NOTIFICATION


The following Order No. SKM/GOV/220/92 dated February 10, 1992 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) of the Constitution of India, I, R. H. Tahiliani, Governor of Sikkim, hereby summon the Sikkim Legislative Assembly to meet on Wednesday, 4th March, 1992 at 11.00 A. M. in the West Point School premises at Gangtok.

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

R. M. TAHILIANI
GOVERNOR OF SIKKIM

G. K. SUBBA
Secretary.
GOVERNMENT OF SIKKIM
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

NOTIFICATION

No. SLAS/91-92/15/795

Dated: Gangtok, the 13th February, 1992.

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-publica-
tion of the following Bill :-

THE SIKKIM HOME GUARDS BILL, 1992
(BILL NO. 1 OF 1992)

A BILL
to provide for the constitution of a voluntary organisation known as Home
Guards for service in emergencies and for certain other purposes so as to inculcate
habits of self-reliance and discipline among the people and to develop in them a sense
of civic responsibility and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Sikkim Home Guards Act, 1992.
(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 noti-
    fication in the Official Gazette, appoint and different dates may be
    appointed for different districts.

2. In this Act, unless the context otherwise requires,—
   (a) "Government" means the State Government of Sikkim;
   (b) "Home Guard" means a person who is appointed as such under this Act;
   (c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Government shall, by notification in the Official Gazette, con-
    stitute for each district a volunteer body called the Home Guards, the
    members of which shall discharge such functions and duties in relation
    to the protection of persons, the security of property the public safety
    and the maintenance of essential services as may be assigned to them in
    accordance with the provisions of this Act and the rules made thereunder.
    (2) The administration of Home Guards constituted under sub-section (1)
        for any district shall be vested in the Commandant, who shall be appoint-
        ted by the Government and in any such Additional, Deputy or Assistant
        Commandants as the Government may deem fit to appoint.
    (3) The general supervision and control of Guards throughout the State.
shall vest in the Commandant General who shall be appointed by the Government and in any such Additional Commandants General/Divisional/Deputy Commandants General or Assistant Commandants General as the Government may deem fit to appoint.

(4) The Home Guards constituted for different districts in the State shall, for the purposes of this Act, be a single force and the members thereof shall be formally enrolled, and such force shall consist of such number of officers and men, and their qualifications and conditions of training and service shall be such as may be prescribed.

4. (1) Subject to the approval of the Commandant General, the Commandant may appoint as Home Guards such number of persons who are fit and willing to serve as may, from time to time, be determined by the Government and may appoint any such person to any office of command in the Home Guards.

(2) Notwithstanding anything contained in sub-section (1), the Commandant General may appoint any such person to any post under his immediate control.

(3) A Home Guard shall, on appointment, make a declaration in the form specified in the First Schedule and receive a certificate of appointment in the form specified in the Second Schedule, under the seal and signature of such officer as may be prescribed.

(4) Subject to any rules made in this behalf, a Home Guard shall be required to serve the Home Guard Organisation for a period of three years (including the period spent in training) which period may be extended by the Government to such further period as it may consider necessary, and a Home Guard shall thereafter serve in the force of Home Guards constituted as hereinafter provided for a period of three years and shall, while serving in such reserve force, be liable to be called out for duty at any time.

(5) Notwithstanding anything contained in sub-section (4), the Commandant-General shall have authority to discharge any Home Guard at any time subject to such conditions as may be prescribed, if in his opinion the services of such Home Guard are no longer required.

5. The Government may constitute a reserve force of Home Guards consisting of persons appointed to it by the Government from among the Home Guards discharged from the service of Home Guards under sub-section (5) of section 4.

6. (1) The Commandant-General may, at any time, call out a Home Guard for training or to discharge within the State any of the functions or duties as may be assigned in accordance with provisions of this Act and the rules made thereunder.

(2) The Commandant of the district may, with the approval of the Commandant-General, at any time call out a Home Guard for training or to discharge any such functions or duties within the district for which the Home Guards have been set up.

7. (1) A Home Guard when called out under section 6 shall have the same powers, privileges and protection as an officer of police appointed under any enactment for the time being in force.

(2) No prosecution shall be instituted against a Home Guard in respect of anything done or purporting to be done by him in the discharge of his functions or duties as such Home Guard, except with the previous sanction of the Commandant-General.

8. The Home Guards may be called out in aid of the police force and when they are so called out they shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed.
9. (1) Every person, who for any reason ceases to be a Home Guard, shall forthwith deliver up to the Commandant or to such person and at such place as the Commandant may direct, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him as such Home Guard.

(2) Any Magistrate or, for special reasons which shall be recorded in writing at the time, any police officer not below the rank of Assistant or Deputy Superintendent of Police may issue a warrant to search for and seize, wherever they may be found, any certificate, arms, accoutrements, clothing or other necessaries not so delivered up, and every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police officer or if the Magistrate or the police officer issuing the warrant so directs, by any other person.

(3) Nothing in this section shall be deemed to apply to any article which under the orders of the Commandant General has become the property of the person to whom the same was furnished.

10. (1) The Commandant or the Commandant General shall have authority to suspend, to reduce or to dismiss or to fine not exceeding fifty rupees, any Home Guard under his control, if such Home Guard, on being called out under section 6, without reasonable cause neglects or refuses to obey such order or refuses to discharge his function and duties as a Home Guard or refuses to obey any other lawful order or direction given to him for the performance of his functions and duties or is found guilty of any misconduct or breach of discipline.

(2) The Commandant General shall also have authority to dismiss any Home Guards on the ground of conduct which has led to his conviction on a criminal charge.

(3) When the Commandant or the Commandant General passes after enquiry an order suspending, reducing, dismissing or fining any Home Guard under sub section (1), he shall record such order or cause the same to be recorded together with the reasons therefore and a note of the enquiry made in writing, and no such order shall be passed unless the person concerned has been given an opportunity to be heard in his defence.

(4) Any Home Guard aggrieved by such order of the Commandant may appeal against that order to the Commandant-General and any Home Guard aggrieved by such order of the Commandant General may appeal against that order to the Government within thirty days of the date on which he was served with notice of the concerned order, and thereupon the Commandant-General or the Government, as the case ay be, may pass such orders as he or it thinks fit.

(5) The Commandant General or the Government may at any time, call for and examine the record of any order passed by the Commandant or Commandant General, as the case may be, under sub-section (1) for the purpose of satisfying himself or itself as to the legality of propriety of such order and may pass such order in revision with reference thereto as he or it thinks fit.

(6) Notwithstanding anything contained in any other law —

(a) any order passed in revision under sub-section (5); 

(b) subject to such order in revision, any order passed in appeal under sub-section (4); and 

(c) subject to the orders in revision and appeal aforesaid, any order passed by the Commandant or Commandant-General under sub-section (3),

shall be final.

(7) Any fine imposed under this section may be recovered in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a court as if such fine were imposed by a court.
(8) Any punishment inflicted on a Home Guard under this section shall be in addition to the penalty to which he is liable under section 11 or any other law for the time being in force.

11. (1) If any Home Guard, on being called out under section 6 without reasonable excuse neglects or refuses to turn up for training, or duties as a Home Guard or refuses to obey any other lawful order or direction given to him for the performance of his duties and functions, he shall on conviction, be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

(2) If any Home Guard wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article in accordance with the provisions of sub-section (1) of section 9, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees, or with both.

(3) No proceedings shall be instituted in any court under sub-section (1) or sub-section (2) without the previous sanction of the Commandant General.

(4) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (1) or sub-section (2).

12. (1) The Government may, by notification in Official Gazette, make rules for carrying out the purpose of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) regulating the powers exercisable by the Commandant-General and the Commandant under section 6 and providing for the exercise by any officer of the Home Guard of the said powers;

(b) regulating the organisation, appointment, conditions of service, qualifications, functions, duties, discipline, arms, accoutrements, and clothing and uniform of the Home Guards and the manner in which they may be called out for service or be required to undergo any training;

(c) providing for the officers who shall sign the certificate of appointment tinder sub-section (3) of section 4;

(d) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force;

(e) providing for the conditions under which a Home Guard may be discharged by the Commandant-General;

(f) any other matter which is to be or may be prescribed.

13. Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

14. (1) Home Guard shall not be disqualified for being chosen as, and for being elected as a member of the State Legislature of Sikkim or of other local bodies merely by reason of the fact that he is a Home Guard.

(2) Notwithstanding anything, to the contrary contained in any other law for the time being in force, a Home Guard shall not be disqualified for being chosen as, and for being a member of any local authority merely by reason of the fact that he is a Home Guard.

15. (1) The “HOME GUARDS REGULATION” of 1963 is hereby repealed.

(2) Notwithstanding such repeal, anything done or action taken under the said Regulation shall be deemed to have been done or taken under the corresponding provision of this Act.
THE FIRST SCHEDULE
(See sub-section (3) of Section 4)
DECLARATION FORM

I, ........................................ son of ........................................ resident of .........................
do hereby solemnly declare and affirm that I will truly serve as a Home Guard without favour or
affection, malice or ill-will, communal or political bias, for a period of three years from the date of appoint-
ment including the period spent overtraining and that I further undertake to serve as a Home Guard
at any time or any place in India during a further period of three years if I am called out for training or duty
during such period. I will, to the best of my skill and knowledge, discharge the duties of a Home Guard.
PLACE.............                                          Signature
DATE.............

THE SECOND SCHEDULE
(See sub-section (3) of section 4)
FORM OF CERTIFICATE OF APPOINTMENT

MEMORANDUM REGARDING DELEGATED LEGISLATIVE

Clause 12 of the Bill empowers the State Government to make rules for carrying out the purpose of the Bill. 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.

By order,

B.P.S. BUSNETT,
NOTIFICATION

No. SLAS/91-92/15/813                                                                 Dated: Gangtok, the 18th February, 1992.

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-publica-
tion of the following Bill:—

THE SIKKIM EXCISE BILL, 1992
(BILL NO. 2 OF 1992)

A BILL
to provide for the manufacture, possession, sale, transport, import
and export of alcoholic liquor and imposition of duty of excise therein and for
matters connected therewith and incidental thereto.

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

CHAPTER I
Preliminary

1. (1) This Act may be called the Sikkim Excise Act, 1992.

(2) It extends to the whole of Sikkim.

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

2. In this Act, unless the context otherwise requires,—
(a) "Beer" includes ale, stout, porter and all other fermented liquor
usually made from malt;
(b) "to bottle" means to transfer liquor from a cask or other vessel
to a bottle or other receptacle for the purpose of sale, whether
any process of rectification be employed or not, and includes
rebottling;
(c) "denaturant" means any substance as may be prescribed for ad-
mixture with spirit in order to render the mixture unfit for human
consumption, whether as a beverage, or internally as a medicine,
or in any other way whatsoever;
(d) "to denature" means to mix spirit with one or more denaturants
in such manner as may be prescribed and "denatured spirit"
means spirit so mixed;

(e) "exciseable article" means any alcoholic liquor for human consumption or any intoxicating drug but does not include medicinal preparations or Toilet preparations containing alcohol;

Explanation. In this clause the expressions "Medicinal preparations" and "toilet preparations" have the same meaning respectively assigned to them in the Medicinal and Toilet Preparations (Excise Duties) Act, 1955;

(f) "Excise Commissioner" means the person appointed by the Government to exercise all the powers and to perform all the duties of the Excise Commissioner in Sikkim;

(g) "excise duty" and "countervailing duty" means such excise duty or countervailing duty, as the case may be, as mentioned in entry 51 of List II of the Seventh Schedule to the Constitution;

(h) "Excise Officer" means the Additional Commissioner or Joint Commissioner or Deputy Commissioner or Assistant Commissioner or any officer appointed or invested with the powers under section 5.

(i) "excise revenue" means revenue derived or derivable from any duty, fee, tax, penalty payment (other than a fine imposed by a Criminal Court) or confiscation imposed, made or ordered under this Act or any other law for the time being in force relating to liquor or intoxicants;

(j) "export" means to take out of Sikkim;

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

(l) "import" means to bring into Sikkim;

(m) "intoxicant" means -
   (i) any liquor, or
   (ii) any substance which is declared by the Government by notification to be an intoxicant for the purposes of this Act;

(n) "liquor" means liquid consisting of or containing alcohol and includes -
   spirit, wine, pachwai, beer and any substance which the Government by notification, declare to be liquor for the purposes of this Act;

Explanation- In this clause "spirit" or "wine" means plain spirit of or above such strength as the Government may, by notification, specify;

(o) "manufacture" includes -
   (i) every process, whether natural or artificial by which any intoxicant is produced or prepared;
   (ii) redistillation; and
   (iii) every process for the rectification, flavouring, ble nding or colouring of liquor or for the reduction of strength of liquor for sale;

(p) "notification" means a notification published in the Official Gazette;

(q) "pachwai" means fermented rice, millet, or other grain or any other substance which the Government may, by notification, declare to be the basic raw material for making pachwai, whether mixed with any liquid or not, and any liquid obtained there from whether diluted or undiluted but does not include beer;

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

(s) "place" includes building, house, shop, booth, vessel, raft, vehicle and tent;

(t) "sale" means any transfer other than by way of gift;

(u) "spirit" means any liquor containing alcohol obtained by distillation, whether it is denatured or not;

(v) "transport" means to remove from one place to another within Sikkim.
3. The Government may, by notification, declare what, for the purposes of this Act, or any portion thereof, shall be deemed to be "country liquor" and "Foreign liquor" respectively.

4. (1) The Government may, by notification, declare with respect either to the whole of Sikkim or to any specified local area and as regards purchasers generally or any specified class of purchasers and for general or for any specified occasion, what quantity of any intoxicant shall, for the purposes of this Act, be the limit of a retail sale.

(2) The sale of any intoxicant in any quantity in excess of the quantity declared in respect thereof under sub-section (1) shall be a sale by wholesale.

CHAPTER I
Establishment and Control

5. (1) The administration of the Excise Department and the collection of the excise revenue within any district or whole of State shall ordinarily be tinder the charge of the Excise Commissioner.

(2) The Government may, by notification applicable to the whole of the State or to any district or to any local area comprised therein -

(i) appoint an Officer who shall, subject to such control as the Government may direct, have the control of the administration of the provisions of this Act and rules made thereunder and the collection of the excise revenue;

(ii) appoint any person to exercise all or any of the powers and to perform all or any of the duties conferred and imposed on an Additional Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner by or under this Act, either concurrently with, or in sub-ordination to, or to the exclusion of the Additional Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner and subject to such control as the Government may direct;

(iii) appoint officers of appropriate educational background for the administration of the provisions of this Act and the rules made thereunder of such classes and with such designations, powers and duties as the Government may think fit;

(iv) appoint scientific experts designated as "State Chemical Examiner" or "State Assistant Chemical Examiner";

(v) order that all or any of the powers on duties assigned by or under this Act to any officer appointed under clause (iii) shall be exercised and performed by any Government Officer or any other person;

(vi) delegate to the Excise Commissioner all or any of the powers conferred upon the Government by or under this Act except the powers conferred by section 76 and 77; and

(vii) permit the delegation by the Excise Commissioner or Additional Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner to any person or classes of persons specified in such notification of any powers conferred or duties imposed upon him by or under this Act.
CHAPTER III
Import, Export and Transport

Restrictions on import, 6. No excisable articles and intoxicant shall be imported unless –
(a) the Government has given permission either general or special, for its import ;
(b) such conditions (if any) as the Government may impose, have been satisfied ; and
(c) the duty, if any, payable under chapter V for importation, exportation or transportation has been paid or a bond has been executed for payment thereof:

Provided that the Government may, subject to such conditions as it thinks fit to impose, exempt any excisable article from the provisions of this section.

Restriction on export or transport, 7. No excisable article or intoxicant shall be exported or transported unless -
(a) the duty, if any, payable under Chapter V has been paid or a bond has been executed for the payment thereof: and
(b) if the article was previously imported, the duty, if any, imposed on its importation has been paid :

Provided that the Government may, subject to such conditions as it thinks fit to impose, exempt any excisable articles from the provisions of this section.

Power to prohibit import, export or transport, 8. The Government may, by notification -
(a) prohibit the import or export of any excisable articles or intoxicant into or from Sikkim or any part thereof ; or
(b) prohibit the transport of any excisable articles or intoxicant either absolutely or in such circumstances as it may, by notification, specify.

Passes for import, export and transport, 9. (1) No excisable article exceeding such quantity as the Government may fix by notification either generally or for any specified local areas, shall be imported, exported or transported except under a pass :

Provided that in case of duty paid foreign liquor other than denatured spirit, such passes shall be dispensed with unless the Government by notification or otherwise, directs to any local area.

(2) The passes required by sub-section (1) may be granted by the Excise Commissioner.

(3) The passes may be either general for definite period and for particular kinds of excisable articles or special for specified occasions and particular consignments only.

CHAPTER IV
Manufacture, Possession and Sale

Licence required for manufacture and sale of excisable articles, 10. The Excise Commissioner may grant a licence for
(a) the manufacture of excisable articles;
(b) the bottling of liquors;
(c) the working of distillery or brewery;
(d) the possession or use of any materials, namely still, utensils, implements or apparatus whatsoever for the purpose of manufacturers and sale of any excisable articles.

Power of Excise Commissioner to grant, cancel licence, 11. The Excise Commissioner shall exercise the power to grant licence, withdraw or cancel any licence granted under this Act subject to such restrictions and conditions as may be prescribed. withdraw and
Establishment of distilleries, breweries and warehouses.

12. (1) The Excise Commissioner may -

(a) subject to such restrictions and conditions as may be imposed by the Government in this behalf, establish or authorise the establishment of distilleries or breweries in which liquor may be manufactured under licence granted under section 10;

(b) discontinue any such distillery or brewery;

(c) establish, or authorise the establishment of warehouse, wherein excisable article or intoxicant may be deposited and kept without payment of duty; and

(d) discontinue any such warehouse.

(2) No distillery, brewery or warehouse as aforesaid shall be established except by or under the authority of the Excise Commissioner.

Licence required for depositing or keeping excisable article or intoxicant in warehouse or other place of storage.

13. No person shall, except under the authority and subject to the terms and conditions of a licence granted in that behalf by the Excise Commissioner, deposit or keep any excisable article or intoxicant in any warehouse or other place of storage, established or authorised under this Act.

Payment of duty on removal from distillery, brewery, warehouse or other place of storage.

14. No excisable articles or intoxicant shall be removed from any distillery, brewery, warehouse or other place of storage licensed, established or authorised under this Act unless the duty, if any, payable under Chapter V has been been executed for the payment thereof.

Manufacture and sale of liquor in or near cantonments.

15. Within the limits of any military cantonment and within such distance from those limits as the Central Government may in any case specify, no licence for manufacture or sale of liquor shall be granted, except with the previous consent of the Commanding Officer.

Prohibited sites for liquor shops.

16. No liquor shop shall be licensed for retail, wholesale and consumption of liquor -

(a) in close proximity of school, hospital, place of worship, factory, or other places of public resort; or

(b) in the rural areas and other areas as the Government may notify from time to time.

Grant of exclusive privilege of manufacture and sale of country liquor.

17. (1) The Government may grant to any person, on such conditions and for such period as it may think fit, the exclusive privilege of manufacturing or of supplying or of both to the licensed vendors any country liquor or intoxicating drug within any specified local area.

(2) No grantee of any exclusive privilege under this section shall exercise the same until he has received a licence in that behalf from the Excise Commissioner.

Transfer of exclusive privilege.

18. (1) A grantee of an exclusive privilege under section 17 shall not let or assign the same or any portion thereof unless he is expressly authorised by a condition made under, that section to do so.

(2) Such letting or assignment shall be made only to a person approved by the Excise Commissioner.

(3) The lessee or assignee shall not exercise any right as such unless and until Excise commissioner has, upon his application, granted him a licence to do so.

Maintenance and use of measures, weights and instruments by licensed vendors and manufacturers.

19. Every person who manufactures or sells excisable articles under a license granted under this Act -
(a) shall use such measures, standard weights and instruments as the Excise Commissioner may specify and shall keep in good condition;

(b) when such measures, weights and instruments have been so specified shall, on the requisition by any Excise Officer duly empowered by the Excise Commissioner in that behalf at any time to measure, weigh or test any excisable article in his possession in such manner as the said Excise Officer may require.

Prohibition of sale to persons under the age of eighteen years, students and person on Government uniform.

20. No licensed vendor and no person in the employment of such vendor and acting on his behalf shall sell or deliver any liquor or intoxicants to any person apparently of under the age of eighteen years or a student or any uniformed person whether for consumption by such person or by any other person and whether for consumption on or off the premises of such vendor.

Prohibition of persons under the age of eighteen years and of woman,

21. (1) No person who is licensed to sell foreign liquor or country employment of liquor for consumption in his premises shall, during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, any person under the age of eighteen years in any part of such premises in which such liquor or spirit is consumed by the public.

(2) No person who is licensed to sell foreign liquor or country liquor for consumption in his premises shall, without the previous permission in writing of the Excise Commissioner, during the hours in which such premises are kept open for business, employ or permit to be employed with or without remuneration any woman in any part of such premises in which liquor is consumed by the public.

(3) Every permission granted under sub-section (2) shall be endorsed on the licence, and may be modified or withdrawn.

Power to close shops temporarily.

22. (1) The District Magistrate or a Sub-Divisional Magistrate or a Superintendent of Police may, by notice in writing to the licensee, require that any shop in which any excisable article is sold shall be closed at such time or for such period as such Magistrate or Superintendent of Police may think necessary for the preservation of the public peace.

(2) If any riot or unlawful assembly is apprehended or occurs in the vicinity of any shop in which any intoxicant is sold, any Magistrate or any Police Officer above the rank of Inspector who is present, may require such shop to be kept closed for such period as he may think necessary.

(4) When any Magistrate or Police Officer makes a direction under sub-section (1) or sub-section (2), he shall forthwith inform the Excise Commissioner of his action and the reason thereof.

CHAPTER V

Duties and Fees

23. (1) An excise duty or a countervailing duty, as the case may be, at such rate or rates as the Government may by notification direct may be imposed, either generally or for any specified local area, on-

(a) any excisable article imported; or
(b) any excisable article exported; or
(c) any excisable article transported; or
(d) any excisable article manufactured under any licence granted under clause; (a) of section 10 or
(e) any excisable article manufactured in any distillery or brewery licensed, established or authorised under this Act:
Explanation: Duty may be imposed on any article under this sub-section at different rates according to the purposes for which such article is intended to be used, according to the place to which such article is to be removed for consumption or according to the varying strengths and quality for such article.

(2) The Government shall, in imposing an excise duty or a countervailing duty as aforesaid and in fixing its rate, be guided by the Directive Principles specified in article 47 of the Constitution of India.

Ways of levying duty,

Subject to any rules that may be made under clause (1) of section such 77, any duty imposed under section 23 may be levied in any of the following ways, namely:

(a) on an excisable article imported -
   (i) by payment upon or before importation into the State; or
   (ii) by payment upon issue for sale from the warehouse established or authorised under this Act;

(b) on an excisable article exported by payment in the State from which the article is sent;

(c) on an excisable article transported by payment upon issue for sale from a warehouse established as authorised under this Act;

(d) on excisable article manufactured -
   (i) by a rate charged upon the quantity manufactured under a licence granted under the provisions of clause (a) of section 10 or issued for sale from a warehouse established or authorised under this Act; or
   (ii) by a rate upon the quantity produced under a licence granted under the provisions of clause (b) of section 10;

(e) on spirit or beer manufactured in any distillery or brewery licensed, established or authorised under this Act-
   (i) by a rate charged upon the quantity produced or issued from the distillery or brewery, as the case may be, or issued for sale from a warehouse established or authorised under this Act; or
   (ii) in accordance with such scale of equivalents calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as the case may be, as the Government may prescribe:

Provided that where payment is made upon the issue of an excisable article for sale from the warehouse, it shall be at the rate of duty in force on the date of issue of such article from such warehouse.

Payment for grant of exclusive privilege

Instead of, or in addition to, any duty leviable under this Act, the Government may accept payment of sum in consideration of the grant of any exclusive privilege under section 17.

Levy of duty on non-excisable articles and articles produced outside India.

Until provision to contrary is made by Parliament, the Government may levy duty-

(a) on intoxicants or medicinal or toilet preparations containing alcohol which are not excisable article within the meaning of this Act;

(b) on an excizable article produced outside India and imported into Sikkim.
CHAPTER VI
Licence, Permit and Passes

Terms and conditions, fee and form of, and duration of licence, permit and pass:

27. (1) Every licence, permit or pass under this Act shall be granted by such officer, for such period and subject to such restrictions and on such conditions as may be prescribed.

(2) The licence granted under sub-section-(1) shall be in such form and payment of such fee as may be prescribed;

Provided that every licence granted under the Sikkim Excise (Abkari) Act, 1971 which was in force in the State immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall, unless previously cancelled, suspended or surrendered, remain in force for the period for which it was granted.

Power to can-28. (1) Subject to such restrictions as the Government may prescribe, the authority who granted any licence, permit or pass under this Act may cancel or suspend it-

(a) if it is transferred or sublet by the holder thereof without the permission of the said authority; or

(b) if any duty or fee payable by the holder thereof is not duly paid; or

(c) in the event of any breach by the holder of such licence, permit or pass or by any of his servants, or by any one acting on his behalf with his express or implied permission of any of the terms or conditions of such licence, permit or pass; or

(d) if the holder thereof is convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue, or of any cognizable and non-bailable offence, or of any offence punishable under the Dangerous Drugs Act, 1930 or under sections 479 to 489 of the Indian Penal Code, 1860 or under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955; or

(e) where a licence, permit or pass has been granted on the application of the holder of an exclusive privilege under section 17 of this Act, on the requisition in writing of such holder; or

(f) if the conditions of the licence or permit or pass provide for such cancellation or suspension at will.

(2) When a licence, permit or pass held by any person is cancelled under clause (a), (b), (c) and (d) of sub-section (1), the authority aforesaid may cancel any other licence, permit or pass granted to such person under this Act or any other law for the time being in force relating to excise.

(3) The holder shall not be entitled to any compensation for the cancellation or suspension of his licence, permit or pass under this section nor is he entitled to refund of any fee paid or deposit made in respect thereof.

Power to with-29. (1) Whenever the authority granting a licence under this Act considers that the licence, permit or pass should be cancelled or withdrawn for any cause other than those specified in section 28, it shall remit a sum equal to the amount of the fee payable in respect thereof for fifteen days and may cancel the licence either-

(a) on the expiration of fifteen days' notice in writing of its intention to do so; or

(b) forthwith without notice, after recording its reasons in writing for doing so.
(2) when a licence, permit or pass is withdrawn under sub-section (1), there shall be paid to the holder of the licence, permit or pass, as the case may be, the amount if any, deposited as security or in advance as fees in respect of the unexpired period of the licence, permit or pass together with compensation amounting to fifteen days' average fee payable in respect of the licence, permit or pass calculated in the manner specified in sub-section (3):

Provided that where a licence, permit or pass is withdrawn without notice, the amount of such compensation shall be twice the amount of such average fees.

(3) The amount of fifteen days average fee referred to in sub-section (2) be calculated in the following manner, that is to say, :-

(i) where the fee in respect of the licence, permit or pass have been fixed by auction, the amount of fifteen days' average fee shall bear to the total amount of fee so fixed in the same proportion as the period of fifteen days bears to be total period of the licence, permit or pass; and

(ii) in other case the amount of fifteen days' average fee shall be the fee actually paid in respect of the licence, permit or pass during a period of three months or during the actual period whichever is less, immediately preceding the withdrawal of the licence, permit or pass.

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30. Any authority granting a licence under this Act may require the licensee to execute a counterpart agreement in conformity with the licensee and tenure of his licence and to give such security for the performance of such agreement, or to make such deposit in lieu of security, as such authority may think fit.

31. (1) No licence granted under this Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the licence in or any proceeding taken prior to the grant thereof.

(2) The decision of the Excise Commissioner as to what is a technical defect, irregularity or omission shall be final."

32. Any holder of a licence to sell by retail under this Act may surrender his licence on the expiration of one month's notice in writing given by him to the Excise Commissioner of his intention to surrender the same and on payment of the fee payable for the licence for the whole period for which it would have been current but for such surrender:

Provided that if the Excise Commissioner is satisfied that there is sufficient reason for surrendering such a licence, he may remit the holder thereof the sum so payable on surrender, or any portion thereof.

Explanation : The word "holder of a licence" used in this section include a person whose tender, bid and request on the prescribed form for licence has been accepted, although he may not actually have received the licence.

33. No person to whom a licence or permit has been granted under this Act shall have any claim to the renewal thereof or, save as provided in section 29 any claim to compensation on the determination thereof.

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CHAPTER VII

Offences and Penalties

34. Whoever in contravention of this Act or any rule, notification or order made or issued under this Act or of any licence, permit or pass obtained under this Act—

(a) imports, exports transports, possesses or sells any excisable article ; or
(b) manufactures any intoxicant ; or
(c) constructs or works any distillery or brewery ; or
(d) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any intoxicant or excisable article ; or
(e) bottles any liquor for the purpose of sale ; or
(f) removes any intoxicant from any distillery, brewery, warehouse licensed or other place of storage established or authorised under this Act ;

shall be liable to imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to one thousand rupees but in no case the court shall award a sentence of imprisonment less than three months and a fine of five hundred rupees.

35. Whoever-

(a) alters or attempts to alter, by any means whatsoever, any denatured spirit ; or
(b) has in his possession any spirit which has been and which he knows or has reason to believe to have been derived from denatured spirit, so that such spirit may be used for human consumption internally, whether as a beverage or medicine or in any other way whatsoever ;

shall be liable in case of clause (a) to imprisonment for a term which may extend to five years and also to fine and in case of clause (b) to imprisonment for a term which may extend to two years and to fine.

36. If any licensed manufacturer or a licensed vendor or any person or his employee acting on his behalf mixes or permits to be mixed with any excisable article manufactured, sold or kept or exposed for sale by him any noxious drug or any article prohibited by rules made under sub-clause (i) of clause (i) of section 77 and such mixing does not amount to an offence punishable under section 272 of the Indian Penal Code, or has in his possession any excisable article in respect of which such admixture has been made, he shall be liable to imprisonment for a term which may extend to eighteen months or to fine which may extend to five thousand rupees, or to both.

37. If any licensed manufacturer or licensed vendor or any person in his employment and acting on his behalf –

(a) sells or keeps or exposes for sale as foreign liquor, any liquor which he knows or has reason to believe to be country liquor and such sale does not amount to an offence punishable under section 417 or section 418 of the Indian Penal Code ; or
(b) marks any bottle, case, package or other receptacle containing country liquor, or the cork of any such bottle, or deals with any bottle, case, package or other receptacle containing country liquor with the intention of causing it to be believed that such bottle, case, package, or other receptacle contains foreign liquor and such marking or dealing does not amount to an offence punishable under section 482 of the Indian Penal Code ;

he shall be liable to imprisonment for a term which may extend to one year or to fine which may extend to two thousand rupees ,or to both.

38. (1) If any licensed vendor, or any person in his employment and acting on his behalf –

(a) employs or permits to be employed in any part of his licensed premises any woman or other person in contravention of section 21 ;
(b) sells any excisable article or intoxicant to a person who is drunk or intoxicated ; or
(c) sells or delivers any spirit or intoxicating article to any person apparently under the age of eighteen years whether for consumption by such person or by any other person, and whether for consumption on or off the premises of such vendor; or
(d) permits drunkenness, intoxication, disorderly conduct gaming on the premises of such vendor; or
(e) permits any person whom he knows, or has reason to believe, to have been convicted of any non-bailable offence, or who are reputed prostitutes to meet, or any such person to remain on the premises of such vendor, whether for the purposes of crime or prostitution or not;

he shall be liable to imprisonment for a term which may extend to six months or to fine which may extend to two thousand rupees or to both.

(2) When any licensed vendor or any person in his employment and acting on his behalf, is charged with permitting drunkenness or intoxication on the premises of such vendor, and it is proved that any person was drunk or intoxicated on such premises, shall lie on the person charged to prove that the vendor and the persons employed by him took all reasonable steps preventing drunkenness or intoxication on such premises.

39. If any person without lawful authority, has in his possession any quantity of any intoxicant knowing the same to have been unlawfully imported, transported or manufactured, or knowing that the prescribed duty has not been paid thereon, he shall be liable to imprisonment for a term which may extend to two years and shall also be liable to fine of minimum of five hundred rupees but not exceeding two thousand rupees.

40. (1) If any chemist, druggist, apothecary or a dispensary allows any intoxicant which has not been bonafide medicated for medicinal purposes to be consumed on his business premises by any person not employed in his business, he shall be liable to imprisonment for a term which may extend to one year, or to fine which may extend to three thousand rupees or to both.

