the counting agent</th>
<th>Address of the counting agent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>etc.</td>
<td>Signature of candidate/election agents.</td>
</tr>
</tbody>
</table>

We agree to act as such counting agents.

1. 
2. 
3. 
etc.

Place :

Date : Signature of counting agent.

DECLARATION OF COUNTING AGENTS
(To be signed before the Returning Officer)

We hereby declare that at the above election we will not do anything which violates secrecy of voting

1. 
2. 
3. 
etc. Signature of counting agents

Signed before me

Date : Returning Officer.

strike off the inappropriate alternative
FORM 20

REVOCATION OF APPOINTMENT OF COUNTING AGENT

(See rule (4) of rule 67)

Election to the..........................................

To

The Returning Officer,

I.......................................................(the election agent of ...................
a candidate at the above election hereby revoke the appointment of......................
my/his counting agent.

Place :

Date .                                                        Signature of person revoking

* Appropriate particulars of the election to be inserted here Omit the words ( ) necessary
FORM 21

FINAL RESULT SHEET
[See rule]

(To be used for recording the result of voting at polling stations other than notified stations)

Election to the ward [Block]......................

Name of ward [Block]                              Total No. of electors..............................

<table>
<thead>
<tr>
<th>Sl. No. of Polling Station</th>
<th>No. of valid votes cast in favour of</th>
<th>Total of valid votes</th>
<th>No. of rejected votes</th>
<th>Total No. of tendered votes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A   B   C</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

[1]

[2]

[3] etc.

Total No. of votes recorded at Polling stations
No. of votes recorded on postal ballot papers
Total votes polled
Place :
Date :

Returning Officers.
FORM 22

TO BE USED AT A GENERAL ELECTION
under sub— rule (3) of rule 80
Declaration of the result of Election under paragraph 75 of the Annexure.
Election to the .................Gram Panchayat from the .................P.W
In pursuance of the provisions contained in rule 75 of the Annexure, I declare
that:-

(1) (names)
(2) (addresses)

has/have been duly elected to fill the seat (s) ... ... ... ... ... name address in
that Gram Panchayat from the above Panchayat ward.

Place : 
Date : 
Signature ... ... ... ... ... Returning Officer.

FROM 22A

TO BE USED AT A BYE ELECTION
under sub- rule (3) of rule
Declaration of the result of Election under paragraph 75 of the Annexure.
Election to the .................Gram Panchayat from the P. W;
In pursuance of the provisions contained in rule 75, I declare that-

FORM 23
CERTIFICATE OF ELECTION

I, Returning Officer for the..........................Gram Panchayat Constituency
hereby certify that I have on the............ day of..............................19..... declared
shri.... ....................................... of .......................... to have been duly elected by the
said constituency to be a member of ............................ Gram Panchayat and that
in token thereof I have granted to him this certificate of election.

Place................................. Returning Officer
Date................................. Garm Panchayat Constituency
FORM 24

AFFIDAVIT

(See proviso to sub-rule [1] of rule 89)

I.................................the petitioner in the accompanying election calling in question the election of Shri/Shrimati..............................(respondent No. ...........in the said petition ) make solemn affirmation/oath and say.

(a) that the statements made in paragraphs.................of the accompanying election petition about the commission of the corrupt practice of ........ and particulars of such corrupt practice mentioned in paragraph....... of the same petition and in paragraphs.............. of the Schedule annexed thereto are true to my knowledge :

[b] that the statements made in paragraph ........ of the said petition about the commission of the corrupt practice of *............and the particulars of such corrupt practice given in {paragraph...... ...........of the said petition and in paragraphs............of the Schedule annexed thereto are true to my information:

[c]
[d]

etc. .........................................................

Signature of deponent

Solemnly affirmed/sworn by Shri/Shrimati..............................at...........

this ...............day of ... .......... 19 ,

Before me.

Magistrate of the first Class.
FORM 22
TO BE USED FOR DECLARATION OF THE RESULT

Election to the...............Gram Panchayat from the...............Panchayat Ward.

In pursuance of the provisions contained in sub-rule (3) of rule 80 of Sikkim Panchayat Election Rules, 1982, I declare that—

(1) 

(2) 

(3) 

has/have been duly elected to fill the seat (s)...........(name address) in that Gram Panchayat from the above Panchayat ward.

Place :

Date :

Signature

Returning Officer.

FORM 22A
TO BE USED FOR DECLARATION OF THE RESULT

Election to the...............Gram Panchayat from the Panchayat Ward.

In pursuance of the provisions contained in sub-rule (3) of rule 80, of Sikkim Panchayat Election Rules, 1982, I declare that—

............... ..........(name) 

............... ............(address)

has been duly elected to fill the vacancy caused in that Gram Panchayat by the—

* resignation of 

* death of 

* election of.................................................................having been declared void 

* seat of.................................................................*having become vacant 

having been declared

Place :

Date :

Signature

Returning Officer.

* Score out if inappropriate.
Correction Slip

1. On page 24, in line 3 of rule 49, the figure 1 after the word 'rupees' shall be added.
2. On page 29, in line 2 from the top, alter the words 'ballot paper account in', the words Part I of shall be added.
3. On page 43, in line 3 of rule 87, after the words 'in sub-rule (1) of rule' the figure '100' shall be added.
4. On page 50, after the heading of rule 105, before the words 'subject to', the figure '(1)' shall be added.
5. On page 53, in line 3 from the top, for the words 'and Speaker or Chairman' the words 'State Government' shall be substituted.
6. On page 57, before the word 'Symbols', the 'Schedule' shall be inserted.
7. On page 76, after Part—Ballot Paper Account of form 18, Part II—Result of counting (as enclosed) shall be added.
8. On page 76, in Part I—Ballot Paper Account, clause (a) of item 4 shall be substituted as follows:—
   '(a) Ballot paper cancelled for violation of voting procedure under sub-rule (5) of rule 52.'
9. On page 78, inform 20, for the words 'Omit the words ( ) necessary' the words 'Strike off the in appropriate alternative' shall be substituted.
10. On page 79, in form 21 after the words 'See rule', the figure '21' shall be inserted.
11. On page 80, the forms 22 and 22A shall be substituted as enclosed.
12. On page 81, in form 23—Certificate of Election, the word constituency' whereever it occurs shall be substituted with the word 'Ward'.
13. On page 2 for the words 'Director of Panchayat Election' read 'Director of Panchayat Elections'.
14. On page 2, in line 3 of rule 2 (k) for the word 'these' read 'those'.
15. On page 4 in rule 4 (1) in line 2, (i) add (,) after the word 'rules' (ii) for the word 'persons' read 'person'
16. On page 10, in rule 22, for the word 'nomition' read 'nomination',
17. On page 13, rule 26 (2), for the words 'the into' read 'into the'.
18. On page 15, in rule 29 (2)(b), in line 3 for the word 'hss' read 'has'.
19. On page 17, in line 3 from the top, for the word 'addresses' read 'addressee',
20. On page 27 in rule 53, after the words 'so as to conceal' for the word 'tha' read 'the'
21. On page 34, in sub-rule (4), third line from below, for the word 'afttr' read 'after',
22. On page 35, in sub-rule (3), for the word 'non' read 'none'
23. On page 49, sub-rule (2)(a), for the word 'commited' read 'committed',
24. On page 51, in rule 107(b), for the word 'according' read 'accordingly'.
25. On page 52, in rule 113, add the word 'of in between the words 'provisions' and 'these rules'.
26. On page 54, in line 2 from the top, for the word 'produce' read 'produced', and for the word 'Provide' appearing in the first line of para 2, read 'Provided'
27. On page 55, in rule 119, for the word 'consider' read 'considers',
28. On page 63, in the last line, for the delivered' read 'deliver'.
29. On page 68, in line one, for the 'ejector' read 'elector'.

# PART II—RESULT OF COUNTING

<table>
<thead>
<tr>
<th>I. Name of Candidate</th>
<th>Number of Valid Votes cast</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td></td>
</tr>
<tr>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>

II. Rejected Ballot Papers

III. TOTAL

Whether the total number of ballot paper shown against item No. III above tallies with the total shown against item No. 5 of Part I or any discrepancy noticed between these two totals.

Place : 
Date : Signature of counting supervisor.
Place : 
Date : Signature of the Returning Officer
The following Act which was passed by Parliament and published in the Gazette of India, Extraordinary, Part II, Section I, is hereby republished for general information.

THE WILD LIFE (PROTECTION) AMENDMENT ACT, 1982

(ACT NO. 23 OF 1982)

AN ACT
to amend the Wild Life (Protection) Act, 1982.

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

1. This Act may be called the Wild Life (Protection) Amendment Act, 1982.

2. In section 12 of the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act,—

(a) in the opening paragraph, the words "with the previous permission of the State Government," shall be omitted;
(b) for clause (b), the following clauses and Explanation shall be substituted, namely:—

'(b) scientific research;
(bb) scientific management.
Explanation.— For the purposes of clause (bb), the expression "scientific management” means—
(i) translocation of any wild animals to an alternative suitable habitat; or
(ii) population management of wild life, without killing or poisoning or destroying any wild animals;';
(c) after clause (c), the following proviso shall be inserted, namely;—

"Provided that no such permit shall be granted—
(a) in respect of any wild animal specified in Schedule 1, except with the previous permission of the Central Government, and

(b) in respect of any other wild animal, except with the previous permission of the State Government”.

Amendment 3. In section 44 of the principal Act —

(a) in sub-section (3), the words ”within fifteen days from the commencement of this Act,” shall be omitted;

(b) in sub-section (4), for clause (b), the following clause shall be substituted, namely:—

“(b) No licence referred to in sub-section (1) shall be granted unless the Chief Wild Life Warden or the authorised officer having regard to the antecedents and previous experience of the applicant, the implication which the grant of such licence would have on the status of wild life and to such other matters as may be prescribed in this behalf and after making such inquiry in respect of those matters as he may think fit, is satisfied that the licence should be granted”.

Amendment of 4. In section 63 of the principal Act, in sub-section (1), after clause (a), the following clause shall be inserted, namely:—

“(aa) the matters to be prescribed under clause (b) of sub-section (4) of section 44;”.

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

By Order,

B.R. PRADHAN,
Secretary to the Government of Sikkim,
Law Department,
F. No. 11 (256)LD/81,
The following Act of the Parliament having assented to by the President and published in the Gazette of India, Extraordinary, Part II, Section I, is hereby republished for general information.

THE PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES (AMENDMENT) ACT, 1982

(ACT NO. 27 OF 1982)

AN ACT further to amend the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980.

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

1. This Act may be called the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1982. short title.


(a) for the words "appropriate Government", the words, brackets and figures "the appropriate Government or an officer mentioned in sub-section (2) of section 3, as the case may be," shall be substituted;
(b) after the words "that Government," the words "or officer" shall be inserted.

GIANI ZAIL SINGH
President.

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

By Order,

B. R. PRADHAN,
Secretary to the Government of Sikkim
Law Department,

F. No. II/(256)/LI
HOME DEPARTMENT (ELECTION)

NOTIFICATION NO- 15/H.

Dated Gangtok, the 25th September, 1982.

The following notification No. 56/82-V, dated the 3rd September, 1982 of Election Commission of India, New Delhi is hereby published for general information:—

NOTIFICATION

In exercise of the powers conferred by clause (d) of sub-para (1) and sub-para (2) Paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendments to its notification No. 56/82 dated 8th April 1982, published in the Gazette of India, Extraordinary, Part II, section 3(iii), dated the 12th April 1982—

IN TABLE 4 appended to the said notification against item 14. NAGALAND mentioned in column 1, insert the following entries in column 2 thereof:—


[No.56/82-V]

By order.

J.K. SIBBU. R. P. BHALLA,

Special Officer. Secretary.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
HOME DEPARTMENT (ELECTION)

NOTIFICATION NO. 16/H.

Dated Gangtok, the 21st October, 1982.

The following Order No. 76/SKM/79, dated the 7th September, 1982 of Election Commission of India, New Delhi is hereby published for general information:—

ORDER

Whereas the Election Commission is satisfied that each of the contesting candidates specified in column (4) of the Table below at the election to the House of the People/Sikkim Legislative Assembly as specified in column (2) and held from the constituency specified in Column(3) against his name has failed to lodge an account of his election expenses within the time and the manner, as shown in column (5) of the said Table as required by the Representation of the People Act. 1951 and the Rules made thereunder;

AND, WHEREAS, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission, after considering the representations made by them, if any, is satisfied that they have no good reason or justification for the said failure;

NOW, THEREFORE, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State for a period of 3 years from the date of this order.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Perticulars of elections</th>
<th>Sl. No. and name of Assembly Constituency</th>
<th>Name of the contesting candidate</th>
<th>Reason for disqualification,</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>24-Lachen Mangshila A.C.</td>
<td>Shri Sangay Dobo Kazi, Mangan Kothi Mangan, Sikkim, Gangtok.</td>
<td>Account not lodged.</td>
<td></td>
</tr>
</tbody>
</table>

By order,

H.R. GUPTA,
Deputy Chief Electoral Officer Sikkim.

S. C JAIN,
Under Secretary.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No.41(3) Home/79/3024 Dated Gangtok, the 21st October, 1982

In partial modification of Notification No. 41(3)H/79/2319 dated the 24th June, 1982, the following changes are hereby ordered:—

1. Shri Tashi Chhophel, Secretary, Industries Department as Chairman of the Sikkim Industrial Development and Investment Corporation Limited vice Managing Director, STCS. He will also discharge the functions of Managing Director (SIDICO) until further orders. This cancels Home Department Notification No. 41 (3)Home/79/227 of 23.9.82.

2. Shri Karma Topden, Managing Director, STCS, as Director of Sikkim Industrial Development and Investment Corporation Limited.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely, for "Establishment of Food Godown" in the block of Upper Fambong, West District, it is hereby declared that a piece of land comprising cadastral plot No. 185 and measuring more or less 0.44 acres, bounded on the:

**NORTH:** Land of Shri Asong Lepcha

**SOUTH:** Land of Late Tshering Namgyal

**WEST:** -do-

**EAST:** Jhora

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

This declaration is made, under the provisions of section 6 of Act I of 1894, to all whom it may concern.

A plan of the land may be inspected in the office of the Collector, West District Gyalshing.

C.D. RAI,

Secretary,
Land Revenue Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM

HOME DEPARTMENT

No. 41(2) Home/82/2949. Dated Gangtok, the 8th October, 1982

NOTIFICATION

In supersession of Home Department Notification No. 41(2) Home/82/2284, dated 21st June, 1982 the Governor of Sikkim is pleased to order that the following officers will represent the Government of Sikkim in the Board of Sikkim Mining Corporation with immediate effect:-

1. Secretary, Mines and Geology — Chairman
2. Chief Engineer Power — Member
3. Deputy Secretary, Finance dealing with Mines and Geology — Member

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No. 41(18)Home/76/3025 Dated Gangtok, the 21st October, 1982;

In supersession of all the earlier Notifications, the Government of Sikkim is pleased to constitute the Tea Board of Sikkim with the following members:—

Secretary Industries — Chairman
Secretary Labour — Member
Chief Conservator of Forests — Member
Director of Agriculture — Member
Joint Secretary (Finance) — Member

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS.
NO. 41(6)HOME/82/3068.
Dated Gangtok, the 30th October, 1982

In supersession of Home Department Notification No. 2(3)Home/77 dated the 22nd November, 1979, the Government of Sikkim is pleased to appoint Shri Daugyal Pintso Bhutia MLA as Chairman of the Board of State Trading Corporation of Sikkim vice Shri Indra bahadur Limboo with immediate effect.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
NOTIFICATION

No.41(18)Home/76/3069.                                                                 Dated Gangtok, the 30th October, 1982:

In partial modification of Home Department Notification No. 41(18)Home/76/3025 dated the 21st October, 1982, the Government of Sikkim is pleased to appoint Shri M..P. Sharma, MLA as Chairman of the Tea Board of Sikkim with immediate effect. He will continue to hold the post of Chairman of the Sikkim Khadi and Village Industries Board.

The Chairman will be entitled to the benefits as laid down in Home Department Orders No. 2(3)Home/77, dated the 8th December, 1977 and No. 1(21)80-81/619/620, dated to 31st March. 1981 from ont of the Boards only.

M.P. PRADHAN,

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

NOTIFICATION

No.2(3)Home/82/3070. Dated Gangtok, the 30th October, 1982

In supersession of Home Department Notification No 2(3)Home/77, dated the 22nd November, 1979, the Government of Sikkim is pleased to appoint Shri B. B. Lohar, MLA as Chairman of the State Bank of Sikkim vice Shri Daugyal Pintso Bhutia, MLA with immediate effect. He will continue to hold the post of Chairman of the Scheduled Caste Welfare Board.

The Chairman will be entitled to the benefits as laid down in Home Department Orders No. 2(3)Home/77 dated 8th December, 1977 and No. 1(21)80-81/619/620 dated 31st March, 1981 from one of the Boards only.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No. 2(3) Home/77/3071. Dated Gangtok, the 30th October, 1982.

In supersession of Home Department Notifications No. 2(3)Home/77 and 38(18)Home/8120 dated 22nd November, 1979 and 11th February, 1982 respectively, the Government of Sikkim pleased to appoint Shri Dadul Bhutia, MLA as Chairman of the Sikkim Nationalised Transport Board vice Shri Chamla Tshering Bhutia, MLA and also as Chairman of the Flour will vice Shri P. M. Subba with immediate effect.

The Chairman will be entitled to the benefits as laid down in Home Department Orders No.2(3)Home/77 dated 8th December, 1977 and No. 1(21)80-81/619/620 dated 31st March, 1981 from one of the Boards only.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
THE SIKKIM PANCHAYAT (AMENDMENT) ORDINANCE, 1982

(ORDINANCE No 3 of 1982)

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

An
Ordinance

to amend the Sikkim Panchayat Act, 1982.

WHEREAS the Legislative Assembly of Sikkim is not in session and I, Homi J. H. Taleyarkhan, Governor of Sikkim, am satisfied that circumstances exist which render it necessary for me to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred on me by clause (1) of article 213 of the Constitution, I am pleased to promulgate the following Ordinance, namely:—

1. (1) This Ordinance may be called the Sikkim Panchayat (Amendment) Ordinance, 1982.

(2) It shall come into force at once.

2. In the Sikkim Panchayat Act, 1982 (hereinafter referred to as the principal Act), in section 6, clause,(3) shall be omitted.

3. In the principal Act, after section 101, the following sections shall be inserted, namely:—

101 A. Any act of commission or omission which is an electoral offence in relation to elections to the Legislative Assembly of Sikkim under Chapter VII of the Representation of the People Act, 1951 or under any law for the time being in force shall be deemed to be electoral offence in relation to the elections to the Gram Panchayat under this Act.
101b The State Government shall have the same powers in the matter of requisition of premises, vehicles and animals for the purposes of the conduct of elections to the Gram Panchayats as in the case of elections to the Sikkim Legislative Assembly.

4. In the principal Act, in section 115, after sub-section (3), the following sub-section shall be inserted, namely:- section 115.

"(4) Any person who contravenes the provisions of this Act or rules made thereunder for which no penalty is provided for under this Act shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two hundred rupees, or with both ".

Gangtok, Dated the 18th December, 1982.

HOMI J. H. TALEYARKHAN, GOVERNOR OF SIKKIM.

B.R. PRADHAN,
Secretary to the Government of Sikkim, Law Department.
F. No. 16 (155)LD/82.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT

Notification No.105 (21) L.R. (S) Dated Gangtok, the 6th November, 1982.
(Notice under section 4 of Land Acquisition Act, 1894)

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (1 of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification No. F 12018/12/76-LRD dated the 10th January, 1978 issued by the Government of India in the Ministry of Agriculture & Irrigation under clause (I) of Article 258 of the constitution of India.