(2) If any person not employed as aforesaid consumes any such intoxicant on such premises, he shall be liable to imprisonment or a term which may extend to three months or to fine which may extend to one thousand rupees or to both.

41. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in India or not, which has been denatured or has, in his possession, any denatured spirit which has been rendered fit for human consumption or in respect of which any attempt has been made to render it so fit, shall be punished with imprisonment for a term which may extend to two years and shall also be punishable with fine which may extend to two thousand rupees.

42. If any holder of a licence permit or pass granted under this Act or any person in his employment and acting on his behalf, fails to produce such licence, permit or pass on the demand of any officer duly empowered by the Government in this behalf to make such demand, shall be liable to fine which may extend to one thousand rupees.

43. If any holder of a licence, permit or pass granted under this Act, or any person in his employment and acting on his behalf,

(a) in any case not provided for in section 34, wilfully contravenes any rules made under section 76 or section 77; or
(b) wilfully does any act in breach of any of the conditions of the licence, permit or pass for which a penalty is not prescribed elsewhere in this Act,

shall be liable to fine which may extend to five thousand rupees.
44. (i) When any intoxicant has been imported, exported, transported, manufactured or sold or is possessed by any person on account of any other person, and such other person knows or has reason to believe that such import, export, transport, manufacture or sale was, or that such possession is on his account, the article shall, for the purposes of this Act, be deemed to have been imported, exported transported, manufactured or sold by, or to be in the possession of, such other person.

(2) Nothing in sub-section (1) shall absolve any person who imports, exports, transports, manufactures, sells or has possession of an intoxicant on account of another person from liability to any punishment under this Act for the unlawful import, export, transport, manufacture, sale or possession of such article.

45. When any offence punishable under section 34, section 36, section 37, section 38, section 39, section 42, or section 43 is committed by any person in the employment and acting on behalf of the holder of a licence, permit or pass granted under this Act, such holder shall also be deemed to have himself committed the offence unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence and shall subject to the provisions of section 46 be punishable accordingly.

46. No person other than the actual offender shall be punished under section 44 or section 45 with imprisonment, except in default of payment of a fine.

47. If any Excise Officer -

(a) without reasonable grounds of suspension searches or causes to be searched, any place, under colour of exercising any power conferred by this Act; or

(b) vexatiously and unnecessarily seizes any property of any person on the pretence of seizing or searching for any artcle liable to confiscation under this Act; or

(c) vexatiously and unnecessarily detains, searches or arrests person; or

(d) without lawful excuse ceases or refuses to perform or draws himself from the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner unless he has given to his immediate superior two month's notice in writing of his intention to do so; or

(e) is guilty of cowardice;

he shall be liable to imprisonment for a term which may extend to one year or to fine which may extend to two thousand rupees or to both.

48. If any person is convicted of any act in contravention of any provisions of this Act or of any rules, notifications or orders made, issued or given under this Act, for which a penalty is not prescribed elsewhere in this Act, he shall be liable to fine which may extend to one thousand rupees.

49. Whoever attempts to commit any offence or aids or abets commission of any offence punishable under this Act shall be liable to punishment provided for such offence.

50. If any person, after having previously been convicted of an offence punishable under section 34, section 40 or section 41 or under similar provision in any enactment, rule or notification repealed by this Act, subsequently commits and is convicted of an offence punishable under
Provided that in the case of conviction for a second or subsequent offence under clause (a) or clauses (c) to (f) of section 34, section 40 or section 41, he shall be liable to a sentence of imprisonment for a term of not less than one month and with fine, and in the case of conviction for a second or subsequent offence under clause (b) of section 34 or section 41, a sentence of imprisonment for a term of not less than one year and with fine.

**Things liable to confiscation.**

51. (1) Whenever an offence punishable under this Act has been committed the intoxicant, materials, still, utensil, implement and apparatus in respect of or by means of which such offence has been committed shall be liable to confiscation.

(2) Any intoxicant lawfully imported, transported, manufactured, and in possession or sold along with or in addition to any intoxicant which is liable to confiscation under sub-section (1) and the receptacles, packages and coverings in which or any such intoxicant as first aforesaid, any such materials, still, utensil, implement, or apparatus as aforesaid, is found and the animal, cart, vessel, raft or other conveyance used in carrying the same shall likewise be liable to confiscation:

Provided that no animal, cart vessel, raft or other conveyance as aforesaid shall be liable to confiscation unless the owner thereof is proved to have been implicated in the commission of the offence.

Explanation: For the purposes of this section "owner" includes, in relation to any animal, cart, vessel, raft or other conveyance -

(a) if it is the possession of a minor the guardian of such minor, or

(b) if it is the subject of a hire-purchase agreement, the person in possession thereof under that agreement.

**Offences by companies.**

52. (1) Where any offence punishable under this Act is committed by a company, every Director, Manager, Secretary or agent of the company, unless such Director, Manager, Secretary or agent proves that the offence was committed without his knowledge or consent, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where an offence punishable 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 other officer or person concerned in the management of the affairs of the company, such other officer of person shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purposes of this section –

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

(b) "Director" in relation to a firm means a partner of the firm.

**Demand for security for abstaining from commission of certain offences.**

53. (1) Whenever any person is convicted of an offence punishable under the provision of clause (d) or clause (e) of section 34 or section 41, the court convicting such person may, at the time of passing the sentence on such person, ask him to execute a bond for a sum proportionate to his means, with or without sureties to abstain from the commission of any offence punishable under the said provisions during such period not exceeding three years, as it may direct.

(2) The provisions of the Code of Criminal Procedure, 1898 shall mutatis mutandis apply to all matters connected with such bond as if it were a bond to keep the peace required to be executed under section 106 of the said Code.

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**Penalty for abetment.**

54. Whoever abets an offence punishable under this Act shall, whether such offence is or is not committed in consequence of such abetment and notwithstanding anything contained in section 116 of the Indian Penal Code, be punished on conviction for such abetment, with the same punishment as is provided for the principal offence.
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Penalty for selling to persons under eighteen years, or employing persons under eighteen years or woman of any age.

55. If any licensed vendor, or any person in his employment or any person acting on his behalf-
(a) in contravention of section 20, sells or delivers any liquor or intoxicating drug to any person apparently under the age of eighteen years; or
(b) in contravention of section 21, employs or permits to be employed on any part of his licensed premises referred to in that section, any person under the age of eighteen years or any woman of any age,
he shall be liable to fine which may extend to one thousand rupees.

Further provision for confiscation.

56. When anything mentioned in sub-section (1) and (2) of section 51 is found in circumstances which afford reason for believing that an offence punishable under this Act has been committed in respect of or by means thereof, or when such an offence has been committed and the offender is not known or cannot be found, the Excise Commissioner may order confiscation of such thing and, or any other thing or animal found therewith which is liable to confiscation as provided under sub-section (1) of section 51:

Provided that no such order shall be made until the expiration of one month from the date of seizing the thing or animal in question or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he produces in support of his claim:

Provided further that if the thing in question is liable to speedy and natural decay or if the Excise Commissioner is of opinion that the sale of the thing or animal in question would be for the benefit of its owner, the Excise Commissioner may at any time direct it to be sold.

Power to compound offences.

57. (1) When any licence, permit or pass granted under this Act is liable to be cancelled or suspended under clause (a) or clause (b) or clause (c) of section 28 or who is reasonably suspected of having committed an offence under this Act, other than an offence under section 47, the Excise Commissioner or any Excise Officer specially empowered by the Government in this behalf, instead of enforcing such cancellation or suspension or instituting of prosecution in respect of such offence, may accept from the holder of such licence, permit or pass or from such persons, by way of composition, a sum of money not exceeding five hundred rupees and thereupon such holder or person if in custody shall be discharged and no further proceedings in respect of such liability or offence shall be taken against him.

(2) If in any such case referred to in sub-section (1) any property has been seized as liable to confiscation under this Act, the Excise Commissioner or any Excise Officer empowered in that behalf, may release the same on receiving payment of the value thereof as estimated by him or of such similar sum as he may think fit.

(3) The Excise Commissioner or any Excise Officer may also, after the institution against any person of any prosecution in respect of any offence under this Act other than the offence under section 47, compound the offence on payment by such person, of a sum of money not exceeding five hundred rupees.

CHAPTER VIII
Detection Investigation and Trial of offences and Procedure

58. Any of the following officers, namely -
(a) the Excise Commissioner; or
(b) any Excise Officer not below such rank as the Government may, by notification, appoint may, subject to such restrictions as may be prescribed,-

(i) enter and inspect, at any time by day or night any place in which any licensed manufacturer carries on the manufacture of, or store any intoxicants;
(ii) enter and inspect at any time during which the same
may be open, any place in which any intoxicant is
sold or kept for sale by any licensed person;

(iii) examine the accounts, registers, passes and such
other documents as may be prescribed in this behalf
maintained in any such place as aforesaid;

(iv) examine, test measure or weigh any materials, still,
implements, apparatus or intoxicant ound in any
such place as aforesaid;

(v) seize any intoxicant materials, still, utensils, imple-
ments or apparatus referred to in clause (i), clause
(ii) or clause (iv) together with any accounts, Regis-
ters, passes and other documents referred to or
connected with those referred to in clause (iii) found
in any such place as aforesaid; and

(vi) examine or test and seize any measures, weights or
testing instrument found in any such place as aforesaid,
which he has reason to believe to be false.

Any of the following officers namely:

(a) an officer of the Excise Department not below the rank
of Excise Sub-Inspector or

(b) any other officer empowered by the Government in this
behalf by notification may, subject to any restrictions as
may be prescribed -

(i) arrest without warrant any person found commit-
ting an offence punishable under section 34, section
35, section 39 or section 40;

(ii) seize and detain any article which he has reason to
believe to be liable to confiscation under this Act or
any other law for the time being in force relating
the excise revenue;

(iii) detain and search any person upon whom, and any
vessel, raft, vehicle, animal, package, receptacle or
covering in or upon which he may have reasonable
cause to suspect of having any such article; and

(iv) search and seize any excisable article under-lock
key godown, house, almirah or showcase suspected
to have kept such articles.

A Magistrate empowered to try offences punishable under this
Act may issue a warrant for the arrest of any person whom he has reason
to believe to have committed or abetted the commission of any offence
punishable under section 34, section 35, section 39, or section 40.

If a Magistrate empowered to try offences punishable under this Act
upon information received and after such inquiry if any as he thinks neces-
sary, has reason believe that any offence punishable under section 34, sec-
tion 35, section 39 or section 40 has been or is likely to be committed
or abetted, he may issue warrant to search for and to seize any intoxicant
material, still, utensil, implement or apparatus in respect of which alle-
ged offence has been or is likely to be committed or abetted or any docu-
ment or other article which may furnish evidence of the commission of
the alleged offence.

A Magistrate empowered to try offence punishable under this Act
may at any time -

(a) arrest, or direct the arrest in his presence, of any person
for whose arrest he is competent at the time and in
the circumstances to issue a warrant under section 61; or

(b) search or direct a search to be made in his presence, of
any place of the search of which he is competent to
issue a search warrant under section 61.
Power of Excise Officer to search without warrant

63. Wherever any Excise Officer not below such rank as the Government may, by notification appoint, has reason to believe that an offence punishable under section 34, section 35, section 39 or section 40 has been, a warrant is being, or is likely to be committed or abetted and that a search warrant cannot be obtained without affording the offender an opportunity of escaping or of concealing evidence of the offence, he may, after recording the grounds of his belief, at any time by day or night enter and search any place, and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act together with any document which may furnish evidence of the commission of alleged offence and if he thinks proper arrest any person found in such place whom he has reason to believe to have committed or abetted any such offence as aforesaid.

Information and aid to Excise Officers.

64. (I) Every Officer of the Government shall be bound, subject to any rules made under clause (k) of sub-section (2) of section 77 to give immediate information to an Excise Officer of all breaches of any of the provisions of this Act which may come to his knowledge.

(2) Every Officer referred to in sub-section (1) and every village agent and all panchayats shall be bound, subject to any rules that may be made, to give reasonable aid to any Excise Officer in carrying out the provisions of this Act, or of any rule, notification or order made, issued or given under this Act, upon request made by such officer.

Tower of the Excise Commissioner and certain Excise Officers to investigate offences.

65. (1) The Excise Commissioner may, without the order of a Magistrate, investigate any offence punishable under this Act which a Court having jurisdiction over the local area would have power to inquire into or try under the provisions of Chapter XV of the Code of Criminal Procedure, 1898 of 1898, relating to the place of inquiry or trial.

(2) Any other Excise Officer specially empowered in this behalf by the Government in respect of all or any specified class of offences punishable under this Act, without the order of a Magistrate, investigate any such offence which a court having jurisdiction over the local area to which such officer is appointed would have power to inquire into or try under the aforesaid provisions.

Powers and duties of Excise Commissioner and certain Excise Officers investigating offences.

66. (1) The Excise Commissioner or any Excise Officer may, after recording in writing his reason for suspecting the commission of an offence which he is empowered to investigate, exercise:

(a) any of the powers conferred upon a Police Officer making an investigation, or upon an officer in charge of a Police Station by section 160 to 171 of the 5 of 1898. Code of Criminal Procedure, 1898; and

(b) as regards offences punishable under section 34, section 35, section 39 or section 40 of this Act, any of the powers conferred upon Police Officer in respect of cognizable offences by first clause of sub-section (1) of section 54 and section 56 of the said Code and the said portion of the said Code shall apply accordingly, subject to any restrictions or modifications as may be prescribed.

(2) Subject to any restriction as the Government may impose, the Excise Commissioner or an Excise Officer empowered under sub-section (2) of section 69 may, without reference to a Magistrate, and for reasons to be recorded by him in writing, stop further proceedings against any persons concerned, or supposed to be concerned, in any offence which he or any Excise Officer subordinate to him has investigated.

(3) For the purposes of section 166 of the Code of Criminal Procedure, 1898, the area to which an Excise Officer empowered under sub-section (2) of section 65 is appointed shall be deemed to be a Police Station, and such Officer shall be deemed to be the Officer in charge of such station.
(4) As soon as an investigation by the Excise Commissioner or by an Excise Officer empowered under sub-section (2) of section 65 has been completed, if it appears that there is sufficient evidence to justify the forwarding of the accused to a Magistrate, the investigating officer, unless he proceeds under sub-section (2) of this section or under section 57 shall submit a report which shall, for the purposes of section 190 of the Code of Criminal Procedure, 1898, be deemed to be a Police report to a Magistrate having jurisdiction to inquire into or try the case and empowered to take cognizance of offences on police report.

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Securities and 67.

(1) When a Magistrate issues a warrant for the arrest of any person under this Act, he shall in every such case direct in the manner provided in section 76 of the Code of Criminal Procedure, 1898, that such person shall be released from custody on bail or, if the Magistrate thinks fit, on his own hand.

(2) When any person is arrested otherwise than under a warrant under this Act and is prepared to give bail, he shall be released on bail or at the discretion of the officer releasing him, on his own hand.

(3) All Excise Offices not below such rank as may be empowered by the Government may accept bail.

(4) If the arrest be made otherwise than under a warrant by a person or officer not empowered to accept bail and the person arrested is prepared to give bail, the officer or person making the arrest shall, for that purpose, take the person arrested to the nearest Excise Officer empowered to accept bail, or the nearest officer in-charge of a police station, whoever is nearer.

(5) Bonds taken under this section from persons arrested otherwise than under warrant shall bind such person to appear before a Magistrate or other officer empowered under section 65 to investigate the case.

(6) The provision of sections 498 to 502, 513, 515 and 516 of the Code of Criminal Procedure, 1898 shall apply, so far as may be, in every case in which bail is accepted or a bond taken under this section.

(7) A bond taken under this section shall, for the purpose of sub-section (6), be deemed to be a bond under the Code of Criminal Procedure, 1898.

Production of 68.

(1) Articles seized under a warrant issued under this Act and unless security for their appearance before the Excise Commissioner or an Excise Officer empowered under sub-section (2) of section 65 to investigate the case be taken, persons arrested under such a warrant shall be produced before the Magistrate empowered to try the offence under this Act.

(2) Articles seized under section 58, section 59 or section 61 and persons arrested under the Act by persons or officers not having authority to release arrested persons on bail or on their own bond, shall be produced before or forwarded to -
   (a) the Excise Commissioner or an Excise Officer empowered under sub-section (2) of section 65, to investigate the case, or
   (b) the nearest Excise Officer who has authority to release arrested person on bail or on their own bond.

(3) When a person arrested is produced before an Excise Officer who has authority to release arrested person on bail or on their own bond, such officer shall forward such person to, or take security for his appearance before the Excise Commissioner or the Excise Officer empowered under sub-section (2) of section 65 to investigate the case.
(4) When any article seized cannot conveniently be conveyed before as officer referred to in sub-section (1) or sub-section (2), as the case may be, the person making the seizure shall dispose of such articles in some place of safety and forthwith report the seizure to such an officer.

(5) Notwithstanding anything elsewhere contained in this Act, when an article seized under section 58 section 59, section 61 or section 63 is subject to speedy decay, such article may be destroyed in accordance with the rules made under clause (n) of section 77.

Custody by police of articles seized.

(1) All officers in charge of police stations shall take charge of and keep in safe custody, pending the orders of a Magistrate, or of the Excise Commissioner, or an Excise Officer empowered under sub-section (2) of section 65 to investigate the case all persons arrested and all article seized under this Act and brought or delivered to them, and shall allow any Excise Officer who may accompany any such article to the police station, or who may be deputed for the purpose by an official superior to affix his seal to such articles and to take samples of and from them.

(2) All samples so taken shall be sealed with the seal of the officer in charge of the police station.

Report arrest, seizures and searches.

When any Excise Officer below the rank of Excise Commissioner, or any officer in charge of a Police Station makes or receives information of searches, any arrest, seizure or search under this Act he shall, within twenty-four hours thereafter make a full report of all the particulars of the arrest, seizure or search, or of the information received to the Excise Commissioner, and to the Excise Officer, if any, empowered under sub-section (2) of section 65, within the local limits of whose jurisdiction the arrest, seizure or search was made.

Execution of warrants.

Any warrant issued by a Magistrate under this Act may be executed by the officer to whom the warrant is directed or by any other officer selected by the Magistrate for the purpose.

Maximum period of detention.

(1) No person arrested under this Act shall be detained in custody for a longer period than under all the circumstances of the case is reasonable and such period shall not, without the authority of a Magistrate, exceed twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the place where the Court of Magistrate having jurisdiction to inquire into and try the case situate.

(2) Every Officer executing a warrant issued under this Act, and every Officer other than the Excise Commissioner making arrests, searches or seizures under this Act shall, for the purposes of the Code of Criminal Procedure, 1898 be deemed to be police officers.

Magistrates having jurisdiction to try offences.

No Magistrate other than a Judicial Magistrate of First Class shall try an offence punishable under this Act.

Initiation of certain prosecutions.

(7) No Magistrate shall take cognizance of an offence referred to in section 34, section 35, section 39 or section 40, except on his own knowledge or suspicion, or on the complaint or report of an Excise Officer or an officer empowered in this behalf by the Government; or

(b) in section 42, 43, clause (d) or clause (e) of section 47, or section 48, except on the complaint or report of the Excise Commissioner or an Excise Officer authorized by the Excise Commissioner in this behalf.

Bar to transfer of trial on application of accused.

The provisions of section 191 of the Code of Criminal Procedure, 1898 shall not apply in any case in which a Magistrate takes cognizance of an offence under this Act on the report of any officer referred to in clause (a) or clause (b) of section 74.
CHAPTER IX
MISCELLANEOUS

The Government may, subject to previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) prescribing the powers and duties of officers of the Excise Department;

(b) regulating the delegation of any powers by the Excise Commissioner under clause (vii) of sub-section (2) of section 5;

(c) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders whether original or appellate, passed under this Act or under any rule made thereunder, and for prescribing the time and manner for presenting and the procedure for dealing with, such appeals;

(d) regulating the import, export, transport, sale, purchase, possession or consumption of any intoxicant;

(e) regulating the periods for which licenses for the wholesale or retail vend of any intoxicant may be granted, and the number of such licenses which may be granted for any local area;

(f) prohibiting the grant of licenses for the retail sale of any intoxicant at any place or within any local area described in the rules, or for defining places in the vicinity of which shops for the retail sale of any intoxicant shall not ordinarily be licensed;

(g) prohibiting the grant to specified classes of persons of licenses or any particular kind of class;

(h) declaring, either generally or in respect of areas described in the rules, the persons or classes of persons to whom any intoxicant may or may not be sold;

(i) prescribing restrictions subject to which a licence, permit or pass granted under this Act may be cancelled or suspended;

(j) regulating the procedure to be followed and prescribing the matters to be ascertained before any licence for the wholesale or retail vend of any intoxicant is granted for any locality;

(k) for restricting the exercise of any of the powers conferred by section 57, section 58 and section 59;

(l) for declaring the Excise Officers to whom and the manner in which, information or aid should be given under section 64;

(m) for the grant of expenses to witnesses;

(n) for the grant of compensation for loss of time to persons released by an Excise Officer under this Act on the ground that they have been improperly arrested and to persons charged before a Magistrate with offences punishable under this Act and subsequently acquitted; and

(o) for prescribing restrictions or modifications in the application to Excise Officer of the provisions of the Code of Criminal Procedure, 1898, relating to powers of police officers which are referred to in sub-section (1) of section 66 of this Act:

Provided that any such rules may be made without previous publication if the Government considers that they should be brought into force at once.
Further power to make rules.

The Government may also make rules -

(a) for regulating the manufacture, supply or storage of any intoxicant and in particular and without prejudice to the generality of this provision, may make rules for regulating-

(i) the establishment, inspection, supervision, management and control of any place for the manufacture, supply or storage of any intoxicant and the provision and maintenance of fittings, implements and apparatus therein;

(ii) the bottling of liquor for purposes of sale;

(b) for fixing the strength, price or quantity in excess of or below which any intoxicant shall not be supplied or sold, and the quantity in excess of which denatured spirit shall not be processed and for prescribing a standard of quality for any intoxicant;

(c) for declaring how spirit manufactured in India shall be denatured;

(d) for causing spirit so manufactured to be denatured through the agency or under the supervision of servants of the Government;

(e) for ascertaining whether any spirit so manufactured has been denatured;

(f) for regulating the deposit of any intoxicant in a warehouse established, authorised or continued under this Act, and the removal of any intoxicant from any such warehouse or from any distillery or brewery;

(g) for prescribing the scale of fees or the manner of fixing the fees payable in respect of any exclusive privilege granted under section 17 or any licence, permit or pass granted under this Act, or in respect of the storing of any intoxicant;

(h) for regulating the time, place and manner of payment of such fees;

(i) for prescribing the restrictions under which or the condition of which any licence, permit or pass may be granted and in particular, and without prejudice to the generality of this provision, may make rules for-

(i) prohibiting the admixture with any intoxicant or any article deemed to be noxious or objectionable;

(ii) regulating or prohibiting the reduction of liquor by a licensed manufacturer or licensed vendor from a higher to a lower strength;

(iii) prescribing the nature and regulating the arrangement of the premises in which any intoxicant may be sold, and prescribing the notices to be exposed at such premises;

(iv) prohibiting or regulating the employment by the licensees or any person or class of persons to assist him in his business;

(v) prohibiting the sale of any intoxicant except for cash;

(vi) prescribing the days and hours during which any licensed premises may or may not be kept open, and providing for the closing of such premises on special occasions;

(vii) prescribing the accounts and registers to be maintained and the returns to be submitted by the licensee relating to their business; (viii) regulating the transfer of licenses;

(j) for prescribing the particulars to be contained in licenses, permits or passes granted under this Act;

(k) for the payment of compensation of licensees whose premises are closed under section 22 or under any rule made under sub-clause (vi) of clause (i) of this section;
(1) for prescribing the time, place and manner of levying duty on intoxicants;

(m) for providing for the destruction or for the disposal in any other manner, of any intoxicant deemed to be unfit for use; and

(n) for regulating the disposal or destruction of articles or things confiscated or seized under the provisions of this Act.

Explanation 1: Fees may be prescribed under clause (g) of this section at different rates for different classes of exclusive privilege, licenses, permits, passes or storage, and for different areas.

Explanation 2: The price of an intoxicant as fixed by rules made under clause (b) or this section shall be deemed to have always been exclusive of any tax, surcharge, additional surcharge or any other impost on the sale or purchase of such intoxicant levied under any law for the time being in force.

Recovery of dues

(1) The following moneys, namely:

(a) all excise revenue;

(b) loss that may accrue when a grant has been taken under management by the Excise Commissioner;

(c) all amounts due to the Government by any person on account of any contract relating to the excise revenue: may be recovered from the person primarily liable to pay the same, or from his surety, if any, by distress and sale of his moveable or immovable property in accordance with the law relating to recovery of public demand for the time being in force.

(2) When a grant has been taken under management by the Excise Commissioner, or has been transferred by him, the Excise Commissioner may recover in any manner authorised by sub-section (1), any money due to the grantee by any lessee or assignee.

(3) When any money is due in respect of an exclusive privilege to a grantee referred to in section 18 from any person holding under him, such grantee may apply to the Excise Commissioner and he may recover such money on his behalf in order of the ways provided in sub-section (1).

Power of Government to exempt intoxicants from provisions of Act.

79. The Government may, by notification, either wholly or partially, and subject to such condition, if any, as it may think fit to impose, exempt any intoxicant from all or any of the provisions of this Act, either throughout Sikkim or in any specified local area, or for any specified period or occasion or as regards any specified class of persons.

Protection of action taken in good faith

80. No suit or other proceeding shall lie in any court against the Government or any Excise Officer for any act in good faith done or ordered to be done in pursuance of this Act or of any other law for the time being in force relating to the excise revenue.

Limitation of suits and prosecution.

81. (1) No Civil Court shall try any suit against the Government in respect of anything done or alleged to have been done in pursuance of this Act and except with the previous sanction of the Government, no Magistrate shall take cognizance or any charge made against any Excise Officer under this Act, unless the suit or prosecution is instituted within six months after the date of the act complained of.

(2) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, when any Sub-Inspector of Excise, or Assistant Sub-Inspector of Excise or Excise Constable is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence, except with the previous sanction of the Government.

Exception of Medicated articles.

82. Nothing in the foregoing provisions of this Act applies to the import, manufacture, possession, sale or supply of any bonafide medicated article for medicinal purposes by medical practitioners, chemists, druggists, apothecaries or keepers of dispensaries, except in so far the Government may, by notification, so direct.
83. The provisions of section 337, 339 and 339A of the Code of Criminal Procedure, 1898, shall apply in relation to offences punishable under this Act as they apply in relation to offences mentioned in the said sections.

84. If any Excise Officer considers that he ought to stop further proceedings against any person concerned, or supposed to be concerned in an offence, he shall forthwith send a report to the Excise Commissioner stating all the facts relating to the initiation of proceedings and his reason for thinking that further proceedings should be stopped, such proceedings shall be stopped only when the Excise Commissioner authorises him to do so in writing.

85. (1) On and from the date of commencement of this Act, the Sikkim Excise Act, 1971 shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the repealed Act shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provision of this Act.
STATEMENT OF OBJECTS AND REASONS

The Sikkim Excise Act, 1971 is a premerger law and had the protection of clause (k) of article 371 of the Constitution. The Excise Department issues licences for manufacture, sale, import and export of liquor in the State under the provisions this Act. However, this Act does not contain specific provisions for levy of excise-duty on all such excisable articles and intoxicants. The excise duty is, hitherto, being levied as one of the conditions stipulated in the licence itself. Besides, this Act does not have comprehensive provisions for regulating various matters relating to excisable articles, administrative machinery control and supervise the manufacture, sale, import, export and transport of excisable articles and intoxicants, collection of revenue as excise duty therefrom, imposition of penalty for different types of offences committed by manufacturers, vendors and sellers and other allied and incidental matters.

The present Bill has, therefore, been framed with the above objects in view to replace the existing Act namely, the Sikkim Excise Act, 1971.

S.G. Kaleon
MINISTER-IN-CHARGE

FINANCIAL MEMORANDUM

The Excise Department is already having necessary infrastructure for the implementation of the provisions of the proposed Bill. As such, the implementation of the provisions of the Bill when enacted may not involve any additional expenditure for the present. Later on when the activities of the Department increases it may be necessary to strengthen the existing infrastructure. This can be taken up as and when necessary.

RECOMMENDATION OF THE GOVERNOR UNDER CLAUSE (1) OF ARTICLE 207 OF THE CONSTITUTION OF INDIA.

The Governor of Sikkim, having been informed of the subject matter of the Bill, has been pleased to recommend the introduction and consideration of the said Bill by the Legislative Assembly of Sikkim.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 76 and 77 of the Bill empower the State Government to make rules for proper implementation of the provisions of the Act. The powers delegated are of normal character.

B. P. S. BUSNETT,
Addl. Secretary.
NOTIFICATION

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

THE LAND ACQUISITION (SIKKIM) AMENDMENT BILL, 1992
(BILL NO. 3 OF 1992)
A BILL

further to amend the Land Acquisition Act, 1894.

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

1. This Act may be called the Land Acquisition (Sikkim) Amendment Act, 1992.

2. In section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the Principal Act), in sub-section (1), the word "daily" shall be omitted.

3. In section 6 of the Principal Act, in sub-section (2), the word "daily" shall be omitted.

4. Any notification published under sub-section (1) of section 4 and any declaration published under sub-section (2) of section 6 of the Principal Act before the commencement of this Act, shall be deemed to have been published in accordance with the provisions of this Act as if this Act was in force on the date of such publication.
STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 4 and sub-section (2) of section 6 of the Land Acquisition Act, 1894 (Central Act 1 of 1894), provide that the notification and declaration are to be published in "two daily newspapers circulating in that locality of which at least one shall be in the regional language whenever it appears to the appropriate Government that land in any locality is needed or likely to be needed for any public purpose or for a company. The above provisions are made by the Land Acquisition (Amendment) Act, 1984.

In Sikkim there are no daily newspapers circulating in a particular locality in any particular regional language. The local papers are not published daily or regularly. Even some papers which claim to be a regular come out once or twice in a week, and sometime they do not have a single publication in a week. Such being the position of local papers in Sikkim, the authorities in the past felt it very difficult to comply with the provision of sub-section (1) of section 4 and sub-section (2) of section 6 of the aforesaid Act. In one of the acquisition cases, State Government had to face the challenge in the High Court of Sikkim.

Keeping in view the above stated facts, this Bill has been prepared to amend sub-section (1) of section 4 and sub-section (2) of section 6 of the Land Acquisition Act, 1894 by omitting the word "daily" appearing in the aforesaid two sub-sections of those sections.

This Bill seeks to achieve the above mentioned objects.

RAM LEPCHA
MINISTER-IN-CHARGE
LAND REVENUE DEPARTMENT

Memorandum regarding delegated legislation.

NIL

Financial Memorandum

NIL

By Order.

B.P.S. Busnett,
Additional Secretary.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

According to the guidelines for implementation and monitoring of Centrally Sponsored Scheme of Soil Conservation in the catchment of River Valley Project, issued by the Ministry of Agriculture, Department of Agriculture and Co-operation, Soil and Water Conservation Division, Government of India, New Delhi, the State Government is pleased to constitute a State Level Implementation Committee (SLIC) and a Project Level Implementation Committee (PLIC) for the State of Sikkim consisting of the following officers respectively:

State Level Implementation Committee (SLIC)

1. Development Commissioner .......... Chairman
2. Principal Chief Conservator of Forests-cum-Secretary Forests
3. Secretary, Finance .... Member
4. Chief Conservator of Forests (concerned) .... Member Secretary

Project Level Implementation Committee (PLIC)

1. Conservator of Forests, Land Use & Environment .......... Chairman
2. Deputy Director, Agriculture .... Member
3. Deputy Director, Animal Husbandry .... Member
4. Assistant Conservator of Forests (RVP) .... Member
5. Divisional Forest Officer (RVP) .... Member Secretary

BY ORDER

( P. S. MOKTAN ) IFS
PRINCIPAL CCF-CUM-SECRETARY FORESTS
GOVERNMENT OF SIKKIM
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK

NOTIFICATION


In pursuance of the 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, 1992
( BILL NO. 4 OF 1992 )

A BILL
to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Sikkim to meet the amounts spent on certain services during the Financial Year ended on 31st day of March, 1984 and 31st day of March, 1985 in excess of the amounts authorised or granted for the said services.