And whereas it appears to the Governor that land is likely to be needed for a public purpose being a purpose of the Union, namely for Alternative alignment to the existing NH 31-A due to breach of road by the Border Road Development Board Swastik Project at Burdang in the Block of West Pendam, East District it is hereby notified that a piece of land comprising portions of cadastral survey plot Nos. 72 and 73 and measuring more or less 1.43 acres, bounded on the:-

NORTH: Private land under acquisition in favour of Ministry of Defence.
SOUTH: -do-
EAST: -do-
WEST: Abandoned portion of 31/A NHW.

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

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

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

And whereas there is urgency to acquire the land the Governor is further pleased to direct under section 17 (4) that the provision of section 5-A of the Act shall not apply.

By Order of the Governor. C.D. RAI,
Secretary, Land Revenue Department Government of Sikkim.
ORDER

I, Homi J.H. Taleyarkhan, Governor of Sikkim, hereby order that the portfolios of the members of the Council of Ministers shall be as follows with effect from today:

1. Shri Narbahadur Bhandari, Chief Minister
   Home, Finance, Establishment, Industries, Panchayat and Rural Development, Planning and Development and any other Departments which is not allotted to another Minister.

2. Shri Athup Lepcha

3. Shri Tulshiram Sharma

4. Shri Lachen Gomchen Rimpochee
   Culture, Ecclesiastical, State Trading Corporation of Sikkim, Scheduled Caste and Scheduled Tribe Welfare.

5. Shri Padam Bahadur Gurung
   Food and Civil Supplies, Power and Sikkim Nationalised Transport.

6. Shri Samten Tsering
   Public Works Department, Excise and Labour.

7. Shri Chamla Tshering
   Agriculture, Animal Husbandry, Irrigation, Cooperation.

8. Shri Indrabahadur Limboo
   Motor Vehicle, Mines and Geology and Survey and Settlement.

HOMI J. H. TALEYRKHAN,
Governor of Sikkim.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
Under the powers vested in me under Article 164 (1) of the Constitution, I, Homi J.K. Taleyarkhan, Governor of Sikkim, hereby direct that Shri Sherab Palden Lepcha shall cease to be a member of the Council of Ministers with immediate effect.

HOMI J. H. TALEYARKHAA
GOVERNOR OF SIKKIM.
ORDER

Under the powers vested in me under Article 164 (1) of the Constitution, I, Homi J.H.Taleyarkha, Governor of Sikkim, hereby direct that Shri Sanca Man Limboo shall cease to be a member of the Council of Ministers with immediate effect.

HOMI J. H. TALEYARKHAN
GOVERNOR OF SIKKIM.
In exercise of the powers vested in me under clause (1) of article 164 of the Constitution, I, Homi J.H. Taleyarkhan, Governor of Sikkim, hereby appoint, on the advice of the Chief Minister of Sikkim, the following persons to be members of the Council of Ministers with effect from the afternoon of Saturday, 30th October, 1982:—

1. Shri Chamla Tshering Bhutia.

2. Shri Indrabahadur Limboo.

HOMI J.H. TALEYARKHAN,

Governor of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No.51(3)Home/82/3224. Dated Gangtok, the 30th November, 198:

In supersession of Home Department Notification No- 51 (3)Home/82/3171 dated the 22nd November, 82, the Government of Sikkim is pleased to appoint Shri M.P. Sharma, M.L.A as Chairman of the Board of Management of Government Fruit Preservation Factor Singtam vice Shri J.H. Pradhan, M.L.A. with immediate effect. Shri Sharma will continue to hold the post of Chairman of Tea Board.

The Chairman will be entitled to the benefits as laid down in Home Department Order No.2(3)Home/77 dated 8th December, 1977 and No. 1(2)80-81/619/620 dated the 31st March 1981 from one of the Boards only.

M. P. PRADHAN,
Chief Secretary
Government of Sikkim
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT

Notification No. 106(90)/L.R.(S)                                Dated Gangtok, the 10th November, 1982

CORRIGENDUM

Corrigendum to the Notification Nos. LA (4) 895(II)/LR(S) dated 7.11.78 and 12 (90
I/LR(S) dated 13.3.81 issued under Section 4 and 6 of L.A. Act, 1894 respectively and published
18.3.81 in respect of 6.68 acres of land at Rhenock, Aritar under East District acquired for
establishment of Army.

Please insert plot Nos. 821, 56, 57, 55, 829, 59, 58, 58A, 1112, 1109, 1108, 1105, 847
1105/A, 1106, 1106/A, 848, 858 & 857 in parts in the schedule of properties in the aforesaid
notifications.

C.D. RAI,
Secretary,
Land Revenue Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No.2(3)Home/77/3170 Dated Gangtok, the 22nd November, 1982.

In supersession of Home Department Notification No. 2(3)Home/77 dated the 22nd November, 1979, the Government of Sikkim is pleased to appoint Shri Pradeep Yonzon, MLA as Chairman of the Electricity Advisory Board vice Shri Dadul Bhutia, MLA with immediate effect.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No.2(3)Home/77/3170                                      Dated Gangtok, the 22nd November, 1982.

In supersession of Home Department Notification No. 2(3)Home/77 dated the 22nd November, 1979, the Government of Sikkim is pleased to appoint Shri Pradeep Yonzon, MLA as Chairman of the Electricity Advisory Board vice Shri Dadul Bhutia, MLA with immediate effect.

M. P. PRADHAN,

Chief Secretary,
` Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

No.51(3)Home/82/3171. Dated Gangtok, the 22nd November, 1982.

In partial modification of Home Department Office Order No- 51 (3)Home/82, dated the 8th June, 1982 the Government of Sikkim is pleased to appoint Shri J.B. Pradhan, MLA as Chairman of the Board of Management of Government Fruit Preservation Factory, Singtam vice Shri Soloman Saring who has resigned, with immediate effect.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim
No. 51(3)Home/82/3171. Dated Gangtok, the 22nd November, 1982.

In supersession of Home Department Notification No. 41 (18)Home/76/3069 dated the 30th October, 1982, the Government of Sikkim is pleased to appoint Shri D.B. Thatal, MLA as Chairman of the Sikkim Khadi and Village Industries Board vice Shri M.P.Sharma, M.L.A. with immediate effect.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.
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<td>Nil</td>
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<td>V</td>
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<td>VII</td>
<td>Nil</td>
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<tr>
<td>VIII</td>
<td>Nil</td>
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<tr>
<td>IX</td>
<td>(i) Nil</td>
</tr>
<tr>
<td>X</td>
<td>(ii) Nil</td>
</tr>
</tbody>
</table>
Notifications regarding appointments, postings, transfers leave etc.

**HIGH COURT OF SIKKIM**

**NOTIFICATION**

No. 148/HCS/ESTT.
Dated Gangtok, the 15th January, 1982.

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 31.3.82.

**G.K.KHANNA.**
Deputy Registrar.

**OFFICE ORDER**

No. 966(G)/Est.
Dated Gangtok, the 7th January, 1982.

Shri Tsewang Dorjee, Deputy Secretary, Local Self Government & Housing Department, is hereby promoted as Joint Commissioner in the Excise Department in the scale of Rs. 1200-2000 w.e.f. the date he takes over charge of the post.

He shall be on probation for one year.

By Order

L.B.RAI,
Deputy Secretary, Establishment Department

**OFFICE ORDER**

No.976(G)/Est.
Dated Gangtok, the 11th January, 1982.

Consequent on the creation of a post of a Principal Nursing Officer in the scale of Rs. 660-25-910-Eb-30-1240 EB-40-1400 for the Auxiliay-Nursing-Cum-Mid-Wifery Training School in the Health and Family Welfare Department vide this Department Notification No.75/Gen/Est.of 27.6.81 Mrs.Leelawati Gurung, Assistant Matron, is hereby promoted to fill up the above post from the date of her assuming charge of the post

She will be on probation for one year.

By Order

D.T.BHUTIA
Under Secretary
Establishment Department.
OFFICE ORDER

No. 980(G)/Est.
Dated Gangtok, the 16th January, 1982.

The following inter departmental transfers of accounts Officers are made with effect from the dates of assuming charge of their respective posts:-

<table>
<thead>
<tr>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Shri Tshering  L. B. RAI,</td>
<td></td>
</tr>
<tr>
<td>2. Shri D.P. Rai  Power Animal</td>
<td></td>
</tr>
</tbody>
</table>

On transfer, they will carry their own pay, scale and allowances.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER

No. 996 (G)/Est.
Dated Gangtok, the 19th January, 1982

The re-employment of Shri B.B. Rai,
P.S. to Hon’ble Minister for Establishment,
is hereby extended for a further period of 6 months w.e.f. 1.1.82 to 30.6.1982.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER

No. 981 (G)/Est.
Dated Gangtok, the 16th January, 1982.

31 days leave w.e.f. 18.1.82 to 17.2.82 applied for by Shri K.C. Pradhan IAS, Secretary, Information and Public Relation Department, is hereby sanctioned as Earned Leave.

By Order,
D. T. BHUTIA,
Under Secretary,
Establishment Department.

OFFICE ORDER

No. 1012 (Gen)/Est.
Dated Gangtok, the 22nd January, 1982

The Governor is pleased to grant a Special allowances of Rs., 250/- p.m. w.e.f. 4.11.80. to Shri A.T. Sanyal, Director, Animal Husbandry Department, for looking after the additional duties of Adviser, Agriculture Department w.e.f. the same date until further orders.

By Order
L.B. RAI,
Deputy Secretary,
Establishment Department.
NOTIFICATION

No. 230(G)/Est.
Dated Gangtok the 23rd January, 1982.

The Governor is pleased to sanction
the creation of a post of Office Superintendent in the Mines & Geology Department
in the scale of Rs. 550-20-750-Eb-25-950-
EB-30-1100 w.e.f 24.12.81 i.e. the date of
approval.

The subsistence allowance paid to him
during suspension will not be recovered

By Order

L. B. RAI,
Deputy Secretary
Establishment Department

OFFICE ORDER

No. 1025(G)/Est.
Dated Gangtok, the 25th January, 1982.

Leave for 61 days w.e.f. 18.1.82 to
19.3.82 applied for and being availed of by
Shri Karma Topden, IAS, Secretary to
the Hon'ble Chief Minister and Secretary,
Tourism is hereby sanctioned as Earned
Leave.

During his absence on leave Shri Jigme-
Dorjee, IAS, Secretary, Power will act as
Secretary, Tourism Department, in addition
to his own duties.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department

NOTIFICATION

No. 236(G)/Est.
Dated Gangtok, the 28th January,

The expenditure on the above post
shall be debitable to major Head '328A-

. L. T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER

No. 1030(G)/Est.
Dated Gangtok, the 27th January, 1982

Shri A.K. Chhetri, Under Secretary,
(under suspension), Labour Department, is
re-instated into service w.e.f. 4.3.1981 i.e.
the date of his suspension.

The period spent on suspension i.e.
w.e.f. 4.3.1981 upto the date preceding the
office resumption of his department is
treated as Leave Without Pay.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department

NOTIFICATION

No. 242(G)/Est.
Dated Gangtok, the 30th January, 1982

The post of Art Master in Ecclesiastical
Affairs Department is placed in the scale
of Rs. 510-900 with effect from 26.4.80
The relevant entry in Schedule II of S.G.S.
(Revised Pay) Rules, 1978 is deemed to
have been modified to that extent.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department
NOTIFICATION
No. 242(G)/Est.
Dated Gangtok, the 30th January, 1982.

The Governor is pleased to sanction the creation of the following posts in the Home Department for the Public Service Commission with immediate effect.

(a) For the Office of Chairman

<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>Private Secretary (qualified Stenographer and experienced in Office procedure)</td>
<td>1</td>
<td>660-1400</td>
</tr>
<tr>
<td>2.</td>
<td>Driver</td>
<td>1</td>
<td>350-550</td>
</tr>
<tr>
<td>3.</td>
<td>Peon</td>
<td>1</td>
<td>300-380</td>
</tr>
</tbody>
</table>


By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

(b) For the Commission's Scett.

<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>Head Assistant</td>
<td>1</td>
<td>450-800</td>
</tr>
<tr>
<td>2.</td>
<td>Accounts Clerk-Cum-UDA</td>
<td>1</td>
<td>410-700</td>
</tr>
<tr>
<td>3.</td>
<td>LDC</td>
<td>1</td>
<td>380-550</td>
</tr>
<tr>
<td>4.</td>
<td>Peon</td>
<td>1</td>
<td>300-380</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head-251C Public Service Commission Cl(l)-Salaries.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

NOTIFICATION
No. 244(G)/Est.
Dated Gangtok, the 30th January, 1982

The Governor is pleased to sanction the creation of a post of Diarist in the Establishment Department in the scale of Rs.380-7-450-EB--8-530-EB-10-550-w.e.f 1.7.1981.

The expenditure on the above post shall be debitable to Major Head "252' A1 (l)-Salaries.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER
No. 1037(G)/Est.
Dated Gangtok, the 30th January, 1982

The following inter-departmental transfers of Accounts Officers are made with effect from the dates of their assuming charges of the respective posts :—

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Shri P.C. Rai Education Department , Local Self Govt. &amp; Housing Deptt. vice Shri P. Wangdi.</td>
<td>2. Shri Pintso Wangdi Local Self Pay&amp;Accounts Govt. &amp; Housing Office vice Shri S.A.T.Simick</td>
</tr>
<tr>
<td>2. Shri S.A.T.Simick Pay &amp; Accounts Education Deptt. vice sl. no. 1 above</td>
<td></td>
</tr>
</tbody>
</table>

On transfer, they will carry their own Pay scale and allowances.

By Order

L.B.RAI,
Deputy Secretary,
Establishment Department.
FINANCE DEPARTMENT

OFFICE ORDER

No. 277/Fin.

Dated Gangtok, the 20th January, 1982

During the absence of Shri N. Jaswal, Officer on special Duty, Home, on tour & leave, Shri John Ballin, Accounts Officer, Home, is hereby declared as Drawing & Distursing Officer with effect from 21.1.1982 till Shri Jaswal's return from tour & leave.

By Order.

L.B.PRADHAN,
Joint Secretary
Finance Department.

RURAL DEVELOPMENT
DEPARTMENT

OFFICE ORDER

No.5/1976/77/166/R.D.D.

Dated Gangtok, the 19th January 1982

In accordance with clause (iv) & (v) of Rule 3 of the Rules governing the composition & functions of state Social Welfare Advisory with the Central Social Welfare Board, hereby appoints Smt. Dil-Kumari Bhandari as Chairman of Sikkim State Social Welfare Advisory Board for a term of 2 years with effect from the forenoon of 29th Nov. 1980.

P.K.PRADHAN,IAS,
Secretary
Rural Development Department.
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<td>Nil</td>
</tr>
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<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</td>
<td>(i) Nil</td>
</tr>
<tr>
<td>X</td>
<td>(ii) Nil</td>
</tr>
</tbody>
</table>
Notifications regarding appointments, postings, transfers leave etc.

HOME DEPARTMENT

OFFICE ORDER
No. 38(18) Home/80.
Dated Gangtok, the 11th February, 1982.

The Governor of Sikkim hereby appoints Shri P.M.Subba,M.P., LokSabha, as Chairman of the Sikkim Flour Mill Ltd. in the vacated by Shri S.M. Limbu, Hon’ble Minister for Industries.

By Order

M.P. PRADHAN,
Chief Secretary,
Government of Sikkim.

ESTABLISHMENT DEPARTMENT

NOTIFICATION
No. 247(G)/Est.
Dated Gangtok, the 3rd February, 1982.

The Governor is pleased to sanction the creation of the following posts for the theBrach Institute of Government Institute of Cottage Industries at Chungbong (Gyalshing), West Sikkim, w.e.f. 24.12.1981, i.e.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>Supervisor</td>
<td>1</td>
<td>510-900</td>
</tr>
<tr>
<td>2.</td>
<td>Wood Carving Instructor</td>
<td>1</td>
<td>480-850</td>
</tr>
<tr>
<td>3.</td>
<td>Carpet Teacher</td>
<td>1</td>
<td>410-700</td>
</tr>
<tr>
<td>4.</td>
<td>Cane &amp; Bamboo Instructor</td>
<td>1</td>
<td>410-700</td>
</tr>
<tr>
<td>5.</td>
<td>L.D.C</td>
<td>1</td>
<td>380-550</td>
</tr>
<tr>
<td>6.</td>
<td>Peon-Cum-Chowkidar</td>
<td>1</td>
<td>300-380</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head 800 Constigency Fund-Village & Small Industries G.I.C.I branch Institute at Chungbong, Gyalshing.

By Order

L. T. TONYOT.
Joint Secretary,
Establishment Department.

OFFICE ORDER
No. 1042(G)/Est.
Dated Gangtok, the 3rd February, 1982

Consequent on the creation of two posts of Executive Engineers (Electrical) in the scale of Rs. 900-40-1180-EB-45 1450-Eb-50-1800 in the Power Department vide this Deptt. Notification No. 158/Gen Est. of 10.9.81. S/Shri Gyaltsten Lepcha and Pema Wangchen, Assistant Engineering in the Deptt. are promoted to fill up the above posts w.e.f. 208.81 i.e. thedate of creation of posts.

As usual they will be on probation for one year.

Their inter-se-seniority will continued to remain the same as they existed in the grade of A.E.

By Order

L.B. RAI,
Deputy Secretary
Establishment Department.

OFFICE ORDER
No. 1043(G)/Est.
Dated Gangtok, the 3rd February, 1982

The post of Superintendent Sheep farm in the Animal Husbandry Department is hereby redesignated as Poultry Development Officer with immediate effect.

Further, Shri Shivalal Puwar Chhetri is hereby appointed as Poultry Development Officer against the above post on a pay of Rs.. 660/-p.m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 other allowances admissible under the rules w.e.f. the date he assumes charge of the post. He will be on probation for a period of one year.

By Order

L.B. RAI,
Deputy Secretary
Establishment Department.
NOTIFICATION

No. 248(Gen)/Est.
Dated Gangtok the 4th February, 1982

The Governor is pleased to abolish the post of Addl.Chief Engineer in the S.N.T Department which was held by Shri T.C.Verma prior to his promotion to the post of General Manager S.N.T. w.e.f. 24.12.1981.

L. T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER

No. 1047 (Gen)/Est
Dated Gangtok the 4th February, 1982

Consequent on the creation of a post of Deputy Chief Pay and Accounts Officer for Branch Pay and Accounts Office at Namchi in the scale of Rs. 900-40-1180-EB-45-14650-Eb-50-1800 vide this Department Notification No.168/Gen/Est. of 25.9.81, Shri P.C.Pradhan, Accounts Officer, Food and Civil Supplies Department, is hereby promoted and transferred to fill up the new post w.e.f. the date he assumes charge of the post. As usual he will be on probation for one year. If his performance is not found satisfactory during the period of probation, he will be reverted back to his lower grade and post of Accounts Officer.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER

No. 11065 (G)/Est.
Dated Gangtok, the 9th February, 1982.

The following intra departmental transfers & postings of Assistant Engineers are made in the Sikkim Public Works Department to take effect from the dates they assume charges of their respective posts transferred to :-

<table>
<thead>
<tr>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shri Tej Gurung Gangtok</td>
<td>Gyalzing as Assistant Engineer (Roads) under D.E (WEST) vice Shri Ko-hari.</td>
</tr>
<tr>
<td>Shri B.B. Pradhan</td>
<td>A.E. Planning Gangtok</td>
</tr>
<tr>
<td>Shri J.P. Kothari</td>
<td>Gyalzing</td>
</tr>
<tr>
<td>Shri B.B. Pradhan</td>
<td>A.E. Planning Gangtok</td>
</tr>
</tbody>
</table>

2. Shri J.P. Kothari
A.E. (Roads)
Gyalzing

3. Shri B.B. Pradhan
A.E. Planning Gangtok
Shri B.B. Pradhan will move first to relieve Shri Tej Gurung.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER

No. 1123(G)/Est.
Dated Gangtok, the 26th February, 1982.