BE it enacted by the Legislature of the State of Sikkim in the Forty-third Year of the Republic of India as follows :—

1. This Act may be called the Sikkim Appropriation Act, 1992.
2. The sums specified in column 5 of the Schedule amounting to five crore, six lakhs, fifty-nine thousands, one hundred and three 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 amount 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, 1984, and 31st day of March, 1986 in excess of the amounts authorised or granted for those services and purposes for those years.
3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the Financial Years ended on the 31st day of March, 1984 and 31st day of March, 1985.
THE SCHEDULE
(See Section 2 and 3)

<table>
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<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>
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<td>Capital</td>
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<td>30</td>
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<td>Revenue</td>
<td>12,672</td>
<td>12,672</td>
</tr>
<tr>
<td>31</td>
<td></td>
<td>Capital</td>
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<td>36</td>
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<td>Revenue</td>
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<td>37</td>
<td>Sikkim Nationalised Transport</td>
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<td>Total:</td>
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<td>1,88,09,232</td>
<td>5,06,59,103</td>
</tr>
</tbody>
</table>

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (1) of article 204 read with sub-clause (b) of clause (1) of article 205 of the Constitution to provide for the appropriations out of the Consolidated Fund of the State of Sikkim of the moneys required to meet expenditure incurred in excess of the appropriation charged on the fund and the grants made by the Sikkim Legislative Assembly for the Financial Years ended on the 31st day March, 1984 and 31st day of March, 1985.

N.B.BHANDARI
Chief Minister and
Minister-in-Charge Finance

GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

The Governor, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation out of the Consolidated Fund of the State of Sikkim meet the amounts spent on certain services during the financial year ended on 31st day of March, 1984 and 31st day of March, 1985 in excess of the amounts authorised or granted for the said services, recommends the introduction of this Bill in the Legislative Assembly.

By Order,

B.P.S. Busnett
Additional Secretary.

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

NOTIFICATION

No. SLAS/91-92/15/898

Dated Gangtok the 2nd March, 1992.

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


( Bill NO. 6 OF 1992 )

A

Bill

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year, 1992-93.

BE it enacted by the Legislature of the State of Sikkim in the Forty- third Year of the Republic of India as follows:—

1. This Act may be called the Sikkim Appropriation Act, 1992.

2. From and out of the Consolidated Fund of the State of Sikkim, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and sixty crores, thirty five lakhs, ninety two thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 1992-93 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 Appropriation Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.
### THE SCHEDULE

(See section 2 and 3)

<table>
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<tr>
<th>No.</th>
<th>SERVICES AND PURPOSES</th>
<th>Voted by the Legislative Assembly</th>
<th>(In thousands of Rupees) Charged on the consolidated Fund</th>
<th>Total</th>
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<td>3.</td>
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<td>Revenue</td>
<td>10840</td>
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**STATEMENT OF OBJECTS AND REASONS**

This Bill is introduced in pursuance of clause (1) of article 204 of the Constitution of India 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 the expenditure of the Government of Sikkim for the Financial year 1992-93.

**N. B. BHANDARI**
Chief Minister and
Minister-in-Charge, Finance.

**GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA**

The Governor, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation out of the Consolidated Fund of the State of Sikkim for the services of the financial year 1992-93, recommends the introduction of this Bill in the Legislative Assembly.

By Order,

**B.P.S. Busnett**
Additional Secretary.

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


(BILL NO. OF 1992)

A BILL
to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year, 1991-92

BE it enacted by the Legislature of the State of Sikkim in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Sikkim Appropriation Act, 1992.

2. From and out of the Consolidated Fund of the State of Sikkim, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty crores, fifty six lakhs, twenty one thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 1991-92 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 specified in the Schedule in relation to the said year.
THE SCHEDULE
(See Section 2 and 3)

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<th>No.</th>
<th>SERVICES AND PURPOSES of</th>
<th>Voted by the Legislative Assembly (In thousands of Rupees)</th>
<th>Charged on the Consolidated Fund</th>
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STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (1) of article 204 read with article 205 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 Supplementary expenditure charged on the Consolidated Fund of the State of Sikkim and the Supplementary grants made by the Legislative Assembly for the expenditure of the Government of Sikkim for the Part of Financial Year 1991-92.

N. B. BHANDARI
Chief Minister and
Minister-in-Charge, Finance.

GOVERNOR'S RECOMMENDATION UNDER THE ARTICLE 207 OF THE CONSTITUTION OF INDIA

The Governor, having been informed of the subject matter of the proposed Bill to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Sikkim or the services of a part of a financial year 1991-92, recommends the introduction of this Bill in the legislative Assembly.

By Order,

BPS. Busnett
Additional Secretary.

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GANGTOK

Notification No. 27/675/BLR(S).
Dated: Gangtok, the 30th January, 1992.

DEPARTMENT OF SIKKIM, LAND REVENUE DEPARTMENT
GANGTOK

NOTICE UNDER SECTION 4 (1) OF LAND ACQUISITION
ACT 1894 (1 of 1894)

Whereas the functions of the Central Govt. under the Land Acquisition Act., 1894
(1 of 1894), in relation to the acquisition of land for the purpose of the Union have been
entrusted to the State Government by notification No. 12018/12/76-LRD dated 10.8.78 issued
by the Government of India under clause (1) of Article 246 of the constitution of India.

And it appears to the Government that land is likely to be needed for a public pur-
pose being a purpose of the Union namely construction of approach of PMT Bridge by 97
RCC (GREF) over Rongni Khola at Singtam East District it is hereby notified that certain
portion of land comprising cadastral plots Nos. 2933, 2934, 2938, 2939, 2940 and 2941 (1976
Survey and Settlement Operation) and measuring 0.1900 hectare, 0.0500 hectare, 0.2040 hec-
tare, 0.0640 hectare, 0.0500 hectare, and 0.1620 hectare respectively situated in West Pendam
Block and an area of 0.0240 hectare of land within the Singtam Bazar Area and bounded on:-

East : Land of Shri P.P Dhamala
West : NH 31/A and area of Hospital
North : Rongni Khola and land of Shri P.P. Dhamala.
South : Land of Shri P.P. Dhamala.

is likely to be needed for the aforesaid public purpose at the public expense within
the West Pendam Block and Singtam Bazar Area.

This notification is made under the provision of Section 4 (1) 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 Joint Director-cum Collec-
tor-S.L.R.O., Land Revenue Deptt Govt. of Sikkim.

In exercise of the powers conferred by the said section read with said notification, the
Governor is pleased to authorise the officers for the time being engaged in the undertaking
with their servants and workman, to enter upon and survey the land and do 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.

T. W. BARPHUNGPA, IAS
Secretary
Land Revenue Department
Government of Sikkim

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The terms of reference of the Administrative Reforms Commission have been notified vide Notification No.103/Home/90 dated 19th July, 1990 wherein under para 5 the report of the Commission was to have been submitted within a period of 18 months which expires on 18th January, 1992.

The State Government is pleased to hereby extend the date of submission of the report of the Administrative Reforms Commission by a further period of one year beyond 18th January, 1992.

By Order.

P. K. Pradhan,
CHIEF SECRETARY

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In continuation with Notification No :26(33)90-91/107/RDD dated 4th March 1991 and subsequent upgradation of amount prescribed for families living below poverty line from Rs. 6400 to Rs. 11,000 by Govt. of India, Govt. of Sikkim categorises the following annual income groups for the purpose of identification of families in Sikkim:

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<th>Income Category</th>
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<td>(b) Rs. 4001-6000</td>
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<td>(d) Rs.8501-11,000</td>
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<td>Rs. 11001-20,000</td>
</tr>
<tr>
<td>3. Middle Income Group</td>
<td>Rs.20,001-50,000</td>
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<tr>
<td>4. High Income Group</td>
<td>Rs.50,001 and above</td>
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L. B. CHHETRI,
Secretary
Rural Development Department
NOTIFICATION

In exercise of the powers conferred by clause (f) of sub-section (1) of section 2 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Central Act 28 of 1978), the State Government hereby specifies the whole State of Sikkim as notified area for the purposes of section 5 of the said Act.

P. K. Pradhan,
CHIEF SECRETARY.
Gangtok Tuesday, 11th February, 1992

GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 7(17)Home/79/1 Dated Gangtok, the 18th January, 1992.

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, 1985, namely:

1. These rules may be called the Government of Sikkim (Allocation of Business) Amendment Rules, 1992.
2. In the Second Schedule to the Government of Sikkim (Allocation of Business) Rules, 1985:-
   a) under the heading "Establishment Department", in serial number 1 and 14, after the words "Gazetted Officers" the words "excluding the post Graduate Teachers but" shall be inserted.
   b) under the heading "XII Education Department", after serial number 17, the following serial number and entries shall be inserted, namely :-
      "18. Appointment and transfers of Post Graduate Teachers",

P.K. PRADHAN
Chief Secretary,
Government of Sikkim.
NOTIFICATION NO. 48 /HCS/JUDL.

In exercise of the powers conferred by section 8 of the High Court of Judicature (Jurisdiction and Powers) Proclamation of 1995 as amended by the Adaptation of Sikkim Laws (No. 1) order, 1975 and section 23 of the Contempt of Courts Act, 1971 and all other powers enabling it in this behalf, the High Court of Sikkim with the previous approval of the Government of Sikkim makes the following Rules:

CHAPTER - I
PRELIMINARY

1. (1) These Rule may be called the Sikkim High Court (Practice and Procedure) Rules, 1991.

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

2. (1) The Sikkim High Court (Judicial Business) Rules, 1980 are hereby repealed

(2) Notwithstanding such repeal, anything done or any action taken under the said rules shall be deemed to have been done or taken under the corresponding provisions of these rules, as if these rules had come into force on the 3rd. day of October, 1980.

CHAPTER - II
JUDICIAL BUSINESS

PART A (a) : GENERAL RULES OF PROCEDURE

(1) All appeals, petitions, applications written statements, affidavits or other documents sought to be presented shall be presented in the High Court to the Deputy Registrar or such other officer as the Registrar may appoint for the purpose by litigants or their Advocates during the hours of 10 a.m. to 4 p.m. on every day which is not a Court holiday. Petitions sent by litigants through post or unauthorised persons for taking some Judicial action shall not be entertained but returned per bearing post or per bearer.

Provided that appeal, petition, application, written statement, affidavits or other documents of prisoner or detenues, received through the Officer -in-charge of the prison shall be entertained by this Court.

(2) No appeal, petition or application shall be received unless presented during the Court hours between 10 a.m. to 4 p.m.

(3) All appeals, petitions etc, accompanied by petition to be treated the same as urgent, should however, be presented personally to the Registrar on any working day before 11 a.m. but may in exceptional cases, be received not later than 1 p.m.

Provided that during the winter vacation such petition shall be presented not later than 11 a.m. on all working days during such period.
<table>
<thead>
<tr>
<th>Hearing of urgent and ordinary petitions etc.</th>
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<tr>
<td>4. <strong>(1)</strong> The Registrar shall ordinarily fix the urgent petitions for hearing on the next day. It however, the Registrar is satisfied that there is sufficient urgency, he shall mark the petition for hearing on the same day with the approval of the Chief Justice.</td>
</tr>
<tr>
<td><strong>(2)</strong> All other appeals, petitions and applications, if found in order on scrutiny and not refused or returned for amendment, may be put up on the date as may be directed by the Registrar or such other officer as may be authorised by the Chief Justice in this behalf.</td>
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<tr>
<td><strong>(3)</strong> Subject to sub-rule (1), all appeals, petitions etc., which are within the competence of Division Bench presented during a week, shall ordinarily be listed for hearing on every Monday or Thursday of the following week.</td>
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<td><strong>(4)</strong> Notice of the hearing of ordinary and urgent petitions shall not be given individually to the petitioner or his counsel but a list or such petitions shall be hung up for the purpose on the notice-board on the day (5) preceding the date fixed for the hearing of these petitions giving the name of the judge by whom the petition will be heard.</td>
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<tr>
<th>Form of pleading.</th>
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<tr>
<td>5. Every memorandum of appeal and every application, written statement, affidavit, annexures to written petitions etc., shall be in the English and shall be typed in double spacing on one side of the paper only on judicial paper, unless a printed form is prescribed for the purpose by the High Court. It shall be headed &quot;In the High Court of Sikkim at Gangtok&quot; and signed by the appellant or the applicant or by an advocate on his behalf. The original typed copy and not the carbon copy shall be filed in duplicate, the duplicate copy shall be the first carbon copy. No memorandum or application or copy thereof will be entertained unless it is legible.</td>
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<thead>
<tr>
<th>Section and enactment under which the appeal, petition or application lies. The Deputy Registrar is authorised to refuse to receive any memorandum of appeal, petition or application which does not comply with these rules.</th>
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<tr>
<td>7. <strong>(1)</strong> Where the memorandum of appeal or any petition or application is not drawn up in the manner prescribed herein or in the Code of Civil Procedure, 1908 the Registrar may allow the same to be amended within a time not exceeding ten days at a time and forty days in the aggregate to be fixed by him.</td>
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<td><strong>(2)</strong> If the memorandum of appeal petition or application is not amended within the time allowed by the Registrar under sub-rule (1), it shall be listed for orders before the Court.</td>
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<tr>
<th>Power to examine and impound any instrument not duly stamped.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. The Registrar is authorised to examine and impound any instrument not duly stamped.</td>
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</table>

| Notwithstanding anything contained in these rules, no appeal, petition or application shall be presented for admission unless the same bears an office report as to the limitation of time, sufficiency of stamp or Court fees and whether it complies with provisions of these rules. Such report shall ordinarily be endorsed on the memorandum or application and returned by the Stamp Reporter or such other officer as the Chief Justice may appoint in the behalf before 4 p.m. on the date on which such memorandum or application was made over to him for examination. |

<table>
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<tr>
<th>Endorsement showing the date of presentation. The Registrar shall then cause it to be entered in the registrar maintained for the relevant purpose.</th>
</tr>
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<tr>
<td>10. Where any appeal, application or petition requiring judicial orders from the Court including Writ Petition under article 226 of the Constitution of India and application for review or revision is duly received by the Registrar or the Deputy Registrar and after scrutiny is not refused or returned under these rules, it shall carry an endorsement showing the date of presentation. The Registrar shall then cause it to be entered in the registrar maintained for the relevant purpose.</td>
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</table>

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<tr>
<th>Limitation of time for presentation of the memorandum or application.</th>
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<tr>
<td>11. The date of presentation to the Registrar or Deputy Registrar or such other officer as provided under these rules shall be deemed to be the date of presentation for the purpose of limitation.</td>
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<tr>
<th>Where by these rules or by any order of the Court, any step is required to be taken in connection with any proceeding before the Court, that step shall, unless the context otherwise requires, be taken in the Registry.</th>
</tr>
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<tr>
<td>12. Where by these rules or by any order of the Court, any step is required to be taken in connection with any proceeding before the Court, that step shall, unless the context otherwise requires, be taken in the Registry.</td>
</tr>
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</table>
Period how calculated
Court's Power to dispense with compliance with the Rules.
Power of Registrar to make appropriate orders.
Inherent power of the court not affected.

13. Where a particular number of days is prescribed by these Rules or by or under any act, in computing the time, that day from which the said period is to be reckoned shall be excluded, and if the last day expires on a day when the office is closed, that day and any succeeding days on which the Court remains closed shall also be excluded.

14. The Court may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules and may give such directions in matters of practices and procedure as it may consider just and expedient.

15. An application to be excused from compliance with the requirements of any of the rule shall, in the first instance, be placed before the Registrar, who may without interfering or dispensing with any mandatory requirements of the rules, make appropriate order thereon, or if in his opinion, it is desirable that the application should be dealt with by the Court, direct the applicant, if the other party has entered appearance, to serve a copy thereof on the said party, and thereafter place the same before the Court on a convenient day for orders.

16. Nothing in these Rules shall be deemed to limit or otherwise affect the inherent powers of the Court to make such orders as may be necessary for the ends of justice or to prevent the Court abuse of the process of the Court.

PART A (b) : GENERAL RULES FOR INTERLOCUTORY OR MISCELLANEOUS APPLICATIONS AND AFFIDAVITS,

Language of application.

17. Applications to the Court shall be in the English language and shall be made by petition duly stamped with a Court fee label of Rs. 2.00.

Application to be filed after serving copy on opposite party.

18. Every application to the High Court relating to any proceeding pending before the Court shall ordinarily be filed after serving a copy thereof on the opposite parties at least 24 hours before the sitting of the Court before which it is proposed to move the application. Such applications shall ordinarily be listed for hearing on the date fixed for the main proceeding, if the application is filed in the pending proceeding.

Application if found on out such facts.

19. Every application if founded on any statement of fact, shall set out the material facts; matters and circumstances on which the applicant relies. fact to set out such facts.

Application to be verified by affirmation.

20. The facts stated in such application shall be verified by the solemn affirmation of the applicant or by an affidavit to be annexed to the application.

Consequence of non service of notice.

21. In all cases in which service of notice on the opposite party is necessary, if such notice has not been duly served, the hearing of the application (except in case of urgency), shall not be listed for hearing.

Affidavit.

22. (1) Every affidavit to be used in the High Court shall be entitled "In the High Court of Sikim at Gangtok".

(2) If the declarant speaks to any fact within his own knowledge, he shall do so directly and positively using the words "I affirm (or make Oath) and say".

(3) If there be a cause in Court, the affidavit in support of, or in opposition to an application respecting it shall also be entitled in the cause.

(4) Every affidavit containing any statement of fact shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.

Particulars of person making an affidavit.

23. Every person, other than a plaintiff or defendant in a suit in which the application is made, making an affidavit, shall be described in such a manner as will serve to identify him clearly, that is to say by the statement of his full name, the name of his father, his profession or trade, and the place of residence.

Affirmation or oath.

24. (1) When the declarant in any affidavit speak to any fact within his own knowledge, he shall do so directly and positively using the words "I affirm (or make Oath) and say".
When the particular fact is not within the declarant's own knowledge, but is stated from information obtained from others, the declarant shall use the expression "I am informed", and if such be the case, should add "and verily believe it to be true", and he must also state the source from which he received such information.

When the statement rests on facts disclosed in documents or copies of documents procured from any Court of justice or other source, the deponent shall state the source from which they were procured, and his information or belief as to than truth of the facts disclosed in such documents. Copies of documents (other than those on the record of the case) to which it is intended to be used for reference at the time of hearing shall be marked as an exhibit and shall bear the certificate of the Oath Commissioner before whom the affidavit is made.

Deponent shall be identified to the Oath Commissioner by some person known to him, and the Oath Commissioner shall specify at the foot of the application or of the affidavit (as the case may be) the name and description of person by whom the identification is made, as well as the time and place of the identification, and of the making of the affidavit.

When affidavits rest on facts disclosed in documents or copies of documents procured from any Court of justice or other source, the deponent shall state the source from which they were procured, and his information or belief as to than truth of the facts disclosed in such documents. Copies of documents (other than those on the record of the case) to which it is intended to be used for reference at the time of hearing shall be marked as an exhibit and shall bear the certificate of the Oath Commissioner before whom the affidavit is made.

Duty of Oath Commissioner. If any person making an affidavit shall be ignorant of the language in which it is written, or shall appear to the Oath Commissioner to be illiterate, or does not fully understand the contents of the affidavit the Oath Commissioner shall cause the affidavit to be read and explained to him in a language which the both (he and the Oath Commissioner) understand, either doing so himself, or causing another person to do so in his presence. When any affidavit is read as herein provided, the Oath Commissioner shall certify in writing at the foot of the affidavit that it has been so read or explained and that the declarant seemed perfectly to understand the same at the time of making the affidavit.

When affidavits or outside the court or not supported by evidence already on record, such assertion shall be supported by one or more affidavit, or
(1) Such affidavit shall ordinarily be presented with memorandum of appeal cross-objection, petition or application in any proceeding in the High Court contains an assertion of any fact or facts contrary to or outside the court or not supported by evidence already on record, such assertion shall be supported by one or more affidavit,
(2) Such affidavit shall ordinarily be presented with memorandum of appeal cross-objection, application or petition.

Effect of absence of affidavit. Any ground contained in any such memorandum of appeal, cross-objection, application or petition containing an assertion of fact not supported by affidavit, may on the hearing thereof, be ordered by the Judge or Bench to be struck out or amended summarily, unless leave be granted to present an affidavit in support thereof.

Evidence to be given by affidavit. When upon any application any evidence is to be given, such evidence shall ordinarily be given by affidavit as provided in Order XIX, rule 2 of the Code of Civil Procedure 1908, and not otherwise unless a Judge or Bench may, by order, direct.

EXPLANATION:- Evidence given in support of any of the following or similar application should be given, by affidavit unless otherwise ordered:-
(a). application to admit an appeal or application, which is Prima Facie barred by time.
(b). application to add parties or to substitute representatives of parties.,
(c). application to re-admit an appeal or application which has been dismissed for default.
(d). application to transfer or withdraw a suit or appeal.,
(e). applications to stay execution of decree or order.,
(f). application for security of costs, and
(g). applications for leave to appeal in Forma Pauperis.

Affidavit to be read after serving copy on opposite party. Provided that this rule shall not apply to urgent applications pr to applications made EX-PARTE.

Officers to administer oath to deponent. Under the provisions of Section 139, clause (b) of the Code of Civil Procedure, 1908 the following Officers have been appointed by the High Court to administer the oath to deponent in the case of any affidavit under the said code:—
(i) the Registrar for the time being;
(ii) the Deputy Registrar for the time being.
PART - B (a) :THE PRESENTATION AND RECEPTION OF APPEALS , PETITIONS
AND APPLICATION FOR REVIEW AND REVISION.

32. Every memorandum of appeal and of cross-objection shall be drawn up in the manner prescribed by Order XLI, rule 1, Civil Procedure Code 1908. Every such memorandum of appeal and of cross objection and every application for revision shall, immediately below the title, have endorsed on it "First Appeal" or "Revision", as the case may be, and shall state -

(a) the name and full postal address of each appellant or applicant;
(b) the name of each person whom it is proposed to make a respondent or opposite party;
(c) the Court in which and (i) in the case of first appeal the name of the judge by whom the decree or order referred to was made, (ii) in the case of second appeal the name of the presiding officer of the lower Appellate Court as well as that of the Court of first instance;
(d) the number and year of the suit of proceeding and the date when such decree or order was made thereon;
(e) the ground or grounds (number seriatim), of objection to the decree or judgment appealed from, without any argument or narrative;
(f) the value of the appeal Provided that in every case in which an appeal or cross-objection is preferred to this Court and the valuation, for the purposes of Court Fees or the Court - Fee paid, varies from that of the trial Court in the case of First Appeal, or from that of either the trial court or the lower Appellate Court, in the case of Second Appeals, the Advocate shall, at the time of filing the appeal, add below the valuation in the Memorandum of appeal, a short explanatory note setting forth the reasons for the variation giving, if necessary, references to the certified copies of the judgment and decree, and mentioning the relevant pages thereof, which are filed with the memorandum of appeal. Any omission to file this note shall forthwith reported to the Registrar, who may direct that the note be filed within a specified period according to the circumstances of each case or direct that the matter be laid before a Divisional Bench;
(g) in the case of an appeal, whether the suit in which the appeal is made hat already been before the Court on appeal.

33. Power of Registrar to dispense with requirement.

Where more than one appeal are preferred from a judgement governing more than one case, the Registrar may, on an application made in that behalf dispense with the filing of more than one copy of the judgment and direct analogous hearing of the appeals.

Note to add to memorandum of appeal.

34. In the case of -

(1) appeals from orders of the Lower Appellate Court remanding cases for retrials;
(2) and appeal from the orders of the Lower Courts made on remand by the High Court, there shall be added at the foot of the every memorandum appeal a note to the following effect :

NOTE:   This appeal is from an order of the Lower Appellate Court, direct........ remanding the case for re-trial under section..................Civil Procedure Code;
OR

This appeal is from an order of the Lower Appellate Court (or the Court of the First Instance; as the case may be) made on remand by the High Court, in Appeal No..................................of....................
dated........................the........................
in which this Appellant was Appellant or Respondent (as the case may be).

To bring omission to the notice of Court.

35. In the event of any omission on the Advocate to append the memorandum of appeal a note in the terms required by rule 34, it shall be the duty of the Deputy Registrar to bring such omission to the notice of the court before which the appeal is pending.
Memorandum of appeal to High Court against the decree or order passed in appeal by any Court subordinate to it shall be accompanied by copies of the judgment and decree or order of both the lower Courts.

Provided that in the case of an appeal against a decree or order passed after remand by this Court, copies of judgment or decree of the Lower Courts passed before the case was remanded need not be furnished.

Address for the purpose of notice or other process.

Every party who files an appeal in person shall insert in his memorandum of appeal, the purpose or otherwise give in writing to the Deputy Registrar, an address at which notices and other processes in the appeal may be served upon him; and any notice or other process sent to such address by registered letter shall be presumed to have been duly served upon such party.

Registration of memorandum of appeal.

No memorandum of appeal from an Appellate Decree or from original or Appellate Order presented in person by any party to the appeal shall be registered without an order of a Single Bench before which the party presenting the appeal shall appear in person.

Application for revision to accompany by certain documents.

In the case of an application for revision, the application shall be accompanied by certified copies of each of the following documents:

(i) the judgment, decree or order to which the application relates;

(ii) if the judgment, decree or order to which the application relates was a judgment, decree or order delivered by a Court sitting in appeal, the copies of decree or order of the Court of First Instance.

(2) Except those applications to be heard by a single Judge, all other applications shall be filed together with duplicate type-written copies of the application and the judgments or orders.

Consequence of memorandum of appeal not in proper form.

(1) When a memorandum of appeal is not in proper form and/or is not accompanied by the necessary copies of papers, the Registrar may allow time within which such memorandum must be amended, and/or the necessary papers filed, or may lay the same before the Court for orders.

(2) If a memorandum of appeal is presented for admission without copies of the judgment and decree or order appealed from, it shall forthwith be returned to the Advocate or party presenting it, if such copies are filed after the period of limitation has expired the memorandum shall be presented direct to the Court.

(3) In case of an appeal from appellate decree or order, copies of the judgement and decree or order of the Court of First Instance shall be filed along with the memorandum of appeal, if such copies are not so filed, the appeal shall not be placed on the Monthly List for hearing under order XLI. Rules 11 of the Civil Procedure Code, 1908, until they are filed.

Notice to Advocates.

In all cases where the matter is still pending in the lower Court, notices may be served on the Advocate who appeared for the respondent before the lower Court.

Application for review to contain certificate.

Every application for review of a judgment or order of a Division Bench or of a Single Bench of the High Court presented by an Advocate shall be signed by him and he shall certify that the grounds contained therein are good and sufficient grounds for the review sought. No Advocate shall be heard in support of an application for review of any such judgment or order unless and until he has certified in the manner above prescribed the grounds already taken or any amended grounds of application.
44. When the application for review proceeds on the ground of a discovery of fresh evidence, certified copies of the documents, if any, relied upon, shall be annexed to the application, together with an affidavit setting forth the circumstances under which such discovery has been made.

45. If an application for review of judgment cannot be heard as provided in Order XLVII, rule 5 of the Code of Civil Procedure, 1908, such application shall be laid before the Chief Justice, who shall provide for hearing of the application.

PART—B (b) : PRESENTATION OF PETITIONS FOR REVISION IN CRIMINAL CASES AND CERTAIN OTHER CRIMINAL MATTERS.

Statement 46. In every criminal appeal or revision application, the appellant or petitioner shall state that no such appeal or revision application in the same matter has previously been filed and without that statement such appeal or revision application shall not be accepted.

Documents to accompany petition for revision. 47. As regards petition under section 436 and section 439 of the Code of Criminal Procedure 1898, the Deputy Registrar shall not receive petitions for revision of orders of original Courts in non-appealable cases, unless the applicant files with his petition a copy of the order of Sessions Judge or District Magistrate, as the case may be, to show that he has applied to one or other and his petition has been refused. The Sessions Judge or District Magistrate can release a prisoner on bail or suspend a sentence pending reference to the High Court.

Copies of petition for revision. 48. (1) Every petition for revision of an order shall be accompanied by a copy of the order in respect of which such application is made.

(2) In the case of petition for revision of the order of an appellate Court, a copy of the instance shall also be filed.

Copies of bail applications to be supplied to Advocate General. 49. Copies of all bail applications received in the High Court relating to Criminal cases pending in lower Courts, when bail has already been refused by the lower Courts, shall be supplied to the Advocate General by the Deputy Registrar to enable him to appear, if desired, on behalf of the Government. Provided that hearing of any particular case by the Judge to whom it is assigned is not delayed by this procedure.

Documents to accompany any petition for transfer or for revision of an interlocutory order. 50. In every application for bail presented to the High Court the petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. An application which does not contain this information shall be returned for re-submission with the necessary information.

Documents to accompany any application for the transfer of a criminal case. 51. Where a petition or application for the transfer of a criminal case from one criminal Court in the same Sessions' division is made to the High Court it shall contain an averment supported by an affidavit or attested copies, that an application for the transfer of the case made to the Sessions Judge and was rejected by him (vide sub-section (1-A) of section 526 and sub-section (1-C) of section 525 of the Code of criminal procedure 1898, as inserted by the code of Criminal Procedure (Amendment) Act,1955 (Act No. 26 of 1955).

Documents to accompany any petition for transfer or for revision of an interlocutory order. 52. Petition for transfer or for revision of an interlocutory order in a pending criminal case shall be refused by the Deputy Registrar unless accompanied by attested copies of documents relied on by the petitioner. If admitted, the records should not be sent for unless a judge specifically so orders.
Copy of certain petitions to be supplied to the Advocate General before it is filed in Court. The petition shall state whether a copy has been supplied in accordance with this rule and if a copy has not been supplied the reasons for not supplying the same shall also be stated. Service of notices in transfer petitions. In petitions for transfer of cases under section 526 of the Code of Criminal Procedure, 1898, filed in the Court, the District Magistrate shall without fail, return all notices received by him from the High Court, whether for himself or for parties after service, within one week from the date of their receipt. Submission of reports by District Magistrate on transfer petitions. The District Magistrate shall, without fail, also submit, within one week from the date of receipt of the High Court's letter, all reports or explanations called for by the High Court from himself or the Magistrate concerned with regard to allegations contained in the petitions for transfer or affidavit, copy whereof will accompany the said latter. Register of summary trials. In petitions under section 430 of the code of Criminal Procedure, 1898 against the order of a Magistrate or a Bench of Magistrate, in cases tried summarily and in which there are no records except entries in the Register of Summary Trials certified copies of the relevant entries in the Register shall be called for instead of the Register. Copies of application 417(3) of the Code of Criminal Procedure, 1989 for special leave to appeal against the order of acquittal shall be supplied to the Advocate-General and a certificate to that effect obtained from him before filing them in the High Court. PART C: RULES RELATING TO THE RECEPTION OF PAUPER APPEALS. Appeals to be accompanied by a memorandum of appeal nor shall a memorandum of appeal purporting to be on behalf of an indigent person be received unless it is accompanied by an application for leave to appeal as an indigent person. A schedule of any moveable or immovable properties belonging to the applicant, with the estimated value thereof shall be annexed thereto. This schedule shall be signed and verified in the manner prescribed for the signing and verification of pleadings. Who can present. (1) Such application and memorandum of appeal shall be presented to the Court by the applicant in person, unless he is exempted from appearing in Court, under section 132 or 133 of the Code of Civil Procedure, 1908, or under any other provision of law for the time being in force in the State of Sikkim. In the latter case, such application and memorandum of appeal can be presented by an authorised agent, who can answer all material questions relating to the applications. Such agent be examined in the same manners of the party represented by him might have been examined, had such party attended in person. Grounds for exemptions to be stated if not presented personally. (2) Every such application, if presented by an agent shall state on the face thereof that the applicant is a person exempted from appearance under section 132 or section 133 of the Code of Civil Procedure, 1908, or any other provisions of law and shall not be received unless it contains such statement. Treatment of petition not duly presented. 60. When an application or memorandum of appeal is one that cannot be received under the foregoing rules, the Deputy Registrar shall record, or cause to be recorded thereon the name of the person presenting such application or memorandum, the date of its presentation and an order returning the same for the presentation with the reason for such order and shall sign and date such order with his own hand.
PART D: RULES RELATING TO REPRESENTATION OF MINORS AND PERSONS OF UNSOUND MIND.

61. In every appeal presented to the Deputy Registrar in which it appears from the memorandum of appeal of the copies of the judgments filed therewith, that the appellant or any of the appellants or respondents is a minor, the Deputy Registrar shall cause a note to be used on such appeal for the information and orders of the Judge or the Bench exercising jurisdiction in the appeal.

62. 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, or of a minor defendant or respondent, an order to that effect is passed, the Registrar or Deputy Registrar shall cause the memorandum of parties' names in the suit or the appeal to be amended accordingly.

63. 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 is authorized by the special order of a Judge.

64. The foregoing rules shall apply, so far as may be to proceedings in review of judgement or in revision and to other proceedings of Civil nature other than suits of appeals, which Order XXXII of the Code of Civil Procedure, 1908 is applicable.

65. The foregoing rules relating to the representation of minors shall apply, mutatis mutandis, to the representation of persons of unsound mind, adjudged to be so under any Law for the time being in force.

66. 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.

PART E: APPLICATIONS UNDER ORDER XXII, CODE OF CIVIL PROCEDURE

(i) Legal representatives of deceased, parties and appeals by persons who were not parties to the decree or order.

67. Whenever a party to a decree or order, which is appealable to the High Court desires to appeal therefrom and to make as a respondent to his appeal the legal representative of a deceased party who dies after the date of such decree or order, and who, if alive, would be a necessary party as a respondent to such appeal and whose legal representative has not as such been made a party to the decree or order, or to subsequent proceedings thereunder or thereon the party to desiring to appeal may present to the High Court for admission a memorandum of appeal with the name of such legal representative mentioned therein as such as that of a respondent if at the time when he presents such memorandum of appeal for admission he along with such memorandum of appeal, presents an application for leave to make such legal representative as such a party as a respondent to his appeal, and, except as hereinafter provided, an affidavit stating such facts as may be necessary in support of his application:

Provided that a Judge of the High Court may, by an order, allow in his discretion reasonable time in that behalf for the presentation of such affidavit, if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the memorandum of appeal.

68. Whenever by a decree or order which is appealable to the High Court the interest of:

(a) a beneficiary in property which at the date of such decree or order was vested in or in the possession of a trustee, an executor, and administrator, or receiver or manager appointed by a court who as such was a party to such decree or order; or
(b) a legal representative as such of deceased party to such decree or order; or
(c) an assignee of a party to such decree or order to by assignment subsequent to
the date of such decree or order; or
(d) a person whose interest arose after the date of such decree or order by reasons
of any creation or devolution of interest, by, through, or from any party to such
decree or order;
is affected and such beneficiary, legal representative, assignee, or person
was not or has not been made a party to such decree or order to proceedings thereunder or thereon and desires to present to the High Court
For admission a memorandum of appeal from such decree or order, he may
name himself therein as an appellant if at the time when he presents such
memorandum of appeal for admission he along with such memorandum of
appeal presents an application for leave to make himself an appellant, and, and,
except as hereinafter provided, an affidavit stating such facts as may be necessary in support of his application:
Provided that a Judge of the High Court may, by an Order, allow in his discretion a reasonable time in that behalf for the presentation of such an affidavit, if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the memorandum of appeal.

Procedure
69. Whenever in any suit or appeal from the decree or order, in which an appeal
may be preferred to the High Court a party has died, before the appealable decree or
order in such suit or appeal has been made, and the name of such deceased party appears
in such decree or order as that of a party thereto, and his representative has not been
brought upon the record and such deceased party would, if alive, be a necessary party
to an appeal to the High Court from such decree or order or the legal
representative of any such party, having a right of appeal from such decree
or order, desires to appeal from such decree or order, and to make the legal representative
of such deceased party to the appeal, he may present to the High Court for admission
a memorandum of appeal with the name of such legal representative mentioned therein as
a party to the appeal, if at the time when he presents such memorandum of appeal
presents an application for leave to make such legal representative a party to the appeal
and except as hereinafter provided on affidavit showing that he did not know, before
the decree or order from which he desires to appeal was made, that such deceased party
had died, or that he had no reasonable opportunity of informing the Court which made
the decree or order, before such decree or order was made, that such deceased party was
dead, and stating such other facts as may be necessary in support of his application;
Provided that a Judge of the High Court may, by an order allow in his discretion a reasonable time in that behalf for the presentation of such affidavit, if it appears to him that the applicant could not by the exercise of due diligence have procured such affidavit in time for presentation along with the memorandum of appeal.

Amendment
of Memorandum
of appeal
70. Whenever, after a memorandum of appeal has been presented to the High Court
any appellant or any party interested in the maintenance of any objection filed in the appeal
under XLI, Rule 22 or 20 the Code of Civil Procedure, 1908, first ascertains that a person
whose name appears in the memorandum of appeal, as that of a party to the appeal, and who
when a deceased person made a party in ignorance of death.

(ii) General Rules as to Suits and Appeals

71. Every application -
(a) Under Order XXII, Rules 3 (i) and II of the Code of Civil Procedure, 1908 by a person claiming to be legal representative of deceased plaintiff a appellant to enter his name on the record in place of the deceased party;
(b) under Order XXII, Rules 4 and 11 of the Code of Civil Procedure, 1908 to make the legal representative of a deceased defendant or respondent a party in place of the deceased; and
(c) under the second clause of Order XXII, Rule 3 of the Code Civil Procedure 1908 by a defendant or respondent shall, in addition to any particulars required by law, state the date of the death of the deceased party.

72. Every application under Order XXII Rule 9 read with Rule 11 of the Code of Civil Procedure, 1908 by a person claiming to be the legal representative of a deceased or the assignee or the receiver of an insolvent plaintiff or appellant, for an order to set aside an order of abatement or dismissal, shall state the cause which prevented him from continuing the suit or appeal.

73. Every application of the kind specified in Rules 71 and 72 of these rules and every application under Order XXII, Rule 10 of the Code of Civil Procedure, 1908 to make the petitioner or some other person an additional or substituted party in a suit or appeal, shall, as to the allegations of fact contained in such application be verified by affidavit.

74. Every application under Order XXII of the Code of Civil Procedure, 1908 shall ordinarily be presented to the Deputy Registrar, who shall cause the date of presentation to be entered thereon.

75. The Deputy Registrar shall examine the application, and if it does not satisfy the requirement of the Code or of these rules in that behalf, may return it to the person presenting it, for amendment and representation within a time to be noted on such application under his signature, or may refer the application to a Judge for orders.

76. Any such application may be presented to a Judge or to Bench, as the case may be, on the date fixed for the hearing of the case but unless sufficient cause is shown for the application not having been presented in the ordinary course to the Deputy Registrar before such hearing, the applicant shall become liable to pay the costs of any adjournment or postponement caused by the omission to present the application to the Deputy Registrar.

77. When an application to have the name of the legal representative of a deceased party, on the name of an additional or substituted party brought on the record or to have the name of a party struck off the record is granted by order of a judge or Bench, as the case may be, the Deputy Registrar shall cause the record of the proceeding in the High Court to be amended in conformity with such order.

78. Every person admitted on the record as the legal representative of a deceased plaintiff, defendant, appellant or respondent shall be described as "the legal representative of A.B., deceased plaintiff or defendant, appellant or respondent, as the case may be and similarly in the case of an insolvent plaintiff, defendant, appellant or respondent.

(iii) Special Rule as to Suits

79. Application under Order XXII of the Code of Civil Procedure 1908, in original suit, then presented to the Deputy Registrar shall, subject to rule 75, be laid by him for orders before a Judge who shall ordinarily be the Judge before whom the suit to which it relates is pending.
80. When an application of the kinds specified in rule 71 is presented to the Deputy Registrar in relation to an appeal pending before the Court, and is deemed by him sufficient, without or after amendment, and the Deputy Registrar does not deem it necessary to refer the application for order of a judge, he is authorised to make an order granting the application "Subject to all just exceptions" and to cause the necessary amendments to be made in the memorandum of parties’ names and notices to be issued to the parties concerned to show cause on the date fixed for hearing the appeal. Where, however, the application is time-barred or affects a minor, the Deputy Registrar shall refer it for the order of a Judge.

Orders to be granted by a Judge.

81. Every application under Order XXII of Code of Civil Procedure 1908 not falling within rule 80 or not granted under that rule, shall be laid before a Judge for orders.

(d) Rules as to proceedings other than Suits and Appeals.

Rules to apply to Other proceedings.

82. The foregoing rules shall apply to all proceedings of a Civil nature, other than suits or appeals, to which Order XXII of the Code of Civil Procedure, 1908 is applicable.

CHAPTER III
SPECIAL PROCEDURES
PART A : RULES REGULATING PROCEEDINGS UNDER article 226 OF THE CONSTITUTION OF INDIA.
PART I - GENERAL

Definition. 83. In these rules, unless the context otherwise requires,
(a) "Chief Justice" means the Chief Justice of the High Court of Sikkim and includes a Judge of that Court appointed under article 223 of the Constitution of India to perform the duties of the Chief Justice,
(b) "Court" means the High Court of Sikkim and includes any Single Bench or Division Bench of the Court,
(c) "Deputy Registrar" shall include an Assistant Registrar as may be so designated by the Chief Justice,
(d) "Form" means a Form appended to these rules,
(e) "Judge" means a Judge of the Court,
(f) "pleading" shall mean a petition under article 226 of the Constitution of India or a written statement or a return thereto and shall include such a replication or rejoinder as may be presented by leave of the Court.

Criminal Writ Petition. 84. A petition for the issuance of a writ in the nature of habeas-curpus shall be styled as "Criminal Writ Petition".

Civil Writ Petition. 85. A petition for the issuance of any other writ, i.e., a Writ in the nature of Mandamus, prohibition, quo warranto or certiorari or any other appropriate Writ, order or direction, shall be styled as "Civil Writ Petition".

Evidence. 86. The Court may, in order to discover or obtain proper proof of relevant facts, examine or direct the examination of any person, whether a party to the proceedings or not, either before it or by a Court subordinate to it or on commission and may order the production of any documents or thing at any time.

Form of writs etc. 87. Every Writ, notice, order, warrant or other process shall be signed and dated by the Deputy Registrar and shall be sealed with the seal of the Court. The forms set out in the Schedule to these rules with such variations as circumstances may require, shall be used a in cases where the same are appropriate.

Court Fee. 88. All petitions under article 226 of the Constitution other than petitions for habeas-corpus and petitions arising out of criminal proceedings shall bear a Court fee of fifty rupees.

PART II — HABEAS CORPUS.

Persons entitled to move. 89. A petition for the issuance of a writ in the nature of habeas corpus shall be made by the person arrested or detained or on his behalf by a person acquainted with the facts of the case.

Content of petition and affidavit. 90. The petition shall contain all relevant facts showing the circumstances and nature of the restraint and whether any previous petition was made by the detenu or on his behalf by some other person and in case such a petition was filed, its full particulars and result. The petition shall be accompanied by an affidavit in support thereof.
91. If the detenu desires to make a petition for the issuance of a writ in the nature of habeas corpus he shall be given every lawful facility for the purpose by the authority or the person in whose custody he is held. Such a petition shall be forwarded to the Deputy Registrar by such authority or person without any avoidable loss of time in a cover bearing the caption "Habeas Corpus Petition" in bold letter.

92. (1) On receipt of a petition referred to in rule 89 or rule 91, the Deputy Registrar shall cause it to be entered in the Register of Criminal Writ Petitions and after entering the serial number thereof on the opening sheet, post the same, as soon as may be before the Court.

(2) If such a petition is received or presented at a time when the Court is closed, it shall be laid before the Deputy Registrar who shall enter the same in the said register and place it for hearing as soon as may be, before a Judge of the Court in station.

93. (1) After reading the petition and hearing the petitioner or his counsel, if present, the court may dismiss the petition in limine if it so thinks fit.

(2) If the Court, on the other hand, is of the opinion that a prima facie case for granting the petition is made out, notice in Form Cr. W.P. 1 shall be issued calling upon the person or persons against whom writ is sought, to appear on a day to be named therein to show cause why such writ should not issue and at the same time produce in the Court the body of the person or persons alleged to be illegally or improperly detained and there to be dealt with according to law. In that case notice also be issued to the Advocate-General of the State concerned in Form Cr. W.P. 2.

(3) The Court may at the time of issuing a notice, also issue a search warrant and the person to whom the warrant is directed may in accordance therewith search for the person said to be confined who if found, shall be immediately brought before the Court which shall make such order as in the circumstances of the case may be seen to be proper.

(4) The provisions of sections 43, 75, 77, 79, 82, 83 and 84 of the Code of Criminal Procedure, 1898 shall so far as may be apply to all search warrants issued under sub-rule (3).

(5) If the Court issuing a search warrant under sub-rule (3) has reason to believe that the person to whom the warrant has been directed may not be able to identify the person confined the Court may order a person named in the warrant to accompany the person to whom the warrant is directed to assist him in the execution of the warrant.

94. On the date fixed for appearance, the respondent shall file a return stating whether detenu is in his custody, whether he arrested him, and if so, whether the detenu was released before the issuance of notice, and if it is claimed that the detention is legal, then all the facts relevant thereto. Such return shall be supported by the affidavit of the respondent filing the return.

95. A copy of the return shall, if reasonably practicable, be supplied by the respondent to the petitioner or his counsel before the date fixed for appearance.

96. The petitioner may be permitted to file a counter affidavit to controvert the truth of the statements made in the return. Such counter affidavit shall be filed within such time as the Court may allow, after an advance copy thereof has been served on the respondent or his counsel, if any. Thereafter, the Court may, if it thinks fit, record evidence or direct the Court of Sessions or a Judicial Magistrate to take evidence and remit the same within the time fixed by it.

97. No petition for the issuance of a writ in the nature of habeas corpus shall lie in respect of the detention of a person on a ground on which a similar petition has already been dismissed. However a second petition against the legality of the detention may be filed on the basis of a ground which has arisen after decision of an earlier petition, or was omitted therefrom for a reason which the Court regards as exceptional and allows to be taken for the ends of justice.

98. Where a second petition is competent after the dismissal of the first, it shall state explicitly the factor of dismissal and the reason why the new ground sought to be urged in support of the fresh petition could not be taken earlier.

99. Such second petition shall, wherever possible, be accompanied by a copy of the earlier petition and the order passed by the Court thereon.

100. In disposing of any petition, the Court may in its discretion make such order as it may deem just.
PART III
(Mandamus, Prohibition, Certiorari, Quo-warranto and other directions or orders).

Index.

101. The opening sheet of a petition for the issuance of a writ in the nature of mandamus, prohibition, quo-warranto or certiorari or any other direction or order shall be the index of the petition and the document, annexed thereto in Form C.W.P. 1. It shall be signed by the petitioner or his counsel and shall state the serial numbers of the pages and the paragraph which contain the points of law canvassed in the petition.

Contents of petition.

102. (1) Every petition shall consist of paragraphs numbered consecutively and shall contain-

(i) the name, description sufficient for identification and place of residence or business of each person joined as a petitioner or a respondent;

(ii) a concise statement of relevant facts in chronological order along with dates;

(iii) particulars of the defect in the exercise of jurisdiction or the grounds on which the legality or validity of an order, act or default of the State or other authority is impugned, and any final or interim relief sought;

(iv) in concise and precise form in a separate paragraph immediately following the one in which the grounds are specified, points of law canvassed in the petition;

(v) a statement about any alternative remedy, which was available to the petitioner whether such remedy was availed of, and if not, the reasons therefor, and if availed with what results;

(vi) a statement whether a similar petition has been made to the Supreme Court or previously in the Court or in any other Court in respect of the same matter, and if made, with what result; and

(vii) detailed particulars and adequate reasons for the delay, in case the petition is prima facie belated.

(2) In a petition where an interim relief is claimed, the petitioner shall ordinarily furnish to the party against whom such petition is filed copies of such petition and of all documents in support of the plea for such interim relief and the petition shall contain a statement to other effect.

(3) Every petition shall be signed and verified in the manner prescribed by rules 14 and 15 of Order VI of the Code of Civil Procedure, 1908.

Joinder of respondents.

103. Every person who is likely to be affected in any manner by the results of a petition shall be joined as a respondent thereto. Any petition in which a necessary party is not impleaded shall be liable to be dismissed.

Petition and annexures thereto.

104. (1) Every petition shall be accompanied by-

(i) such documents on which the petitioner relies or their certified or photostat copy or copies attested either by the petitioner’s counsel or sworn to by the petitioner to be true copies of the originals and where such documents happen to be in a language other than English, their translation certified by counsel to be correct; and

(ii) a correct copy meant for the use of the Court, typed, printed, or the petition and the annexures thereto.

(2) Every document shall bear an annexure mark on the right hand top corner of its opening sheet. Each annexure mark shall consist of the letter ‘P’ followed by the serial number of the documents; for example, P1, P2, P3.

(3) Every petition and the copies of translations attached thereto shall be written, cyclostyled or printed in double space on judicial paper.

Supply of copies of respondent.

105. Within three days of the service of a notice of motion or of admission of the petition the petitioner shall furnish to the Office as many copies of the petition and the annexures thereto as there are respondents to which the notice is issued or against whom the petition is admitted.

Provided that it shall not be necessary to supply such a copy on admission of the petition for the use of the respondent to whom one has already been delivered.

Service of notice.

106. Any notice or communication sent by the Registry of the Court to the address of the petitioner as supplied by him in the petition, under a certificate of posting or registere post shall be deemed to have been duly served on him, where the petition has not been filed through counsel. In all other cases, notice to counsel shall be deemed to be sufficient notice to the party. Any change in the address of the petitioner shall be communicated by him to the Court and thereafter the changed address shall be deemed to have been incorporated in the petition.
107. (1) All petition under article 226 of the Constitution of India shall be made on motion after notice to the parties effected thereby.,

(2) The notice referred to above shall ordinarily be served personally or through registered post acknowledgment due on the parties affected not less than four clear days before the day the petition is filed. The notice shall be accompanied by copies of the petitions alongwith all the documents which are to be siled before the court.

(3) The main petition shall be accompanied with evidence that the notice referred to in sub-rule (2) above has been duly served.

(4) If the petition is not made on the date intimated to the opposite party or parties, it shall be incumbent on the petitioner to serve notice of his intention to move the petition in accordance with the provisions of sub-rule (1) above.

(5) Unless the Court otherwise orders for special reasons to be recorded, no interim order for stay or injunction shall be made against the State without filling evidence before the Court that the notice of the intention to move the Court at a specified time and for specified relief has been duly served on the designated officer of the State or local authority likely to be effected not less than 24 hours before the petition is filed.

(6) The notices referred to in sub rule (2) and (5) may be served upon the Advocate General or the Standing Council concerned.

(7) Where the delay caused by notice is likely to entail serious hardship an application may be made for an ad interim exparte order duly supported by an affidavit and the court, if satisfied that the delay caused by notice would entail serious hardship may make an order exparte upon such terms as to costs or otherwise and subject 10 such undertaking, if any as the Court may think just and proper.

108. (1) At any time when the Court is closed, a petition which is within the competence of Division Bench may be presented to the senior-most Judge in station if

(a) interim relief of an urgent nature is prayed for ;

(b) irreparable loss is likely to be occasioned to the petitioner in case he waits for the institution of the petition till the Court reopens, and

(c) the petitioner was unable to present the petition to the Court on its last working day for reasons beyond his control.

(2) On such presentation the Judge may pass such orders in relation to the interim relief as he may deem just.

109. (1) Notices of motion and admission of petitions shall be issued in Form C.W. P. 2. Any notice so issued shall be made returnable on a date fixed by the court and when no such date has been fixed, on a date not less than twenty-one days from the date of the issue of the notice;

Provided that where an interim relief is granted the notice shall be made returnable within a period of fourteen days from the date of the order.

(2) Every notice shall be served, as far as may be, within seven days of the date of issue.

110. Service of a notice issued under rule 108 shall not be necessary on a respondent who is present before the Court at the motion hearing and whose presence is noted in the order passed by the Motion Bench.

111. (1) If the petitioner does not furnish the process fee, postal charges, the required number of copies of the petition and the annexures thereto, or does not comply with any order issued by the Court, the office shall place the case for proper orders before the Registrar.

(2) If the Registrar is of the opinion that no further opportunity should be granted to the petitioner to comply with any of the requirements mentioned in sub-rule (1), the case shall be laid before a Judge.
Written statement or return. (1) A written statement or a return to the petition shall answer each paragraph of the petition separately.
(2) The provisions of rules 20 and 22 of Order VIII of the Code of Civil Procedure 1908, shall apply Mutatis mutandis to written statements and returns.
(3) Every document accompanying a written statement or return shall bear annexure mark on the right hand top corner of its opening sheet. Each annexure mark shall consist of the letter ‘R’ followed by the serial number of the document for example R. 1, R. 2, R.3.

Application. 113. In all matters for which no provision is made by these rules, the provisions of Code of Civil Procedure, 1908, shall apply mutatis mutandis, in so far as they are not inconsistent with these rules.

Compliance. 114. Within fifteen days of the receipt of judgment in a petition by the office, or such further period as the Court may allow, the Deputy Registrar shall issue a copy thereof to each of the respondents who are expected to comply with the same, alongwith a covering letter in Form C.W.P. 3.
FORM CR. W.P. 1.
(See rule 93 (2))
IN THE HIGH COURT OF SIKKIM AT GANGTOK.
CRIMINAL WRIT JURISDICTION.
Criminal Writ Petition No................of 19

........................................Petitioner (s).
-versus-
........................................Respondent (s).

NOTICE.

To,

Whereas a petition under article 226 of the Constitution of India, wherein you have been joi-
ned as respondent and of which a copy is enclosed, has been presented to this Court with a prayer for the
issuance of a writ in the nature of habeas corpus;

And whereas the said petition has been fixed for hearing on........................................day of 19........ at 10.00 A.M. (Actual),

You are hereby required to appear before the Court on the said date and time and to show
cause why such writ should not issue and at the same time to produce before the Court the body
of...............who is alleged to be in your custody, then and there to be dealt with according to law;

You are further required to file a return supported by an affidavit stating whether you arrested
him and if so whether he was released before the issuance of notice, and if it is claimed that the detention
is legal, then all the facts relevant thereto;

And you are further required to supply, a copy of the return, if reasonably practicable, to the
petitioner or his counsel before the date abovementioned;

And also take notice that in case of default you shall be answerable for contempt in not
obey in the orders of this Court.

Given under my hand and the seal of the Court this........................................day of...............19.

(Seal)                                                                                                                                       (Signature)
Deputy Registrar.

FORM CR. W.P. 2.
(See rule 93 (2))
IN THE HIGH COURT OF SIKKIM AT GANGTOK.
CRIMINAL WRIT JURISDICTION.
Criminal Writ Petition No................of 19

........................................Petitioner (s).
-versus-
........................................Respondent (2).

To,

The Advocate General,
...............Gangtok.

Whereas the petitioner above named has presented a petition under article 226 of the Consti-
tution of India for the release of the detenu named therein; And whereas the said petition, a copy of which is enclosed, has been admitted to a hearing by
this Court.

Notice is hereby given to you that the case will be laid before this Court on the
day of........19................(Actual date).

Should you consider that the State of...............should be represented at the hearing in
this Court, you may take necessary steps in that behalf.

Given under my hand and the seal of the Court this........day of............19.

BY ORDER OF HIGH COURT OF SIKKIM AT GANGTOK-

(Seal)                                                                                                                                       (Signature)
Deputy Registrar;
FORM C. W. P. 1.
(See rule 101)
IN THE HIGH COURT OF SIKKIM AT GALIGTOK.
CIVIL WRIT JURISDICTION.
Civil Writ Petition No...............of 19............
................................................Petitioner (s)
-versus-
....................................................Respondent (s)
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(Note- The points of law canvassed in the petition are contained in pages........to...
and in paragraph.............thereto).

(Signature)

(Name)

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

Advocate (s) for the Petitioner (s).

FORM C.W.P. 2.
(See rule 109 (1)
IN THE HIGH COURT OF SIKKIM AT GANTOK.
CIVIL Writ Petition No...............of 19...
................................................Petitioner (s)
-versus-
....................................................Respondent (s).

NOTICE OF MOTION/ADMISSION OF PETITION

To

Whereas a petition under article 26 of the Constitution of India, wherein you have been
joined as respondent and of which a copy is enclosed, has been presented to this Court;
You are hereby informed that the said petition has been fixed for hearing on........day of...........
19......(Actual/Tentative) and that if you wish to urge anything in reply to the petition, you may appear
in this Court on that date and file your written statement on or before that day either in person or
through advocate duly instructed ;
Take notice that in default of your appearance on the date aforementioned the case shall be
heard and decided in your absence.
Given under my hand and the seal of the Court this.............day of........19..

BY ORDER OF HIGH COURT OF SIKKIM AT GANTOK.

(Signature)

(Seal)

Deputy Registrar
FORM C. W. P. 3.
(See rule 114)
IN THE HIGH COURT OF SIKKIM AT GANGTOK.

No.................../Writs, Dated

To.

Subject - Civil Writ Petition No.........of 19

...............................................................Petitioner (s)

-versus-

...............................................................Respondent (s)

I am directed to forward herewith for immediate compliance a copy of the
judgment, dated.......................
passed by this Court in the above-noted case.

Given under my hand and the seal of the Court this....................................................
day of.....................19.

(Seal)                                                                                            (Signature)
Deputy Registrar.
CHAPTER - IV
PREPARATION OF PAPER BOOKS AND RECORDS
PART A : The preparation of Paper Books in First Appeals :-

Preparation of paper books in the first appeals from orders.

115. In first appeals from orders admitted to a hearing, a typed paper book shall be prepared:
Provided that the Court may, either on its own motion or on the application of any of the parties to the appeal, dispense with the preparation of the paper book.

Preparation of paper books in the first appeals from decrees.

116. In first appeals from decrees admitted to a hearing, a typed paper book shall be prepared:
Provided that the Court may, either on its own motion or on the application of any of the parties to the appeal, dispense with the preparation of paper book.

Contents of paper book.

117. In the absence of an order to the contrary, the paper book under rule 115 and 116 shall consists of -
(i) the pleading of the parties and issues;
(ii) the transcript of the evidence of the witnesses;
(iii) the judgment and decree;
(iv) the grounds of appeal;
(v) the order of the Bench admitting the appeal; and (vi) documents allowed to be included by an order under rule 119.

Records not included in the paper book may be referred to at the hearing.

118. Any part of the record not included in the paper book under rule 117 may be referred to at the hearing with the permission of the Court.

Applications for inclusion of documents in the paper book and cost of typing.

119. (1) The Court may, either on the application made by the appellant within fifteen days from the date of the admission of the appeal or on the application of the appeal of the respondent within fifteen days from the date of service of notice of the appeal, permit the inclusion in the paper book all or any of the documents duly proved by either party in the trial Court after being translated in English, if in vernacular.

(2) The cost of including the documents specified in clauses (i) to (v) rule 117 shall be borne by the appellant and paid as provided for under rules 122 and 123 below.
(3) The cost of including the documents specified in clause (vi) of rule 117 shall be borne by the party at whose instance they are so included, the cost being shared equally where a document is included at the instance of more than one party. The cost shall be paid within thirty days from the date of order under sub-rule (1).

120. All documents included in the paper book shall be typed according to their serial order, first those produced by the plaintiff and then those produced by the defendant. On each document shall be endorse the order by, and date on which it was admitted by the trial Court.
Provided that when counsel for both the parties agree that the documents should be arranged for convenience in a different order, the documents shall be typed in that order. In that case, a footnote shall be added on the first page of the volume of documents that the documents have been typed in the order suggested by counsel for the parties.

Translation of vernacular documents.

121. Vernacular documents typed by desire of parties under rule 119 shall ordinarily be translated and not transliterated, unless especially desired by the party at whose instance they are included in the typed record.
122. In every appeal in which under the rules a paper book has to be prepared the appellant shall, with his appeal, attach a receipt for a sum of sum of one hundred rupees which should be deposited with the Accounts Officer of the High Court to cover the cost of typing the record. No first appeal from a decree shall be received unless it is accompanied by such receipt.

Exception: —This rule does not apply to an appeal filed in forma pauperis in which case the appellant will be required to pay the approximate cost of typing or copying of such portion of the record as the Judge admitting the appeal, may under rule 116 order.

123. (1) If the deposit required under rule 122 proves insufficient to cover the cost of that part of the typed paper book which is to be borne by the appellant, the Deputy Registrar may, by a notice in writing, required that such further deposit as seems to him necessary shall be made within fifteen days;

(2) If such further deposit is not made within fifteen days of the date of receipt of the notice, the appeal shall, on the expiry of that period, be laid before a Judge for orders, who may, in his discretion, grant further time or dismiss the appeal. The Judge may further, in his discretion discharge or modify any ad-interim orders passed earlier in the case. The case shall be laid before a Judge for orders every time the default is repeated. If the default is made by the respondent then the Judge may pass an order that the paper book be prepared according to appellant(s) list or he may pass such other orders as he thinks fit.

Note: - If the total sum required as deposits under rule 122 and 123 exceeds two hundred rupees the total matter will be referred to the Court.

124. The period fixed by rule 123 for the payment of the deposit may, cause being shown in an application duly stamped, be enlarged by an order of the Court so as to permit the amount of such deposit to be paid in instalments.

125. In the absence of a special order in any particular case, six copies of the record shall be prepared.

126. The appellant and respondent may each obtain one copy of the typed paper book free of charge. Additional copies, if available, may be purchased at one rupee per page of the paper book.

127. Parties and counsel shall be entitled to receive copies of the paper book on application to the Registrar or Deputy Registrar at least fifteen days before the date fixed for hearing.

128. (1) At the foot of every paper book shall be noted the amount of typing and incidental charges, and the party from whom levied and such amount shall be included in the cost of the appeal unless the Court shall in any case otherwise direct.

(2) Should the amount charged be less than the sum or sums deposited under rule 119, 122 and 123 the Registrar or the Deputy Registrar shall refund the unexpended balance to the party by whom the deposit was made. Should it be more he will take action under rule 123 or 125.

129. The Registrar or the Deputy Registrar may and, if so required by either party by petition duly stamped shall refer to the Court any matter not herein expressly required to be referred.

130. For the purposes of these rules when an order of the Court is required, the order of one Judge shall be sufficient and such orders shall subject to reconsideration by the Bench hearing the appeal, be conclusive.

131. (1) When an order has been made by the Court, under order XL1, rule 25 or rule 27 of the Code of Civil Procedure, 1908, in an appeal to which these rules have been applied, and additional evidence has been taken in pursuance of such order, a Judge may, at any time after completion of the enquiry make an order that two supplementary typed paper book be prepared of -

(i) the order made under order XL1, Rule 25 or Rule 27 Civil Procedure Code, 1908, and

(ii) the proceedings taken there under or any part thereof.

(2) The order shall direct that the expense of preparing the supplementary record or of any part thereof shall be borne by the party or parties in the first instance.

(3) When a Judge's order for the preparation of a supplementary record has been made the Registrar or the Deputy Registrar shall deal with the matter under the foregoing rules so far as applicable.
**SCHEDULE A**

Index of the papers included in the paper book.

Ci il First Appeal No.........................of
(Name).............................(Plaintiff or
Defendant).....................Appellant
—Versus—
(Name)............................(Defendant or
Plaintiff)........................Respondent.

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Date of the documents, etc.</th>
<th>Description of the documents, etc.</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Petition or Plaint.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Written Statement of Defendants.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Plaintiff's replication to above.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Defendant's rejoinder to above.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Issues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Plaintiff's oral evidence (each witness by name).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Defendant's oral evidence (each witness by name).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Notes of the arguments advanced by the parties.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Decree of the trial Court.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Petition of the appeal to the High Court.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Order of the Judge admitting the appeal to a bench.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Documents referred to in the plaint or considered in the Judgment or duly proved by either of the parties in the trial Court.</td>
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</table>

N.B. :-

Intermediate orders of the Court should be inserted in chrononological order as they occur.

**SCHEDULE – B**

The work of transcribing, transliterating, translating and typing record will be charged for at the following rates under rules 119 and 123

<table>
<thead>
<tr>
<th>Rs</th>
<th>p.</th>
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<tbody>
<tr>
<td>0.50</td>
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<tr>
<td>1.00</td>
<td></td>
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</table>

(i) Transcribing, Transliterating, Typing and revising the record per page
(ii) Translating and revising the record per page

0.50
1.00
PART B - THE PREPARATION OF PAPER BOOKS IN SECOND APPEALS AND REVISIONS.