The term of contract in respect of Shri H.H.E. Young, Manager, Government
Tea Garden at Kewzing, is hereby extended for a further period of one year w.e.f. 18.3.82 to 17.3.83 on the existing terms and conditions of contract.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department

NOTIFICATION

No. 259(G)/Est.
Dated Gangtok, the 26th February, 1982.

The Governor is pleased to sanction creation of 4 additional posts of Deputy District Magistrate for 4 Districts under Land Revenue Department with immediate effect.

The scale of pay will be as per the rules of the Cadre to which the Officers belong.

The expenditure on the above posts shall be debit able to Major Head as under:-

East District-253CI(1) (1)-Salaries.
West District-253CI(4) (1)-Salaries.

North District-253CI(2) (1)-Salaries.
South District-253CI(3) (1)-Salaries.

L. T. TONYOT,
Joint Secretary,
Establishment Department

FINANCE DEPARTMENT

OFFICE ORDER

No. 296 /Fin.
Dated Gangtok, the 9th February, 1982

Consequent on the acceptance of resignation tendered by Shri S.G.Tashi, Superintendent of Police/ Radio, with effect from the afternoon of 30.11.1981, Shri Rajesh Verma, Dy. Superintendent of Police/ Radio, is hereby allowed to continue to draw bills and make payment on behalf of the State Government until further orders.

By Order.

D. NIODUP
Chief Accounts Officer,
Finance,
Government of Sikkim.
CONTENTS

PART I-Nil

PART II-Notifications regarding appointments, postings, transfers leave etc. 11-19

PART III-Nil

PART IV-Nil

PART V-Nil

PART VI-Nil

PART VII-Advertisements and Noticees etc by Government Department. 20

PART VIII-Nil

PART IX-(i) Nil

PART X -(ii) Nil
Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM

NOTIFICATION
No. 157/HCS/ESTT.

Dated Gangtok, the 3rd March, 1982.

Hon'ble Mr. Justice A.M. Bhattacharjee, has been pleased to create the following temporary posts, on the High Court Establishment, in the scales shown against them for a period of 3 months from 1-3-82 to 31-5-82.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Post</th>
<th>Number</th>
<th>Pay Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Head Assistant</td>
<td>1 (one)</td>
<td>Rs. 450-12-570-Eb-15-720-Eb-20-800</td>
</tr>
<tr>
<td>2.</td>
<td>Accountant</td>
<td>1 (one)</td>
<td>Rs. 450-12-570-Eb-15-720-Eb-20-800</td>
</tr>
<tr>
<td>4.</td>
<td>Stenographer</td>
<td>1 (one)</td>
<td>Rs. 450-12-570-Eb-15-720-Eb-20-800</td>
</tr>
<tr>
<td>5.</td>
<td>Assistant Librarian</td>
<td>1 (one)</td>
<td>Rs. 410-10-580-Eb-12-700</td>
</tr>
<tr>
<td>6.</td>
<td>L.D.A (Rules)</td>
<td>1 (one)</td>
<td>Rs. 380-7-450-Eb-8-530-Eb-10-550</td>
</tr>
<tr>
<td>7.</td>
<td>L.D.A (Leave reserve)</td>
<td>1 (one)</td>
<td>Rs. 380-7-450-Eb-8-530-Eb-10-550</td>
</tr>
<tr>
<td>8.</td>
<td>Peon</td>
<td>1 (one)</td>
<td>Rs. 300-4-340-5-380</td>
</tr>
</tbody>
</table>

S.N. KAPOOR,
Registrar.

ESTABLISHMENT DEPARTMENT

NOTIFICATION
No. 264(G)/Est.

Dated Gangtok, the 6th March, 1982.

The Governor is pleased to sanction creation of the following posts in Sikkim Legislative Assembly Secretariat with immediate effect:-

<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>Asstt. Superintendent</td>
<td>1</td>
<td>510-900</td>
</tr>
<tr>
<td>2.</td>
<td>Cook</td>
<td>1</td>
<td>320-450</td>
</tr>
<tr>
<td>3.</td>
<td>Masalchi</td>
<td>1</td>
<td>300-380</td>
</tr>
</tbody>
</table>

The expenditure on the above post shall be debitable to Major Head ‘211’A2(1) Salaries.

L. T. TONYOT
Joint Secretary,
Establishment Department

NOTIFICATION
No. 265(G)/Est.

Dated Gangtok, the 8th March, 1982.

The Governor is pleased to sanction creation of the following posts in the Sikkim Public Works Department (Roads) with immediate effect:-

<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>Mechanical-Overseer</td>
<td>3</td>
<td>510-900</td>
</tr>
<tr>
<td>2.</td>
<td>1st Grade Fitter</td>
<td>1</td>
<td>410-700</td>
</tr>
<tr>
<td>3.</td>
<td>2nd Grade Fitter</td>
<td>2</td>
<td>380-550</td>
</tr>
<tr>
<td>4.</td>
<td>LDC</td>
<td>3</td>
<td>380-550</td>
</tr>
<tr>
<td>5.</td>
<td>Bill Clek (LDC)</td>
<td>1</td>
<td>380-550</td>
</tr>
<tr>
<td>6.</td>
<td>Peon</td>
<td>3</td>
<td>300-380</td>
</tr>
</tbody>
</table>

The expenditure on the above post shall be debitable to Major Head ‘33D’11 (1) Salaries (Plan).

L. T. TONYOT
Joint Secretary,
Establishment Department.
NOTIFICATION

No. 266(G)/Est.

Dated Gangtok, the 8th March, 1982.

The Governor is pleased to sanction creation of a post of one Tailor in the scale of Rs.310-400 for household establishment of Raj Bhawan with immediate effect.

The expenditure on the above post shall be debitable to Major Head"212"AI.

(3) Household Establishment.

L. T. TONYOT,
Joint Secretary
Establishment Department

OFFICE ORDER

The expenditure on the above posts shall be debitable to Major Head"252"AI.

Dated Gangtok, the 9th March, 1982

L. B. RAI,
Deputy Secretary
Establishment Department

NOTIFICATION

No. 267/(G)/Est.

Dated Gangtok, the 8th March, 1982.

The Governor is pleased to sanction creation of the following posts for the establishment of a Cell for compilation of old records (laws/Regulation/Notification) under the Home Department with immediate effect:

<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>Typist</td>
<td>1</td>
<td>380-550</td>
</tr>
<tr>
<td>2.</td>
<td>Copier/LDC1</td>
<td>3</td>
<td>380-550</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head"212"AI.

L. N. TONYOT,
Joint Secretary
Establishment Department

OFFICE ORDER

The expenditure on the above posts shall be debitable to Major Head"295"AI.

Dated Gangtok, the 9th March, 1982

L. T. TONYOT,
Joint Secretary
Establishment Department

NOTIFICATION

No. 276/(G)/Est.

Dated Gangtok, the 15th March, 1982

Major T. P. S. Bedi (MR - 02187w) AMC/PC, Graded Specialist (Medicine) whose services has been placed at the disposal of the Govt. of Sikkim, vide Ministry of Defence, Govt. of India, New Delhi Notification No.136 58/A-145/DGAFMC/DG-l(x)82-S/D(MED)|of 20.2.82 is hereby appointed as Medical Specialist in the S.T.N.M. Hospital under Health and Family Welfare Department, on deputation for a period of two years w.e.f. the 29.1.82 i.e. the date of relief by his parent Department.

His service on deputation will be governed by the terms and conditions as laid down in the Annexure to the Notification referred to above.

L. B. RAI,
Deputy Secretary
Establishment Department

NOTIFICATION

No. 276/(G)/Est.

Dated Gangtok, the 15th March, 1982

The Governor is pleased to sanction creation of the following posts in the Esslesiastical Department with immediate effect:

<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>Inspector</td>
<td>1</td>
<td>Rs.510-900</td>
</tr>
<tr>
<td>2.</td>
<td>Sr. Accounts Clerk</td>
<td>1</td>
<td>Rs.410-700</td>
</tr>
</tbody>
</table>

The expenditure Clerk on the above posts shall be debitable to Major Head 295'AI.

L. T. TONYOT,
Joint Secretary
Establishment Department
OFFICE ORDER

No. 1193 (G)/Est.
Dated Gangtok, the 16th March, 1982.

The term of contract in respect of Shri R.N. Dikshit, Executive Engineer, Rural Development Department, which expired on the afternoon of 10.3.82, is hereby extended for a final period of one year w.e.f. 11.3.82 to 10.3.83.

During the extension of his term of contract his service will be governed by the terms and conditions as laid down in this Department Notification No. 250/G/Est. of 4.2.81.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department,

OFFICE ORDER

No. 1195(G)/Est.
Dated Gangtok, the 17th March, 1982.

The term of deputation in respect of Shri N. K. Pradhan, Assistant Executive Officer, Gangtok Municipal Corporation, which expired on the afternoon of 2.3.1982, is hereby extended for a further period of one year w.e.f. 3.3.1982 to 2.3.1983 on the existing terms and conditions of deputation.

By Order
D. T. BHUTIA,
Under Secretary,
Establishment Department,

OFFICE ORDER

No. 1198(G)/Est
Dated Gangtok, the 17th March, 1982.

Shri Janardhan Das Goyal is hereby appointed as Secretary, Sikkim Housing & Development Board and ex-officio Joint Secretary to the Government of Sikkim in the Local Self Government & Housing Department on contract basis for a period of three years w.e.f. 15.2.82 i.e. the date of his assuming charge of the post.

He will draw a consolidated pay of Rs. 2,200/-p.m.

As mutually agreed and accepted by him, his service on contract shall be governed by the terms and conditions as specified in this Department Notification No. 250/Gen/Est of 4.2.81.

By Order
L. B. RAI,
Deputy Secretary
Establishment Department

OFFICE ORDER

No. 1204(G)/Est.
Dated Gangtok, the 18th March, 1982.

Shri Nandaram Bhattarai is hereby appointed as Assistant Engineer (Electrical in the Power Deptt. on a basic pay of Rs. 660/- p.m. in the scale of Rs. 660-25-910-Eb-30-1240-Eb-40-1400 w.e.f. 22.1.82 i.e. the date of publication of his B.E. passed result.

He will draw other allowances as admissible under the rules.

He will be on probation for one year

By Order
D. T. BHUTIA,
Under Secretary,
Establishment Department

NOTIFICATION

No. 280/(G)/Est.
Dated Gangtok, the 18th March, 1982.

The Governor is pleased to sanction creation of the following posts in the Forest Department for Fish & Wild Life Wing with immediate effect:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of post</th>
<th>No. of post</th>
<th>Scale</th>
<th>Budget Head</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Inspector of Fisheries</td>
<td>1</td>
<td>510-900</td>
<td>312-A-3(5)(1)-&quot;Conservation&quot;</td>
</tr>
<tr>
<td>2.</td>
<td>Sub-Inspector of Fisheries</td>
<td>2</td>
<td>410-700</td>
<td>-do-</td>
</tr>
<tr>
<td>3.</td>
<td>Fishery Guard</td>
<td>2</td>
<td>320-450</td>
<td>-do-</td>
</tr>
<tr>
<td>4.</td>
<td>Supervisor</td>
<td>2</td>
<td>410-700</td>
<td>312-3(4)(1)-Carp and cat fish seed production</td>
</tr>
<tr>
<td>5.</td>
<td>Chowkidar</td>
<td>4</td>
<td>300-380</td>
<td>-do-</td>
</tr>
<tr>
<td>6.</td>
<td>Peon</td>
<td>300-380</td>
<td>312-4-(1)-1Direct- tion &amp; Administra- tion&quot;</td>
<td></td>
</tr>
</tbody>
</table>
NOTIFICATION
No. 288(Gen)/Est.

Dated Gangtok, the 24th March, 1982

A Committee consisting of Chairman and Members/Member Secretary as follow is constituted with immediate effect:—

1. Chief Secretary — Chairman
2. Home Secretary — Member
3. Establishment Secretary — Member
4. Finance Secretary — Member
5. Inspector General of Police. — Member
6. Joint Secretary Establishment Dept. — Member

The terms of reference of the Committee be as hereunder:—
(a) What changes/improvements in the existing pay scales of Inspector and DS Ps of the Police Department consequent upon the upgradation of certain posts after 1.4.77 in other Departments are desirable.
(b) The date fr in which the changes recommended by the Committee shoul become effective.
(c) The Committee will sit at Gangtok and will make its recommendation as early as possible but not later than one month from the date of constitution of the Committee.

By Order
T CHHOPHEL,
Secretary, Establishment Department.

NOTIFICATION
No. 289(G)/Est.

Dated Gangtok, the 25th March, 1982.

The Governor is pleased to sanction the creation of 25 posts of Graduate Teachers in the scale of Rs.550-1100 for schools mentioned below w.e.f. 22.2.1982.

Jr. High School | No. of post
---|---
Darap | 1
Sweyam | 1
Damthang | 1
Melli Gumpa | 1
Paiyong | 1
Passingdang (W) | 2
Aritar(S) | 2
Mechong(E) | 2
Bhurikhop(W)| 2
Daramdin(W) | 2
Gerethang (W) | 2
Sakayong(W) | 2

High Schools

1. Hee Gyathang | 2
2. Jorethang | 2
3. Khamdong | 2

The expenditure on the above posts shall be debitable to Major Head 277A2(2)(1) Salaries-Govt. Higher Secondary and High School.

L. T. TONYOT,
Establishment Department,

NOTIFICATION
No. 290/HCS/ESTT.

Dated Gangtok, the 25th March, 1982.

The Governor is pleased to sanction the creation of cacti post of Primary Teachers in the scale of Rs. 380-580 for 50 Primary Schools of four Districts as under w.e.f. 22.2.82.

NORTH DISTRICT

1. Tsoteng (Chungthang) School
2. Bop School.

WEST DISTRICT

1. Toyong School
2. Hoorgon School
3. Birdang Kamling School
4. Taraybhir School
5. Bhuluhut (upper) School
6. Chumpong Khuti Dara”
7. Arithang School
8. Barmiok Daragoan School
NOTIFICATION

No. 291(G)/Est.
Dated Gangtok, the 25th March, 1982

The Governor is pleased to sanction the creation of ten posts of School Mother in the scale of Rs. 380-580 in the ten Schools of West and South Districts as under w.e.f.-22.2.82.

WEST DISTRICT

1. Gyalzing Jr. High School
2. Darap Jr. High School
3. Lower Bermiok Pry-School
4. Ribdi Primary School
5. Gangyap Primary School

SOUTH DISTRICT

1. Bikmat Junior High School
2. Piyong Junior High School
3. Sokpay Primary School
4. Phong Primary School
5. Sengmoo Primary School

The Expenditure on the above post shall be debitable to Major Head 277-Al(1) Salaries-Pre-Primary Schools.

L. T. TONYOT,
Joint Secretary,
Establishment Department.

NOTIFICATION

No. 292(G)/Est.
Dated Gangtok, the 25th March, 1982

The Governor is pleased to sanction creation of one post of Primary Teacher each for the following Government aided Schools w.e.f. 22.2.82:-

A. NORTH DISTRICT

1. Nadey Aided Primary School
2. Gaikhana Aided School

B. WEST DISTRICT

1. Phunchebong Aided Pry. School
2. Jaubari Aided Pry. School
3. Toyong Chingzong Aided Pry. School
4. Sapong Aided Pry. School
5. Thingling Aided Pry. School
6. Nasha (Burikhop) Aided School
7. Thinginggoan Aided School
8. Sankh Dentam Aided School
**NOTIFICATION**

No. 293(G)/Est.
Dated Gangtok, the 25th March, 1982.

The Governor is pleased to convert following 19 Independent Pre-primary Centres into Govt. Lower Primary Schools and sanction creation of each post of Primary Teacher in the scale of Rs. 380-580 for those schools w.e.f. 22.2.82.

**EAST DISTRICT**
1. Namrang Aided Pry. School
2. Thekabong Aided Pry. School
3. Sakyong Namthang Aided School
4. Tirkutarn Aided Pry. School
5. Samdur Aided Pry. School
6. Dungthang Aided Pry. School

The expenditure on the above posts shall be debitable to Major Head 277A1(1)(2)(1) Salaries Primary Schools.

**L. T. TONYOT.**
Joint Secretary,
Establishment Department.

**NOTIFICATION**

No. 294(G)/Est.
Dated Gangtok, the 25th March, 1982.

The Governor is pleased to take over and upgrade the following 10 Govt. Aided Lower Primary Schools as Govt. Class V Primary Schools and to sanction creation of two posts of Pry.-Teacher each for those upgraded schools in the scale of Rs. 380-580 w.e.f. 22.2.82.

**NORTH DISTRICT**
1. Tareng
2. Mangshila Aided Pry. School

**EAST DISTRICT**
1. Leek Aided Pry. School
2. Mangshila Aided Pry. School

**SOUTH DISTRICT**
1. Bhaisalgoan Aided Pry. School
2. Panchgharey Aided Pry. School
3. Berfong Aided Pry. School
4. Singchuthang Aided Pry. School

The expenditure on the above posts shall be debitable to Major Head 277A1
(1)(2)(1) Salaries Pry. Schools.

**L. T. TONYOT.**
Joint Secretary,
Establishment Department.

**NOTIFICATION**

No. 295(G)/Est.
Dated Gangtok, the 25th March, 1982.

The Governor is pleased to upgrade the following 4 Primary Schools to Junior High Schools w.e.f. 22.2.82:

**NORTH DISTRICT**
1. Manul Primary School
2. Adampul Aided Pry. School

**EAST DISTRICT**
1. Central Martam Aided Pry. School
2. Bhareng Aided Pry. School

**SOUTH DISTRICT**
1. Kitam Primary School

The expenditure on the above posts shall be debitable to Major Head 277A1
(1)(2)(1) Salaries Pry-Schools.
WEST DISTRICT

1. Khechuperi Primary School

Consequently following posts are created w.e.f. 22.2.82—

<table>
<thead>
<tr>
<th>Name of the post created</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Head Master (TGT)</td>
<td>4</td>
<td>Rs.550-1100</td>
</tr>
<tr>
<td>Trained Graduate Teacher</td>
<td>4</td>
<td>Rs.300-380 (-do-)</td>
</tr>
<tr>
<td>Cook</td>
<td>4</td>
<td>Rs.320-450 (-do-)</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head 277-A2 (2)(1)(1)-Salaries-Govt Jr. High Schools.

L.T. TONYOT, 
Joint Secretary 
Establishment Department

NOTIFICATION

No. 296(Gen)/Est. 
Dated Gangtok, the 25th March, 1982

The Governor is pleased to upgrade the following Junior High Schools to High Schools and to sanction creation of posts indicated hereunder w.e.f. 22.2.82:-

SOUTH DISTRICT | WEST DISTRICT
---|---
1. Lingi Junior High School | 1. Tharpu Junior Hifh School

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Name of the post</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Head Master</td>
<td>2</td>
<td>Rs.660-1400</td>
</tr>
<tr>
<td>2.</td>
<td>Trained Graduate Teacher</td>
<td>2</td>
<td>Rs.550-1100</td>
</tr>
<tr>
<td>3.</td>
<td>Graduate Level Language Teacher (Bhutia)</td>
<td>2</td>
<td>Rs.550-1100</td>
</tr>
<tr>
<td>4.</td>
<td>Graduate Level Language Teacher (Lepcha)</td>
<td>2</td>
<td>Rs.550-1100</td>
</tr>
<tr>
<td>5.</td>
<td>Graduate Level Language Teacher (Limboo)</td>
<td>2</td>
<td>Rs.550-1100</td>
</tr>
<tr>
<td>6.</td>
<td>Lower Division Clerk</td>
<td>2</td>
<td>Rs.380-550</td>
</tr>
<tr>
<td>7.</td>
<td>Labrotary Assiatant</td>
<td>2</td>
<td>Rs.400-600</td>
</tr>
<tr>
<td>8.</td>
<td>Librarian Clerk</td>
<td>2</td>
<td>Rs.380-550</td>
</tr>
<tr>
<td>9.</td>
<td>Cook</td>
<td>2</td>
<td>Rs.320-450</td>
</tr>
<tr>
<td>10.</td>
<td>Sweeper</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-A2 (2)(1)(1)-Salaries-Govt Jr. High Schools.

L.T. TONYOT, 
Joint Secretary 
Establishment Department

NOTIFICATION

No. 297(G)/Est. 
Dated Gangtok, the 25th March, 1982

The Governor is pleased to upgrade Chujachen High School to Hr. Secondary School and sanction creation of following posts w.e.f. 22.2.1982 :—

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Name of the post</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Principal</td>
<td>1</td>
<td>Rs.900-1800</td>
</tr>
<tr>
<td>2.</td>
<td>PGT (one each in English, Nepali, History, Geography, Economics &amp; Political Science)</td>
<td>6</td>
<td>Rs.660-1400</td>
</tr>
<tr>
<td>3.</td>
<td>Peon</td>
<td>1</td>
<td>Rs.300-380</td>
</tr>
<tr>
<td>4.</td>
<td>Cook</td>
<td>1</td>
<td>Rs.320-450</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head A2(2) (2)(1) Salaries-Govt. Hr. Sec. or High Schools.

Further 4 posts of Science Post Graduate Teacher (each in Physics, Chemistry Botany/Zoology and Mathematics) in the scale of Rs. 660-1400 are created in Soreng Higher Secondary School w.e.f.22.2.82 Expenditure on the posts shall be debitable to Major head 277-A2(2)(1)-Salaries Govt. Higher Secondary and High School.

L.T. TONYOT, 
Joint Secretary, 
Establishment Department.

AMENDMENT TO SIKKIM GOVT SERVICE (REVISED PAY) RULES,78.

Read "Sheep Shearing Supervisor" for "Sheep Supervisor" appearing at Serial Number 6 under TECHNICAL (Non-gazetted) of the Schedule 4, relating to the Animal Husbandry Department of Sikkim Govt Services (Revised Pay) Rules, 78.

By Order

L. T. TONYOT, 
Joint Secretary, 
Establishment Department.

CORRIGENDUM TO NOTIFICATION.
NO. 202/GEN/EST. DATED 23.11.81

Read "Rs. 510-900" for "450-800" as the scale of the post of Supervisor, Branch

D.K. PRADHAN
Deputy Secretary, Establishment Department.

LOCAL SELF GOVERNMENT & HOUSING DEPARTMENT

Notification No 19(32) 1/LSGHD

Dated Gangtok, the 9th March, 1982.

In exercise of the powers conferred by clause 49F of the Gangtok Municipal Corporation (Amendment) ordinance 1981, the State Government hereby Constitutes the Gangtok Municipal Corporation Tribunal with the following members:—

1. Shri G.P. Roy
   District and Sessions Judge, Gangtok .. President.

2. Shri P.Jethwani,
   Joint Secretary, Law Department,
   Government of Sikkim, .. Member

3. Shri A.P. Subba,
   Civil Judge cum Judicial Magistrate,
   Gangtok. .. Member.

The members shall get an honorarium of Rs.300/- (Rupees Three Hundred) per month from the date of their first sitting.

T.P. SHARMA,
Secretary,
Local Self Govt. & Housing Department.
PART VII

Advertisements and Notices etc. by Government Department

DEPARTMENT OF INFORMATION AND PUBLIC RELATIONS
GOVERNMENT OF SIKKKIM GANGTOK

NOTIFICATION

No.9064/IPR/81-82 Dated Gangtok, the 25th March 1982

The Government of Sikkim has been pleased to fix the advertisement tariff for the local newspapers as under:

1. Per column centimetre Rs.7/-
2. Full page (32 cm X 4 standard columns) - Rs. 700/-

The above tariff will come into effect from 1 April 1982.

BY ORDER

K. C. PRADHAN
Secretary.
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<th>Page</th>
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<td>22-25</td>
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<tr>
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<td>26-27</td>
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<td>V—Nil</td>
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</tr>
<tr>
<td>VI—Nil</td>
<td></td>
</tr>
<tr>
<td>VI I—Nil</td>
<td></td>
</tr>
<tr>
<td>VIII---Nil</td>
<td></td>
</tr>
<tr>
<td>IX—(i) Nil</td>
<td></td>
</tr>
<tr>
<td>X—(ii) Nil</td>
<td></td>
</tr>
</tbody>
</table>
PART II

Notifications regarding appointments, postings, transfers leave etc.

RAJ BHAVAN, GANGTOK
No. SKM/GOV/5/9/’82
Dated Gangtok, the 29th April, 1932.

The Governor of Sikkim has been pleased to sanction twenty days leave on full allowances to Shri Justice Man Mohan Singh Gujral, Chief Justice of the High Court of Sikkim, with effect from 10th May, 1982 to 29th May, 1982 both days inclusive, with permission to suffix the High Court holidays from 30th May to 13th June, 1982.

SONAM WANGDI,
Secretary to the Governor of Sikkim,

HIGH COURT OF SIKKIM
NOTIFICATION
No. 4/HCS ESTT.
Dated Gangtok, the 20th April, 1982.

In supersession of this Court’s Notification No. 143/HCS/ESTT, dated the 7th December, 1981 Hon’ble the Chief Justice has been pleased to create the following posts on permanent basis, for the Court of Additional District and Sessions Judge, Gangtok, in the scales shown against them:-

<table>
<thead>
<tr>
<th>Sl. No</th>
<th>Name of post</th>
<th>Number</th>
<th>Pay scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Peshkar</td>
<td>1(one)</td>
<td>Rs. 400-12-600-Eb-15 750-Eb-20-850.</td>
</tr>
<tr>
<td>2.</td>
<td>Stenographer (Grade III)</td>
<td>1(one)</td>
<td>Rs. 450-12-570-Eb-15-720-Eb-20-800.</td>
</tr>
<tr>
<td>3.</td>
<td>Ahlmad (in the grade of L D A.)</td>
<td>1(one)</td>
<td>Rs. 380-7-450-eb-8-530-Eb-10-5550.</td>
</tr>
<tr>
<td>5.</td>
<td>Head Peon</td>
<td>1(one)</td>
<td>Rs. 320-5-390-6-450.</td>
</tr>
<tr>
<td>6.</td>
<td>Peon</td>
<td>1(one)</td>
<td>Rs. 300-4-340-5-380.</td>
</tr>
<tr>
<td>7.</td>
<td>Sweeper-cum Chowkidar</td>
<td>1(one)</td>
<td>Rs. 300-4-340-5-380.</td>
</tr>
</tbody>
</table>

G. K. KHANNA,
Deputy Registrar

NOTIFICATION
No. 7/HCS/ESTT.
Date Gangtok, the 29th April, 15

The deputation period of Shree G.K. Khanna, Assistant Registrar cum-Reader of this Court, is hereby extended from 1-4-82 to 13-7-82.

By Order
S.N. KAPOOR
Registrar.

ESTABLISHMENT DEPARTMENT
OFFICE ORDER
No. 8(G)/Est.
Dated Gangtok, the 1st April, 1982.

With the concurrence of the Govt. of India as conveyed vide Ministry of Home Affairs telex message No. 14017/3/78-AIS (11) of 8.1.82, the term of deputation in respect of Shri R. Narayanan, I.A.S. Development Commissioner, Planning and Development Department with the Govt. of Sikkim is extended for a further period of one year w.e.f. 1.2.82 to 31.1.83 on the existing terms and conditions of deputation.

By Order
L. B. RAI,
Deputy Secretary
Establishment Department

OFFICE ORDER
No. 56 (G)/Est.
Dated Gangtok, the 17th April, 1982.

The Governor is pleased to appoint with the concurrence of the High Court of Sikkim Shri Sonam Wangdi Lepcha, Assistant Registrar (Rules) in the High Court of Sikkim presently on deputation as Civil Judge-cum-Judicial Magistrate, Gyalzing as from 4-3-82, duly allowing the increment falling due on 1-9-81 His next date of increment falls on 1-9-82.

G. K. KHANNA,
Deputy Registrar
Civil Judge -cum-Judicial Magistrate, Gyalshing, on regular basis w.e.f. 29.4.81 i.e. the of his selection for the post. Accordingly, his term of deputation is deemed to leave terminated from the same date.

His appointment as Civil, Judge-cum-Judicial Magistrate w.e.f. 29.4.81 is subject to the following conditions:
(i) he shall submit a fresh medical certificate of fitness and also take a fresh oath of allegiance as required under the Rules,
(ii) he shall be deemed to be on probation for a period of two years w.e.f. 29.4.81.

The period of service rendered by him an the High Court w.e.f. 14.4.80 to 2.8.81 shall be counted for the purpose of pension, gratuity and protection of pay but shall not account for the purpose of seniority in his present posts.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

NOTIFICATION
No. 11(G)/Est.
Dated Gangtok, the 19th April, 1982.

The Governor is pleased to create a Technical Cell under the Land Use supplementation Committee and to transfer the following officers of Agriculture Department to the forementioned cell against the posts indicating against each w.e.f. the dates they assume charge of the respective posts:-

1. Shri H.R. Pradhan, Joint Director
2. Shri Praduman Singh, R.P.O expert
3. Shri Yuva Kumar, Pradhan, Soil Recrimination Officer
4. Shri M.V. Alexander, Overseer

Further the following sanctioned posts under soil Survey Organisation are also transferred forthwith from the Agriculture Department to the Technical Cell under the Land Use Implementation Committee:-

<table>
<thead>
<tr>
<th>Name of post:</th>
<th>No of post</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Assistant Soil Survey Officer</td>
<td>1</td>
</tr>
</tbody>
</table>

(2) Senior Soil Surveyor 4
(3) Statistician-cum Compilor 1
(4) Research Assistant 1
(5) Field Assistants 4
(6) Draughtman 1
(7) Tracer 1
(8) U.D.C. 1
(9) Peon 1
(10) Drivers 5

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 69 (G)/Est.
Dated Gangtok, the 22nd April, 1982.

The following intra-departmental transfers and postings of Assistant Conservators of Forest are made in the Forest Department to take effect from the dates of assuming charge of their respective posts:—

Transferred to and posted as

1. Shri Glor Tshering A.C.F. Soil conservation (East) vice Shri BB. Lama.
2. Shri B.B. Lama A.C.F. Territorial (West).
10. Shri Topdhan Rai  A.C.F. Terri-
A.C.F. H.Q. torial (East).

By Order

L.B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 77(G)/Est.
Dated Gangtok, the 22nd April, 1982.

The unavailed portion of Earned Leave
for 3 days w.e.f.31.1.82 to 2.2.82 and 10
days from 10.3.82 to 19.3.82 against 61
days sanctioned to Shri Karma Tobden
Secretary to the Hon'ble Chief Minister
and Secretary Tourism Department vide
Office Order No. 1025/G/Est. of 25.1.82,
owing to his recall to duty in both occa-
sions are hereby cancelled.

By Order

D.T. BHUTIA,
Under Secretary,
Establishment Department

NOTIFICATION
Dated Gangtok, the 27th April, 1982.

The Governor is pleased to redesignate
the existing vacant post of Statistical Officer
in Animal Husbandry Department as Stats-
tistical Superintendent in the scale of Rs. 550-
20-750Eb-25-950-Eb-30-1100 with imme-
diate effect.

L. T. TONYOT,
Joint Secretary,
Establishment Department.

NOTIFICATION
No. 19(G)/Est.
Dated Gangtok, the 29th April, 1982.

Consequent upon the completion of
field survey works conducted by the Direc-
torate of Survey & Settlement the State
Government have decided to abolish the
following posts w.e.f. 1.5.1982.

1. Inspector  7
NOTIFICATION
No. 1235(G)/Est.

Dated Gangtok, the 31st March, 1982.

The "Degree College" and "Law College" at Gangtok shall henceforth be known as "Government College" and Government Law College" respectively. Consequently, they are placed under the administrative and financial control of the Education Department, Government of Sikkim, as "educational institutions" specified under serial no. 13 of Second Schedule rule 3 of the Govt. of Sikkim (Allocation Business) Rules, 1975.

By Order,

T. CHHOPHEL,
Secretary,
Establishment Department.

FINANCE DEPARTMENT

NOTIFICATION
No.1/Fin.

Dated Gangtok, the 8th April, 1982.

The following Officers who are holding the posts of Accounts Officer are deemed to have been appointed and absorbed in the Sikkim Finance & Accounts Service with effect from the dates indicated against their name :-

<table>
<thead>
<tr>
<th>Name</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shri R.B. Subba</td>
<td>1.7.1978</td>
</tr>
<tr>
<td>&quot; Tashi Sada</td>
<td>20.7.1978</td>
</tr>
<tr>
<td>&quot; T.P. Koirala</td>
<td>1.12.1978</td>
</tr>
<tr>
<td>R.B. Pradhan</td>
<td>1.2.1979</td>
</tr>
</tbody>
</table>

5. " D.P. Rai      | 1.2.1979 |
6. " Gopal Prasad Sharma | 6.7.1979 |
8. " Loden Tsering  | 22.11.1979|
10. " Lalit Kumar Chhetri | 10.1.1980|
11. " Santi Kumar Sharma | 1.8.1980 |
12. " Tashi Tamang, | 1.8.1980 |

By Order and in the name of the Governor.

K. SHERAB,
Secretary,
Finance Department

MOTOR VEHICLES DEPARTMENT

GANGTOK
NOTIFICATION
No 1/MV

Dated Gangtok, the 15th April, 1982.

The Notification of the Government of Sikkim in the Motor Vehicles Department No.1/MV, dated the 1st March 1982, is hereby rescinded.

T. P. SHARMA,
Secretary,
Sikkim Transport Authority.
In exercise of the powers conferred by section 544 of the Code of Criminal Procedure, 1898 (V of 1898) and in supersession of all Notifications on the subject, the Government of Sikkim hereby makes the following rules for the payment, on the part of the State Government of the reasonable expenses of the complainants and witnesses attending any Criminal Court in the State for the purposes of any inquiry, trial or other proceedings before such Court under the said Code namely:

1. Short title and extent:— (a) These rules may be called the Sikkim Payment by Government of Expenses of complainants and Witnesses (Attending Criminal Courts) Rules, 1981. (b) They extend to the whole of Sikkim.

2. Definitions:—In these Rules, unless the context otherwise requires,
   (a) "Code" means the Code of Criminal Procedure, 1898 (V of 1898);
   (b) "Witness" means a person required to attend a Criminal Court on behalf of the State for giving evidence in any inquiry, trial or other proceedings before such Court under the Code, and includes a Complainant attending such Court for any of the said purposes.

3. Authority and conditions for payment of expenses, to Witnesses:— (1) Payment, on the part of the State Government, of the reasonable expense of witnesses as provided in these rules may be ordered—
   (a) by the High Court or a Court of Sessions in any case which comes before such Court;
   (b) by a Magistrate
   (2) The Court may refuse the payment of such expenses,
   (a) to any complainant whose complaint has been declared to be false or frivolous;
   (b) to any witness whose evidence the court does not consider to be substantially true; or
   (c) to any complainant or witness who without sufficient cause remains absent on any day fixed for the hearing and whose presence is secured by the issue of any coercive process.

4. The Diet and Travelling Allowance: -
   (i) There shall be paid a diet allowance varying according to the circumstances, but if exceeding the average daily wage of the class to which the witness belongs subject to the following maximum:—
      Witness of Class I Rs. 15 per day
      Witness of Class II Rs. 10 per day

Explanation:—
(a) Witnesses of Class I include persons having an annual income of Rs. 6,000/- or more;
(b) Witnesses of Class II include persons having an annual income of less than Rs. 6,000/-
(ii) Diet Allowance may be paid to the witnesses only for the days of Court attendance and for the minimum period required preliminary to such attendance and immediately thereafter.
(iii) Subject to rule 5, Travelling Allowance will be paid at the discretion of the Court and at the following rates, only if the witness had to travel five kilo meters or more in order to attend the Court and had spent for the journey:—

(a) When the journey is by road— Witness of Class I
    Witness of Class II Actual bus fare
(b) When the journey is by railway—
    Witness of Class I 1st Class fare
    Witness of Class II 2nd Class fare

(iv) Diet Allowance shall ordinarily be paid only to such witnesses who have had to travel more than five kilometers in order to attend the Court to give evidence.

(v) Notwithstanding anything contained in sub rules (iii) and (iv) the Court may, in appropriate cases, for reasons to be recorded, order payment of travelling allowance at the rate of 50 paise per K.M. for journey on foot and such Diet Allowances as it may consider reasonable when the distance to be travelled by the witness is on foot within five kilometers of the Court-house and when the journey is performed partly by bus and partly on foot for more than five kilometers.

(vi) Diet Allowance may, at the discretion of the Presiding Officer of the Court be paid also to an escort of a Witness or Witnesses, who, by reason of tender age or bodily infirmity, is/are unable to travel alone in order to attend the Court, if the escort himself is not required to attend the Court as a Witness.

5. Payment of daily allowance and Travelling Allowance to Government servants in a case in which Government is not a party: - When a Government servant appears to give evidence in a case to which the State Government is not a party, the Government servant giving evidence regarding the facts of which he has official knowledge will be paid daily and travelling allowances according to the rules under which the Government servant draws such allowances for a journey on tour.

J.T. Densapa,
Home Secretary,
Government of Sikkim.
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<td>II—Notifications regarding appointments, postings, transfers leave etc.</td>
<td>30-34</td>
</tr>
<tr>
<td>III—Nil</td>
<td></td>
</tr>
<tr>
<td>IV—Nil</td>
<td></td>
</tr>
<tr>
<td>V—Nil</td>
<td></td>
</tr>
<tr>
<td>VI—Nil</td>
<td></td>
</tr>
<tr>
<td>VII—Nil</td>
<td></td>
</tr>
<tr>
<td>VIII—Nil</td>
<td></td>
</tr>
<tr>
<td>IX-(i) Nil</td>
<td></td>
</tr>
<tr>
<td>X-(ii) Nil</td>
<td></td>
</tr>
</tbody>
</table>
Notices regarding appointments, postings, transfers leave etc,

HIGH COURT OF SIKKIM

NOTIFICATION

No. 10/HCS/ESTT.

Dated Gangtok, the 10th May, 1982.

Hon'ble the Chief Justice has been pleased to extend the following temporary posts of this court, in the pay scales shown against them from 1.6.82 to 28.2.1983

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of post</th>
<th>Number</th>
<th>Pay Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Head Assistant</td>
<td>l(one)</td>
<td>Rs. 450-12-570-Eb-15-720-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eb-20-800.</td>
</tr>
<tr>
<td>2.</td>
<td>Accountant</td>
<td>l(one)</td>
<td>Rs. 450-12-570-Eb-15-720-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eb-20-800.</td>
</tr>
<tr>
<td>3.</td>
<td>Judgement Writer</td>
<td>l(one)</td>
<td>Rs. 450-12-570-Eb-15-720-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eb-20-800.</td>
</tr>
<tr>
<td>4.</td>
<td>Stenographer</td>
<td>l(one)</td>
<td>Rs. 450-12-570-Eb-15-720-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eb-20-800.</td>
</tr>
<tr>
<td>5.</td>
<td>Assistant Librarian</td>
<td>l(one)</td>
<td>Rs. 410-10-580-12-700.</td>
</tr>
<tr>
<td>6.</td>
<td>L.D.A. (Rules)</td>
<td>l(one)</td>
<td>Rs. 380-7-450-8-530-Eb-10-550</td>
</tr>
<tr>
<td>7.</td>
<td>L.D.A. (Leave Reserve)</td>
<td>l(one)</td>
<td>Rs. 380-7-450-8-530-Eb-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>10-550.</td>
</tr>
<tr>
<td>8.</td>
<td>Peon</td>
<td>l(one)</td>
<td>Rs. 300-4-340-5-380.</td>
</tr>
</tbody>
</table>

G. K. KHANNA,
Deputy Registrar.

NOTIFICATION

No.4 (41)1979-80/Confld/HCS/13

Date Gangtok, the 19th May, 1982.