<table>
<thead>
<tr>
<th>Contents</th>
</tr>
</thead>
<tbody>
<tr>
<td>132. Typed/Cyclostyled paper books shall be prepared in all second appeals admitted to a hearing unless the Bench admitting the case directs otherwise.</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Paper books when to be typed/cyclostyled.</th>
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<tbody>
<tr>
<td>133. The paper-book shall consist of :-</td>
</tr>
<tr>
<td>(a) copies or translations of the Judgments of the Lower Courts and the decree of the Lower Appellate Court;</td>
</tr>
<tr>
<td>(b) The grounds or appeal or revision and a memorandum of the names of parties or, if the appeal or revision was filed in vernacular, a translation thereof; and</td>
</tr>
<tr>
<td>(c) a copy of the order of the Judge admitting the case to a Bench.</td>
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<table>
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<tr>
<th>Procedure on non-payment of deposit.</th>
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<tbody>
<tr>
<td>134. (1) In every appeal in which a paper book has under these rules to be prepared the appellant shall, within seven days of the date of the order admitting the appeal deposit with the Accounts Officer of the High Court, a sum of Rupees fifty to cover the cost of the paper-book at the rates specified in the Schedule 'B' of Part A' of this chapter. In the case of cross-appeals, the cost of the paper books shall, however, be paid by the parties in proportion to the amount involved, unless a Judge otherwise directs.</td>
</tr>
<tr>
<td>(2) An additional sum of ten rupees for translating the plaint and please shall be similarly deposited in every case in which the plaint and the pleas are to be included in the paper-book. The plaint and pleas shall not, however, be typed except at the express request of the parties or their counsel, or, when so directed by the Judge or Judges admitting the appeal.</td>
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</table>

<table>
<thead>
<tr>
<th>Number of copies to be typed.</th>
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<tbody>
<tr>
<td>135. If the appellant or respondent fails to deposit the sums or sum required under rule 134 within the prescribed period, the procedure laid down in sub-rule (2) of rule 123 shall be followed.</td>
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<table>
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<tr>
<th>Supply of copies to parties.</th>
</tr>
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<tbody>
<tr>
<td>136. Six number of copies of the paper book shall be typed/cyclostyled unless the Court by general rule in that behalf or special order in a particular case, directs otherwise.</td>
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<thead>
<tr>
<th>Interpretaion</th>
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<tbody>
<tr>
<td>137. Each appellant and the respondent appearing separately may obtain two copies of the typed paper book free of charge, and additional copies, if available, may be purchased at five rupees a copy.</td>
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</table>

<table>
<thead>
<tr>
<th>What documents to be translated and at whose expenses.</th>
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</thead>
<tbody>
<tr>
<td>138. (1) At the foot of every typed/cyclostyled paper book shall be noted the amount of typing and other charges, and the party from whom levied, and such amounts shall be included in the costs of the appeal, unless the Court shall in any case otherwise direct.</td>
</tr>
<tr>
<td>(2) Should the amount so charged be less than the sum or sums deposited under rule 134, the Deputy Registrar shall refund the, unexpended balance to the party by whom the deposit was made should it be more he will take action under rule 135.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Interpretation</th>
</tr>
</thead>
<tbody>
<tr>
<td>139. For the purpose of rules 134 to 138, the expression &quot;Appeal&quot; shall include a petition for revision admitted to a hearing and the expression &quot;Appellant&quot; shall include a petitioner in the revision petition.</td>
</tr>
</tbody>
</table>

PART C - THE TRANSLATION OF CERTAIN VERNACULAR DOCUMENTS PRESENTED TO THE HIGH COURT.

<table>
<thead>
<tr>
<th>What documents to be translated and at whose expenses.</th>
</tr>
</thead>
<tbody>
<tr>
<td>140. The following vernacular documents filed in the High Court in its civil appellate or civil revisional, civil writ jurisdiction, shall be translated, and, subject to sub-rule (4) of rule 142, the expense of such translation shall be paid by the appellant or petitioner:-</td>
</tr>
<tr>
<td>(a) memorandum of appeal;</td>
</tr>
<tr>
<td>(b) petition for revision;</td>
</tr>
<tr>
<td>(c) annexures to such memorandum or petition;</td>
</tr>
<tr>
<td>(d) copies of decrees, Judgment or orders;</td>
</tr>
<tr>
<td>(e) application for :-</td>
</tr>
</tbody>
</table>
(i) review of judgements of High Court;
(ii) appointment of guardian ad litem;
(iii) appointment of new parties or representative of existing or deceased parties;
(iv) re-admission of case for;
   (a) non-appearance; or
   (b) non-payment of translation, printing or process-fees;
(v) stay of execution of decree;
(vi) transfer;
(vii) alteration of dates of hearing;
(viii) compliance with or connected with the rules relating to the preparation of printed records;
(f) returns to orders of remand of the High Court;
(g) objections to orders of remand of the High Court;
(h) deed of compromise.

Agency for translation and Scale of Initial deposit

141. The translation shall be made and certified by such agency as the Court may from time to time appoint, and then maximum total charge shall not exceed ten rupees for one thousand words.

142. (1) On the admission of an appeal, revision petition or civil writ petition, to a hearing, the appellant or the petitioner shall deposit within a period of fifteen days from the date of such admission, the amount required to defray the cost of translation of the vernacular documents, if any.

(2) If the deposit under sub-rule (1) deemed insufficient to cover the cost of translation, the Registrar or the Deputy Registrar, may, by a notice in writing require, that such further deposit as seems to him necessary shall be made within fifteen days of the service of notice.

(3) If the deposit under the foregoing rules be not made within the period, prescribed, the case shall, on the expiry of that period, be laid before a judge for orders who may, in his discretion grant further time or dismiss the appeal or the revision or the writ petition. The Judge may further in his discretion discharge or modify any ad-interim order passed earlier in the case. The case shall be laid before a Judge every time the default is repeated.

(4) The Registrar or the Deputy Registrar shall refund the deposit or the unexpended balance to the party by whom the deposit was made in those cases which are disposed of by compromise or otherwise, before the translation or the vernacular documents or where this deposits exceeds the actual charges.

CHAFFER V JURISDICTION

PART A : RULES RELATING TO ARGUMENT BEFORE THE HIGH COURT.

143. (1) An application for postponement of a case shall be presented to the Deputy Registrar at least two days before the date fixed and shall not be taken direct to a Judge.

(2) Case may be postponed by the Deputy Registrar or, in his absence, under the orders of such other Officer as may be in charge of the Judicial Department for the time being-
   (a) if, two days before the date of hearing the record has not been received, or the case is otherwise incomplete;
   (b) if, before the day of hearing, the death of a party, s announced and adjournment is thereby necessitated.

   (c) if the lower Courts have not complied with a precept or process.

(3) Except as provided in sub-rule (2), no application for the adjournment of a case shall be entertained unless a Bench or Judge, as the case may be, is satisfied reason of recent death, sudden illness or domestic bereavement a party cannot be properly represented at the hearing unless such order is made.

(4) Ordinarily part-heard cases will be proceeded with on the following day till they are concluded.

(5) No cases shall be adjourned during the course of hearing of arguments except for special reasons.

Oral arguments.

144. In second appeals, all interlocutory matters, civil revisional applications, Criminal Appeals except those where the sentence exceeds six months, the oral arguments should not ordinarily exceed three hours on the whole.
Synopsis of argument. 145. Unless otherwise ordered by the Court, in all regular first appeals and petitions under article 226 of the Constitution of India other than those seeking Habeas Corpus to be heard before the High Court, the Advocate for the parties shall draw up a concise statement setting out briefly the facts giving rise to the dispute, the points at issue, the propositions of law or facts to be canvassed and the relief claimed. It shall be filed in the Court prior to the commencement of oral arguments after serving copy or copies thereof to the other party or parties. The Court shall not ordinarily permit the Advocate to travel outside such a statement or to cite authorities not included therein.

PART B: JURISDICTION OF DIVISION BENCH AND OF SINGLE BENCH

All cases to be disposed of by a Division Bench save as provided by law or these rules or by special order of the Chief Justice shall be heard and disposed of by a Division Bench consisting of not less than two Judges; Provided that when and where no Division Bench is sitting or available it shall be competent for a single Judge to pass any interlocutory orders in any appeal, application or matter preferable before a Division Bench and direct the same for placing before the Chief Justice for orders.

Constitution on Full Bench. 146. Save as provided by law or by these rules or by special order of the Chief Justice all case shall be heard and disposed of by a Division Bench consisting of not less than two Judges.

Cases ordinarily to be heard by a Single Judge 147. On the requisition of any Division Bench, or whenever he thinks fit, the Chief Justice may appoint a Full Bench, to consist of not less than three Judges, for the hearing of any particular case or any particular question of law arising in any case or any other matters.

148. Subject to the proviso hereinafter set forth the following classes of cases shall ordinarily be heard and disposed of by a Judge sitting singly, namely:—

(i) a regular first appeal in which the value of the subject-matter does not exceed Rs.1.00 Lakh;
(ii) a second appeal irrespective of the value of the matter;
(iii) an appeal from an order under the Code of Civil Procedure 1908 and from an order passed in the execution of a decree;
(iv) a civil appeal, application or reference under any Act of the Central or State Legislature other than Code of Civil Procedure 1908;
(v) an appeal under the Land Acquisition Act 1894 irrespective of the value of subject matter;
(vi) an appeal relating to costs only;
(vii) an application under section of the Code of Civil Procedure 1908;
(viii) any other application
   (a) which under these rules is not expressly required to be made to a Division Bench;
   (b) which is made in any matter within the jurisdiction of a Judge sitting alone and which is not otherwise expressly provided for;
   (Ix) a reference under order XLVI of the Code of Civil Procedure;
   (x) all suits withdrawn under article 225 of the Constitution of India and section 24 of the Code of Civil Procedure;
   (xi) Civil Revision applications;
   (xii) all Writ Petitions under article 226 of the Constitution of India except Habeas Corpus Petitions and petitions involving interpretation of the constitution or constitutional validity of any legislation, rule, order, notification, etc.
   (xiii) all criminal matters excepting:
      (a) appeals involving sentences for a term of ten years or more; and
      (b) appeals against acquittal in respect of offences punishable with death or imprisonment for ten years or more.

Provided that nothing in clauses (i), (ii), (iii), (v) and (ix) of this rule shall prevent a Judge sitting alone to refer any matter to a larger bench with the approval of the Chief Justice.
Cases heard by Bench of two or more Judges.

149. When a case is heard by the Bench consisting of two or more Judges, the case shall be decided in accordance with opinion of such Judges or majority of such Judges.

Cases when Opinion is equally divided.

150. When a case is heard by the Division Bench composed of two Judges and they are equally divided in opinion, the case with their opinions thereon, shall be laid before another Judge and shall be decided in accordance with the opinion of such Judge.

Jurisdiction of a vacation Judge sitting singly.

151. Except in a case which the Law requires to be heard by a Bench of two or more Judges a single Judge while acting in the long vacation as a vacation Judge, may exercise the original and appellate jurisdiction vested in the Court which in his opinion requires immediate attention.

Provided that in exercise of this power a case may be admitted or dismissed at the stage of preliminary hearing but a motion matter normally entertainable by a Bench of two Judges may only be admitted in the discretion of the Judge but not dismissed.

Transaction of judicial business during long vacation.

152. (1) The Chief Justice shall nominate any Judge of the High Court by name to a vacation Judge, to hear matters which may require to be immediately or promptly dealt with during long vacation.

(2) Limitation will not run for the purpose of institution of Civil and Criminal cases during the long vacation.

(3) The Court will be opened daily during the winter vacation except on authorised holidays, for the transaction of judicial business between the hours of 10.30 a.m. and 4 P.m.;

Provided that the timings of the sitting of the Court for the transaction of Judicial business may be changed during the Winter vacation as the Senior Judge may fix and notify for any such vacation.

(4) Appeals, applications or other proceeding which are to be filed on the reopening day may also be preferred, made or instituted in regular course between 11 a.m. to 2 p.m. for the convenience of the parties.

CHAPTER - VI

RULES UNDER SPECIAL ACTS.

PART A - RULES REGARDING TRIAL OF ELECTION PETITIONS UNDER PART VI OF THE REPRESENTATION OF THE PEOPLE ACT, 1951, AMENDED.

Definitions.

153. In this chapter, unless the context otherwise requires.

(i) "Act" means the Representation of the people Act, 1951, as amended from time to time.

(ii) "Advocate in charge" means the Advocate through whom the petition has been filed other than the Senior Advocate, if any, instructed by him.

(iii) "candidate" means a person, who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when with the election in prospect he began to hold himself out as a prospective candidate.

(iv) "Chief Justice" means the Chief Justice for the time being and shall include an Acting Chief Justice of the High Court;

(v) "designated Judge" means any Judge of the High Court assigned by the Chief Justice under section 80-A (2) of the Act for the purpose of trial of Election Petitions;

(vi) "Elector" means a person, who was entitled to vote at the election, to which the election petition relates, irrespective of the fact whether he has actually voted at such election or not;

(vii) "Form" means a form appended to this chapter;

(viii) "High Court" means High Court of Sikkim;

(ix) "Petition" means an election petition filed under sections 80 and 81 of the Act;

(x) "Prescribed" means prescribed under these rules or the rules made under the Act or the Code of Civil Procedure, 1908;

(xi) "Registrar" means the Registrar of the High Court and includes Deputy Registrar and any
other official of the Registry of the Court authorised by the Chief Justice to discharge the functions of the Registrar under this Chapter;
(xii) Any other words or phrases used in this Chapter, but not herein defined, shall be given the meaning ascribed to them in the Act or in the Code of Civil Procedure, 1908, as the case may be.

**Designation of Judges Benches.**

154. The Chief Justice shall, from time to time, assign one or more Judges of the High Court for the purpose of trial of petitions.

155. (1) The petitions shall ordinarily be tried by any one of the designated Judges.

(2) Where more election petitions than one are presented to the High Court in respect of the same election, all of them shall be referred for trial to the same designated judge, who may, in his discretion, try them separately or in the one or more groups.

**Security of costs**

156. (1) At the time of presenting an election petition, the petitioner shall deposit in the State Bank of Sikkim, a sum of two thousand rupees as security for costs of the respondents under the following head:-

<table>
<thead>
<tr>
<th>Head</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Major Head</td>
<td>8443</td>
</tr>
<tr>
<td>Sub-Major Head</td>
<td>Civil Deposits</td>
</tr>
<tr>
<td>Minor Head</td>
<td>121 (3) Deposits made for Election petitions.</td>
</tr>
</tbody>
</table>

(2) During the course of the trial of the petition, the High Court may, at any time, call upon the petitioner to give such further security for costs as it may direct.

157. No person shall be entitled to be joined as a respondent under sub-section (4) of section 86 of the Act unless he has given such security for costs as the High Court may direct. In the absence of a specific order in that respect, such a respondent shall be required to deposit a sum of one thousand rupees as security for costs in the State Bank of Sikkim.

158. (1) A petition may be presented either in person or through an Advocate in charge, for calling in question any election on one or more of the grounds specified in sub-section (1) of section 100 and section 101 of the Act by any candidate at such election or any elector, and

(a) shall contain a concise statement of the materials facts on which the petitioner relied, arranged as far as possible in strictly chronological order;

(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 and verified by the petitioner in the manner laid down in order VI rule 1 of the Code of Civil Procedure, 1908 for the verification of pleadings.

(2) The petition shall be presented to the Registrar within office hours on any working day and his receipt showing the date and time of filling of the petition shall be obtained. The receipt shall also indicate the date on which the petitioner or his Advocate, if any, shall appear before the Registrar for removal of formal defects, if any. The said receipt shall be in Form A.

(3) Any documents other than the election petition itself, but connected with the petition which is not filed with the election petition may be filed either with the Registrar with an endorsement in Form F of the date of filing the same made on the first page of such document under the dated signature of the party filing the documents or his Advocate.

(4) Any inward diary or a receipt register shall be maintained in the Judicial Branch in which receipt of all petitions, applications, documents and papers connected with election petitions shall be entered on the very day on which those are received in the Branch.
159. Every petition shall be accompanied by -

(a) where the petitioner alleges any corrupt practice in the petition, by an affidavit, in the prescribed form, duly sworn before a competent judicial authority or an Oath Commissioner under his seal or stamp in support of the allegation of such practice and the particulars thereof. In the verification the petitioner shall separately specify, by reference to the numbered paragraphs of the affidavit, the facts which he verifies of his personal knowledge and those which are verified on information received and believed to be true. In the latter class of events, the petitioner shall further specify the source of his information.

(b) schedules or annexures to the petition referred to in the body of the Petition such schedules or annexures shall also be signed by the petitioner and verified in the same manner as the petition;

(c) the documents in the possession or power of the petitioner, on which he relies in support of his petition, together with a list thereof in Form B;

(d) a list of any other documents on which the petitioner relies in support of his claim which shall be in Form C, and where any such document is not in possession or power of the petitioner he shall, if possible, state in whose possession or power it is;

(e) the original Bank receipt for the deposit of security for costs;

(f) a cloth-lined strong envelope of the size of not less than 10"X15" for keeping documents;

(g) twice as many copies of the election petition as there are respondents mentioned in the petition. Every such copy shall be attested by the petitioner under his own signature to be true copy of the petition, and

(h) as many pre-paid Registered Acknowledgement Due Postal Covers as there are respondents mentioned in the petition, with the address of all those respondents being inscribed either in type or in neat and legible manuscript on the respective covers. The petitioner or the Advocate incharge should ensure that the postage pre-paid on the covers is enough to cover the requisite postage keeping in view the weight of the copy of the petition and its annexures and schedules, if any, which have to be despatched therein. If necessary, special postal covers may be got prepared for the purpose which should be of such size as may be able to contain conveniently a copy each of the election petition and its annexures and schedules.

(i) a statement giving an address at which service of notices or other process may be made on the petitioner. The said address shall be within the local limits of the High Court. Where the petitioner fails to file the said address, his petition shall be liable to be dismissed. Due service of all processes and communications shall be deemed to have been effected on him by properly addressing, pre-paying and pasting by registered post, a letter containing the said processes or communications and unless the contrary is proved the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

Service of all processes and communications on the counsel for the petitioner, if any, shall be deemed to be due service of the same on the petitioner,

(1) All petitions shall be clearly typed or cyclostyled or printed on only one side of Judicial paper in double space with at least a quarter margin.

(2) All copies of the petition shall be similarly prepared, but on ordinary paper

(3) All copies of the petition shall conform to the original, page by page and line by line.

(4) The petition and the copies shall be page marked legibly and the Annexures and Schedules, if any, attached to the petition, shall be consecutively page-marked in the same manner.

(5) A cleanly typed, cyclostyled or printed index will be put at the top of the petition showing the serial number of the document, its date, particulars and the page or pages on which it occurs in the papers filed by the petitioner or the Advocate in charge and shall be signed and dated by the petitioner or such Advocate.

(6) The petition and its annexures end schedules shall be in the English language. Any original documents or any copy of a document, which is not in the said language shall be accompanied by its translation into English, duly certified by the petitioner or the Advocate in charge to be a correct translation of the original or of the copy, as the case may be.
(7) The petitioner or the Advocate in-charge shall ensure that the petition does not suffer from unnecessary prolixity and does not contain any scandalous or vexatious allegations which are not necessary to be made for deciding the matters really in issue.

(1) The Registrar shall cause the petition and its accompanying documents to be scrutinised under his personal supervision. On the Conclusion of such Scrutiny, the Registrar shall make an endorsement on the back of the last page of the index to the effect that papers have been scrutinised and the same have been found to be in order. If the Registrar finds that the papers are not complete or do not, otherwise, comply with the requirements of these rules or the provisions of Part VI of the Act, an endorsement to that effect would be made specifying the defaults or the omission which require rectification. The endorsement would also show separately if the security for costs referred to above has been deposited by the petitioner before the filing of the petition, and, if the petition has filed within limitation.

(2) On such scrutiny, if it is found that the petition does not comply with the requirements of section 81 or section 82 or section 117 the Act, the Registrar shall make specific endorsement to that effect.

(3) If some other defect is detected in the petition or it is found that it does comply with any other rules, the petition shall be returned with such endorsement as herein before specified, to the petitioner or the Advocate in-charge, on the date specified in the receipt. The said endorsement shall specify the time within which the defect or defects mentioned therein shall removed and the said time shall not exceed seven days in any case. The rectified petition shall be refiled by the petitioner or the Advocate in-charge within the time so specified.

(4) It shall be the duty of the Petitioner or the Advocate in-charge to bring to the notice of the Registrar the fact of the removal of the defects of any one or more of the defects pointed out by the office on the very day on which the defect or defects are removed. The fact of removal of defect or defects having been brought to the notice of the Registrar shall be endorsed on the petition by the Registrar in his own handwriting under his dated signature specifying with reference to the serial number of the defects or otherwise the particular defects which have been removed.

(5) A list of all the petitions, which are not in conformity with the mandatory provisions of sections 81, 82, or 117 of the Act shall be put on a special noticeboard meant for notices relating to election petitions on the day preceding the date for which these petitions are directed to be placed before any one of the designated Judge. The list shall specify the date on which and the name of the designated Judge before whom the petition will be placed for necessary directions or orders in respect of non-compliance with the rules. Such date of hearing shall also be communicated to the petitioner or the Advocate in-charge.

(1) All such petitions,

(i) which have been prima facie found by the Registry as not complying with the provisions of section 81 or section 117 of the Act; or

(ii) which have been filed incomplete or in any other way not complying with these rules and which the petitioners or the Advocates in-charge may not have taken back or

(iii) which may have been refiled without necessary compliance; or

(iv) which may have been refiled after the expiry of the period allowed by the Registry shall be brought up before any of the designated Judges on a date which has either been noted by the petitioners or the Advocates in-charge or which has been specified in the list prepared, notified, and which has been notified to the petitioner or the Advocate in-charge by registered post.

(2) If the petition does comply with the provision of the aforesaid three sections of the Act, but does not comply with any of the other rules or requirements contained in this Chapter, the High Court may allow the petitioner or the Advocate in-charge such further time not exceeding one week to do the needful on Such terms at it may deem fit to impose.

(3) If the High Court finds that sections 81, 82 and 117 of the Act have been duly complied with and that there has been substantial compliance with the other rules and it is not necessary to have any other rectification or amendment made in the petition or other papers, the High Court shall order notice of the petition to issue to the respondent of respondents, as the case may be.

In all cases covered by sub-rule (3) of rule 162 and where the petition is on scrutiny, found by the Registrar to be in order the Registry shall issue in Form D accompanied by a copy of the petition, together with copies of the schedules and annexures, if any to each the respondents named in the petition under Registered (Acknowledgement Due) postal covers filed by the petitioner as also in the ordinary manner through the Administrative Sub-ordinate Judge or the Senior Subordinate Judge notices of the petition or any other Civil.
Court of the district or place within whose jurisdiction the respective respondent is stated to reside or carry on business. The endorsement on the notice requiring such Subordinate Judge or Civil Court to effect service on the respondent shall specify that the aforesaid Subordinate Judge or Court shall make every effort to have service effected immediately and, in any event to submit a detailed report of service well within time so as to reach the Registry of this Court before the date of scrutiny. The notices shall be for the settlement of issues and shall not be more than four weeks ahead of the date on which the notices are despatched. The notices shall specify, inter alia—

(a) the date on which the respondents are required to appear in person or by an Advocate;
(b) the date of scrutiny on which the case will be put up before one of the designated Judges with a full and complete report of the office about service of notices; and
(c) a direction to the effect that the case would be heard ex parte if the respondent does not appear in person in the Registry of the Court and serve notice of having done so on the petitioner or the Advocate in-charge before the date of hearing.

Substituted service. 164. If on the date fixed for scrutiny the designated Judge, before whom the case is put up, finds from the office report or the report of the process serving agency or the postal authorities that any one or more of the respondents in any particular cases appears to be evading service or it is otherwise not possible to effect personal service on him expeditiously, he may direct substituted service to be effected on such respondent in any of the customary modes including publication in a newspaper.

Appearances. 165. Any appearance, application or act required or authorised by the Act or these rules to be made or done by a party may be made or done by the party in person or by his recognised agent, or by an Advocate, appearing, applying or acting, as the case may be, on his behalf. Provided that any such appearance shall, if the High Court so directs, be made by the party in person;

Provided further that unless the context otherwise requires, the recognised agent of a party shall be deemed to be the petitioner or the respondent, as the case may be, for the purposes of these rules.

Scrutiny. 166. It shall be the duty of the petitioner or the Advocate in-charge to appear before the Court on the date of scrutiny and to comply with the order or directions that may be given by the designated Judge at the time of the scrutiny.

Appearances of respondents. 167. (1) As soon as possible after the receipt of notice of the petition, each respondent shall enter before the Registrar appearance in writing. The appearance may be entered through an Advocate or in person. In either event the full, complete and detailed address of the respondent shall be entered on the memorandum of appearance. Thereafter, service of any notice or order of the Court or of the Registry shall be deemed to be sufficient if it is either communicated to the Advocate, or in a case where the respondent is not so represented, sent by ordinary post to such address of the respondent as has been furnished by him. (2) Immediately after entering appearance, the respondent or his Advocate, as the case may be, shall serve on the Advocate in-charge of the case or on the petitioner, if he is not represented by counsel, a notice of having entered appearance. (3) Any respondent, who does not admit the correctness of the allegations or the claims made in the petition, shall file a written-statement in the Registry of the Court at least two days before the date of hearing, replying to the petition and the allegations of the petitioner para-wise.

(4) The written-statement shall be typed, written or cyclostyled or printed in double space on one side of foolscap Judicial paper and shall be signed and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of pleadings. (5) A spare copy of the written-statement shall be filed in the Registry which shall be attested by the respondent concerned, or by his Advocate to be a true copy of the original written-statement. (6) The written-statement shall be in English and any documents attached to it or filed by the respondent subsequently shall be either in English or be accompanied by their respective translations into English which should be certified by the respondent concerned or by his Advocate to be true and correct translation of the original document, question. (7) The written-statement shall be accompanied by all documents in the possession or power of the respondent on which he bases his defence. Where he relies on other documents in support of his defence, he shall enter such documents in a list to be added or annexed to the written statement. A document which ought to be entered in the list, referred to above but which has not been so entered shall not, without the leave of the High Court, be received in evidence on the respondent’s behalf at the hearing of the petition. The documents produced shall be accompanied by a list in Form B.
The written statement shall also be accompanied by a cloth-lined strong envelope which shall not be smaller in size than 10"X15", for keeping documents.

The respondent shall serve on the advocate in-charge or the petitioner himself, if he is not represented by an advocate, an exact copy of the written-statement and its enclosures, if any, at least two days before the date of hearing.

The trial of a petition shall be deemed to commence on the date fixed for the respondents to appear before the High Court and to answer the claim or claims made in the Petition.

At the commencement of the trial or on such adjourned date for which all the respondents have been served or are deemed to have been served, the High Court shall scrutinise the pleadings of the parties and may, within such time as it may deem fit, permit the petitioner to file a replication in reply generally to any written-statement or direct him to file a better statement or better particulars in respect of any matter brought out in any written-statement.

At the hearing of the petition, after pleadings have been filed, the High Court shall proceed to frame issues arising out of the pleadings of the parties which are necessary for the determination of the matters in controversy between the parties and postpone further hearing of the petition, but shall fix a day for the production of such evidence as the case requires. The Court shall also fix an intermediary date to watch the return of the summons of the witnesses. The parties or their counsel shall appear before the Registrar on the said date and obtain necessary orders with regard to re-summoning or otherwise the witnesses who might not have been served by the said date.

Within 5 days of the framing of the issues, the parties shall file any other or additional documents which are in their possession or power and also, file within the same period a list of all the documents which are not in such possession or power of the respective parties, but on which they propose to rely at the trial of the case indicating therein the person in whose possession, power or custody such documents may be available and the relevancy of such documents.

Within ten days of the date on which the issues are framed, the parties shall admit or deny the respective documents filed by the other side in the Registry of the Court by making an endorsement on each document under the signatures of the party concerned or his advocate whether the document is admitted or denied, or how much of a document is admitted or denied.

The preceding sub-rule shall not derogate from the right of the parties to serve on the counsel for the other side notice of admission or denial of documents or of admission or denial of facts.

Parties may also, with the leave of the Court, serve interrogatories on the counsel for any other party for being replied to in accordance with law.

A party desirous of requiring the attendance of his witnesses at the trial of the petition through the process of the High Court shall, within fifteen days of the settlement of the issues, make an application for the purpose, to the Registrar. The said application shall contain the names of the said witnesses and a gist of the facts to be proved by each one of them. A copy of the said application shall, also, be delivered by the party or his advocate to the Advocate for the opposite party or if the same is not represented by an advocate to the said party, at the same time it is made to the Registrar:

Provided that a party entitled to lead evidence in rebuttal may, move an application requiring the attendance of additional witnesses not already summoned, through the process of the High Court within a period of two days from the date opposite party concludes is evidence.

The said application shall be listed for hearing before the designated Judge by the Registrar on the next day of its filling in the Registry of the Court for passing necessary orders for summoning the witnesses provided that the designated Judge may refuse, for reasons to be recorded in writing to summon any witness or witnesses if he is of the opinion that evidence of such a witness or witnesses is not material for the decision of the petition or that the party summoning such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

After the designated Judge has made necessary orders on the said application, the party concerned shall, within a period of three days pay into the High Court such sum of money as is ordered by the Registrar to defray travelling and other expenses for one day's attendance of the witness or witnesses ordered to be summoned. In fixing the said amount regard shall be had to the scale given under Rule 170 below.
(4) The summons to a witness shall be in Form E and the witness shall be paid his travelling and other expenses by the Registrar after he has attended the High Court on the date mentioned in the summons.

(5) Service on a witness by registered post shall be deemed to be sufficient service for all purposes including those of Order 16, rule 12 of the Code of Civil Procedure, 1908.

170. Travelling allowance for the journey from place of residence to the place where evidence is required to be given and back to the place of residence, diet allowance, and local conveyance allowance shall be paid to the witness according to the scale indicated below subject to the conditions indicated in the notes thereunder :-
<table>
<thead>
<tr>
<th>Class of witness</th>
<th>Travelling Allowances</th>
<th>Diet Allowances</th>
<th>Local Conveyance Allowance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Class I</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional men of High position, members of Parliament and of the State legislatures, large land owners/owners of big business organisations, and Class I Government Official who are required to attend in their private capacity.</td>
<td>First Class Rail fare or where the journey is performed by road, @ 0.50 paise per kilo metre</td>
<td>Rs. 25/- per day</td>
<td>Actual taxi or carriage fore each way from the place where he is put up to the place where he is required to give evidence.</td>
</tr>
<tr>
<td>Class II</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Members of local Bodies, ordinary professional and business men, land owners, other than small farmers, officer employees in business organisations Corporatons and local bodies and class II Government Officers who are required to attend the Court in their private capacity.</td>
<td>First Class Rail fare or where the journey is performed by road at 0.50 paise per kilo metre.</td>
<td>Rs. 15/- per day</td>
<td>Actual bus fare each way.</td>
</tr>
<tr>
<td>Class III</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Artisans, Clerks, small land owners, village officers, and employees in lower grades of Corporations, local bodies and business and Class III Government Servants who are required to attend the Court in their private capacity.</td>
<td>Second Class Rail fare or bus fare.</td>
<td>Rs. 15/- per day</td>
<td>Actual bus fare each way.</td>
</tr>
<tr>
<td>Class IV</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Labour, petty shopkeepers, pedlars and persons other than those in the fare. above, class IV Government Servants who are required to attend the Court in their private capacity.</td>
<td>Second Class Rail fare or bus fare.</td>
<td>Rs. 10/- per day</td>
<td>Actual bus fare each way.</td>
</tr>
</tbody>
</table>

Note 1. In the case of experts and professional persons and in cases in which the Court thinks special rates should be awarded the Court may award higher rates of diet allowance than provided for in this scale.

Note 2. In case not fully or clearly covered by this scale or in cases where the Court thinks special considerations should prevail the Court shall award such amounts for travelling allowance, diet allowance, and local conveyance allowance as deems proper.

Costs.

171. (1) Costs shall be in the discretion of the High Court: Provided that where a petition is dismissed under clause (a) of section 98 of the Act the returned candidate shall be entitled to the costs incurred by him in contesting the petition and accordingly the High Court shall make an order for costs in favour of the returned candidate.

(2) If the costs have not been fixed by the designated Judge under Clause (b) of Sub section (1) of section 99 of the Act, the costs shall be taxed by the Registrar within a week after the conclusion of the trial of the petition at a time of which at least two days' notice will be given to all the Advocates of the parties who were represented by counsel.

Communication of orders of the High Court.

172. The Registrar shall, as soon as may be after the Conclusion of the trial of an election petition, intimate the substance of the decision to the Election Commission and the Speaker or Chairman, as the case may be, of the House of Parliament or of the State Legislature concerned and, as soon as may be thereafter, shall send to the Election Commission an authenticated copy of the decision.
173. At any time before the commencement of hearing of a petition and before every adjourned hearing thereafter, the Registrar shall arrange the file of each election case into the following six parts in Part A:

Part I - Orders in the main case and Miscellaneous Petitions filed therein.
Part II - Pleading and issues.
Part III - Evidence.
Part IV - Documents filed by the petitioner.
(To be kept in the cover filed by the petitioner).
Part V - Documents filed by the respondents.
(To be kept in the cover filed by the respondent concerned).
Separate covers of different respondents shall be marked with the number of the party concerned in the array of respondents.
Part VI - Miscellaneous application and replies thereto.