In exercise of the powers conferred by Sub-Section 2 of Section 12 A of the Essential Commodities (Special Provisions) Act 1981, the High Court appoints Shri T. Dorjee, Additional District & Session Judge, Gangtok as the Judge of the Special Court constituted vide Government Notification No. 2/FCS dated 13.5.82.

G. K. KHANNA,
Deputy Registrar.

NOTIFICATION

No. 14/HCS/ESTT.

Dated Gangtok, the 20th May, 1982.

Hon'ble the Acting Chief Justice has been pleased to create the following temporary posts in the newly created Court of Civil Judge-cum-Judicial Magistrate, Gangtok, in the pay scales shown against them till 28.2.1983

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of post</th>
<th>Number</th>
<th>Pay Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Peshkar</td>
<td>l(one)</td>
<td>Rs. 410-10-580-Eb-12-700.</td>
</tr>
<tr>
<td>2.</td>
<td>Stenographer</td>
<td>l(one)</td>
<td>Rs. 450-12-570-Eb-15-720-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Eb-20-800.</td>
</tr>
<tr>
<td>3.</td>
<td>L.D.A.</td>
<td>l(one)</td>
<td>Rs. 380-7-450-Eb-8-530-Eb-10-550</td>
</tr>
<tr>
<td>4.</td>
<td>Peon</td>
<td>l(one)</td>
<td>Rs. 300-4-340-5-380.</td>
</tr>
</tbody>
</table>

G. K. KHANNA,
Deputy Registrar.

NOTIFICATION

No. 18/HCS.

Dated Gangtok, the 29th May, 1982

It is hereby notified for general information that the office of the High Court of Sikkim will remain open during the Monsoon Break from 4th June, 1982 to 11th June, 1982 and timing will be from 10 A.M. to 2 P.M.

G. K. KHANNA,
Deputy Registrar.

NOTIFICATION

No. 47(HCS)/Estt.

Dated Gangtok, the 4th May, 1982

Hon'ble the Chief Justice has been pleased to create a post of Registrar, on the High Court Establishment, in the scale on Rs. 340-6-388-7-500 with immediate effect till 28.2.1983.

G. K. KHANNA,
Deputy Registrar

NOTIFICATION

No.63/l/82-Jus

Government of India
Ministry of Law,
Justice and Company Affairs
(Department of Justice)
New Delhi, the 10th May, 1982

In exercise of the powers conferred by Article 223 of the Constitution of India,
the President is pleased to appoint Shri Justice Anandamoy Bhattacharjee, a Judge of the Sikkim High Court to perform, during the absence on leave, with suffixed High Court Holidays, of Shri Justice Man Mohan Singh Gujral, Chief Justice of the Sikkim High Court, the duties of the Chief Justice of the High Court with effect from 10th May, 1982 to 13th June, 1982.

S. K. SHARMA
Deputy Secretary to the Government of India.

HOME DEPARTMENT

NOTIFICATION
No. 6(26) Home/82/40
Dated Gangtok, the 6th May, 1982.

In exercise of the powers conferred by section 10 of the Criminal Procedure Code, 1898 (V of 1898), the Government of Sikkim hereby vests Shri T.P. Dorji Deputy Collector-cum-Magistrate (East) with the power of a Magistrate of the first class and appoints him as District Magistrate (East) during the absence on leave of Shri Tashi Topden the District Magistrate (East) with effect from 5th May, 1982. He is also authorised to dispose of the routine works of the District Collector (East) during this period.

J.T. DENSAPA,
Home Secretary
Government of Sikkim

ESTABLISHMENT DEPARTMENT

NOTIFICATION
No.31(G)/Est.
Dated Gangtok, the 10th May 1982

The Governor is pleased to sanction creation of one post of Dental Assistant under School Health Programme under Health & Family Welfare Department in the Scale of Rs. 410-700 with immediate effect:-

The expenditure on the above post shall be debitable to Major Head-‘282-C-1(2) Health Education and Publicity (Plan).

DAWA SAMDUP
Under Secretary
Establishment Department

NOTIFICATION
No. 137/(G)/Est.
Dated Gangtok, the 11th May, 1982.

Consequent on the declaration of "Degree College" and "Law College" as "Government College" and Government Law College" respectively vide this Department Notification No. 1235/Gen/Est. of 31.3.82, the Lecturers of both the Colleges are hereby declared as class II Gazetted Officers.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER
No. 144(G)/Est.
Dated Gangtok, the 12th May 1982.

Leave for 60 days applied for by Shri B.R. Pradhan, Secretary, Law Department is hereby sanctioned subject to title report
on production of Medical Certificate w. e. f. the date he avails of the same.

During his absence on Leave, Shri P. K. Pradhan, Secretary, Rural Development Department will look after the additional duties of the Secretary, Law Department.

By Order

D. T. BHUTIA,
Under Secretary,
Establishment Department.

NOTIFICATION

No. 38 (G) Est.

Dated Gangtok, the 14th May, 1982.

The Governor is pleased to sanction Sikkim Legislative Assembly with immediate effect:-

Sl. Name of No. of post Scale
No. post created created
1. Nepali Trans later 1 Rs. 510-900
2. Proof Reader 1 Rs. 480-850

The expenditure on the above posts shall be debitable to Major Head 211 ‘A’ 2 (1)- Salaries.

DWA SAMDUP,
Under Secretary,
Establishment Department.

OFFICE ORDER

No. 154 (G)/ Est.
Dated Gangtok, the 15th May, 1982.

The Governor is pleased to order the following transfers and promotions with immediate effect:-

Name and Designation :-
1. Shri M.B. Rachel Account Officer, Land Revenue Department

Account Officer Police Department vice Shri D.P. Chettri since promoted and transferred as Dy. Chief Pay & Accounts Officer, Gyalzing

2. Shri S.A.T. Simick. Accounts Officer, Education Department & Civil Supplies Department against the existing vacancy.

Account Officer, Food & Public Works Department, vice Shri Buddhathsering Tamang, since transferred to Pay & Accounts Officer, Namchi.

3. Shri Bedu Sigh Pant. Senior Accountant, Forest Department.

Account Officer in Forest Dept. vice Shri Buddha Tsishing Tamang, since transferred to Pay & Accounts Officer, Namchi.

4. Shri Mahadev Prasad Subedi (Sharma), Audit Superintendent Pay & Accounts Office.

Account Officer, Land Revenue Department vice Sl. No. 2 above.

5. Smt. Sanu Subba Senior Account Police Dept.

Account Officer, Land Revenue Department vice 1 above.

6. Shri Jeoland Christopher, Senior Accountant, Sikkim Public Works Department.

Account Officer, Vigilance Department against the existing vacancy.

7. Shri Lobzang Lepcha Senior Account, Finance Department.

Account Officer S.T.C.S.

8. Shri Deo Kumar Kharka, Accountant, Power Department.

Admit Superintendent, Pay & Accounts Office, vice Sl. No. 4 above

9. Shri Bhim Prasad Subba, Accountant, Sikkim Nationalised Transport Department.

Senior Accountant in Police Department vice Sl. No. 5 above.

10. Shri Ganesh Rai, Accountant Sikkim Public Works Department.

Senior Account in Forest Department vice Sl. No. 3 above.


Senior Accountant in Finance Department Sl. No. 7 above.

The Promotees will be on probation for one year in the first instance.

L.T. TONYOT
Joint Secretary,
Establishment Department.

OFFICE ORDER

No. 157(G)/ Est.
Dated Gangtok, the 17th May, 1982.

Dr. M. M. John the formerly Principal of Tashi Namgyal Academy, is hereby temporarily posted as Officer-on-Special Duty in the Education Department w.e.f. 1.4.82 i.e. the date of his joining.

He will continue to draw the basic pay of Rs. 790/-pm. plus other allowances as admissible under the rules but shall not draw the T.N.A. allowance of Rs. 600/-p.m. from the above date.

His service will continue to be governed by the terms and conditions of contract as laid down in this Department Notification No.250/Gen/Est. dated 4.2.81 as amendment from time to time.

By Order

L.B. RAI
Deputy Secretary, Establishment Department.

OFFICE ORDER

No. 162(Gen)/ Est.
Dated Gangtok, the 19th May, 1982.

With the concurrence of the Government of India, as conveyed vide Ministry
of Home Affairs letter No.12012/2/82-SKM of 27.4.82 the term of deputation in respect of Shri R.L. Kapoor, Budget Officer Finance Department, having expired on the afternoon of 19.10.81, is extended for a further period of one year w.e.f. 20.10.81 to 19.10.92 without Compensatory Allowance beyond 25.3.81.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

NOTIFICATION

No. 175(G)/Est.
Dated Gangtok, the 24th May, 1982.

Pursuance to the Ministry of Home Affairs Government of India, Department of Personnel & Administrative Reforms, Notification No.11031/30/81-AIS-II-A of 15.4.1982, the post of Development Commissioner, Planning & Development, Department is hereby redesignated as Development Commissioner-cum-Secretary Planning with immediate effect.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER

No. 190(G)/Est.
Dated Gangtok, the 26th May, 1982.

On his relief from the posts of ADC to the Governor of Sikkim w.e.f. 28.5.82 (AN) Shri Jesbir Singh, IPS, is posted as SDPO, Namchi, with effect from the date he joins the post vice Shri CM. Raviндran, IPS, since on deputation with the Government of India.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department.

FINANCE DEPARTMENT
NOTIFICATION

No. 2/Fin
Dated Gangtok, the 31st May, 1982
The Sikkim Legislative Assembly having voted without reduction, Supplementary demands for grants for the year 1981-82 and demands for grants for 1982-83 as presented to it on 17th March, 1982 and further the State Assembly having passed both the Sikkim Appropriation Bills 1982 which were assented to by the Governor of Sikkim. The Estimates included in the First Supplementary Demands for grants for 1981-82 and Demands for Grants and Appropriation for the year 1982-83 as laid before the Legislative Assembly will be treated as Final estimates of the year and are placed at the disposal of the controlling officer of the Grant concerned. The budget allotments of various officers under the administrative control of a controlling officer shall be communicated by him to the officer concerned.

K. SHERAB
Secretary
Finance Department.

OFFICE ORDER

No. 21/Fin
Dated Gangtok, the 3rd May, 1982.

Mr. T.R. Sharma, Conservator of Forest (W. L.) Forests Department, Government of Sikkim, is hereby declared as Head of Office with immediate effect.

By Order

D. NIODUP
Chief Accounts Officer,
Finance,
Government of Sikkim.

OFFICE ORDER

No. 44/Fin
Dated Gangtok, the 15th May, 1982
Shri Sarat Kumar Gurung, Deputy Director of Agriculture, South, Namchi is hereby declared as Head of Office as well as Drawing and Disbursing Officer with immediate effect.

D. NIODUP,
Chief Accounts Officer,
Finance,
Government of Sikkim.
OFFICE ORDER

No. 55/Fin.
Dated Gangtok, the 19th May, 1982.

Shri P.J. Francis, Assistant Engineer, Irrigation Department Government of Sikkim, is hereby declared as Head of Office as well as Drawing and Disbursing Officer for South District with immediate effect.

By Order

D. NIODUP
Chief Accounts Officer, Finance.
Government of Sikkim.

OFFICE ORDER

No. 77/Fin.
Dated Gangtok, the 28th May, 1982.

Shri Norden Tsering Lepcha, Accounts Officer, Utilisation and Soil Conservation Circle Forests Department, Government of Sikkim, is hereby declared as Drawing and Disbursing Officer for Soil Conservation Circle, Forests Department, with immediate effect.

By Order

D. NIODUP,
Chief Accounts Officer, Finance,
Government of Sikkim.

ANIMAL HUSBANDRY

DEPARTMENT
NOTIFICATION

No.69/AH.
Dated Gangtok, the 10th May 1982

The Governor of Sikkim is pleased to direct that with a view to check the spread of foot and mouth, rinderpest and other communicable animal diseases, entry of diseased animals from outside into the State of Sikkim is prohibited with effect from the date of publication of this notification in Official Gazette.

All animals being brought in the State of Sikkim are required to be reported at a Livestock Check Post-cum-Quarantine Station established at Rangpo for thorough examination and vaccination. Only those animals which are certified to be fit would be permitted to move further under valid certificate of fitness issued by the Office in Charge, Rangpo Livestock Check Post cum-Quarantine Station.

By Order

K.C.PRADHAN
Secretary to the Government of Sikkim
Department of Animal Husbandry,
Government of Sikkim.
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<th>CONTENTS</th>
<th>PAGE</th>
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<td></td>
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<td>— Nil</td>
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<td>V</td>
<td>— Nil</td>
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<td>VI</td>
<td>— Nil</td>
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<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. 19/HCS/ESTT.
Dated Gangtok, the 19th June, 1982.

In view of the posting orders of Shri S.N.Kapoor temporary Additional District & Sessions Judge at Delhi received from Delhi High Court vide Order No. 30/GAR/VI.K.2(a)(82) dated 25th May, 1982, Mr. Kapoor is allowed to hand over charge in of 17th June, 1982 to enable him to take over as Additional District for & Sessions Judge, Delhi.

G. K. KHANNA,
Deputy Registrar.

HOME DEPARTMENT
NOTIFICATION
No. 2 (3)Home/82/2264
Dated Gangtok, the 18th June, 1982.

The Government of Sikkim is pleased to decide that the honorarium fee payable to a Government servant nominated by the State Government on the Board of Directors of any Government undertaking/autonomous organisation, for attending the meetings of the Board, shall not exceed Rs.100/- per meeting.

M. P. PRADHAN,
Chief Secretary,
Government of Sikkim.

ESTABLISHMENT DEPARTMENT
OFFICE ORDER
No. 53 (G)/Est.
Dated Gangtok the 1st June 1982

Special Allowance Rs. 40/- p.m. is hereby sanctioned for the post of Driver attached to the Hon'ble Deputy Speaker, Sikkim Legislative Assembly Secretariat, w.e.f.1.4.82 and the same is included in Appendix V of Sikkim Government Services (Revised Rules, 78 from the above date.

By Order
DAWA SAMDUP,
Under Secretary,
Establishment Department.
NOTIFICATION

No.57(G)/Est.
Dated Gangtok, the 4th June, 1982.

The Governor is pleased to abolish the following vacant posts in Planning and Development Department with immediate effect:-

<table>
<thead>
<tr>
<th>Name of the post</th>
<th>No. of post abolished</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planing Officer</td>
<td>1</td>
</tr>
<tr>
<td>Stenographer</td>
<td>1</td>
</tr>
<tr>
<td>Typist</td>
<td>1</td>
</tr>
</tbody>
</table>

L. T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER

No. 235 (G)/Est.
Dated Gangtok, the 5th June, 1982.

Smt. Sunu Pradhan, Deputy Director, Social Welfare who was on long leave since 5.2.79 is allowed to rejoin duty in the same post w.e.f 32 1982

Consequently, Shri G.K. Subba, Deputy Director, Social Welfare under the Rural Development Department, is transferred to the ST and SC Welfare Department as Deputy Secretary with immediate effect. Shri T. Densapa, Deputy Secretary, shall function exclusively as Deputy Secretary, Culture Department after handing over charge to Shri Subba.

By Order

T. CHHOPHEL,
Secretary,
Establishment Department.

NOTIFICATION

No.61(G)/Est.
Dated Gangtok, the 9th June, 1982

With a view to organising the Bureau of Economics & Statistics under Planning and Development Department the Governor is pleased to create following new posts with immediate effect:—

<table>
<thead>
<tr>
<th>Post</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statistical Officer</td>
<td>Rs. 660-1400</td>
</tr>
<tr>
<td>Accountant</td>
<td>Rs. 450-800</td>
</tr>
<tr>
<td>Gestetner Operator</td>
<td>Rs. 340-500</td>
</tr>
</tbody>
</table>

Further, the following posts created vide Notification No. 9/Gen/Est. dated 26.61978 under Bureau of Economics & Statistics are hereby abolished with immediate effect:

<table>
<thead>
<tr>
<th>Post</th>
<th>Salary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Superintendent</td>
<td>1 post</td>
</tr>
<tr>
<td>Technical Assistant</td>
<td>2 posts</td>
</tr>
<tr>
<td>Investigator</td>
<td>7 posts</td>
</tr>
<tr>
<td>Peon</td>
<td>3 posts</td>
</tr>
</tbody>
</table>

L.T. TONYOT
Joint Secretary,
Establishment Department.
NOTIFICATION

No. 68 (Gen) /Est.
Dated Gangtok, the 16th June, 1982.

The Governor is pleased to sanction creation of 2 posts of Instructor in the scale of Rs. 410-700 for Branch Institute at Lachen, North Sikkim under G.I.C.I. with immediate effect.

The expenditure on the posts shall be debitable to Major head 321A1(1) (5) (1) Salaries (Plan)

By Order

DAWA SAMDUP,
Under Secretary,
Establishment Department.

OFFICE ORDER

No. 303(G)/Est.
Dated Gangtok, the 16th June, 1982.

Shri S.P. Bakshi is hereby appointed as O.S.D. Finance Commission Cell in the Finance Department in the rank of Joint Secretary on contract basis for a period of two years w.e.f. the date he assumes charge of the post.

He will draw a consolidated pay of Rs.2000/-p.m. (without allowances) with free accommodation.

Further, he is allowed to draw journey expenses from his home to Gangtok at the same rate as is admissible to a Class I Officer for journey undertaken for joining the post as well as on his return on termination /expiry of contract.

His other terms of appointment shall be regulated in accordance with this Department Notification No. 250/Gen/Est. of 4.2.81.

By Order.

L. B. RAI
Deputy Secretary
Establishment Department.

OFFICE ORDER

No. 309(Gen)/Est.
Dated Gangtok, the 18th June, 1982.

With the concurrence of the Government of India as conveyed vide Ministry of Home Affairs letter No. 12012/9/82-S.K.M. of 27.5.1982, the term of deputation in respect of Shri MR. Sood, Deputy Director, Bureau of Economics & Statistics of the Planning & Development Department having expired on the afternoon of 30.11.81 is hereby extended for further period of one year w.e.f. 1.12.81 to 30.11.1982 with continued payment of composite compensatory allowance, and on the existing terms and conditions.

By Order

L.B. RAI,
Deputy Secretary,
Establishment Department.

NOTIFICATION

No. 72(G)/Est.
Dated Gangtok the 22nd June 1982

The Governor is pleased to sanction creation of 3 posts of Accountant each in the scale of Rs.450-800 for the Office of the District Collectors at Namchi, Gangtok and Gyalzing under the Land Revenue Department with immediate effect.

The expenditure on each post shall be debitable to Budget Head as indicated below:—

Major Head 253
NOTIFICATION

No. 73(G)/Est.

Dated Gangtok, the 22nd June, 1982.

The Governor is pleased to sanction creation of the following posts for the Public Health Engineering Circle under Sikkim Public Works Department (Buildings) with immediate effect:

<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>Superintending Engineer</td>
<td>1</td>
<td>Rs 1200-2000</td>
</tr>
<tr>
<td>2</td>
<td>Divisional Engineer</td>
<td>3</td>
<td>Rs 900-1800</td>
</tr>
<tr>
<td>3</td>
<td>Senior Architect</td>
<td>1</td>
<td>Rs 900-1800</td>
</tr>
<tr>
<td>4</td>
<td>Assistant Engineer</td>
<td>6</td>
<td>Rs 660-1400</td>
</tr>
<tr>
<td>5</td>
<td>Overseer</td>
<td>24</td>
<td>Rs 510-900</td>
</tr>
<tr>
<td>6</td>
<td>Accountant</td>
<td>2</td>
<td>Rs 450-800</td>
</tr>
<tr>
<td>7</td>
<td>Senior Accounts Clerk</td>
<td>2</td>
<td>Rs 410-700</td>
</tr>
<tr>
<td>8</td>
<td>LDC/Typist</td>
<td>12</td>
<td>Rs 380-550</td>
</tr>
<tr>
<td>9</td>
<td>Peon</td>
<td>11</td>
<td>Rs 300-380</td>
</tr>
<tr>
<td>10</td>
<td>Steno to S.E.</td>
<td>1</td>
<td>Rs 450-800</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head 282-B—Public Health, Sanitation & Water Supply.

DAWA SAMDUP,

Under Secretary,
Establishment Department.

CORRIGENDUM TO NOTIFICATION

No.280/GEN/EST. OF 18.3.1982.

Substitute "1" for "2" appearing in column 3 against Sl. No. 6 of the Notification referred to above.

DAWA SAMDUP,

Under Secretary,
Establishment Department.

NOTIFICATION

No. 74(G)/Est.

Dated Gangtok, the 22nd June, 1982.

The Governor is pleased to sanction creation of post of Physical Instructor in the scale of Rs. 550-1100 in the Education Department with immediate effect.

The expenditure on the above posts shall be debitable to Major Head 277-A.2. (I) Direction & Adm. (Plan).

DAWA SAMDUP,

Under Secretary,
Establishment Department.

OFFICE ORDER

No. 312/(G)/Est.

Dated Gangtok, the 22nd June, 1982.

Resignation tendered by Miss R. Tempo, Editor, Sikkim Herald, Information & Public Relations Department, is hereby accepted w.e.f. 1.5.1982.

Further, Shri Kunga Nima, Assistant Director, Information & Public Relations Department, is hereby transferred as Editor Sikkim Herald vice Miss R. Tempo with immediate effect.

On transfer, he will carry his own pay & scale.

By Order

L. B. RAI,

Deputy Secretary,
Establishment Department.

OFFICE ORDER

No. 314(Gen)/Est.

Dated Gangtok, the 22nd June, 1982.

Extension of Leave for 10 days w.e.f. 1.6.82 to 10.6.82 applied for and already availed of by Shri K. Sherab, Secretary, Finance Department, is hereby sanctioned as Earned Leave.

By Order

D.T. BHUTIA,

Under Secretary,
Establishment Department.
OFFICE ORDER

No. 320 (G)/Est.

Dated Gangtok, the 23rd June, 1982.

Shri Santosh Kumar Shilal is hereby appointed as Deputy District Collector-Cum-Deputy Magistrate against one of the existing 5 vacancies on a pay of Rs.660/- p.m. in the scale of Rs.660-25-910 EB-30-1240 EB-40-1400 plus other allowances as admissible under the Rules w.e.f the

He is attached to the Advocate General and the Senior Government Advocate for a period of two months for practical training.

As usual he will be on probation for one year.

His appointment shall be regulated according the usual terms & conditions as amendend from time to time.

By Order,

L. B. RAI,
Deputy Secretary
Establishment Department.

OFFICE ORDER

No. 126/Fin.

Dated Gangtok, the 10th June, 1982.

Shri B.K. Rasaily, Divisional Engineer (Buildings) No. II, Jorethang, South Sikkim, is declared as Drawing and Disturbing Officer for South and West District with effect from 10.6.1982.

Further Shri Rasaily is allowed to sign sanction order as special case.

By Order,

D. NIODUP,
Chief Accounts Officer
Finance,
Government of Sikkim.

FINANCE DEPARTMENT

OFFICE ORDER

No. 113/Fin.
Dated Gangtok the 7th June, 1982

Shri S.A.T. Simik, Accounts Officer Food & Civil Supplies Department, Government of Sikkim, is hereby declared as Drawing and Disbursing Officer with effect from 7.6.1982.

Consequently this Department Office Order No. 140/Fin. of 25.11.1977 declaring Shri P.C. Pradhan the then Accounts Officer Food & Civil Supplies Department Government of Sikkim as Drawing and Disbursing Officer is withdrawn with effect from the above date.

By Order,

D. NIODUP,
Chief Accounts Officer,
Finance,
Government of Sikkim.

LAND REVENUE DEPARTMENT

OFFICE ORDER

No. 45/LR
Dated Gangtok, the 7th June, 1982.

Whereas the undersigned is of the opinion that it is 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 undersigned hereby gives notice to Shri G.C. Dungmali, Office Superintendent, District Collectorate (South) Namchi Government of Sikkim, that he, having already crossed the age of fifty years from 1.7.1975 shall retire from service with immediate effect. He shall retire be entitled to salary for three months in lieu of three months notice.

By Order,

T. CHHOPHEL,
Secretary,
Land Revenue Department
<table>
<thead>
<tr>
<th>PART I</th>
<th>Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>PART II</td>
<td>Notifications regarding appointments, postings, transfers, leave etc.</td>
</tr>
<tr>
<td>PART III</td>
<td>Nil</td>
</tr>
<tr>
<td>PART IV</td>
<td>Nil</td>
</tr>
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<td>PART V</td>
<td>Nil</td>
</tr>
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<td>PART VI</td>
<td>Nil</td>
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<td>PART VII</td>
<td>Nil</td>
</tr>
<tr>
<td>PART VIII</td>
<td>Nil</td>
</tr>
<tr>
<td>PART IX</td>
<td>(i) Nil</td>
</tr>
<tr>
<td>PART X</td>
<td>(ii) Nil</td>
</tr>
</tbody>
</table>
Notifications regarding appointments, postings, transfers, leave etc.

**HOME DEPARTMENT**

**NOTIFICATION**

No. 41 (18)/Home/7G, 2428
Dated Gangtok, the 14th June, 1982.

In continuation of Home Department Notification No. 41 (18)/Home/7G/1098 of 29th June 1982, the Governor of Sikkim is pleased to appoint the Secretary, Labour Department as the member of the Tea Board of Sikkim with immediate effect.

**M. P. PRADHAN,**
Chief Secretary,
Government of Sikkim.

**ESTABLISHMENT DEPARTMENT**

**OFFICE ORDER**

No. 342(G)/Est.
Dated Gangtok, the 25th July, 1982.

The Governor is pleased to terminate the contract service of Shri H. H. E. Young, Manager, Government Tea Garden at Kewzing and accordingly a month’s notice is hereby issued to that effect.

By Order and in the name of the Governor.

**L. B. RAI,**
Deputy Secretary,
Establishment Department.

**OFFICE ORDER**

No. 365(G)/Est.
Dated Gangtok, the 1st July, 1982.

Shri T. Pinto, Deputy Registrar, Co-operation Deptt. is hereby promoted as Joint Registrar in the same Department in the scale of Rs. 1200-60-1440 Eb-70-2000 w.e.f. 3.6.1982 i.e. the date of approval. Consequently, Shri D. N. Tiwari, Statistical Officer, Co-operation Department, is hereby promoted as Deputy Registrar in the scale of Rs. 900-40-1180 Eb-45-1450-Eb-50-1800 w.e.f. 3.6.1982, 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.

**OFFICE ORDER**

No. 388(Gen)/Est.
Dated Gangtok, the 2nd July, 1982

Shri P. S. Basnett, Assistant Engineer (Planning), Sikkim Public Works Department, is hereby promoted as Divisional Engineer (Planning) in a full fledged capacity in the scale of Rs. 900-40-1180 Eb-45-1450-Eb-50-1800 w.e.f. 31.8.81 i.e. the date of his joining.

As usual, he will be on probation for one year.

By Order,

**D. T. BHUTIA,**
Under Secretary,
Establishment Department.

**NOTIFICATION**

No. 85 (Gen)/Est.
Dated Gangtok the 3rd July 1982

The Governor is pleased to grade the post of Mono Key Board Operator in Printing Department into three categories as under:

<table>
<thead>
<tr>
<th>Grade</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Grade III</td>
</tr>
<tr>
<td>2.</td>
<td>Grade II</td>
</tr>
<tr>
<td>3.</td>
<td>Grade I</td>
</tr>
</tbody>
</table>

**L. T. TONYOT,**
Joint Secretary,
Establishment Department

**OFFICE ORDER**

No. 435(G)/Est.
Dated Gangtok, the 14th July, 1982.

In the interest of public service, the Governor of Sikkim is pleased to order the following allocation of Departments to the Secretaries/Head of Department to the Government of Sikkim. This order will come into force with immediate effect:

1. Shri T. Chhophel, I.A.S. shall take over charge of the Industries Department, the Government Institute of Cottage Industries, and the Khadi & Village Industries in addition to his present charge of the
Establishment Department as Secretary-Cum-Commissioner.


3. Shri J. Dorjee, I.A.S., shall take over charge of the Information & Public Relations Department and Printing Department in addition to his present charge of the Labour Department.

4. Shri T.P. Sharma, IAS., shall take over charge of the S.N.T. Department in addition to his present charges of the Local Self Govt. & Housing Deptt and the Motor Vehicles Department-

5. Shri L.P. Tewari, Chief Engineer Power Deptt., shall hold independent charge of the Power Department.

6. Shri P.K. Pradhan, I.A.S., shall continue to hold the charge of the Rural Development Department and the S.R.D.A.

7. Shri Karma Topden, I.A.S, shall take over as Managing Director of the State Trading Corporation of Sikkim in addition to the charge of Secretary to the Chief Minister.

8. Shri M.M. Rasaily, shall take over charge of the Tourism Department in addition to his present charge of the Education Department.

9. Shri C D. Rai, I.A.S., shall take over charge of the Land Revenue Department in addition to his present charge of the Excise Department.

By Order and in the name of the Governor.

M. P. PRADHAN,
Chief Secretary
Government of Sikkim.

NOTIFICATION

No. 98(G)/Est.
Dated Gangtok, the 17th July, 1982.

The Governor is pleased to sanction creation of the following posts in the Tourism Department with immediate effect:—

Sl. No. Name of Post No. of Post Created Scale
1. Head Chef 1 Rs. 550-1100
2. Chef 1 Rs. 450-800
3. Stewart 1 Rs. 480-850

4. Waiter 4 Rs. 320-450
5. Bar Tender 1 Rs. 380-550
6. Utility Worker 2 Rs. 300-380
7. Cashier 1 Rs.410-700
8. Store Keeper 1 Rs. 4.0-700
9. Doorman 2 Rs. 300-380
10. Sweeper 1 Rs. 300-380

The expenditure on the above posts shall be debitable to Major Head A4 (1)91) Salaries Plan.

DAWA SAMDUP,
Under Secretary,
Establishment Department.

OFFICE ORDER

No. 447(G)/Est.
Dated Gangtok, the 17th July, 1982.

The Governor is pleased to upgrade and redesignate the post of Assistant Controller of Printing in the Printing Department presently held by Shri P.K. Gurung to that of Deputy Director in the scale of Rs. 900-40-1180Eb-45-1450Eb-50-1800 and to promote Shri P.K. Gurung the new post w.e.f. 1.7.82.

He shall be on probation for one year.

By Order,
L. B. RAI,
Deputy Secretary,
Establishment Department,

NOTIFICATION

No.2/EC/GEN/Est.
Dated Gangtok, the 20th July, 1982.

The Governor is pleased to sanction creation of posts of Assistant Director (Statistics), in the Bureau of Economics & Statistics under the Planning & Development Department in the scale of Rs. 780-1609 with immediate effect.

The expenditure on the above posts shall be debitable to Major Head 304B1(1)- Salaries.

D. T.BHUTIA,
Under Secretary,
Establishment Department.
FINANCE DEPARTMENT

OFFICE ORDER
No. 164/Fin.
Dated Gangtok, the 8th July, 1982.

Shri K.P.H. Pillai, Assistant Engineer, Building, Water Supply and Housing Department is hereby declared as Drawing and Disbursing Officer fur West District with immediate effect.

Consequently this Department Office Order No. 88/Fin of 10.7.81 declaring Shri D.T.Namchu, Assistant Engineer as Drawing and Disbursing Officer stands withdrawn.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

OFFICE ORDER
No. 168/Fin.
Dated Gangtok, the 16th July, 1982.

Shri P.B. Rai, Assistant Registrar, South and West Districts, Divisional Co-operative Officer, Namchi is hereby declared Disbursing Officer for South and West Districts with immediate effect.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

OFFICE ORDER
No. 171/Fin.
Dated Gangtok the 17th July 1982

Shri Kamal Kumar Thapa, Tower Rationing Officer, South and West District under Food and Civil Supplies Department Government of Sikkim is hereby declared Drawing and Disbursing Officer for South and West Districts with immediate effect.

By Order
L. B. PRADHAI
Joint Secretary,
Finance Department

OFFICE ORDER
No. 172/Fin.
Dated Gangtok, the 19th July, 1982

Shri T.W. Barfungpa, District Collector, North District is hereby declared Drawing and Disbursing Officer for North District with immediate effect, as Head of Office as well as Drawing and

By Order,
L. B. PRADHAN
Joint Secretary,
Finance Department

FOREST DEPARTMENT

CORRIGENDUM TO NOTIFICATION
No. 170/Fin
Dated Gangtok, the 17th July, 1982

Shri H.P. Pradhan, Assistant Wild Life Officer, South and West Districts under Forest Department is hereby declared as Head of Office as well as Drawing and Disbursing Officer for South and West Districts with immediate effect.

By Order
L. B. PRADHAN,
Joint Secretary,
Finance Department.

Please read the word "in respect of inserted in between the words "whole of Sikkim" and "public premises" appearing in the Notification under reference published in Sikkim Gazette dated 10.2.82.

P O. PAZO,
Secretary to the Govt, of Sikkim,
Forests Department, Gangtok.
PART I-Nil

PART II-Notification regarding appointments, postings, transfers, leave etc. 46-50

PART III-Nil

PART IV-Nil

PART V-Nil

PART VI-Nil

PART VII-Nil

PART VIII-Nil

PART IX-(i)Nil

PART X-(ii)Nil
PART II

Notifications regarding appointments, posting, transfers leave etc.

HIGH COURT OF SIKKIM
NOTIFICATION

No.28/HCS/GAZ
Dated Gangtok the 14th August 1982

In continuation of Office Order No. 1242(G)/Est dated 27.3.1980 issued by the Establishment Department Government of Sikkim, Hon'ble the Chief Justice has been pleased to grant deputation allowance @ 30% of the parent grade to Dr. Sonam Wangdi Lepcha, Civil Judge-Cum-Judicial Magistrate, West, in the pay scale of Rs.660-25-910-EB-30-1240-EB-40-1400, with effect from 14.4.1980 to 28.4.1981.

G.K. KHANNA,
Deputy Registrar.

NOTIFICATION

No.29/HCS/ESTT.
Dated Gangtok, the 17th August 1982

Interview of Government Notification No. 6(24) Home/82/2153 dated 8th June, 1982 Hon'ble the Chief Justice has been pleased to create Process Service Establishment in the District and Civil Courts in Sikkim and following posts are created:-

<table>
<thead>
<tr>
<th>Pay Scale</th>
<th>Number of Post</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.Process Services in the Court of District and Sessions Judge for North and East District. 300-4-340-5-380, 6(Six)</td>
<td></td>
</tr>
<tr>
<td>2. Process Services in the Court of Civil Judge, Namchi 300-4-340-5-380 3(Three)</td>
<td></td>
</tr>
<tr>
<td>3. Process Services in the Court of Civil Gyalshing. 300-4-340-5-380 3(Three)</td>
<td></td>
</tr>
</tbody>
</table>

G.K.K
Deputy Registrar

NOTIFICATION

No.30/HCS/ESTT.
Dated Gangtok, the 18th August 1982.
Hon'ble the Chief Justice has been pleased to create 2(two) posts of Junior Accountant, one each in the Court of Civil . Judge-Cum-Judicial Magistrate Namchi & Gyalzing, in the pay scale of RS. 580-EB-12-700, till 28.2.83.

G.K. KHANNA,
Deputy Registrar

NOTIFICATION

No.31/HCS/Estt.
Dated Gangtok, the 20th August 1982

The deputation period of Shree G.K Khanna, Assistant Registrar cum-Read of this Court is hereby extended for 1.8.82 to 30.4.83.

By Order

G.K. KHANNA,
Deputy Registrar

NOTIFICATION

No.32/HCS
Dated Gangtok the 28th August 1982

In partial modification of this Court's Notification No. 166/HCS dated 17th of March 1982 it is hereby notified that the Durga Puja, Lakshmi Puja and X-Mas Holidays will be observed by this Court as under:-


Lossong & Nempa 16th to 20th & Guzam Holidays 22nd December, 1982

X-Mas Holidays 25th December to 31st December, 1982 instead of 16th December to 31st December 1982

By Order

G.K. KHANNA,
Deputy Registrar.
NOTIFICATION

No. 33/HCS/ESTT.

Dated Gangtok, the 30th August, 1982.

Hon'ble the Chief Justice has been pleased to appoint Shree Tashi Tshering Gensarpa, as Reader on the High Court Establishment, against a vacant post, in the pay scale of Rs. 660-25-910-Eb-30.1240-Eb 40-1400, plus other allowances as admissible under the rules, on purely temporary basis, with immediate effect, subject to submission of medical fitness certificate.

G. K. HHANNA,
Deputy Registrar.

OFFICE ORDER

No. 6 (38)Home/82/2708
Dated Gangtok, the 2nd July, 1982.

In exercise of the Powers conferred by section 12 of the Code of Criminal Procedure 1898 (V of 1898), the State Government hereby confers the Powers of Magistrate of the first class upon Shri P.W.Puler, who has been appointed as Civil Judge-cum-Judicial Magistrate in the East District at Gangtok.

By Order

J. T. DENSAPA,  
Home Secretary

ESTABLISHMENT DEPARTMENT

OFFICE ORDER

No.448(G)Est.
Dated Gangtok, the 19th July, 1982.

Consequent on his promotion as Asstt. Director, Field Leval Organisation in G.I.C.I., vide this Deptt. O.O.No.62/G/Est. of 20.4.82, the basic pay of Shri Sonam Dadul Throkhangpa is hereby fixed at Rs. 660/-p.m. in the scale of Rs.660-25-910-EB-30-1240-EB-40-1400, w.e.f.7.4.82 In addition, he will be entitled to other allowances as admissible under the rules.

The date of next increment will be 1.4.83 unless otherwise postponed by extra ordinary leave exceeding one month.

By Order

D. T. BHUTIA,  
Under Secretary,  
Establishment Department.

OFFICE ORDER

No. 509(G)/Est.
Dated Gangtok, the 31st July, 1982.

In partial amendment of this Department Office Order No.269/ (G)/ Est. of Dr. T.R. Gyatso on transfer to the Directorate of Health & Family Welfare as Joint Director shall look after Planning and Administration and Dr. A. Pazo shall look after the Tuberculosis and other communicable Diseases and Food adultration Section.

By Order

T. CHHOPHEL,  
Secretary  
Establishment Department.

OFFICE ORDER

No. 522(G)/Est.
Dated Gangtok, the 6th August, 1982.

Shri L.T. Karthak is hereby appointed as Assistant Engineer, Irrigation under Rural Development Department on contract basis for a period of three years w.e.f. the date he reports for duty.

He will draw a basic pay of Rs. 660/p.m. in the scale of Rs. 660-25-910 Eb-30-1240Eb-40-1400 plus other allowance as admissible under the rules.

As mutually agreed and accepted by him his service shall be governed by the terms and conditions as laid down in this Department Notification No. 250/Gen/Est. of 4.2.81 and Memo No. 3265/G/Est. of 29 7 1982

As usual he will be on probation for one year.

By Order

L.B. RAI,  
Deputy Secretary  
Establishment Department
CORRIGENDUM TO OFFICE ORDER
NO.216(G)EST.OF 2.6.1982:IN RESPECT OF SHRI PHURBA WANDGI PULGER CIVIL JUDGE CUM JUDICIAL MAGISTRATE:


D.T.BHUTIA,
Under Secretary
Establishment Department

OFFICE ORDER
No.586(Gen)/Est.
Dated Gangtok the 24th August 1982
The Governor of Sikkim is pleased to promote the following State Police Officers and to post them to the posts shown against each:

2. Shri O.H.Subba, Deputy Superintendent of Police as Officiating Superintendent of Police, Head Quarters.
4. Shri T.Norbu, Deputy Superintendent of Police as Officiating Superintendent of Police Check-Post.