Note - Part B of the case will contain the followings:
(a) Notices;
(b) Office notes and correspondence;
(c) Reports of service and
(d) Other miscellaneous papers.

174. Each part of the file shall be separately page-marked and indexed by the Office and checked before the case is sent to the designated Judge one day before every hearing.

175. On an application moved by any party to petition may allow uncertified carbon copies of the evidence and of all or any of the interlocutory orders being given to the applicant or his counsel on paying for the same at the rates mentioned in rule 221 of these rules.
And copies shall be issued only after the Judge has signed the original record and correction if any, have been carried out in the copies.

**FORM 'A'**
(See Sub-rule (2) of rule 158)

Serial No ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... ............... 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LIST OF DOCUMENT PRODUCED BY PETITIONER/RESPONDENT
IN THE HIGH COURT OF SIKKIM AT GANGTOK

Petitioner Versus Respondent,

List of documents produced with the petition (or at first hearing) on behalf of petitioner or respondent. The list was filed by ……………………………..this…………..……………………………day of 19.

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Description and Date, if any, of the Document.</th>
<th>What the document is intended to prove.</th>
<th>What became of the document</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>If brought on the record, the Exhibit mark put on the document.</td>
<td>If rejected, date of return to the party and signature of party or pleader to whom the document was returned.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature of party or Advocate producing the list.

FORM C
(See clause (D) of rule 159)
list of documents relied upon by the petitioner/respondent.
IN THE HIGH COURT OF SIKKIM AT GANGTOK
Election Petition No. …………..…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….…….……./Signature of party or Advocate producing the list.
FORM D
(See rule 163)
IN THE HIGH COURT OF SIKKIM AT GANGTOK
NOTICE TO THE RESPONDENT

Election Petition No. ............................................. of 19

Versus

Petitioner

Respondent.

To,

Shri/Shrimati ............................ ...

Whereas Shri/Shrimati ............................ ...

has instituted an election petition against you, you are hereby required to appear in this Court in person or by an Advocate, duly instructed and able to answer all material questions relating to the petition, on the day of 19 at 10.30 a.m. to answer the petition and to produce on that day:

a) all the documents in your possession or power on which you intend to rely in support of your defence, and
b) a list of other documents on which you rely and which are not in your possession or power.

Take notice that if you do not appear in the Registry of this Court and serve notice of having done so on the Advocate in-charge of the case or on the petitioner himself, if he is not represented by an Advocate, before the aforesaid date and do not serve on the said Advocate the petition and its annexures and enclosures, if any, to be filed by you, at least two days before the aforesaid date, the petition will be heard and determined in your absence.

Also, note that the case will be put up before one of the designated Judges for scrutiny on day of 19

A copy each of the petition and its annexures and enclosures is enclosed.

By Order,

REGISTRAR

Endorsement

No .... dated the ...

Forwarded to the Senior Subordinate/Administrative/Subordinate Judge.... ...

for effecting service on the respondent/respondents. Service may please be effected immediately and a detailed report marked “IMMEDIATE-ELECTION PETITION” be sent to the Assistant Registrar (Judl.), High Court of Sikkim, Gangtok, so as to reach him before the day of .... ...

19, without fail.

REGISTRAR

FORM E
IN THE HIGH COURT OF SIKKIM AT GANGTOK.
SUMMONS TO WITNESS

Election Petition No. ............................................. of 19

Versus

Petitioner

Respondent.

To

Shri/Shrimati ............................ ...

WHEREAS your attendance is required to appear on behalf of the petitioner/respondent in the above-noted petition you are hereby required (personally) to appear before this Court on the day of 19 at 10.30 a.m. and to bring with you (or send to this Court):

If you fail to comply with this order without lawful excuse, you will be subject to the consequence of non-attendance laid down in rule 12 of Order XVI of the Code of Civil Procedure, 1908.

Given under my hand and the seal the Court, this day of 19.

By Order,

Assistant Registrar,
Judicial Branch

Notice - (i) If you are summoned only to produce a document and not to give evidence, you shall be deemed to have complied with the summons if you cause such document to be produced in this Court on the day and hour aforesaid.

(2) If you are detained beyond the day aforesaid, a sum of Rs. will be tendered to you for each day's attendance beyond the day specified.

By order of the Hon'ble the Chief Justice and Judges.

Assistant Registrar (Judl)
Facsimile of the rubber stamp to be used in the Election Branch for making endorsement on the documents filed in that Branch as required by sub-rule (3) of Rule 158:

ELECTION BRANCH

RE:
Flection Petition No................ of 19
Date of filing......................
Serial number in the receipt register......................

Diary:

HIGH COURT OF SIKKIM AT GANGTOK.

PART B : RULES FRAMED UNDER SECTION 23 OF THE CONTEMPT OF COURT ACTS, 1971 (70 OF 1971) TO REGULATE CONTEMPT PROCEEDINGS.

Short title 176. These rules may be called the Contempt of High Court of Sikkim and Courts Subordinate to it (Regulation of Proceedings) Rules, 1991.

PART I

Cognizance 177. In respect of contempt other than the contempt referred to in sub-section (1) of section 14 of the Contempt of Court Act, 1971 (70 of 1971), the High Court may take cognizance of contempt -

(a) suo motu ;
(b) upon a petition made by the Advocate-General of the State of Sikkim;
(c) upon a petition presented by any other person with the consent in writing of the Advocate-General ;
(d) upon a reference made by a Court subordinate to it relating to contempt of such subordinate Court.

Documents 178. (1) Every petition under clauses (b) and (c) of rule 177 shall contain-

(i) the name, description and place of residence of the petitioner or petitioners and of the person charged ;
(ii) nature of the contempt alleged and such material facts, including the date or dates of commission of the alleged contempt, as may be necessary for the proper determination of the case; 
(iii) If any petition had been previously made by him on the same facts the result thereof.

(2) Every such petition shall be supported by affidavit.
(3) No court-fee shall be charged on any such petition.
(4) Where the petitioner relies upon any document or documents in his possession or power, he shall file such document or documents or true copies thereof along with the petition.

Preliminary 179. (1) Every petition under clauses (b) and (c) of rule 177 shall be posted before the hearing.

Court for preliminary hearing and for orders as to issue of notice. Upon such hearing, the Court, if satisfied that a prima facie case has been made out for issue of notice, shall direct issue of notice to the contemner either to show cause why proceeding under the Contempt of Courts Act 1971 may not be initiated against him or to show cause why the contemner may not be suitably punished, and when no prima facie case is found, the petition shall be dismissed.

(2) In matters covered by clause (a) of rule 177, if the Court is satisfied that there is a prima facie case it shall issue notice to contemner either to show cause as to why a proceeding under the Contempt of Courts Act 1971 may not be initiated against him or why he may not be suitably punished.
References made by the subordinate courts.

180. (1) All references made by the subordinate Courts under clause (d) of rule 177 shall contain the particulars as mentioned in Sub-clauses (1) and (ii) of clause (a) of rule 178, therefor along with the letter of reference.

(2) The subordinate Courts shall transmit all relevant document or copies thereof along with the letter of reference.

(3) All references made under clause (d) of rule 177 by the subordinate Courts except the Courts of District and Sessions Judges shall be forwarded to the respective District and Sessions Judges for report who shall transmit the same to the High Court expeditiously.

Matters covered by rule 177 (d) to be placed before division bench.

81. Matters covered by clause (d) of rule 177 shall be placed before a Division Bench presided over by the Hon’ble Chief Justice, and in his absence before a Division Bench presided over by the senior most Puisne Judge who will take such decision regarding initiation of the proceeding as may be deemed fit and proper and the same will be dealt with in accordance with the provisions contained in rule 179 as far as practicable.

Criminal contempt to be heard by division bench.

182. All proceedings under the Contempt of Courts Act 1971 in respect of criminal contempts only shall be heard by a Division Bench of the court.

Forms and procedure.

183. (1) All proceedings under the Contempt of Courts Act, 1971 shall be register-ed as Original Criminal Miscellaneous Cases.

(2) The Registrar shall cause the notice to be served to the person charged in Form I as appended hereto. The person charged shall, unless otherwise ordered, appear in person before the Court on the date fixed for hearing of the proceeding, and shall contin-ue to remain present during hearing unless otherwise directed.

(3) Notice to the contemner to show cause why proceedings under the Con-tempt of Courts Act 1971 may not be initiated against him shall be issued in Form IV as appended hereto.

(4) When action is initiated on a petition, a copy of the petition along with the annexures and affidavits shall be served upon the person charged.

(5) In all proceedings started suo motu or on a reference made by a Court subordinate to the High Court, a copy of the notice in Form I shall be sent to the Advocate-General.

Description of parties in certain cases.

184. In all cases, cognizance of which has been taken suo motu or on 2 reference made by the sub-ordinate Court, the State of Sikkim shall be described as the petitioner and the Advocate-General shall conduct prosecution for contempt in such cases ; Provided that in a case where cognizance has been taken sou motu the Court may direct that the Registrar or any other Officer of the Court shall be the Prosecutor.

Documents to accompany reply.

185. The person charged shall file his reply duly supported by an affidavit or affidavits and shall enclose all documents on which he proposes to reply.

186. No further affidavit or document shall be filed except with the leave, or under direction of the Court.

187. (1) The Registrar may issue fresh notice if he considers that the service of notice is not sufficient.

(2) If the Registrar considers service to be sufficient and the person charged with contempt does not appear on the date fixed, the matter shall be posted for orders of the Court.

Procedure in cases where con-temner is abscending or evading service.

188. (1) If the Court is satisfied that the service of notice is sufficient or it has reason to believe that the person charged is abscending or is otherwise evading service of notice or if he fails to appear in person or continues to remain absent in spite of notice, it may direct issue of warrant bailable or non-bailable for his arrest, addressed to one or more police officers or may order attachment of property. The warrant shall be issued under the signature of the Registrar. The warrant shall be in Form II and shall be executed, as the may be, in the manner provided for execution of warrants under the Code of Criminal Procedure, 1898.

(2) The warrant shall be executed by the Officer to whom it is directed and may also be executed by any other police officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.
(3) Where a warrant is to be executed outside the State of Sikkim, the Court may, instead of directing such warrant to a Police Officer, forward it to the Magistrate of the district or the Superintendent of Police or the Commissioner of Police of the district within which the person charged is believed to be residing. The Magistrate or the Police Officer to whom the warrant is forwarded shall endorse his name thereon and shall cause it to be executed.

(4) Every person who is arrested and detained shall be produced before the nearest Judicial Magistrate or the Metropolitan Magistrate, as the case may be, within a period of 24 hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the said Magistrate and no person shall be detained in custody beyond the said period without the authority of either a Judicial Magistrate or a Metropolitan Magistrate, as the case may be.

189. The Court, where suo motu or on motion made for that purpose, order the attendance for cross-examination of a person whose affidavit has been filed in the matter.

190. The Court may make order for the purpose of securing the attendance of any person to be examined as a witness and for discovery or production of any document.

191. The Rules of the High Court of Sikkim, as amended from time to time, shall apply to matters not specifically provided for in this Part of the Rules.

PART II

192. In all proceedings under the Contempt of Courts Act 1971 at least five copies of the paper book shall be prepared, one for the prosecutor and another for the contemner and the remaining for the use of the Court. The paper book in each case shall be prepared at the expense of the State. The paper book shall contain the following papers namely:

(i) Petition and affidavit filed by petitioner and where the charge of contempt is based on the content of a document/documents, the same;

(ii) A copy of a statement relating to the matter constituting the alleged contempt;

(iii) Notice to show cause containing the particulars of the alleged contempt against the contemner;

(iv) Affidavit or other documents intended to be relied upon as evidence by the contemner in support of his case which are received or produced in the Court;

(v) Any other document which the Court directs for inclusion.

PART III

193. If a person charged with contempt is adjudged guilty and is sentenced to suffer imprisonment, a warrant to commitment and detention shall be made out in Form III under the signature of the Registrar. Every such warrant shall remain in force until it is cancelled by order of the Court or until it is executed. The Superintendent of Jail shall, in pursuance of the warrant, detain the contemner in custody for the period specified therein subject to such further direction as the Court shall give.

194. (1) The Court shall fix the subsistence allowance when the contemner is committed to Civil Prison in accordance with his status.

(2) In cases of suo motu proceedings and proceedings under reference where the State of Sikkim is the prosecutor, such subsistence allowance shall be borne by the State.

(3) In other proceedings where the prosecutor is a private party, the contemnee shall not be arrested unless and until the subsistence allowance, as fixed by the Court, deposited into Court.

195. If the Court awards a sentence of fine and the fine amount is not paid at once for within such time as may be granted by the Court, the Registrar shall take action in any one of the ways as provided in section 386 of the Code of Criminal Procedure, 1898.

196. (1) The Court may award such cost as it may deem fit in the circumstances of the case.

(2) Where the costs are awarded in a proceeding relating to criminal contempt, the same shall be recoverable as if it were fine.

(3) Where the costs are awarded in a proceeding relating to civil contempt, the order shall be deemed to be a decree under the Code of Civil Procedure, 1908 and may be recovered by execution.
FORM I.
(See sub-rule (2) of rule 183)
NOTICE TO A PERSON CHARGED WITH CONTEMPT OF COURT.
IN THE HIGH COURT OF SIKKIM, GANGTOK.
ORIGINAL CRIMINAL MISC. CASE NO. _______________ OF ____________

Petitioner Versus Opposite-Party

WHEREAS it appears that you by your acts, conduct, utterances and writings committed contempt of Court in the facts and circumstances stated hereinbelow :-
(Briefly state the facts and circumstances and the nature of contempt)
YOU SHRI _______________ are hereby required to appear in person (or by advo-
cate, if the Court has so ordered) and show cause before the Court at Gangtok on the ______ day of ______ 19 at ______ A.M. why you shall not be punished or other appropriate order be passed against you for contempt of the High Court of Sikkim/Subordinate Court (name of the Court).
You shall attend the Court in person on ______ day of ______ at ______ A.M. and shall continue to attend the court on all dates thereafter to which the case may stand adjourned until final orders are passed on the charge against you.

Herein fail not.
Given under my hand and the seal of the Court, this the _______________ day of 19

REGISTRAR

FORM II
(See sub-rule (1) of rule 188)
IN THE HIGH COURT OF SIKKIM, GANGTOK.
ORIGINAL CRIMINAL MISC. CASE NO.___________________ OF ____________

To

(WHEREAS it appears that by your acts, conduct, utterances and writings committed contempt of Court in the facts and circumstances stated hereinbelow :-
(Briefly state the facts and circumstances and the nature of contempt)

YOU SHRI _______________ is hereby directed to arrest the said _______________ and to produce him before this Court.

Herein fail not.

(Dated this the _______________ day of 19)

REGISTRAR

To

(Name and designation of the person or persons who is or are to execute the warrant)
FORM III
See rule 193)
Warrant of Commitment for Contempt.
IN THE HIGH COURT OF SIKKIM, GANGTOK.
ORIGINAL CRIMINAL MISC. CASE NO OF
To

The Superintendent (of Keeper) of the Jail at
WHEREAS this Court on this the day of 19
adjudged (name of the contemner with address) guilty of wilful contempt of Court, and he has been sentenced to suffer imprisonment for a term and/or to pay a fine of rupees
This is to authorise and require you, the Superintendent (or Keeper) of the said Jail to receive the said (name of the contemner) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (term of imprisonment) or for such shorter period as may hereafter be fixed by order of this Court and intimated to you. You are directed to return this warrant with an endorsement certifying the manner of its execution. You are further directed that while the said is in your custody, produce the said before the Court, at all times when the Court shall so direct.
Given under my hand and the seal the Court, this the day of 19

REGISTRAR

FORM IV
(See sub-rule (3) of rule 183)
NOTICE TO A PERSON TO SHOW CAUSE
IN THE HIGH COURT OF SIKKIM AT GANGTOK
Original Criminal Misc. Case No of Petitioner Versus Opp. Party
To

Whereas (i) a Petition has been filed before this Court (a copy whereof is enclosed) to initiate a proceeding against you for contempt, or, (ii) cognizance of contempt has been taken by the Court suo motu (vide enclosure).
You (name and address) are hereby required to show cause before the Court at Gangtok on at a.m.
either in person or through advocate or agent as to why a proceeding shall not be initiated against you under the contempt of courts Act.
In default of your showing cause this Court will proceed to consider the matter and pass suitable orders in accordance with law.
Given under my hand and the seal of the Court This day of 1990.

BY ORDER OF THE COURT.

REGISTRAR.
CHAPTER VII
RECORDS — THEIR INSPECTION AND GRANT OF COPIES
PART A — THE INSPECTION OF RECORDS.

197. The inspection of records of decided cases will be allowed only under the orders of the Registrar.

198. Records of pending cases will be open, as of right, to the inspection of parties or their authorised agents or any Advocate of the Court, who is duly authorised to act in the case or junior counsel whether he be an advocate of a pleader of such duly authorised advocate provided the latter certifies on the application that he has authorised his junior to inspect the record for him.

Provided that an advocate of the Court may inspect the record of any such case on giving an assurance that he is in communication with one of the parties with a view to being retained in it.

Provided further that the inspection of a record will not be permitted on the date fixed for hearing without the special order of the Judge or one of the Judges before whom the case is pending.

199. With the exception of the persons abovementioned no one will be allowed access to the record of a pending case without the special order of a Judge.

200. Applications under rules 197 and 198 shall be made by petition duly stamped with a court-fee label of two rupees. Other applications for inspections shall be made by petition to which must be affixed a court-fee label of the value prescribed below:

(a) If ordinary inspection is desired a court-fee label of one rupee;
(b) If urgent inspection on the date of hearing or on a day other than the date of hearing is desired a court-fee label of five rupees.

Note - 1: No fees should be charged for the inspection of records in Civil and Criminal cases by the Advocate General or the Public Prosecutor, as such, or by the counsel appearing for Government in Civil and Criminal cases or by counsel appearing for accused or appellant in cases, where the latter is a pauper or is defended by counsel provided at Government expense.

Note - 2: No fee shall be charged for inspection by parties and counsel in Criminal cases but fees will have to be paid in case of
(a) Second inspection of the same record, or
(b) Inspection on the day the application for inspection is made.

201. Application must distinctly specify the record of which inspection is desired and shall be presented to the Assistant Registrar (Judl.) -

(a) When ordinary inspection on a day other than the date of hearing is desired, between the hours of 10 a.m. and 3 p.m.; and
(b) When urgent inspection is desired on the date of hearing, between 10 a.m. and 11 a.m.

202. The Assistant Registrar (Judl.) will arrange to procure the record of which inspection is desired, and will allow inspection as follows:

(a) Where inspection is desired on the date of hearing as allowed by the Judge or Judges hearing the case.
(b) In all other cases, between the hours 10 a.m. and 4 p.m.

203. No mark shall be made on any record or paper inspected, and no servant or any member of the bar shall be allowed to take notes for, has master except in the presence and under the supervision of his master. The copying of any document or portion of the record in pen and ink is strictly prohibited; but pencil copies of document or portion of the record may be made by counsel or under his supervision and in his presence by his clerk or servant. Any person infringing or attempting to infringe the rule shall be liable to be deprived of the right to inspect records for such period as the Judge may think fit.

204. Except in the case of connected records, inspection of which has been permitted for a single fee access will be permitted to the record of one case only at a time.
The fee provided in rule 200 shall entitle the applicant to inspect the record on one day only. If inspection of the record is desired on another day, a fresh application shall be required and a fresh fee paid.

Police papers received in the Court in connection with any pending criminal case, and translation of such papers shall not be available for inspection, either by the convict or accused or by his agent or by any legal practitioner retained on his behalf.

All applications bearing a Court-fee label of five rupees shall be dealt with by the office at once. All ordinary applications shall be dealt with in the ordinary course of business.

In the case of an application for ordinary inspection of a pending record, the applicant shall give Assistant Registrar (Judl.) twenty-four hours' notice, in writing in the application, of the day and the time on which it is desired to inspect such record.

When any records are in the custody of the High Court, either in connection with an appeal from a conviction or have otherwise the Registrar of the High Court, on being informed by the Government that an appeal against acquittal is contemplated shall hand over the required record to the Advocate-General on demand during such period as they are not required for the purposes of the appeal.

In order to trace particulars of a suit or document, counsel may with the previous permission in writing of the Deputy Registrar and in the presence of a court official inspect Civil and Criminal registers of the Court on behalf of parties, free of charge.

A stranger to the suit or appeal may, after decree, obtain as of right, on payment, copies of judgments, decrees or orders, at any time after they have been passed or made.

Any person entitled to obtain a copy of a judicial record may apply for a translation thereof.
APPLICATIONS FOR COPIES AND TRANSLATION OF RECORD

Mode of presenting. 217. Copies of translation of judicial record of the High Court shall be supplied on application made to the Court. Every such application shall be duly stamped with a Court-fee label of forty paise.

Contents of particulars. 218. Every application for a copy of translation shall contain the following particulars. namely—

(a) the name of the cause;
(b) if the cause is pending, the date of institution thereof, and the date fixed for hearing, if any;
(c) if the cause has been decided, the date of decision;
(d) where the information referred to in clause (b) and (c) is not available to the applicant, such other information as may be sufficient to enable the cause to be identified and traced;
(e) the nature of the document, a copy or translation of which is required;
(f) in the case of a copy, whether for private or general use;
(g) the name and full postal address of applicant.

Procedure of dealing with the application. 219. (1) Upon the presentation or receipt by post of an application for a copy of translation, the proper officer shall—

(a) endorse or cause to be endorsed thereon the date of presentation;
(b) initial the endorsement;
(c) cause the application to be registered as hereinafter provided; and
(d) cause the court-fee thereon to be cancelled according to law.

(2) The application will then be examined and an order passed thereon as hereinafter prescribed.

Note : The Assistant Registrar (Judi.) is authorised to deal with applications for copies and translations under these rules.

Order if the application is in order and not in order. 220. (1) If the application is in proper form and is one which may properly be granted under the rules and practice of the Court an order will be recorded thereon directing the copy or translation required to be made and delivered.

(2) If the application is not in proper form or is one which may not properly be granted under the rules and practice of the Court, an order will be recorded thereon specifying the requirements to be complied with and directing its return to the applicant, or refusing the application and directing that it be filed, according to the circumstances of the case.

(3) Applications for copies which are made so late that the copies cannot be completed by the date on which they are required, will be returned to the applicant with an endorse-ment to that effect.

DESCRIPTION OF COPIES.

Unattested copies. 221. Unattested copies of running depositions prepared by Court stenographers under the orders of the Presiding Judge when application is made beforehand, shall ordinarily be supplied to parties at the rate of one rupee per page.

Attested copies. 222. (1) Consolidated fees at the following rates shall be charged —

(a) for certified copies
   one rupee fifty paise per page;

(b) copies of judgments supplied for purpose of reporting to the reporters of Private Law Journals or to the authorised representatives of newspapers which give an under-taking that copies so supplied will be used only for the purpose of reporting and such copies to be stamped “for reporting only”.
   five rupees per copy for judgments of ten pages or less.
   ten rupees per copy for judgments of eleven pages or more;

(c) copies of judgments not approved for reporting will not be supplied at consolidated rates. If however, somebody wants to have one, it will be made available at the rate applicable to an ordinary copy.
(2) For fields maps, boundary maps, tabular work and similar work, a special fee, which must always be a multiple of one rupee shall be fixed by the Deputy Registrar.

(3) The above fee shall include the cost of the paper.

(4) On application for "urgent" copies, i.e., copies to take precedence over other copy applications, the fee will be twice the rate for ordinary copies.

(5) The entire proceeds from sale of copies shall be credited under the following head in State Bank of Sikkim:

- Major Head: 0070 other Administrative Services.
- Sub-Major: 01 Administration of Justice.
- Minor Head: 501 service and service fees.

223. Copies of translation of records which have already been translated, or of records originally translated free of charge, will be supplied under the rules applicable to ordinary copies. Copies of translations of records which have not been translated already or of records not ordinarily translated free of charge, will be supplied under the rules applicable to translations.

224. Copies of records required for public purposes by public officers as defined in sub-section (17) of section 2 of the Code of Civil Procedure 1908 of the Central or State Government in India, shall be supplied free of charge, provided the application for copy is endorsed by the Head of the Department concerned.

225. Copies of judgments of the High Court in Criminal Cases shall, on application made in this behalf by the accused person, be supplied free of cost:

(a) in every case in which a sentence of death or transportation for life has been passed or confirmed by the High Court;
(b) in every case where the accused person wishes to file an application for special leave to appeal to the Supreme Court in forma pauperis; and
(c) in any other case if the High Court so directs.

PART-C: XEROX COPIES

226. Except as otherwise provided by the rules under this Chapter, the rules under Part B of this chapter, shall apply mutatis mutandis in regard to issuance of Xerox copies.

227. Xerox copies which will be certified in the manner provided hereafter, shall be issued charging at the rate of fees already prescribed for urgent certified copies.

228. (1) On receipt of an application for Xerox copy, the Superintendent of the Copying Section or such Officer as may be deputed by the Registrar, shall immediately requisition the relevant records. Upon such requisition, the relevant records shall be immediately sent to the requisitioning Officer and if necessary, with the permission of the learned Judge or Judges, as the case may be, of the Court where the records are lying.

(2) Where the Xerox copy applied for is a judgment, decree or order of this Court, such copy shall include the Cause title of the proceeding in which such judgment, decree or order has been passed.

(3) The Superintendent or the Officer, as the case may, shall specify the document to be Xeroxed and, when such document is a judgment, decree or order of this Court, shall also specify the cause title of the proceeding in which such judgment, decree or order has been passed.

229. All Xerox copies shall bear the seal of the Court and shall be "certified to be a true copy" and be signed in full by an officer authorised to do so by the Registrar.

CHAPTER-VIII

EXECUTIVE AND ADMINISTRATIVE BUSINESS

PART A: RULES FOR THE DISPOSAL OF EXECUTIVE AND ADMINISTRATIVE BUSINESS.

230. The Hon'ble the Chief Justice shall be in control of the administrative and executive work of the High Court and its distribution amongst the Hon'ble Judges.
Matters which shall be disposed of at a Judges meeting:

Notwithstanding anything contained in the proceeding Rule, the following matters shall invariably be taken up and disposed of at a meeting of the Hon'ble Judges:

(i) All matters involving questions of principle and policy;
(ii) All cases relating to amendments to be made to existing laws or to the statutory rules of the Court;
(iii) All matters concerning the High Court as such or all the Honourable Judges;
(iv) All matters on which the opinion of all the Honourable Judges is invited by the Government;
(v) The suspension of Judges of the subordinate Judiciary;
(vi) The promotion of Judges of the subordinate Judiciary;
(vii) Recommendations for the grant of pensions to the Judges of the Sub-Ordinate Judiciary where it is proposed to recommend that the full pension earned be not allowed;
(viii) Annual Confidential remarks on the work of the Judges of the Sub-Ordinate Judiciary;
(ix) Any other matter which may be referred by the Honourable the Chief Justice to a meeting of the Honourable Judges.

The Honourable Judge placed in charge of any branch of the executive or administrative business of the Court may refer any matter relating to that branch to a meeting of the Hon'ble Judges.

Meeting of all the Honourable Judges shall be called by the Honourable the Chief Justice when there is business for such meetings.

At all meetings of Honourable Judges, two Judges shall form a quorum. The Honourable Judges present at a meeting, if two or more, may dispose of all the business, for the disposal or consideration of which such meeting was called, and such disposal shall be deemed to be a disposal by the Court.

In case of difference of opinion at a meeting the decision shall be in accordance with the opinion of the majority of the Honourable judges present, and in case the Honourable the Judges present be equally divided the Honourable the Chief Justice shall have a casting vote.

The Registrar or in his absence the Deputy Registrar shall attend all judges meetings and shall record the proceedings at such meeting.

The original proceedings of the meeting shall be kept in the General Record Room in a separate file and shall not be removed from the Court building except by the Registrar with the sanction of the Honourable the Chief Justice;

The Honourable the Chief Justice may empower any person holding the post of Registrar or Deputy Registrar of the High Court by name, to perform all or any of the branch of the executive and administrative business of the Court.

| Referring a matter to Judges meeting | 232 |
| Holding of Judges meeting | 233 |
| Quorum of Judges meeting | 234 |
| Mode of decision in case difference of opinion | 235 |
| Record of proceedings of Judges meeting | 236 |
| Circulation of proceedings of Judges meeting | 237 |
| Custody of proceedings of Judges meeting | 238 |
| Delegation of power to Registrar or Deputy Registrar | 239 |
If so authorised by the Hon'ble Chief Justice, during the vacation, the Administrative and executive work of the High Court may be carried out by the senior Vacation Judge present at the Court, who may in his discretion pass such orders as may be necessarily provided that any matter decided by a Vacation Judge under this Rule, which would otherwise fall for decision by all the Honourable Judges or by the Honourable the Chief Justice, shall be referred to all the Honourable Judges or the Honourable the Chief Justice, as the case may be, for confirmation after the vacation.

BY ORDER

( B.C. SHARMA )
REGISTRAR
HIGH COURT OF SIKKIM
GANGTOK.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
THE COPYRIGHT (AMENDMENT) ORDINANCE, 1991
No. 9 OF 1991
Promulgated by the President in the Forty-second Year of the Republic of India.
An Ordinance further to amend the Copyright Act, 1957.
WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;
NOW, THEREFORE, in exercise of the powers conferred by clause (l) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—
1. (1) This Ordinance may be called the Copyright (Amendment) ordinance, 1991. (Short title and commencement)
(2) It shall come into force at once.
2. In Chapter V of the Copyright Act, 1957, for the words "fifty years", "wherever they occur, the words "sixty years" shall be substituted. (Amendment of Chapter V)
3. For the removal of doubts, it is hereby declared that copyright shall not subsist by virtue of this Ordinance in any work in which copyright did not subsist immediately before the commencement of this ordinance.

R. VENKATARAMAN
President

K.I. Mohanpuria,
Additional Secretary to the Government of India

B.R Pradhan,
Secretary to the Government of Sikkim,
Law Department.
F.No 11(321)LD/83.

PRINTED AT THE SIKKIM GOVERNMENT PRESS,GANGTOK.
NOTIFICATION

The State Government hereby revokes with effect from 11th March, 1992, the appointment of the following Chairmen:-

1. Shri Rajendra Upreti --- Sikkim Marketing Federation.
2. Shri Namakha Gyaltsen --- Sikkim Milk union

Notification No.69/Home/89 dated 11th December, 1989 stands modified to the extent relevant.

By Order,

P.K. PRADHAN,  
Chief Secretary,  
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NOTIFICATION

Dated Gangtok, the 12th March, 1992.

The Governor of Sikkim is pleased to further amend Notification No. 2 (1) Home/77-90/Part-II/84 dated 24th February, 1990 relating to facilities admissible to MLAs who are Chairmen and Chairmen who are not MLAs as follows with immediate effect:-

(I) In place of Item I, substitute :-

1. POL - If a vehicle is attached, monthly quota for local use and tours will be provided as prescribed by the Government from time to time.

By Order.

P. K. PRADHAN
Home Secretary
Government of Sikkim.
INCOME AND SALES TAX DEPARTMENT
GOVERNMENT OF SIKKIM

NOTIFICATION NO. 295/IT & ST

In exercise of the powers conferred by Section 13 of the Prize Chit and Money Circulation schemes (Banning) Act, 1978 (43 of 1978), the Government of Sikkim in consultation with the Reserve Bank of India hereby makes the following rules, namely:—

I. Short title, extent and commencement -
(1) These rules may be called the Sikkim Prize Chits and Money Circulation Schemes (Banning) Rules, 1991.
(2) They extend to the whole of Sikkim.
(3) They shall come into force on the date of their publication in the Official Gazette.

3. Definitions:- In these rules the context otherwise requires,—
(a) "Act" means the Prize Chit and Money Circulation Scheme (Banning) Act, 1978 (central Act 43 of 1978);
(b) "Authorised Officer" means the Secretary, Finance - cum - Commissioner of Income and sales Tax Department of the Government of Sikkim or such Officer as maybe specifically authorised by the state Government in this behalf by a notification in the Official Gazette for the purpose of Section 12 of the Act;
(c) "Form" means a Form specified in the Schedules to these rules;
(d) "Office of the Reserve Bank" means the office of the Reserve Bank specified in rule 10;
(e) "Promoter" means a person conducting a Prize chit or money circulation scheme at the commencement of the Act and desiring to continue such chit or schemes pursuant to sub-section (1) of section 12 of the Act for winding up the business relating to such chit or scheme;
(f) "Schedule" means the schedule annexed to these rules;
(g) "Schemes" means a money circulation scheme or as the case may be, a prize chit as defined in clauses (c) and (e) respectively of section 2 of the Act;
(h) "Section" means a section of the Act;
(i) "Subscriber" means a subscriber to a Prize Chit or Money Circulation Scheme.