During the period of their officiating promoted they shall hold the substantive rank of Dy.S.P.
3. Shri T.T.Lachungpa, Dy.S.P. Special Branch as SDPO, North District.
4. Shri Janga Basnett, Dy.S.P., Staff Officers as SDPO, East District.

5. Shri T.T.Tamang as Dy.S.P.Lines, as SDPO Gyalshing.
6. Shri Tshering, Dy.S.P, SAP, a Staff Officer, Head Quater.

By Order
T.CHHOPHEL,
Secretary, Establishment Department

NOTIFICATION
No.587(G)/Est.
Dated Gangtok the 24th August 1982

Consequent on the appointment of Shri Kesang Lama Indian Police Service as Commandant, Sikkim Armed Police w.e.f.1.12.76 and as required under Rule 9(1) of the IPS (Probation) Rules, 1954 the post of Commandant, SAP, is declared as always equivalent in status and responsibility with the IPS cadre post of Superintendent of Police.

By Order,
T.CHHOPHEL,
Secretary, Establishment Department

OFFICE ORDER
Dated Gangtok the 24th August 1982
The Governor of Sikkim is pleased to Officers against the cadre posts indicated against each:

1. Shri Jasbir Singh, ASP as Superintendent of Police, South District.
2. Shri A.C.Negi, A.S.P, as Superintendent of Police North District subsequently to be attached to Further, Shri T.N.Tenzing IPS, SP Lines is posted as Superintendent of Police Crime. He will also look after Prosecution Branch and verification works.

By Order,
T.CHHOPHEL,
Secretary, Establishment Department.
NOTIFICATION
No.113(G)/Est

Dated Gangtok the 26th August 1982.
The Governor is pleased to sanction creation of the following posts in Forest Department with immediate effect:-

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Name of post created</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Peshkar</td>
<td>1</td>
<td>Rs.48-850</td>
</tr>
<tr>
<td>2.</td>
<td>LDC-cum-Typist</td>
<td>1</td>
<td>Rs.380-550</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head 313 CI (1)(1) Non-Plan Salaries.

DAWA SAMDUP,
Under Secretary,
Establishment Department.

OFFICE ORDER
No.620(G)/Est.

Dated Gangtok the 28th August 1982.
The following transfer of the Office are hereby made with effect from the day they takes over charge of their respective posts.

NAME OF THE OFFICER AND PRESENT POST HELD:

<table>
<thead>
<tr>
<th>No.</th>
<th>Transferred to Officer</th>
<th>Present Post</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri H.P.Chettri, Dy.Director,Edn.Deptt.</td>
<td>P.O.SRDA</td>
</tr>
<tr>
<td>2.</td>
<td>Shri S.D.Basi,Dy, Secretary,Land Revenue Department</td>
<td>P.O.SRDA vice Sl.No.1</td>
</tr>
<tr>
<td>3.</td>
<td>Shri Nari Tshering, Dy,Secretary,Home Department</td>
<td>Dy,Secretary,Land Revenue Department vice Sl.No.2</td>
</tr>
<tr>
<td>5.</td>
<td>Shri K.T.Chankapa, U.S.L.B.Department</td>
<td>Dy D.M.-Cum--Dy.-D.C</td>
</tr>
</tbody>
</table>

Shri K.T.Chankapa should take over charge to relieve Shri T.P.Dorji and Shri Nari Tshering should take over charge to relieve Shri S.D.Basi. The relieved Officers assignment enabling Shri H.P.Chettri to reports to the Secretary, Education Department.

As usual the Officer at Sl. No.4 above will be on probation for one year.

By Order,

L.T.TONYOT,
Joint Secretrary,
Establishment Department.
OFFICE ORDER

No. 622(G)/Est,
Dated Gangtok, the 28th August 1982

Subject to the creation of a suitable post in the Education Department, Smt. Rosabel Namcho, Senior Administrative Officer, Power Department, is hereby temporarily transferred and posted to the Education Department as Deputy Secretary.

Further, the post of Senior Administrative officer in the Power Department is hereby downgraded to that of Administrative Officer in the scale of Rs. 660-1400 and Shri Dawa Samdup, Under Secretary, Establishment Department, is transferred and posted against the post.

The above mentioned Officers should take over their new assignments positively on 1.9.82

By Order

L.T. TONYOT,
Joint Secretary,
Establishment Department

NOTIFICATION

No. 120(Gen)/Est.
Dated Gangtok, the 30th August, 1982

The Governor is pleased to sanction creation of a post of Proof Reader on ad-hoc basis for a six month in the Law Department in the scale of Rs. 480-850 with effect from 20.8.82 i.e. the date of approval.

The expenditure will be debited under the Major Head ”232” Al(I)(I) Salaries.

DAWA SAMDUP,
Under Secretary,
Establishment Department.

FINANCE DEPARTMENT

OFFICE ORDER

No. 190/Fin.
Dated Gangtok, the 4th August, 19932,

Shri K.L. Kaleon, Deputy Director Mines and Geology Department, Government of Sikkim is hereby declared as Head of Officer with immediate effect. He is also authorised to sign all bills and paper for conveying sanction after obtaining approval and sanction from the appropriate authority.

By Order

L.B. PRADHAN,
Joint Secretary,
Finance Department
PART I—Nil

PART II-Notification regarding appointments, posting transfers, leave etc. 52-57

PART III- Nil

PART IV- Nil

PART V- Nil

PART VI- Nil

PART VII—Nil

PART VIII—Nil

PART IX- (i) Nil

PART X- (ii) Nil
PART II

Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM

NOTIFICATION

No.38/HCS/ESTT.
Dated Gangtok, the 24th September, 1982.

Hon’ble the Chief Justice has been pleased to revise the pay Scale for the post of Librarian of this Court, 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 22.6.1982.

ESTABLISHMENT DEPARTMENT

NOTIFICATION

No.79 (G)/Est
Dated Gangtok, the 24th June, 1982.

The Governor is pleased to sanction creation of the following posts for the ICDS Cell at Gangtok under Health and Family Welfare Department with immediate effect:

<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>Accountant</td>
<td>1</td>
<td>Rs. 450-800</td>
</tr>
<tr>
<td>2.</td>
<td>L.D.C.</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
</tbody>
</table>

The expenditure on the above post shall be debitable to Major Head "288" DI I (3) (I)-ICDS (Non-Plan).

DAWA SAMDUP,
Under Secretary,
Establishment Department
NOTIFICATION

No. 125(GEN)/Est.
Dated Gangtok, the 2nd September, 1982.

The Governor is pleased to sanction creation of three posts of Supervisor in the Social Welfare Department for the Destitute Home at Kaluk, Sherterd Workshop at Rothak and Day Care Centre at Gangtok with immediate effect:-

The expenditure on the above posts shall be debitable to Major Head "288" - Direction & Adm. EI (I)(I) Salaries (Plan).

DAWA SAMDUP,
Under Secretary,
Establishment Department.

NOTIFICATION

No. 127(Gen)/Est.
Dated Gangtok, the 2nd September 1982

The Governor is pleased to sanction creation of the following posts in the Mines & Geology Department with immediate effect:-

Sl. No. | Name of the post created | No. of post | Scale
--- | --- | --- | ---
1. | Junior Stenographer | 1 | Rs. 450-800
2. | Peon | 1 | Rs. 300-380
3. | Driver | 1 | Rs. 350-550

The expenditure on the above posts shall be debitable to Major Head - "328" - Mines & Minerals.

DAWA SAMDUP,
Under Secretary,
Establishment Department.

NOTIFICATION

No. 126/GEN/Est.
Dated Gangtok, the 2nd September, 1982

The Governor is pleased to sanction creation of the following posts in the Rural Development Department for the Head Office at Gangtok and for the District Offices at Gangtok, Mangan, Namchi and Gyalzing with immediate effect:-

For the Head Office

1. Assistant Engineer | 1 | Rs. 660-1400
2. Junior Engineer | 2 | Rs. 510-900
3. Draftsman | 1 | Rs. 450-800
4. Accountant | 1 | Rs. 450-800
5. L.D.C.eam-Typist | 1 | Rs. 380-550
6. J.A.C. | 1 | Rs. 380-550
7. Peon | 1 | Rs. 300-380
8. Driver | 1 | Rs. 350-550

For District Offices

1. Junior Engineer | 7 | Rs. 510-900
2. L.D.C./Typist | 7 | Rs. 380-550

Further one post of Driver has been created in the scale of Rs. 350-550 for the implementation of NREP and IRP Schemes.

The expenditure on the above posts shall be debitable to Major Head "252" A (I)-Salaries.

DAWA SAMDUP,
Under Secretary,
Establishment Department.

NOTIFICATION

No. 128/Gen/Est.
Dated Gangtok, the 2nd September, 1982

The Governor is pleased to sanction creation of the following posts in the Establishment Department with immediate effect:-

For the Head Office

1. Deputy Secretary | 1 | Rs. 900-1800
2. UDC | 2 | Rs. 410-700

The expenditure on the above post shall be debitable to Major Head "252" A (I)-Salaries.

DAWA SAMDUP,
Under Secretary,
Establishment Department;

NOTIFICATION

No. 129/Gen/Est.
Dated Gangtok, the 2nd September, 1982

The Governor is pleased to sanction creation of a post of Liaison Officer in the scale of Rs. 660-1400 in New Delhi Tourism
Office under the Tourism Department with immediate effect:

The expenditure on the above post shall be debitable to Major Head "339" Tourism A 2 (I) (I)— Salaries (Plan).

DAWA SAMDUP,
Under Secretary,
Establishment Department.

NOTIFICATION

No. 130/Gen/Est.
Dated Gangtok, the 2nd September, 1982.

The Governor is pleased to sanction creation of the following posts in the Food and Civil Supplies Department with immediate effect:-

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of the post created</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Chowkidar</td>
<td>8</td>
<td>Rs. 300-380</td>
</tr>
<tr>
<td>2.</td>
<td>Driver</td>
<td>1</td>
<td>Rs. 350-550</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head "309"AI (1)(1) Salaries.

DAWA SAMDUP,
Under Secretary,
Establishment Department.

NOTIFICATION

No. 131/Gen/Est.
Dated Gangtok, the 4th September, 1982.

In accordance with the Sikkim State Service (Regulation of seniority) Rules, 1982, inter-se-seniority of the members of the Sikkim State Forest Service who were conducted into the Service at its initial constitution is determined as under as on 7-8-78.

ORDER OF SENIORITY

1. Shri P.O. Pazo,
2. Shri P.S. Moktan,
3. Shri N.C. Shenga,
4. Shri P.K. Basnett,
5. Shri L.C. Simick,
6. Shri T.R. Sharma,
7. Shri W.T. Lucksom,
8. Shri SM. Rai, (since retired)
9. Shri S.K. Rai, (since retired)
10. Shri D.P. Rai,
11. Shri J.B. Rai,
12. Shri T. Kalden,
13. Shri C.D. Lama,
14. Shri N.K. Rai,
15. Shri T.R. Paudyal,
16. Shri D.B. Shrestha,
17. Shri P.D. Bhutia,
18. Shri D. Dadul,
19. Shri S. Tobden,
20. Shri Sona Tshering,
21. Shri D.D. Sharma,

This Notification cancels the Notification No. 6/Gen/Est. dated the 9th April, 1981.

T. CHHOPHEL,
Secretary,
Establishment Department.

OFFICE ORDER

No. 630(G)/Est.
Dated Gangtok, the 4th September, 1982

Shri P. Subba Rao, Director, Industries Department, is hereby granted 76 days leave w.e.f. 6-9-82 to 20-11-82 with permission to prefix 5-9-82 being Sunday subject to the title report later.

Further, he is directed to report to his parent Department after the expiry of leave and availing usual joining time.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

OFFICE ORDER

No. 643/(G)/Est.
Dated Gangtok, the 6th September, 1982.

The following promotions and transfers are hereby made in the Health & Family Welfare Department with effect from the date they take over charge of their respective posts.

1. Dr. T.W. Chankapa, GDMO, STNM Hospital, is promoted as C.M.O. in the scale of Rs. 900-1800 and transferred to Mangan (North).
2. Dr. (Mrs) Layden Ongmo is promoted as In-charge, Psychiatric Ward of the S.T.N.M. Hospital in the scale of Rs. 900-1800 duly up-grading the post held by Dr. (Mrs) Layden.

3. Dr. (Miss) BeLa Rani Cintury is promoted as Deputy Director in the scale of Rs. 900-1800.

4. Dr. Subash Kumar Pradhan, C.M.O. West, is promoted and transferred as Additional Supdt. S.T.N.M. Hospital, Gangtok, in the scale of Rs. 1200-2000.

5. Dr. S.C. Pradhan is hereby promoted as C.M.O. and transferred to Gyalshing in the scale of Rs. 900-1800 vice Sl. No. 4 above.

6. Dr. R.K. Chettri, GDMO, S.T.NM. Hospital, is promoted as D.M.O. District Hospital Singtam (East) in the of Rs. 780-1600.

7. Dr. Tapan Sarbajana, M.O. ICDS, Namchi, as D.M.O. Namchi without charge in his pay scale.

The Doctors from Sl. No. 1 to 6 shall be on probation for one year.

By Order

L. T. TONYOT,
Joint Secretary,
Establishment Department.

NOTIFICATION

No. 647(G)/Est
Dated Gangtok, the 7th September, 1982

The Governor is pleased to order merger of the Irrigation Sub-Division of Singtam with Gangtok Irrigation Sub-Division and create a new sub-division at Mangan to look after the Irrigation Schemes of the North District.

The expenditure involved will be debitable under head "306BI (I) Salaries Plan".

L. T. TONYOT,
Joint Secretary,
Establishment Department.

NOTIFICATION

No. 135(Gen)/Est.
Dated Gangtok, the 15th September, 1982,

In terms of Cabinet Secretariat Letter No.16/3/69-AIS (III) dated 15.9-71 the Governor has been pleased to constitute a Board consisting of the following members for confirmation of cadre in respect of IPS Probationers.

1. Secretary, Home Department.
2. Inspector General of Police.

L. T. TONYOT,
Joint Secretary,
Establishment Department.

NOTIFICATION

No. 136(G)/Est.
Dated Gangtok, the 15th September, 1982.

The Governor is pleased to sanction creation of the following posts in the Education Department with immediate effect:-

For State Institute of Education

<table>
<thead>
<tr>
<th>Sl. Name of the No. of post created</th>
<th>No. of post</th>
<th>Scale</th>
<th>Debitable Head</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Coordinator</td>
<td>2</td>
<td>Rs. 660-1400</td>
<td>Major Head 227 'A'</td>
</tr>
<tr>
<td>2. Projectorist</td>
<td>1</td>
<td>Rs. 450-800</td>
<td>Edn. A 1 (3)</td>
</tr>
<tr>
<td>3. UDC</td>
<td>1</td>
<td>Rs. 410-700</td>
<td>Teachers Training</td>
</tr>
<tr>
<td>4. Typist</td>
<td>1</td>
<td>Rs.380-550</td>
<td>A (1)(3)(3)-State</td>
</tr>
<tr>
<td>5. Library Assis-</td>
<td>1</td>
<td>Rs. 380-550</td>
<td>Institute of Edn. A1 (3X3X1) Salaries (Plan)</td>
</tr>
</tbody>
</table>

For Enchey School

<table>
<thead>
<tr>
<th>Sl. Name of the No. of post created</th>
<th>No. of post</th>
<th>Scale</th>
<th>Debitable Head</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Postgraduate Teacher (English)</td>
<td>1</td>
<td>Rs. 660-1400</td>
<td>277/Education</td>
</tr>
<tr>
<td>2. Peon</td>
<td>1</td>
<td>Rs.300-380</td>
<td>A(2)(2)(l)Plan/</td>
</tr>
<tr>
<td>3. Cook</td>
<td>1</td>
<td>Rs.300-380</td>
<td>Non Plan</td>
</tr>
<tr>
<td>4. Sweeper</td>
<td>1</td>
<td>Rs..300-380</td>
<td></td>
</tr>
</tbody>
</table>

L. T. TONYOT,
Establishment Department.

OFFICE ORDER

No. 738(G)/Est.
Dated Gangtok, the 21st September, 1982.

The following department transfers and promotions are hereby made from the date the officer take over the new assignment.

1. Shri A.C. Saha, Chief Pay & Accounts Officer is transferred to the newly created post of Director of Internal Audit subject to formal concurrence of the Controller & Auditor General of India. In addition, he will act, as adviser and guide to the Chief Pay & Accounts Officer for proper functioning of the Pay & Accounts Office.

L. T. TONYOT,
Establishment Department.
2. Shri A.C. Dutta, Chief Accounts Officer, Finance Deptt. is promoted as Director, Accounts, in the scale of Rs. 1350-2400.

3. The post of Senior Accounts Officer in the department of Agriculture is upgraded to the rank of Joint Director (Accounts) as on temporary measure. Shri D.K. Gajmere, Deputy Chief Pay & Accounts Officer, Pay & Accounts Office is promoted to this post in the scale of Rs. 1200-2000. This post will be personal to Shri D. K. Gajmere.

4. Shri L.P. Sharma, Sr. Accounts Officer, Agriculture Department is promoted as Chief Pay & Accounts Officer, in the scale of Rs. 1200-2000 vice Sl. No 1 above.

5. Shri T. T. Targain, Sr. Accounts Officer, Health & Family Welfare Deptt., is promoted as Chief Accounts Officer, Finance Department in the scale of Rs.1200-2000 vice Sl. No. 2.

6. Shri B.C. P. Pradhan, Deputy General Manager (Accounts), S.N.T. is promoted as Chief Accounts Officer, S.N.T. in the scale of Rs. 1200-2000 against the post vacated by Shri Kulkarni.

7. Shri G.K. Pradhan, Accounts Officer, Finance Department, is promoted as Deputy Chief Pay & Accounts Officer, in the scale of Rs. 900-1800 vice Shri Gajmere (Sl. No. 3.)

8. Shri P.S. MolaMu, Administrative cum-Accounts Officer, Survey & Settlement Department, is promoted as Sr Accounts Officer, Health & Family Welfare Department in the scale of Rs.900-1800 vice Shri Targain (Sl. No.5 above).

9. Shri PC. Rai, Accounts Officer, Local Self Govt & Housing Department is promoted as Deputy General Manager (Accounts), S.N.T., in the scale of Rs. 900-1800 vice Shri B.C.P. Pradhan Sl. No.6 above).

10. Shri B.K. Trikhatri, Superintendent, Pay & Accounts Office, is promoted as Accounts Officer, Local Self Govt. & Housing Department in the Scale of Rs. 660-1400 vice Shri P.C. Rai (Sl. No.9 above).

11. Shri I.K. Pradhan, Superintendent, Pay & Accounts Office is promoted as Accounts Officer, Finance Department in the scale of Rs. 660-1400 vice Sl. G.K. Pradhan (Sl. No. 7 above).

As usual, they shall be on probation one year.

By Order

L.T. TONYOT,
Joint Secretary,
Establishment Department

NOTIFICATION

No. 143(G)/Est.
Dated Gangtok, the 23rd September, 1982

The Governor is pleased to sanction creation of a post of Joint Director in the scale of Rs. 1200-2000 in Agriculture Department with immediate effect.

The expenditure onthe above posts shall be debitable to Major Head - Plan ‘305’ B5(3) (1) Salaries.

K.C KAREL,
Officer on Special Duty,
Establishment Department

NOTIFICATION

No. 144(G)/Est.
Dated Gangtok, the 23rd September, 1982

The Governor is pleased to sanction creation of the following posts in the Rajya Sainik Board 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>Welfare Organiser</td>
<td>2</td>
<td>Rs. 450-800</td>
</tr>
<tr>
<td>2</td>
<td>LDC</td>
<td>2</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>3</td>
<td>Peon</td>
<td>2</td>
<td>Rs. 300-380</td>
</tr>
<tr>
<td>4</td>
<td>H.A.</td>
<td>1</td>
<td>Rs. 450-800</td>
</tr>
<tr>
<td>5</td>
<td>UDC</td>
<td>1</td>
<td>Rs. 410-700</td>
</tr>
</tbody>
</table>

The expenditure onthe above posts shall be debitable to Major Head '288'-F2 (2)(1)(1) Salaries.