3. Application for being notified under Section II -
(1) Any charitable or educational Institution desiring to be notified under clause (d) of section 11 shall made an application in that behalf, in duplicate, to the authorised officer in the form specified in the first schedule. Two copies of such application shall, simultaneously, be forwarded by such institution to the office of the Reserve Bank.
(2) The authorised officer shall forward one of the two copies of the application received by him to the State Government.
(3) On receipt of a copy of the application from the authorised officer, the State Government may in consultation with Reserve Bank, notify such institution or refuse to notify such institution, having regard to the facts and circumstances of each case.

4. Particulars of the schemes and winding up plans to be furnished by the promoters:-
(1) A statement of particulars of the schemes being conducted as on the date of commencement of the Act together with detailed plan for the winding up of the business of such scheme shall, as required by the first proviso to sub-section (1) of section 12, be furnished in duplicate by promoter to the authorised officer on or before the expiry of six weeks from the date of notification of these rules in the
official Gazette in Form 1 of the Second Schedule. Two copies of such statement together with such plan shall simultaneously be forwarded by the promotor to the Office of the Reserve Bank.

(2) On receipt of the statement of particulars and the winding up plan referred to in sub-rule (1), a written acknowledgement in token of receipt thereof shall be issued by the authorised officer to the promotor.

(3) The authorised officer shall maintain or cause to be maintained register of promoters furnishing the statements of particulars and the winding up plans furnished under sub-rule (1).

5. Extension of time for the winding up of the existing schemes-

If for any reason, the promotor is unable to wind up the existing business of the scheme on or before the date specified by him in the winding up plan submitted by him under rule 4 or such other date as may be approved by the State Government, and is desirous of continuing it for its beneficial winding up beyond the specified date or the approved date, as the case may be, he shall, not later than four month before such specified date or such approval date, submit to the authorised officer, an application in duplicate in form II of the second schedule giving full details of such business which needs extension of time, the period for which the extension is sought and the reason why such business can not be finally wound up within the said specified date or such approved date. Two copies of the application shall simultaneously be forwarded by the promotor to the officer of the Reserve Bank.

6. Procedure for the disposal of the plan or application -

(1) On receipt of the application containing the statement of particulars and the winding up plan submitted by the promotor under sub-rule (1) of the rule 4 or as the case may be of the application for extension of time submitted under rule (I) the State Government shall cause it to be examined by the authorised Officer or such other officer as it may be deem fit.

(2) On receipt of the comments of such officer and after consulting the Reserve Bank on the application for the winding up of the business of the existing scheme or as the case may be, on application for extension of time for the winding up of such business, the State Government may approve or disapprove the application for the proposed winding up of such business or approve it with such modification as it deem fit and may grant extension of time for such period as may be considered desirable in the public interest and subject to such terms and conditions as may be deemed necessary or expedient, including the furnishing of security by the promotor for repayment of the amounts due to the subscribers to the scheme on refuse to grant extension of time.

Provided that no order specifying or rejecting the application containing the winding plan or modifying or rejecting the application for extension of time for winding up to the existing schemes shall be passed without giving to the promotor a opportunity of being heard.

(3) The State Government shall maintain or cause to be maintained the authorised officer a register specifying the particulars such as the names of the promoters, the statements of particulars and winding up plan submitted, the periods for which extensions of time have been granted, or application for extension of time which have been rejected.

7. Promoter to be informed- The State Government shall intimate to promoter the particulars the terms and conditions subject to which the winding up plan has been approved or extension of time granted or its refusal to grant further extension. A gist of the modification, it any, in the winding up plan or the extension of time, if any, granted or rejected shall be notified in the official Gazette and particulars thereof shall, simultaneously, be advised by the State Government to the office of the Reserve Bank.

8. Consequence of the approval of the plan or grant of extension of time to close the business of the schemes.

During the period for which a winding up plan has been approved or the extension of time granted to wind up of the business of the schemes pursuant to any order passed by the State Government under sub-rule (2) of rule 6, as in force:

(a) the subscribers may remit money to the promoter in accordance with the winding up plan;

(b) the promoter may receive monies from the subscribers, and may also distribution prizes by way of cash or otherwise, to the subscribers in accordance with the winding up plan; and

(c) the subscribers may receive monies from the promoter in accordance with the winding up plan due to them under the schemes.

9. Refund of monies or subscription collected by the promoter -

Where a promoter commits default in furnishing winding up plans as required by sub-rule (I) of rule 4, he shall refund within period of six months from the date of such default the monies and subscriptions collected till the date of default.

10. Miscellaneous- For the purpose of these rules, the office of the Reserve Bank shall mean the office of the Deputy Chief Officer, Department of Non-Banking Companies, Reserve Bank of India, Calcutta Regional Office 15 - Netaji Subhas Road, Calcutta 700 001
FIRST SCHEDULE
(see rule 3)

(Form of application to be used by a Charitable or educational institution for being notified under clause (d) of Section 11 of the Act)

Place________________________
Date________________________

From
To

Dear Sir,

We, the undersigned, Shri________________________________________________________________ and ________________________________________________ Resident and Secretary respectively of the____________
do hereby apply in terms of rule 3 of the Sikkim Prize Chit and Money Circulation Scheme (Banning) Rule,1991 for said institution being notified under clause (d) of section II of the Prize Chit and Money Circulation Scheme (Banning) Act, 1978 to enable it to promote/conduct the schemes (s). Full particulars regarding the Institution scheme (s) etc. are given in the Statement of particulars forward herewith.

Yours faithfully

(                )
President

(              )
Secretary

for and on behalf of

Notes:- Here enter the name of the applicant institution.. Necessary changes regarding the designation etc of the office bearers may be made wherever necessary. Strike out whatever words are not applicable.

(ii) This application as well as its enclosers should be forwarded to the authorised officer in duplicate. Two copies each thereof should be forwarded simultaneously to the Deputy Chief Officer, Reserve Bank of India, Department of non Banking Companies, Calcutta Regional Office 15-Netaji Subhas Road, Calcutta- 700-001

Statement of particulars

I. Name and address of the charitable/educational institution.
2. Constitution i.e. whether incorporated as company/co-operative Society or registered or un-registered Association of individual (Also state the provision of the Act under which incorporated/registered along with the date of incorporation)
3. Name and address of the branches/office, if any,
4. Main objects of the institution (Enclose a copy of the memorandum and Articles of Association or as the case may be of the Bye-laws/Rules regulating the activities of the institution).
5. Names, occupations and residential address of the office bearer of the institution.
6. Name of Bankers and their addresses.
7. Name of the auditors and their addresses.
8. Board of nature of the schemes being conducted or proposed to be conducted (enclose printed or type written copies of the schemes and of rules governing each schemes).
9. Place where the schemes referred to in item 8 are being proposed to be conducted.
10. How are the funds collected by the promotion/conduct of the schemes proposed to be utilised.
II. Full particulars of each scheme as in the Annexure to this statement.
12. Is the income of the institution except under any of the sub-section of Section 80 of the Income Tax Act, 1961 or under the corresponding law for time being in force in Sikkim. If so, specify the provisions under which the income of the institution is so exempt.
13. Are the donation made to the institution recognised for who propose of the Section 80 of the Income tax Act, 1961 or under the corresponding law for the time being in force in Sikkim ( If so a copy of the Notification may be enclosed).
14. Name and addresses of the associate institutions, if any,
15. Broad nature of the activities of such associate institutions and of the schemes, if any conducted by such institutions.
16. Names, occupations and residential addresses of the office bearers of such associate institutions.

I/we solemnly declare that the facts stated herein as also in the Annexure are true to the best of my/our knowledge, information and belief.
We certify that the particulars/information given herein, in so far as they pertain to the books and records of the Applicant Institution, have been verified from such books and records and found to be correct and complete in all respects.

Dated this ____________________________ day of ____________________________ 1999

Signature (s) of the President Manager/Secretary/Authorised official of the institution.

Designation (s)___________________

* Here enter the name of the applicant institution.

Notes:-(i) If the space given against any of the item is inadequate for furnishing full particulars the required information should be given in separate sheets indicating the cross reference against the relative items of this statement.
(ii) A copy of each of the latest available audited Balance sheet and profit and loss account as also financial statement in the same proforma as on this date of the coming into operation of the duly certified by auditors should be attached.

ANNEXURE
(Amounts in lakhs of rupees)

1. Serial No.
2. Name of the scheme.
3. Date of commencement of the scheme.
4. Date of maturity of the scheme.
5. No. of members intended to be enrolled as per the scheme.
6. No. of members enrolled & actually subscribing.
7. Amount of liability by way of prizes, if any, in cash or kind offered during the currency of the scheme.
8. Amount actually disbursed by way of prizes.
9. Outstanding liability on account of disbursement of prizes.
10. Are subscribers who win prizes bound to pay subscriptions till maturity of the scheme.
11. Does the scheme contemplate refund of the amounts paid by the subscribers to them on maturity to the scheme.
12. If the reply to the query in item II is in the affirmative, the amount of total liability under each scheme on its maturity.

NOTES:-(i) Particulars to be given in this statement should relate to the position as on the 12th of December, 1978 i.e. date of the coming into operation of the Act in the case of existing Scheme, if any.
(ii) If any item is not applicable, the letters N.A. should be entered thereunder.
(iii) This statement should be authenticated by the authorised officials of the institution countersigned by its auditors.
SECOND SCHEDULE
FORM I
(See sub rule (I) of rule 4)
(Form for furnishing particulars of the scheme(s) and winding up plan)

Place_______________________
Dated____________________

From
________________
________________

To
________________
________________

Dear Sir,
We, the undersigned, Sarvashri_________________________________________and
_________________________ President and Secretary respectively of the_________________________
Forward herewith a statement of particulars in the prescribed form together with a winding up plan as requi-
red by the first proviso to section 12 (a) of the Prize Chit and Money Circulation Scheme (Banning) Act, 1978
read with rule 4 (I) of the Sikkim Prize Chit and Money Circulation Scheme (Banning) rules, 1999I.
Please acknowledge receipt.

Yours faithfully
President
Secretary
For and behalf of
Here enter the name of the applicant institution

Notes:- (i) Necessary changes regarding the designation etc. of the office bearers may be made wherever
necessary; Strike out whatever words are not applicable.
(ii) This application as well as its enclosed, should be forwarded to the authorised Officer in Dupli-
cate, Two copies each there of should be forwarded simultaneously to the Deputy Chief
Officers, Reserve Bank of India, Department of Non-Banking Companies, Calcutta Regional
Office ,15 Netaji Subhas Road - Calcutta - 700 001.

Statement of particulars.
1. Names and address of the company association of individuals/co-operative Society/partnership/sole pro-
prietorship (Address of the Registered as well as the Head Office/Administrative Office, if any should be
given
2. Constitution i.e. whether incorporated as company/Co-operative Society or registered/unregistered as-
sociationof individual/partnership/sole proprietorship (also specify the provisions of the Act under
which incorporated /registered alongwith the date of incorporation).
3. Names and addresses of the branch office, if any.
4. Main objects of the institution (Enclose a copy of the memorandum and Articles of Association or as
the case may be, of the Bye-laws or Rules regulating the activities of the institution).
5. Names, occupations and residential addresses of the directors or as the case may be, of the promoters/
members or the committee of Management/partners, etc.
6. Names and residential address of the Chief Executive Officer and two other officers immediately next
to him to the managerial set up.
7. Name of Bankers and their addresses.
8. Name of the auditors and their addresses.
9. Broad nature of the schemes conducted (Enclose printed or type written copies of the schemes and of the rules governing such schemes).
10. Places where the schemes referred to in the items 9 are being conducted.
11. Full particulars of each schemes as in the Annexure to this statement.
12. Names and addresses of the associate/companies/co-operative societies/associations of individuals/partnerships/sole proprietors.
13. Names, occupations and residential address/of the Directors or as the case may be, of the promoters/90 members of the committee of management, etc of the institution referred to in item 12.
14. Broad nature of the types of business done by them and or of the schemes conducted by them.
15 Detailed plan for the winding up of the existing business of schemes.
I/We solemnly declare that the facts stated herein as also in the annexure are true to the best my/our knowledge, information and belief.
I/We certify that the particulars/information given herein in so far as they pertain to the books and, records of the...........................have been verified from such books and records and found to be correct and complete in all respects.
Dated this__________________________day of____________________I990 at____________
Signature of the Chairman/Managing Director/Manager/Partner (s) Authorised officials (s) Designations (s).

*Enter the names of the applicant institution.

Notes :
(i) If the space against any of the items is inadequate for furnishing full particulars, the required information should be given in the separate sheets indicating the cross reference against the relative items of this statement.
(ii) A copy of the each of the latest available audited Balance Sheet and Profit and Loss Account as also a financial statement, in the same proforma as on the date of the coming into operation of the Act, duly certified by the auditors, should be attached.
(iii) As regards item I5 above, a cash flow statement for every six monthly period commencing from the date of this statement indicating the total amounts excepted to be recovered and disbursed to the prize winners and to the subscribers of the schemes by way of advances and/or refunds (to the subscribers in the terminated schemes) should be furnished. It should be ensured that the cash flow statements are drawn up on a realistic basis having regard to the past experience and indicating the factors which have been taken into account in arriving at the estimated amounts of recoveries and disbursements The broad criteria/rules, if any, followed in determining the quantum of the loans advanced/ to be advanced to the subscribers, the periods generally stipulated for their repayment and the nature of securities obtained at the time of disbursal of the loans should be indicated.
ANNEXURE
( AMOUNTS IN LAKHS OF RUPEES )
PART I PARTICULARS OF THE SCHEMES

1. Serial No.
2. Name of the scheme.
3. Date of commencement.
4. Date of maturity.
5. No. of members contemplated to be enrolled as per the scheme.
6. No. of subscribers enrolled and actually subscribing.
7. Amount of subscriptions forfeited.
8. Amount of subscriptions forfeited.
9. Amount of subscriptions refunded to the subscribers.
10. Amount by way of prizes in cash or kind offered during the currency of the schemes.
11. Amount actually disbursed by way of prizes.
12. Amount of outstanding liability on account of prizes.
13. Are the subscribers who win prizes bound to pay subscriptions till the maturity of the schemes.
14. Total amount of liability under cash scheme on maturity i.e. amount refundable to the subscribers.
15. Whether any amounts have been advanced to persons other than subscribers.
16. Mode of utilisation of excess funds, if any.
17. Remarks

<table>
<thead>
<tr>
<th>No.</th>
<th>I No. (I5A)</th>
<th>Amount (I5B)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1</td>
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<tr>
<td>2</td>
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<td>3</td>
<td>3</td>
<td></td>
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<tr>
<td>etc.</td>
<td>etc.</td>
<td></td>
</tr>
</tbody>
</table>
### PART II Particulars of the advances

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>No. of subscribers and the amount disbursed to them as loan.</th>
<th>No of subscriber who have availed of loan.</th>
<th>No. and amount of loan availed of by the directors/Members of the committee of management/partners, etc, and the associate companies/concerns in which they are interested.</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
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</tbody>
</table>

Notes :-

(i) Particulars to be given in both parts of this statement should related to the position as on the 12th day of December 1978 i.e, the date of coming operation of the Act.

(ii) The relative particulars should be given scheme-wise in part and in the same serial order in part II.

(iii) If any time is not applicable, the letter N.A. should be entered thereunder.

(iv) In regard to item 4 of part II, further particulars about the advance to directors etc should be given in a separate sheet in the following proforma.

<table>
<thead>
<tr>
<th>Date (2A)</th>
<th>Amount (2B)</th>
<th>Date (4A)</th>
<th>Amount (4B)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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</tbody>
</table>
FORM II
(See rule 5)

(See rule 5)

Form of application to be used for seeking extension of time for winding up of the business of the existing schemes)

Place ---------------------
Date ---------------------

From: ------------------------
To: --------------------------

Dear Sir,

Please refer to our letter dated the --------------------------day of -----------------------------------------I9---------- forwarding a statement of particulars in the prescribed form together with winding up plan as required by the first proviso to Section I2 (a) of the Prize Chits and Money Circulation Schemes (Banning) Act, I978. Due to the various reasons listed in Annexure I and circumstances beyond our control we shall not be in a position to wind up the remaining schemes within the time specified in the winding up plan submitted by us earlier, Full details of the business in respect of which extension of time is necessary are given in Annexure II. We shall, therefore, be glad if an extension of time for a period of ---------------------------------------months is granted for winding up of the business of the existing schemes as a special case. We undertake to wind up the business within the extended period.

2. In order to ensure that the dues of the subscribers are repaid in full within the extended time, We offer the following securities:-

(a)
(b)
(c)
(d)
 etc

3. We shall be glad to have your approval in the latter at an early date.

Yours faithfully

( )
Designation
( )
Designation
for and on behalf

Notes -
(a) The statement containing the details of the business in respect of which extension of time is sought should be given in the same tabulated statement as Annexure to form I and should relate to the position obtaining as on the date not earlier than one month from the date of application. The statement should be duly certified by the auditors as reflecting the position as available from the books and records of the applicant institution and found to be correct and complete in all respects.

(b) Under items (a) or (b) or (c) of paragraph 2 the nature of the securities offered such as immovable properties or other marketable securities, their estimate value, etc duly certified by the auditors/expert valuers should be given. The fact that the proposed lodgers of the securities have a clear title and that the securities are not encumbered.

(c) This application as well as the enclosers should be forwarded to the authorised officer in duplicate. Two copies each thereof should be forwarded simultaneously to the Deputy Chief Officer, Reserve Bank of India, Department of non-Banking Companies, Calcutta Regional Office. I5 - Neataji Subhas Road Calcutta 700 001.

G. P. Pradhan
Secretary - Cum - Commissioner
Finance (Income & Sales Tax) Department,
Government of Sikkim.

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GANGTOK

Notification No. 28(67.5)B/LR(S).
Dated: Gangtok, the 12th March, 1992.

ERRATUM

Instead of area of land notified in the notification bearing No. 27/675/B/LR(S) dtd. 30.1.92 published in the extra ordinary Gazette Volume No.9. dtd 6th March, 1992 the actual area against each plots in the 4th to 7th line of 2nd paragraph of the said notification may be read as plot Nos. 2933, 2934, 2938, 2939, 2940, 2941, and 2942 measuring 0.1511, 0.0440, 0.0240, 0.0640, 0.0412, 0.1620 and 0.0380 respectively.

Further, the boundary shown in the South Direction in the West Pendam Block may be read as land of S/sri P. P. Dhamala and M. P. Dhamala.

T. W. Barphungpa, IAS
Secretary
Land Revenue Department.
RURAL DEVELOPMENT DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK
CORRIGENDUM NOTIFICATION

With reference to Sikkim Government Extra Ordinary Gazette No: 120 dated 8 August 1991 regarding Sikkim Panchayat (Financial) Rules 1990, the following corrigendum is hereby issued:-

(1) At page 4, clause ‘3’ of rule 24
    Existing To be read as
    Form ‘IV’ Form ‘VI’

2. Specimen of Form VI and VII which had not been printed are also reproduced below:

FORM-VI
(Clause 3 of Rule 24)

To;
The Secretary ___________________ Gram Panchayat Unit.
___________________ District.

Subject: Request for nomination of contract works.
Sir/Madam,

With reference to Notice No._____________ Dated______________,
Government has sanctioned scheme in___________ ward of_________________ Gram Panchayat Unit at an estimated cost of Rs.___________________ (Rupees______________).
I,_________________________ , request you to nominate my name for the execution of the said works. I will accept the terms and conditions for the execution of the scheme. I have sufficient resources to complete the works.

I also agree to pay to the Gram Panchayat fund and nomination fee of Rs.___________________ (Rupees______________) amounting to 1% of the civil works of the scheme prior to my name being recommended by the Gram Panchayat.

yours faithfully,

Signature_____________________
Full Name_____________________
Father/Husband’s name
Address_____________________


To,

__________________________ Department;
Government of Sikkim,

__________________________

Subject: Nomination of award of contract works
Sir/Madam,

With reference to your Notice No.________________ Dated________________
wherein the Government had approved and sanctioned________________ scheme
ward of ___________________________ Gram Panchayat Unit at an estimated
cost of Rs.________________ (Rupees_________________), the Gram Panchayat
hereby nominates Mr/Mrs/Kumari __________________________, S/o, W/o, D/o____________
ward of ___________ Gram Panchayat Unit for the implementation of the scheme.

The Nominee will sign the agreement regarding the terms and conditions for the
implementation of the scheme. This nominee is a responsible and resourceful person and the
Gram Panchayat recommends this nominee to carry out the works pertaining to the scheme
referred to the above.

Yours faithfully,

Seal of Panchayats
& Signature

I. B. CHHETRI,
Secretary,
Rural Development Department

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received assent of the Governor on 27th day of March, is hereby published for general information.

THE SIKKIM HOME GUARDS ACT, 1992
(Act No. I of 1992)
AN ACT
to provide for the constitution of a voluntary organisation known as Home Guards for service in emergencies and for certain other purposes so as to inculcate habits of self-reliance and discipline among the people and develop in them a sense of civic responsibility and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Sikkim Home Guards Act, 1992.
(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 in the Official Gazette, appoint and different dates may be appointed for different districts.

2. In this Act, unless the context otherwise requires,—
(a) "Government" means the State Government of Sikkim;
(b) "Home Guard" means a person who is appointed as such under this Act;
(c) "prescribed" means prescribed by rules made under this Act.

3. (1) The Government shall, by notification in the Official Gazette, constitute for each district a volunteer body called the Home Guards, the members of which shall discharge such functions and duties in relation to the protection of persons, the security of property, the public safety and the maintenance of essential services as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.
(2) The administration of Home Guards constituted under sub-section (1) for any district shall be vested in the Commandant, who shall be appointed by the Government and in any such Additional, Deputy or Assistant Commandants as the Government may deem fit to appoint.
(3) The general supervision and control of Home Guards throughout the State shall vest in the Commandant General who shall be appointed by the Government and in any such Additional Commandants General/Divi-
sional/ Deputy Commandants General or Assistant Commandants General as the Government may deem fit to appoint.

(4) The Home Guards constituted for different districts in the State shall, for the purposes of this Act, be a single force and the members thereof shall be formally enrolled, and such force shall consist of such number of officers and men, and their qualifications and conditions of training and service shall be such as may be prescribed.

4. (1) Subject to the approval of the Commandant General, the Commandant may appoint as Home Guards such number of persons who are fit and willing to serve as may, from time to time, be determined by the Government and may appoint any such person to any office of command in the Home Guards.

(2) Notwithstanding anything contained in sub-section (1), the Commandant General may appoint any such person to any post under his immediate control.

(3) A Home Guard shall, on appointment, make a declaration in the form specified in the First Schedule and receive a certificate of appointment in the form specified in the Second Schedule, under the seal and signature of such officer as may be prescribed.

(4) Subject to any rules made in this behalf, a Home Guard shall be required to serve the Home Guard Organisation for a period of three years (including the period spent in training) which period may be extended by the Government to such further period as it may consider necessary, and a Home Guard shall thereafter serve in the Reserve force of Home Guards constituted as herein after provided for a period of three years and shall, while serving in such reserve force, be liable to be called out for duty at any time.

(5) Notwithstanding anything contained in sub-section (4), the Commandant General shall have authority to discharge any Home Guard at any time subject to such conditions as may be prescribed, if in his opinion the services of such Home Guard are no longer required.

5. The Government may constitute a reserve force of Home Guards consisting of persons appointed to it by the Government from among the Home Guards discharged from the service of Home Guards under sub-section (5) of section 4.

6. (1) The Commandant-General may, at any time, call out a Home Guard for training or to discharge within the State any of the functions or duties as may be assigned in accordance with the provisions of this Act and the rules made thereunder.

(2) The Commandant of the district may, with the approval of the Commandant-General, call any time call out a Home Guard for training or to discharge within the district for which the Home Guards have been set up.

7. (1) A Home Guard when called out under section 6 shall have the same powers, privileges and protection as an officer of police appointed under any enactment for the time being in force.

(2) No prosecution shall be instituted against a Home Guard in respects of anything done or purporting to be done by him in the discharge of his functions or duties as such Home Guard, except with the previous sanction of the Commandant-General.

8. The Home Guards may be called out in aid of the police force and when they are so called out, they shall be under the control of the officers of the police force in such manner and to such extent as may be prescribed.
Every person, who for any reason ceases to be a Home Guard, shall forthwith deliver up to the Commandant or to such person and at such place as the Commandant may direct, his certificate of appointment or of office and the arms, accoutrements, clothing and other necessaries which have been furnished to him as such Home Guard.

Any Magistrate or, for special reasons which shall be recorded in writing at the time, any police officer not below the rank of Assistant or Deputy Superintendent of Police may issue a warrant to search for and seize, wherever they may be found, any certificat, arms, accoutrements, clothing or other necessaries not so delivered up, and every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898, by a Police officer or if the Magistrate or the police officer issuing the warrant so directs, by any other person.

Nothing in this section shall be deemed to apply to any article which under the orders of the Commandant General has become the property of the person to whom the same was furnished.

The Commandant or the Commandant General shall have authority to suspend, to reduce or to dismiss or to fine not exceeding fifty rupees, any Home Guard under his control, if such Home Guard, on being called out under section 6, without reasonable cause neglects or refuses to obey such order or refuses to discharge his functions and duties as a Home Guard or refuses to obey any other lawful order or direction given to him for the performance of his functions and duties or is found guilty of any misconduct or breach of discipline.

The Commandant General shall also have authority-to dismiss any Home Guards on the ground of conduct which has led to his conviction on a criminal charge.

When the Commandant or the Commandant General passes after enquiry an order suspending, reducing, dismissing or fining any Home Guard under sub section (1), he shall record such order or cause the same to be recorded together with the reasons therefor and a note of the enquiry made in writing, and no such order shall be passed unless the person concerned has been given an opportunity to be heard in his defence.

Any Home Guard aggrieved by such order of the Commandant may appeal against that order to the Commandant general and any Home Guard aggrieved by such order of the Commandant General may appeal against that order to the Government within thirty days of the date on which he was served with notice of the concerned order, and thereupon the Commandant-General or the Government, as the case may be, may pass such orders as he or it thinks fit.

The Commandant General or the Government may at any time, call for and examine the record of any order passed by the Commandant or Commandant-General, as the case may be, under subjection (1) for purpose of satisfying himself or itself as to the legality of propriety such order and may pass such order in revision with reference thereto he or it thinks fit.

Notwithstanding anything contained in any other law —

(a) any order passed in revision under sub-section (5);
(b) subject to such order in revision, any order passed in appeal sub-section (4); and
(c) subject to the orders in revision and appeal aforesaid, any order passed by the Commandant or Commandant-General under sub-section (3),

shall be final.

Any fine imposed under this section may be recovered in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of fines imposed by a court as if such fine were imposed by a court.
Any punishment inflicted on a Home Guard under this section shall be in addition to the penalty to which he is liable under section II or any other law far the time being in force.

(I) If any Home Guard, on being called out under section 6 without reasonable excuse neglects or refuses to turn up for training, or duties as a Home Guard or refuses to obey any other lawful order or direction given to him for the performance of his duties and functions, he shall on conviction, be punished with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred and fifty rupees, or with both.

(2) If any Home Guard wilfully neglects or refuses to deliver up his certificate of appointment or of office or any other article in accordance with the provisions of sub-section (I) of section 9, he shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to one hundred rupees, or with both.

(3) No proceedings shall be instituted in any court under sub-section (I) or sub-section (2) without the previous sanction of the Commandant General.

(4) A police officer may arrest without warrant any person who commits an offence punishable under sub-section (I) or sub-section (2).

The Government may, by notification in Official Gazette, make rules for carrying out the purpose of this Act

(1) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

(a) regulating the powers exercisable by the Commandant-General and the Commandant under section 6 and providing for the exercise by any officer of the Home Guard of the said powers;

(b) regulating the organisation, appointment, conditions of service, qualifications, functions, duties, discipline, arms accoutrements and clothing and uniform of the Home Guards and the manner in which they may be called out for service or be required to undergo any training;

(c) providing for the officers who shall sign the certificate of appointment under sub-section (3) of section 4;

(d) providing for the exercise of control by officers of the police force over members of the Home Guards when acting in aid of the police force;

(e) providing for the conditions under which a Home Guard may be discharged by the Commandant-General;

(f) any other matter which is to be or may be prescribed.

The Home Guards acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

(I) The Home Guard shall not be disqualified for being chosen as, and for being elected a member of the State Legislature of Sikkim or of other local bodies merely by reason of the fact that he is a Home Guard.

(2) Notwithstanding anything to the contrary contained in any other law for the time being in force, a Home Guard shall not be disqualified for being chosen as, and for being a member of any local authority merely by reason of the fact that he is a Home Guard.
(I) The "HOME GUARDS REGULATION" of 1963 is hereby repealed.

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

By order of the Governor.

B. R. Pradhan
Secretary to the Government of Sikkim
F. No. 16(268)/LD/92.
THE SIKKIM EXCISE ACT, 1992
( ACT NO. 2 OF 1992)

AN ACT

to provide for the manufacture, possession, sale, transport, import and export of alcoholic liquor and imposition of duty of excise therein and for matters connected therewith and incidental thereto.

BE it enacted by the Legislature of Sikkim in the Forty-third Year of the Republic of India as follows :-

CHAPTER I

Preliminary

1. (1) This Act may be called the Sikkim Excise Act, 1992.
(2) It extends to the whole of Sikkim.
(3) It shall come into force on such date as the Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires—
(a) "Beer" includes ale, stout, porter and all other fermented liquor usually made from malt;
(b) "to bottle" means to transfer liquor from a cask or other vessel to a bottle or other receptacle for the purpose of sale, whether any process of rectification fee employed or not, and includes rebottling;
(c) "denaturant" means any substance as may be prescribed for admixture with spirit in order to render the mixture unfit for human consumption, whether as a beverage, or internally as a medicine, or in any other way whatsoever;
(d) "to denature" means to mix spirit with one or more denaturants in such manner is may be prescribed and "denatured spirit" means spirit so mixed;
(e) "exciseable article" means any alcoholic liquor for human con-
sumption or any intoxicating drug but does not include medicinal
preparations or toilet preparations containing alcohol;

Explanation. In this clause the expressions "Medicinal preparations" and
"toilet preparations" have the same meaning respectively assigned to them
in the Medicinal and Toilet Preparations (Excise Duties) Act, 1955; Central Act 16

(f) "Excise Commissioner" means the person appointed by the
Government to exercise all the powers and to perform all the duties
of the Excise Commissioner in Sikkim;

(g) "excise duty" and "countervailing duty" means such excise duty
or countervailing duty, as the case may be, as mentioned in entry
51 of List II of the Seventh Schedule to the Constitution;

(h) "Excise Officer" means the Additional Commissioner or Joint
Commissioner or Deputy Commissioner or Assistant Commisso-
ner or any officer appointed or invested with the powers under
section 5.

(i) "excise revenue" means revenue derived or derivable
from any duty, fee, tax, penalty payment (other than a fine
imposed by a Criminal Court) or confiscation imposed, made or
ordered under this Act or any other law for the time being
in force relating to liquor or intoxicants;

(j) "export" means to take out of Sikkim;

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

(l) "import" means to bring into Sikkim;

(m) "intoxicant" means -
(i) any liquor, or
(ii) any substance which is declared by the Government by noti-
fication to be an intoxicant for the purposes of this Act;

(n) "liquor" means liquid consisting of or containing alcohol and
includes -
spirit, wine, pachwai, beer and any substance which the
Government may by notification, declare to be liquor for the
purposes of this Act;

Explanation- In this clause "spirit" or "wine" means plain spirit
of or above such strength as the Government may, by notification, specify;

(o) "manufacture" includes -
(i) every process, whether natural or artificial by which
any intoxicant is produced or prepared;
(ii) redistillation; and
(iii) every process for the rectification, flavouring, ble-
ding or colouring of liquor or for the reduction
of strength of liquor for sale;

(p) "notification" means a notification published in the Official
Gazette;

(q) "pachwai" means fermented rice, millet, or other grain
or any other substance which the Government may, by
notification, declare to be the basic raw material for mak-
ing pachwai, whether mixed with any liquid or not, and any
liquid obtained therefrom whether diluted or undiluted
but does not include beer;

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

(s) "place" includes building, house, shop, booth, vessel,
raft, vehicle and tent;

(t) "sale" means any transfer other than by way of gift;

(u) "spirit" means any liquor containing alcohol obtained by
distillation, whether it is denatured or not;

(v) "transport" means to remove from one place to another
within Sikkim.
3. The Government may, by notification, declare what, for the purposes of this Act, or any portion thereof, shall be deemed to be "country liquor" and "Foreign liquor" respectively.