K.C KAREL,
Officer on Special Duty
Establishment Department

NOTIFICATION

No. 145/G/ESTT.
Dated Gangtok, the 23rd September, 1982

The Governor is pleased to sanction creation of one post of Accountant in the
scale of 450-800 for the Branch Pay & Accounts Office at Namchi with immediate effect:-

The expenditure on the above post shall be debitable to Major Head ’254’ H.I (1) Salaries.

K. C. KHAREL,
Officer on Special Duty, Establishment Department.

NOTIFICATION
No. 146(G)/Est.
Dated Gangtok, the 23rd September, 1982

The Governor is pleased to sanction creation of post of Stenographer in the scale of Rs. 450-800 in the Law Department with immediate effect.

The expenditure on the above post shall be debitable to Major Head ’252’ A1 (1)-Salaries.

K.C. KHAREL,
Officer on Special Duty, Establishment Department.

OFFICE ORDER
No. 776(G)/Est.
Dated Gangtok, the 27th September, 1982.

Shri Monorath Sharma, Deputy Director, Industries Department, is hereby allowed to discharge the functions of Director Industries until further orders.

By Order

L. T. TONYOT,
Joint Secretary, Establishment Department.

NOTIFICATION
No. 151/G/EST.
Dated Gangtok, the 29th September, 1982.

The Governor is pleased to sanction the creation of the following posts in the Sikkim Legislative Assembly Secretariat with immediate effect.

<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>UDC</td>
<td>2</td>
<td>Rs. 410-700</td>
</tr>
<tr>
<td>2.</td>
<td>Stenographer GD.II</td>
<td>1</td>
<td>Rs. 450-800</td>
</tr>
<tr>
<td>3.</td>
<td>Accountant</td>
<td>1</td>
<td>Rs. 450-800</td>
</tr>
</tbody>
</table>

2. Further, the posts of Librarian and Translator in S.L.A. Sectt., are hereby upgraded to that of Senior Librarian-Cum-Research Officer and Editor respectively in the lowest Gazetted Grade and scale of Rs. 660-1400 with immediate effect.

The expenditure on the above posts shall be debitable to Major Head ’211’ A2 (1) Salaries.

L. T. TONYOT,
Joint Secretary, Establishment Department.
CONTENTS

PART I—Nil

PART II—Notifications regarding appointments, postings, transfers, leave etc. 60-61

PART III—Nil

PART IV—Nil

PART V—Nil

PART VI—Nil

PART VII—Nil

PART VIII—Nil

PART IX— (i) Nil

PART X— (ii) Nil
PART II

Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM
NOTIFICATION

No.41/HCS/ESTT.
Dated Gangtok, the 9th October, 1982.
Hon'ble the Chief Justice has been pleased to create a post of Sweeper-cum-Chokidar, on the High Court Establishment, in the pay scale of Rs. 300-4-340-5-380, with immediate effect, till 28.2.1983.

G. K. KHANNA,
Deputy Registrar.

G. K. KHANNA,
Deputy Registrar.

OFFICE ORDER

Dated Gangtok, the 14th October, 1982.

In continuation to this court's Notification No.59 /HCS/ESTT., dated the 13th Jun,1980, Hon'ble the Chief Justice has been pleased to upgrade the post of Judge-Writer (In the grade of Stenographer-III) of this court to that of Stenographer grade-II, in the pay scale of Rs.480-12-600 20-850, with immediate effect.

G.K.KHANNA,
Deputy Registrar.

OFFICE ORDER

No.43/HCS/ESTT.
Dated Gangtok the 14th October, 1982.

In continuation to this Court's Notification No. 58/HCS/ESTT. Dated Gangtok, the 13th June, 1980, Hon'ble the Chief Justice as been pleased to upgrade the post of Stenographer Grade III to the Court of Additional District and Sessions Judge, Gangtok, to that of Stenographer Grade II, in the pay scale of Rs.480-12-600-EB-15-750-Eb-20-850, with immediate effect.

G.K. KHANNA,
Deputy Registrar.

OFFICE ORDER

No.47/HCS.
Dated Gangtok, the 22nd October, 1982.
Hon'ble the Chief Justice has been pleased to appoint Shri Amarjit Chopra, District & Session Judge, Kapurtalla, as Registrar of this High Court on deputation from the date he joins till 31.8-82 (i.e. date on which he will attain the age of superannuation) and further to appoint him on contract basis for a period of two year w.e.f.1.9.83 on consolidated pay of Rs. 2,000/- duly safeguarding his pension. He t ion as provided by the Government Notification No.78(Gen)Estt. dated 19-5-76 during the period of deputation.

G.K.KHANNA,
Deputy Registrar.

ESTABLISHMENT DEPARTMENT

OFFICE ORDER

No.802/Ge/Est.
Dated Gangtok, the 6th October, 1982
Shri R. Narayan, IAS, Development Commissioner-Cum-Secretary to the Government, Planning, is hereby entrusted to oversee the work in connection for with the Eighth Finance Commission for Sikkim in addition to his own duties with immediate effect.

Further, he is allowed to draw an honorarium of Rs. 300/-p.m. for the additiona works.

By Order

L.B.RAI,
Deputy Secretary,
Establishment Department

OFFICE ORDER

No.803(G)Est.
Dated Gangtok, the 7th October, 1982
Shri Kunga Gyatso, Plant Breeder, Agriculture Department, is hereby promoted as Joint Director, in the scale of Rs. 1200-604-1440-EB-70-2000 in the same Department w.e.f. 23.9.82 i.e. the date or which the creation of the above post was notified vide this Department Notification No. 143/Gen/Est. dated 23.9.82.

He will be on probation for one year.

By order

D. T. BHUTIA,
Under Secretary,
Establishment Department.
OFFICE ORDER

No.815(Gen)/Est.
Dated Gangtok, the 13th October, 1982.

In accordance with the instructions of the Ministry of Home Affairs, Government of India, Shri S. Sen, Director of Vigilance Department is relieved of his duties from the Government of Sikkim w.e.f. the afternoon of 14.10.82.

Shri Tashi Namgyal, Deputy Inspector General of Police will take over charge of the Director of Vigilance from Sri Sen.

Further Sri Sen is granted leave for 120 days subject to title report.

On expiry of the leave he shall report to the C.BI, New Delhi.

By Order

L. B. RAI,
Deputy Secretary,
Establishment Department

NOTIFICATION

No.168/G/Est.
Dated Gangtok, the 14th October, 1982.

The Governor is pleased to sanction creation of the following posts for Land Use Implementation Committee with immediate effect:—

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name of the post created</th>
<th>No. of post</th>
<th>Scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Stenographer</td>
<td>1</td>
<td>Rs. 450-800</td>
</tr>
<tr>
<td>2.</td>
<td>LDC/Typiest</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>3.</td>
<td>Record Keeper/ Despatcher</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>4.</td>
<td>Peon</td>
<td>1</td>
<td>Rs. 300-380</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Major Head 307 C-2 Soil Conservation Schemes C2 (1) Soil Conservation on Agricultural Land.

D. K. PRADHAN,
Under Secretary,
Establishment Department.

CORRIGENDUM TO OFFICE ORDER
NO. 790/G/EST OF 1.10.82.

Substitute "SP" for "A.S.P." securing in the Office Order referred to above.

By Order

D. T. BHUTIA,
Under Secretary,
Establishment Department.

OFFICE ORDER

No. 847(G)/ESTT.

Dated Gangtok, the 20th October, 1982.

In terms of Retirement Rule 100 of the Sikkim Government Service Rules, 1974 (Chapter XII), the services of Shri S.D. Rinchen, Additional Secretary, Cultural Affairs Department, who attained the age of superannuation on 7.1.1983 is extended for 1 years w.e.f. 8.1.83 to 7.1.1984.

By Order

L.B. RAI,
Deputy Secretary,
Establishment Department.
PART I-Nil

PART II-Notifications regarding appointments, postings, transfers, leave etc.  64

PART III-Nil

PART IV-Nil

PART V-Nil

PART VI-Nil

PART VII-Nil

PART VIII-Nil

PART IX (i) -Nil

PART X(i) -Nil
PART II

Notifications regarding appointments, postings, transfers leave etc.

ESTABLISHMENT DEPARTMENT OFFICE ORDER

No. 918/(Gen)/Est.
Dated Gangtok, the 4th November, 1982.

The resignation tendered by Shri K.B. Chettri, Project Officer (Ground Water), Rural Development Department is hereby accepted w.e.f the date of relief by the Dept.

By Order
L. B. RAI,
Deputy Secretary,
Establishment Department.

OFFICE ORDER

No. 1049/(G)/Est.
Dated Gangtok, the 25th November, 1982.

Shri Sonam Dorjee as Deputy District Magistrate-cum-Deputy Collector (East), Shri Santosh Shilal as Deputy District Magistrate-cum-Deputy Collector (West), Shri Hasta Bhahadur Rai as Deputy District Magistrate-cum-Deputy Collector (North) Shri Sonam Pintso as Deputy District Magistrate-cum-Deputy Collector (South) the posted to the districts shown against their names with immediate effect.

By Order
T CHHOPHEL
Secretary,
Establishment Department.

GOVERNMENT OF SIKKIM INCOME AND SALES TAX DEPARTMENT

NOTICE

Dated Gangtok, the 12th November, 1982.

Consequent upon the enforcement of Central Sales Tax Act, 1956 in the State Sikkim with effect from the 1st October, 2 as notified under this Department's notification No.1027-500/-ST, dated the 2nd October 1982 all Government Departments desiring to purchase goods from side Sikkim at a concessional rate of Central Sales Tax are required to obtain Declaration Form 'D' from this Office on application. Further, such Departments should furnish the name and designation of the Officer who would sign the Declaration Form as Declaration Form can be signed only by those Officers who are authorised by this Office under section (4)(b) of section 8 of the Central Sales Tax Act, 1956.

T.P. GHIMIRAY,
Joint Secretary,
Income & Sales Tax Department,
Government of Sikkim,
Gangtok.
[ F.No. 796/CST ]

NOTICE

Dated, the 12th November, 1982.

In continuation to this Department's notification No.1027-500/ST dated the 14th October, 1982 it has been found necessary to inform the dealers throughout Sikkim that they shall be liable to pay Central Sales Tax at the rate of four percent in case they sell goods to a registered dealer other than the goods referred to in sub-section (3) of section 8 of the Central Sales Tax Act, 1956 and in case the goods are sold to a dealer, not being a registered dealer, the Central Sales Tax shall be calculated at the rate often percent under sub-section (2)(b) of section 8 of the Central Sales Tax Act, 1956, whichever is higher. The list of goods chargeable to Central Sales Tax includes cardamom, products of Sikkim Distillery, Sikkim Fruit Preservation Factory, Sikkim Tannery and other Industrial products which are being manufactured in Sikkim except those goods which are exempted as per the Schedule to the notification No. 713-500/ST dated the 28th March; 1952.

TP. GHIMIRAY,
Joint Secretary,
Income & Sales Tax Department,
Government of Sikkim,
Gangtok.
[ F. No. 796/CST ]
CONTENTS

Part I—Nil

PART II—Notifications regarding appointments, postings, transfers, leave etc. 65-68

PART III—Nil

PART IV—Nil

PART V—Nil

PART VI—Nil

PART VII—Nil

PART VIII—Nil

PART IX—(i) Nil

PART X—(ii) Nil
Notifications regarding appointments, postings, transfers leave etc.

HIGH COURT OF SIKKIM
NOTIFICATION
No. 55/HCS/EST.

Dated Gangtok, the 9th December, 1982.

In notification of this Court’s Notification No. 46/HCS dated 21.10.1982, it is hereby notified for general information that the second vacation Court shall be held from 16th February, 1983 to 22nd February, 1983 instead of 7th February to 12th February, 1983.

By Order
AMARJIT CHOPRA,
REGISTRAR.

ESTABLISHMENT DEPARTMENT
NOTIFICATION
No. 187/(Gen)/Est.

Dated Gangtok, the 23rd November, 1982.

In supersession of Notification No. 120/Gen/Est. of 30.8.82 the Governor is pleased to create a regular post of proof Reader in the Scale of Rs. 480-850, in the Law & Legislative Department w.e.f 20.8.82.

The expenditure will be debited under the Major Head 252 1 (1)-(1) - Salaries.

DK. PRADHAN,
Under Secretary,
Establishment Department.

NOTIFICATION
No. 57/HCS/ESTT.

Dated Gangtok, the 11th December, 1982.

Hon’ble the Chief Justice has been pleased to create a temporary post of Accounts Officers, on the High Court Establishment, in the pay scale of Rs. 660-25-910-EB-30-1240-EB-40-1400, with immediate effect till 28.2.1983.

AMARJIT CHOPRA,
REGISTRAR.

HOME DEPARTMENT
OFFICE ORDER
No.243/Home/82.
Dated Gangtok, the 6th October, 1982.

Shri Anup Deb, Senior Government Advocate is leaving Gangtok on 6th October, 1982 for New Delhi/Calcutta in connection with some cases of the State Government before the Supreme Court of India. During the absence of Shri A Deb, Shri N.B. Kharga, Government Advocate will look after all cases entrusted to Shri Deb and will pray for adjournment. Representatives of the Departments and the Police should be present in the concerned Courts on the date fixed to inform that the Senior Government Advocate is out of Station.

By Order,
R.S. BASNET
Joint Secretary,
Home Department.

NOTIFICATION
No.188/GEN/Est

Dated Gangtok, the 29th November, 1982. pleased to

The Governor is pleased to sanction creation of the following posts in the Excise 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. Driver</td>
<td>1</td>
<td>Rs. 350-550</td>
<td></td>
</tr>
<tr>
<td>2. Peon</td>
<td>1</td>
<td>Rs. 300-380</td>
<td></td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Budget Head “252-Sect.Gen. Services-B.I.I. (I) Salaries”.

L. T. TONYOT
Joint Secretary,
Establishment Department.

NOTIFICATION
No.189/GEN/Est.

Dated Gangtok, the 29th November, 1982.

The Governor is pleased to sanction creation of a post of sweeper in the scale of Rs. 300-4-340-5-380 in Police Department for the District Police Office at Namchi, with immediate effect.

The expenditure on the post shall be debitable to Budget Head “255 A 4(1) Salaries - South District”.

L. T. TONYOT
Joint Secretary,
Establishment Department
NOTIFICATION
No. 190(GEN)/Est.

Dated Gangtok, the 29th November, 1982.

The Governor is pleased to sanction creation of the following posts for the Office of Senior Government Advocate, Gangtok, under Home Department with immediate effect:—

<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>Stenographer Grade-I</td>
<td>1</td>
<td>Rs. 550-1100</td>
</tr>
<tr>
<td>2.</td>
<td>Translator</td>
<td>1</td>
<td>Rs. 510-900</td>
</tr>
<tr>
<td>3.</td>
<td>Record Keeper</td>
<td>1</td>
<td>Rs. 380-550</td>
</tr>
<tr>
<td>4.</td>
<td>L.D.C</td>
<td>2</td>
<td>Rs. 380-550</td>
</tr>
</tbody>
</table>

The expenditure on the above posts shall be debitable to Budget Head "214 A - 1 (1) Salaries."

L. T. TONYOT, Joint Secretary, Establishment Department.

ADDENDUM TO NOTIFICATION
No. 85/GEN/EST OF 3.7.82.

Add the following remarks as column 4 in the Notification referred to above as under:—

1. Against Grade II "On completion of 8 years of service as Mono Key Board Operator."
2. Against Grade I "On completion of total service of 12 years as Mono Key Board Operator.

By Order
D. K. PRADHAN, Under Secretary, Establishment Department.

NOTIFICATION
No. 191(GEN)/Est.

Dated Gangtok, the 2nd December, 1982.

In continuation of the Notification No. 5(241)109/Gen/Est of 17.8.82, The Governor of Sikkim has been pleased to revise the existing scale of Rs. 510-15-630 Eb-18-720-900 attached with the post of Senior Auditor, Sikkim Nationalised Transport Department to Rs. 550-20-750-Eb-25-950-Eb-30-1100 with effect from 22.6.82.

K. C. KHAREL, Officer on Special Duty, Establishment Department.

OFFICE ORDER
No. 1076/(G)/Est.
Dated Gangtok, the 2nd December, 1982.

Having been found medically fit for further service the services of Shri A.C. Datta, Director, Accounts, Finance Department are hereby extended for a further period of one year beyond the date of superannuation, i.e. w.e.f. 24.11.82 to 23.11.83. in terms of Rule 100 of Sikkim Government Service Rules, 1974.

By Order
L. B. RAI, Deputy Secretary, Establishment Department.

OFFICE ORDER
No. 1152(G)/ESTT.
Dated Gangtok, the 23rd December, 1982.

The resignation tendered by Shri Ganesh Kumar Pradhan, Deputy Chief Pay & Accounts Officer, is hereby accepted w.e.f. 10.12.82.

By Order
L.B. RAI, Deputy Secretary, Establishment Department

OFFICE ORDER
No. 1168(Gen)/Est.
Dated Gangtok, the 27th December, 1982

Leave preparatory to retirement for 90 days w.e.f. 1.1.83 to 31.3.83 applied for by Shri C.D. Rai, IAS,(1965)Secretary Land Revenue and Excise Departments is hereby sanctioned as Earned Leave.

Further, he is allowed to draw case equivalent of Leave salary for 90 days for
the balance amount of leave at his credit as on the date of retirement.
He shall finally retire from service w.e.f. 1.3.83.

By Order
T. CHHOPEL,
Secretary, Establishment Department.

OFFICE ORDER
No.1170(G)/Est.
Dated Gangtok, the 27th December, 1982.

Shri K.B. Chhetry is hereby appointed as Officer on Special Duty, Publication in the Information & Public Relation Department on Contract basis for a period of three years on a consolidated salary of Rs.2000/-p.m. without other allowances w.e.f. the date he takes over charge of the post. As mutually agreed and accepted by him his service on contract shall be governed by the terms and conditions as laid down in this Department Notification No. 250/Gen/Est. of 4.2.81 as amended from time to time.

As usual, he will be on probation for one year.

By Order
L. B. RAI,
Deputy Secretary, Establishment Department.

OFFICE ORDER
No.1197(G)/Est.
Dated Gangtok, the 27th December, 1982.

The contract service of Shri B.B Upadhayay, Senior Law officer, Sikkim Vigilance Police Force is hereby terminated with effect from the afternoon of 31st December, 1982. He should immediately hand over charge of his Office to Shri M.M. Rai. He is allowed to draw one month’s salary in lieu of one month’s notice.

By Order
T. CHHOPEL,
Secretary, Establishment Department.

SIKKIM LEGISLATURE ASSEMBLY SECRETARIAT GANTOK
Notification No. SLAS/82-83/1230/345.
Dated Gangtok, the 2nd December, 1982.

In pursuance of the provise to Rule 265 (1) of the Rule of procedure and Conduct of Business in Sikkim Legislative Assembly, Shri Pradeep Yonzon ceases to be a Member of the Committee on Public Accounts consequent upon his appointment as Chairman of the Electricity Advisory Board, with immediate effect.

SONAM TSHERING, Speaker, Sikkim Legislative Assembly.

Notification No. SLAS/82-83/1231/247
Dated, Gangtok, the 2nd December, 1982.

In notification of Notification No. 164/SLAS/81-82/651 dated the 31st March, 1981, Shri Dawgyal Pintso Bhutia and Shri D.B Thatal, Member of the Sikkim Legislative Assembly, are hereby nominated as Member of the Committee on Government Assurances with immediate effect, in place of shri Dugo Bhutia, who has resigned from the membership of the committee as well as from the Sikkim Legislative Assembly, and Shri I.B. Limboo, who has been appointed a Minister in the State Government.

SONAM TSHERING, Speaker, Sikkim Legislative Assembly.