4. (1) The Government may, by notification, declare with respect either to the whole of Sikkim or to any specified local area and as regards purchasers generally or any specified class of purchasers and for general or for any specified occasion, what quantity of any intoxicant shall, for the purposes of this Act, be the limit of a retail sale.

(2) The sale of any intoxicant in any quantity in excess of the quantity declared in respect thereof under sub-section (1) shall be a sale by wholesale.

CHAPTER II
Establishment and Control

5. (1) The administration of the Excise Department and the collection of the excise revenue within any district or whole of State shall ordinarily be under the charge of the Excise Commissioner.

(2) The Government may, by notification applicable to the whole of the State or to any district or to any local area comprised therein -

(i) appoint an Officer who shall, subject to such control as the Government may direct, have the control of the administration of the provisions of this Act and rules made thereunder and the collection of the excise revenue;

(ii) appoint any person to exercise all or any of the powers and to perform all or any of the duties conferred and imposed on an Additional Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner by or under this Act, either concurrently with, or in sub-ordination to, or to the exclusion of the Additional Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner and subject to such control as the Government may direct;

(iii) appoint officers of appropriate educational background for the administration of the provisions of this Act and the rules made thereunder of such classes and with such designations, powers and duties as the Government may think fit;

(iv) appoint scientific experts designated as "State Chemical Examiner" or "State Assistant Chemical Examiner";

(v) order that all or any of the powers on duties assigned by or under this Act to any officer appointed under clause (iii) shall be exercised and performed by any Government Officer or any other person;

(vi) delegate to the Excise Commissioner all or any of the powers conferred upon the Government by or under this Act except the powers conferred by section 76 and 77; and

(vii) permit the delegation by the Excise Commissioner or Additional Commissioner, Joint Commissioner, Deputy Commissioner or Assistant Commissioner to any person or classes of persons "Specified in such notification of any powers conferred or duties imposed upon him by or under this Act."
4.

CHAPTER III
Import, Export and Transport

Restrictions on import.

6. No excisable articles and intoxicant shall be imported unless –
   (a) the Government has given permission either general or special, for its import;
   (b) such conditions (if any) as the Government may impose, have been satisfied; and
   (c) the duty, if any, payable under chapter V for importation, exportation or transportation has been paid or a bond has been executed for payment thereof:

Provided that the Government may, subject to such conditions as it thinks fit to impose, exempt any excisable article from the provisions of this section.

Restrictions on export or transport.

7. No excisable article or intoxicant shall be exported or transported unless –
   (a) the duty, if any, payable under Chapter V has been paid or a bond has been executed for the payment thereof; and
   (b) if the article was previously imported, the duty, if any, imposed on its importation has been paid:

Provided that the Government may, subject to such conditions as it thinks fit to impose, exempt any excisable articles from the provisions of this section.

Power to prohibit import, export or transport.

8. The Government may, by notification –
   (a) prohibit the import or export of any excisable articles or intoxicant into or from Sikkim or any part thereof; or
   (b) prohibit the transport of any excisable articles or intoxicant either absolutely or in such circumstances as it may, by notification, specify.

Passes for import, export and transport.

9. (1) No excisable article exceeding such quantity as the Government may fix by notification either generally or for any specified local areas, shall be imported, exported or transported except under a pass:

Provided that in case of duty paid foreign liquor other than denatured spirit, such passes shall be dispensed with unless the Government by notification or otherwise, directs to any local area.

(2) The passes required by sub-section (1) may be granted by the Excise Commissioner.

(3) The passes may be either general for definite period and for particular kinds of excisable articles or special for specified occasions and particular consignments only.

CHAPTER IV
Manufacture, Possession and Sale

Licence required.

10. The Excise Commissioner may grant a licence for

   (a) the manufacture of excisable articles;
   (b) the bottling of liquors;
   (c) the working of distillery or brewery;
   (d) the possession or use of any materials, namely stills, utensils, implements or apparatus whatsoever for the purpose of manufacturers and sale of any excisable articles.

Power of Excise Commissioner to grant, withdraw and cancel licence.

11. The Excise Commissioner shall exercise the power to grant licence, withdraw or cancel any licence granted under this Act subject to such restrictions and conditions as may be prescribed.
 Establishment of distilleries, breweries and warehouses.

12. (1) The Exercise Commissioner may—

(a) subject to such restrictions and conditions as may be imposed by the Government in this behalf, establish or authorise the establishment of distilleries or breweries in which liquor may be manufactured under licence granted under section 10;

(b) discontinue any such distillery or brewery;

(c) establish, or authorise the establishment of warehouse, wherein excisable article or intoxicant may be deposited and kept without payment of duty; and

(d) discontinue any such warehouse.

(2) No distillery, brewery or warehouse as aforesaid shall be established except by or under the authority of the Excise Commissioner.

13. No person shall, except under the authority and subject to the terms and conditions of a licence granted in that behalf by the Excise Commissioner, deposit or keep any excisable article or intoxicant in any warehouse or other place of storage established or authorised under this Act.

14. No excisable articles or intoxicant shall be removed from any distillery, brewery, warehouse or other place of storage licensed, established or authorised under this Act unless the duty, if any, payable under Chapter V has been paid or a bond has been executed for the payment thereof.

15. Within the limits of any military cantonment and within such distance from those limits as the Central Government may in any case specify, no licence for the manufacture or sale of liquor shall be granted, except with the previous consent of the Commanding Officer.

16. No liquor shop shall be licensed for retail, wholesale and consumption of liquor—

(a) in close proximity of school, hospital, place of worship, factory, or other places of public resort; or

(b) in the rural areas and other areas as the Government may notify from time to time.

17. (I) The Government may grant to any person, on such conditions and for such period as it think fit, the exclusive privilege of manufacturing or of supplying or of both to the licensed vendors any country liquor or intoxicating drug within any specified local area.

(2) No grantee of any exclusive privilege under this section shall exercise the same until he has received a licence in that behalf from the Excise Commissioner.

18. (I) A grantee of an exclusive privilege under section 17 shall not let or assign the same or any portion thereof unless he is expressly authorised by a condition made under that section to do so.

(2) Such letting or assignment shall be made only to a person approved by the Excise Commissioner.

(3) The lessee or assignee shall not exercise any right as such unless and until Excise commissioner has, upon his application, granted him a licence to do so.

19. Every person who manufactures or sells excisable articles under a license granted under this Act -
6

(a) Shall use such measures, standard weights and instruments as the Excise Commissioner may specify and shall keep in good condition;

(b) when such measures, weights and instruments have been so specified shall, on the requisition by any Excise Officer duly empowered by the Excise Commissioner in that behalf at any time to measure, weigh or test any excisable article in his possession in such manner as the said Excise Officer may require.

20. No licensed vendor and no person in the employment of such vendor and acting on his behalf shall sell or deliver any liquor or intoxicants to any person apparently of under the age of eighteen years or a student or any uniformed person whether for consumption by such person or by any other person and whether for consumption on or off the premises of such vendor.

21. (1) No person who is licensed to sell foreign liquor or country liquor for consumption in his premises shall, during the hours in which such premises are kept open for business, employ or permit to be employed, either with or without remuneration, any person under the age of eighteen years in any part of such premises in which such liquor or spirit is consumed by the public.

(2) No person who is licensed to sell foreign liquor or country liquor for consumption in his premises shall, without the previous permission in writing of the Excise Commissioner, during the hours in which such premises are kept open for business, employ or permit to be employed with or without remuneration any woman in any part of such premises in which liquor is consumed by the public.

(3) Every permission granted under sub-section (2) shall be endorsed on the licence, and may be modified or withdrawn.

22. (1) The District Magistrate or a Sub-Divisional Magistrate or a Superintendent of Police may, by notice in writing to the licensee, require that any shop in which any excisable article is sold shall be closed at such time or for such period as such Magistrate or Superintendent of Police may think necessary for the preservation of the public peace.

(2) If any riot or unlawful assembly is apprehended or occurs in the vicinity of any shop in which any intoxicant is sold, any Magistrate or any Police Officer above the rank of Inspector who is present, may require such shop to be kept closed for such period as he may think necessary.

(3) When any Magistrate or Police Officer makes a direction under sub-section (1) or sub-section (2), he shall forthwith inform the Excise Commissioner of his action and the reason thereof.

CHAPTER V
Duties and Fees

23. (I) An excise duty or a countervailing duty, as the case may be, at such rate or rates as the Government may by notification direct, may be imposed, either generally or for any specified local area, on-

(a) any excisable article imported; or

(b) any excisable article exported; or

(c) any excisable article transported; or

(d) any excisable article manufactured under any licence granted under clause; (a) of section 10 or

(e) any excisable article manufactured in any distillery or brewery licensed, established or authorised under this Act;
Explanation: Duty may be imposed on any article under this sub-section at different rates according to the purposes for which such article is intended to be used, according to the place to which such article is to be removed for consumption or according to the varying strengths and quality for such article.

(2) The Government shall, in imposing an excise duty or a countervailing duty as aforesaid and in fixing its rate, be guided by the Directive Principles specified in article 47 of the Constitution of India.

24. Subject to any rules that may be made under clause (I) of section 77, any duty imposed under section 23 may be levied in any of the following ways, namely:
   (a) on an excisable article imported -
   (i) by payment upon or before importation into the State; or
   (ii) by payment upon issue for sale from the warehouse established or authorised under this Act;
   (b) on an excisable article exported by payment in the State from which the article is sent;
   (c) on an excisable article transported by payment upon issue for sale from a warehouse established as authorised under this Act;
   (d) on excisable article manufactured -
   (i) by a rate charged upon the quantity manufactured under a licence granted under the provisions of clause (a) of section 10 or issued for sale from a warehouse established or authorised under this Act; or
   (ii) by a rate upon the quantity produced under a licence granted under the provisions of clause (b) of section 10;
   (e) on spirit or beer manufactured in any distillery or brewery licensed, established or authorised under this Act -
   (i) by a rate charged upon the quantity produced or issued from the distillery or brewery, as the case may be, or issued for sale from a warehouse established or authorised under this Act; or
   (ii) in accordance with such scale of equivalents calculated on the quantity of materials used or by the degree of attenuation of the wash or wort, as the case may be, as the Government may prescribe:

Provided that where payment is made upon the issue of an excisable article for sale from the warehouse, it shall be at the rate of duty in force on the date of issue of such article from such warehouse.

25. Instead of, or in addition to, any duty leviable under this Act, the Government may accept payment of sum in consideration of the grant of any exclusive privilege under section 17.

26. Until provision to contrary is made by Parliament, the Government may levy duty -
   (a) on intoxicants or medicinal or toilet preparations containing alcohol which are not excisable article within the meaning of this Act;
   (b) on an excisable article produced outside India and imported into Sikkim.
CHAPTER VI
Licence, Permit and Passes

27. (1) Every licence, permit or pass under this Act shall be granted by such officer, for such period and subject to such restrictions and on such conditions as may be prescribed.

(2) The licence granted under sub-section-(I) shall be in such form and payment of such fee as may be prescribed:

Provided that every licence granted under the Sikkim Excise (Abkari) Act, 1971 which was in force in the State immediately before the commencement of this Act shall be deemed to have been granted under the corresponding provisions of this Act and shall, unless previously cancelled, suspended or surrendered, remain in force for the period for which it was granted.

28. (1) Subject to such restrictions as the Government may prescribe, the authority who granted any licence, permit or pass Act may cancel or suspend it

(a) if it is transferred or sublet by the holder thereof without the permission of the said authority; or
(b) if any duty or fee payable by the holder thereof is not duly paid; or
(c) in the event of any breach by the holder of such licence, permit or pass or by any of his servants, or by any one acting on his behalf with his express or implied permission of any of the terms or conditions of such licence, permit or pass; or

(d) if the holder thereof is convicted of any offence punishable under this Act or any other law for the time being in force relating to revenue, or of any cognizable and non-bailable offence, or of any offence punishable under the Dangerous Drugs Act, 1930 or under sections 479 to 489 of the Indian Penal Code, 1860 or under the Medicinal and Toilet Preparations (Excise Duties) Act, 1955; or

(e) where a licence, permit or pass has been granted on the application of the holder of an exclusive privilege under section 17 of this Act, on the requisition in writing of such holder; or

(f) if the conditions of the licence or permit or pass provide for such cancellation or suspension at will.

(2) When a licence, permit or pass held by any person is cancelled under clause (a), (b), (c) and (d) of sub-section (1), the authority aforesaid may cancel any other licence, permit or pass granted to such person under this Act or any other law for the time being in force relating to excise.

(3) The holder shall not be entitled to any compensation for the cancellation or suspension of his licence, permit or pass under this section nor he is entitled to refund of any fee paid or deposit made in respect thereof.

29. (1) Whenever the authority granting a licence under this Act considers that the licence, permit or pass should be cancelled or withdrawn for any cause other than those specified in section 28, it shall remit a sum equal to the amount of the fee payable in respect hereof for fifteen days and may cancel the licence either:

(a) on the expiration of fifteen days notice in writing of its intention to do so; or

(b) forthwith without notice, after recording its reasons in writing for doing so.
(2) When a licence, permit or pass is withdrawn under sub-section (1), there shall be paid to the holder of the licence, permit or pass, as the case may be, the amount if any, deposited as security or in advance as fees in respect of the unexpired period of the licence permit or pass together with compensation amounting to fifteen days' average fee payable in respect of the licence, permit or pass calculated in the manner specified in sub-section (3):

Provided that where a licence, permit or pass is withdrawn without notice, the amount of such compensation shall be twice the amount of such average fees.

(3) The amount of fifteen days' average fee referred to in sub-section (2) be calculated in the following manner, that is to say,

(i) where the fee in respect of the licence, permit or pass have been fixed by auction, the amount of fifteen days' aterage fee shall bear to the total amount of fee so fixed in the same proportion as the period of fifteen days bears to be total period of the licence, permit or pass; and

(ii) in other case the amount of fifteen days' average fee shall be the fee actually paid in respect of the licence, permit or pass during a period of three months or during the actual period whichever is less, immediately preceding the withdrawal of the licence, permit or pass.

30. Any authority granting a licence under this Act may require the licensee to execute a counterpart agreement in conformity with the tenure of his licence and to give such security for the performance of such agreement, or to make such deposit in lieu of security, as such authority may think fit.

31. (1) No licence granted under this Act shall be deemed to be invalid by reason merely of any technical defect, irregularity or omission in the licence in or any proceeding taken prior to the grant thereof.

(2) The decision of the Excise Commissioner as to what is a technical defect, irregularity or omission shall be final.

32. Any holder of a licence to sell by retail under this Act may surrender his licence on the expiration of one month's notice in writing given by him to the Excise Commissioner of his intention to surrender the same and on payment of the fee payable for the licence for the whole period for which it would have been current but for such surrender:

Provided that if the Excise Commissioner is satisfied that there is sufficient reason for surrendering such a licence, he may remit the holder thereof the sum so payable on surrender, or any portion thereof.

Explanation: The word "holder of a licence" used in this section include a person whose tender, bid and request on the prescribe form for a licence has been accepted, although he may not actually had received the licence.

33. No person to whom a licence or permit has been granted under this Act shall have any claim to the renewal thereof or, save as provided in section 29 any claim to compensation on the determination thereof.

CHAPTER VII
Offences and Penalties

34. Whoever in contravention of this Act or any rule, notification or order made or issued under this Act or of any licence, permit or pass obtained under this Act -

(a) imports, exports, transports, possesses or sells any excisable article; or
(b) Manufactures any intoxicant; or
(c) constructs or works any distillery or brewery; or
(d) uses, keeps or has in his possession any materials, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing any intoxicant or excisable article; or
(e) bottles any liquor for the purpose of sale; or
(f) removes any intoxicant from any distillery, brewery, warehouse licensed or other place of storage established or authorised under this Act;

shall be liable to imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to one thousand rupees but in no case the court shall award a sentence of imprisonment less than three months and a fine of five hundred rupees.

35. Whoever-
(a) alters or attempts to alter, by any means whatsoever, any denatured spirit; or
(b) has in his possession any spirit which has been and which he knows or has reason to believe to have been derived from denatured spirit, so that such spirit may be used for human consumption internally, whether as a beverage or medicine or in any other way whatsoever;

shall be liable in case of clause (a) to imprisonment for a term which may extend to five years and also to fine and in case of clause (b) to imprisonment for a term which may extend to two years and to fine.

36. If any licensed manufacturer or a licensed vendor or any person or his employee acting on his behalf mixes or permits to be mixed with any excisable article manufactured, sold or kept or exposed for sale by him any noxious drug or any article prohibited by rules made under sub-clause (i) of clause (i) of section 77 and such mixing does not amount to an offence punishable under section 272 of the Indian Penal Code, or has in his possession any excisable article in respect of which such admixture has been made, he shall be liable to imprisonment for a term which may extend to eighteen months or to fine which may extend to five thousand rupees, or to both.

37. If any licensed manufacturer or licensed vendor or any person in his employment and acting on his behalf-
(a) sells or keeps or exposes for sale as foreign liquor, any liquor which he knows or has reason to believe to be country liquor and such sale does not amount to an offence punishable under section 417 or section 4 of the Indian Penal Code; or
(b) marks any bottle, case, package or other receptacle containing country liquor, or the cork of any such bottle, or deals with any bottle, case, package or other receptacle containing country liquor with the intention of causing it to be believed that such bottle, case, package, or other receptacle contains foreign liquor and such marking or dealing does not amount to an offence punishable under section 482 of the Indian Penal Code;

he shall be liable to imprisonment for a term which may extend to one year or to fine which may extend to two thousand rupees, or to both.

38. (I) If any licensed vendor, or any person in his employment and acting on his behalf-
(a) employs or permits to be employed in any part of his licensed premises any woman or other person in contravention of section 21; or
(b) sells any excisable article or intoxicant to a person who is drunk or in; or intoxicated; or
(c) sells or delivers any spirit or intoxicating article to any person apparently under the age of eighteen years whether for consumption by such person or by any other person, and whether for consumption on or off the premises of such vendor; or

(d) permits drunkenness, intoxication, disorderly conduct or gaming on the premises of such vendor; or

(e) permits any person whom he knows, or has reason to believe, to have been convicted of any non-bailable offence, or who reputed prostitutes to meet, or any such person to remain on the premises of such vendor, whether for the purposes of crime or prostitution or not;

he shall be liable to imprisonment for a term which may extend to six months or to fine which may extend to two thousand rupees or to both.

(2) When any licensed vendor or any person in his employment and acting on his behalf, is charged with permitting drunkenness or intoxication on the premises of such vendor, and it is proved that any person was drunk or intoxicated on such premises, shall lie on the person charged to prove that the vendor and the persons employed by him took all reasonable steps preventing drunkenness or intoxication on such premises.

39. If any person without lawful authority, has in his possession any quantity of any intoxicant knowing the same to have been unlawfully imported, transported or manufactured, or knowing that the prescribed duty has not been paid thereon, he shall be liable to imprisonment for a term which may extend to two years and shall also be liable to fine of minimum of five hundred rupees but not exceeding two thousand rupees.

40. (I) If any chemist, druggist, apothecary or a dispensary allows any intoxicant which has not been bonafide medicated for medicinal purposes to be consumed on his business premises by any person not employed in his business, he shall be liable to imprisonment for a term which may extend to one year, or to fine which may extend to three thousand rupees or to both.

(2) If any person not employed as aforesaid consumes any such intoxicant on such premises, he shall be liable to imprisonment or a term which may extend to three months or to fine which may extend to one thousand rupees or to both.

41. Whoever renders or attempts to render fit for human consumption any spirit whether manufactured in India or not, which has been denatured or has, in his possession, any denatured spirit which has been rendered fit for human consumption or in respect of which any attempt has been made to render it so fit, shall be punished with imprisonment for a term which may extend to two years and shall also be punishable with fine which may extend to two thousand rupees.

42. If any holder of a licence permit or pass granted under this Act or any person in his employment and acting on his behalf, fails to produce such licence, permit or pass on the demand of any officer duly empowered by the Government in this behalf to make such demand, shall be liable to fine which may extend to one thousand rupees.

43. If any holder of a licence, permit or pass granted under this Act, or any person in his employment and acting on his behalf,

(a) in any case not provided for in section 34, wilfully contravenes any rules made under section 76 or section 77; or

(b) wilfully does any act in breach of any of the conditions of the licence, permit or pass for which a penalty is not prescribed elsewhere in this Act,

shall be liable to fine which may extend to five thousand rupees.
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**Import, export, transport, manufacture, sale or possession by one person on account of another.**

(I) When any intoxicant has been imported, exported, transported, manufactured or sold or is possessed by any person on account of any other person, and such other person knows or has reason to believe that such import, export, transport, manufacture or sale was, or that such possession is on his account, the article shall, for the purposes of this Act, be deemed to have been imported, exported transported, manufactured or sold by, or to be in the possession of, such other person.

(2) Nothing in sub-section (1) shall absolve any person who imports, exports, transports, manufactures, sells or has possession of an intoxicant on account of another person from liability to any punishment under this Act for the unlawful import, export, transport, manufacture, sale or possession of such article.

**Criminal liability of licensee for acts of servants.**

4.5. When any offence punishable under section 34, section 36, section 37, section 38, section 39, section 42, or section 43 is committed by any person in the employment and acting on behalf of the holder of a licence, permit or pass granted under this Act, such holder shall also be deemed to have himself committed the offence unless he establishes that all due and reasonable precautions were exercised by him to prevent the commission of such offence and shall subject to the provisions of section 46 be punishable accordingly.

**Imprisonment under section 44 or 45.**

46. No person other than the actual offender shall be punished under section 44 or section 45 with imprisonment, except in default of payment of a fine.

**Penalty on Excise Officer.**

47. If any Excise Officer -

(a) without reasonable grounds of suspension searches or causes to be searched, any place, under colour of exercising any power conferred by this Act; or

(b) vexatiously and unnecessarily seizes any property of any person on the pretence of seizing or searching for any article liable to confiscation under this Act; or

(c) vexatiously and unnecessarily detains, searches or arrests person; or

(d) without lawful excuse ceases or refuses to perform or draws him self from the duties of his office, unless expressly allowed to do so in writing by the Excise Commissioner unless he has given to his immediate superior two month's notice in writing of his intention to do so; or

(e) is guilty of cowardice;

he shall be liable to imprisonment for a term which may extend to one year or to fine which may extend to two thousand rupees or to both.

**Penalty for offences not otherwise punishable.**

48. If any person is convicted of any act in contravention of any provisions of this Act or of any rules, notifications or orders made, issued or given under this Act, for which a penalty is not prescribed elsewhere in this Act, he shall be liable to fine which may extend to one thousand rupees.

**Penalty for attempt to commit offence.**

49. Whoever attempts to commit any offence or aids or abets commission of any offence punishable under this Act shall be liable to punishment provided for such offence.

**Enhanced punishment after previous conviction.**

50. If any person, after having previously been convicted of an offence punishable under section 34, section 40 or section 41 or under similar provision in any enactment, rule or notification repealed by this Act, subse-quently commits and is convicted of an offence punishable under any of those sections, he shall be liable to twice the punishment which might be imposed on first conviction under this Act:
Provided that in the case or conviction for a second or subsequent offence under clause (a) or clauses (c) to (f) of section 34, section 40 or section 41, he shall be liable to a sentence of imprisonment for a term of not less than one month and with fine, and in the case of conviction for a second or subsequent offence under clause (b) of section 34 or section 41, a sentence of imprisonment for a term of not less than one year and with fine.

51. (1) Whenever an offence punishable under this Act has been committed the intoxicant, materials, still, utensil, implement and apparatus in respect of or by means of which such offence has been committed shall be liable to confiscation

(2) Any intoxicant lawfully imported, transported, manufactured, and in possession or sold alongwith or in addition to any intoxicant which is liable to confiscation under sub section (I) and the receptacles, packages and coverings in which or any such intoxicant as first aforesaid, any such materials, still, utensil, implement, or apparatus as aforesaid, is found and the animal, cart, vessel, raft or other conveyance used in carrying the same shall likewise be liable to confiscation:

Provided that no animal, cart vessel, raft or other conveyance as aforesaid shall be liable to confiscation unless the owner thereof is proved to have been implicated in the commission of the offence.

Explanation : For the purposes of this section “owner” includes, in relation to nay animal, cart, vessel, raft or other conveyance -

(a) if it is the possession of a minor the guardian of such minor, or

(b) if it is the subject of a hire-purchase agreement, the person in possession thereof under that agreement.

52. (1) Where any offence punishable under this Act is committed by a company, every Director, Manager, Secretary or agent of the company, unless such Director, Manager, Secretary or agent proves that the offence was committed without his knowledge or consent, shell be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (I), where an offence punishable under this Act has been committed by a company and s proved that the offence has been commited with the consent or connivance of or is attributable to any neglect on the part of any other officer or person concerned in the management of the affairs is of the company, such other officer or person shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation : For the purposes of this section -

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

(b) "Director" in relation to a firm means a partner of the firm.

53. (1) Whenever any person is convicted of an offence punishable under the provision of clause (d) or clause (e) of section 3 4 or section 41, the court convicting such person may, at the time of passing the sentence on such person, ask him to execute a bond for a sum proportionate to his means, with or without sureties to abstain from the commission of any offence punishable under the said provisions during such period not exceeding three years, as it may direct.

(2) The provisions of the Code of Criminal Procedure, 1898 5 of I898 shall mutatis mutandis apply to all matters connected with such bond as if it were a bond to keep the peace required to be executed under section I06 of the said Code.

54. Whoever abets an offence punishable under this Act shall, whether such offence is or is not committed in consequence of such abetment and notwithstanding anything contained in section I I6 of the Indian Penal 45 of I860 Code, be punished on conviction for such abetment, with the same punishment as is provided for the principal offence.
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Penalty for selling to persons under eighteen years, or employing persons under eighteen years or woman of any age.

55. If any licensed vendor, or any person in his employment or any person acting on his behalf—
(a) in contravention of section 20, sells or delivers any liquor or toxicating drug to any person apparently under the age of eighteen years; or
(b) in contravention of section 21, employs or permits to be employed on any part of his licensed premises referred to in section any person under the age of eighteen years or any woman of any age,
he shall be liable to fine which may extend to one thousand rupees.

Further provision for confiscation.

56. When anything mentioned in sub-section (1) and (2) of section 51 is found in circumstances which afford reason for believing that an offence punishable under this Act has been committed in respect of or by means thereof, or when such an offence has been committed and the offender is not known or cannot be found, the Excise Commissioner may order confiscation of such thing and, or any other thing or animal found or used there-with which is liable to confiscation as provided under sub-section (1) of section 51:

Provided that no such order shall be made until the expiration of one month from the date of seizing the thing or animal in question or without hearing the person, if any, claiming any right thereto, and the evidence, if any, which he produces in support of his claim:

Provided further that if the thing in question is liable to speedy and natural decay, or if the Excise Commissioner is of opinion that the sale of the thing or animal in question would be for the benefit of its owner, the Excise Commissioner may at any time direct it to be sold.

57. (1) When any licence, permit or pass granted under this Act is liable to be cancelled or suspended under clause (a) or clause (b) or clause (c) of section 28 or who is reasonably suspected of having committed an offence under this Act, other than an offence under section 47, the Excise Commissioner or any Excise Officer specially empowered by the Government in this behalf, instead of enforcing such cancellation or suspension or instituting of prosecution in respect of such offence, may accept from the holder of such licence, permit or pass or from such persons, by way of composition, a sum of money not exceeding five hundred rupees and thereupon such holder or person if in custody shall be discharged and no further proceedings in respect of such liability or offence shall be taken against him.

(2) If in any such case referred to in sub-section (1) any property has been seized as liable to confiscation under this Act, the Excise Commissioner or any Excise Officer empowered in that behalf, may release the same on receiving payment of the value thereof as estimated by him or of such similar sum as he may think fit.

(3) The Excise Commissioner or any Excise Officer may also, after the institution against any person of any prosecution in respect of any offence under this Act other than the offence under section 47, compound the offence on payment by such person, of a sum of money not exceeding five hundred rupees.

CHAPTER VIII
Detection, Investigation and Trial of offences and Procedure

58. Any of the following officers, namely -
(a) the Excise Commissioner ; or
(b) any Excise Officer not below such rank as the Government may, by notification, appoint may, subject to such restrictions as may be prescribed -
(i) enter and inspect, at any time by day or night any place in which any licensed manufacture carries on the manufacture of, or store any intoxicants ;
(i) enter and inspect at any time during which the same may be open, any place in which any intoxicant is sold or kept for sale by any licensed person;
(ii) examine the accounts, registers, passes and such other documents as may be prescribed in this behalf maintained in any such place as aforesaid;
(iii) examine, test measure or weigh any materials, stills, implements or intoxicant found in any such place as aforesaid;
(iv) seize any intoxicant materials, stills, utensils, implements or apparatus referred to in clause (i), clause (ii) or clause (iv) together with any accounts, registers, passes and other documents referred to or connected with those referred to in clause (iii) found in any such place as aforesaid; and
(vi) examine or test and seize any measures, weights or testing instrument found in any such place as aforesaid, which he has reason to believe to be false.

Any of the following officers namely:-

(a) an officer of the Excise Department not below the rank of Excise Sub-Inspector or
(b) any other officer empowered by the Government in this behalf by notification may, subject to any restrictions as may be prescribed -

(i) arrest without warrant any person found committing an offence punishable under section 34, section 35, section 39 or section 40;
(ii) seize and detain any article which he has reason to believe to be liable to confiscation under this Act or any other law for the time being in force relating to the excise revenue;
(iii) detain and search any person upon whom, and any vessel, raft, vehicle, animal, package, receptacle or covering in or upon which he may have reasonable cause to suspect of having any such article; and
(iv) search and seize any excisable article under-lock key godown, house, almirah or showcase suspected to have kept such articles.

A Magistrate empowered to try offences punishable under this Act may issue a warrant for the arrest of any person whom he has reason to believe to have committed or abetted the commission of any offence punishable under section 34, section 35, section 39, or section 40.

If a Magistrate empowered to try offences punishable under this Act upon information received and after such inquiry if any as he thinks necessary, has reason to believe that any offence punishable under section 34, section 35, section 39 or section 40 has been or is likely to be committed or abetted, he may issue warrant to search for and to seize any intoxicant material, still, utensil, implement or apparatus in respect of which alleged offence has been or is likely to be committed or abetted or any document or other article which may furnish evidence of the commission of the alleged offence;

A Magistrate empowered to try offence punishable under this Act may at any time -

(a) arrest, or direct the arrest in his presence, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant under section 61; or
(b) search or direct a search to be made in his presence, of any place or the search of which he is competent to issue a search warrant under section 61.
Power of Excise Officer to search without a warrant.

63. Wherever any excise officer not below such rank as the Governor may, by notification, appoint, has reason to believe that an offence punishable under section 34, section 35, section 39 or section 40 has been, is being, or is likely to be committed or abetted and that a search warrant cannot be obtained without affording the offender an opportunity of concealing evidence of the offence, he may, after recording the grounds of his belief, at any time by day or night enter and search any place, and may seize anything found therein which he has reason to believe to be liable to confiscation under this Act together with any document which may furnish evidence of the commission of alleged offence and if he thinks proper arrest any person found in such place whom he has reason to believe to have committed or abetted any such offence as aforesaid.

Information and aid to Excise Officers.

64. (I) Every Officer of the Government shall be bound, subject to any rules made under clause (k) of sub-section(2) of section 77 to give immediate information to an Excise Officer of all breaches of any of the provisions of this Act which may come to his knowledge.

(2) Every Officer referred to in sub-section(I) and every village agents and all panchayats shall be bound, subject to any rules that may be made, to give reasonable aid to any Excise Officer in carrying out the provisions of this Act, or of any rule, notification or order made, issued or given under this Act, upon request made by such officer.

Power of the Excise Commissioner and certain Excise Officers to investigate offences.

65. (I) The Excise Commissioner may, without the order of a Magistrate, investigate any offence punishable under this Act which a Court having jurisdiction over the local area would have power to inquire into or try under the provisions of Chapter XV of the Code of Criminal Procedure, 1898 5 of 1898 relating to the place of inquiry or trial.

(2) Any other Excise Officer specially empowered in this behalf by the Government in respect of all or any specified class of offences punishable under this Act may, without the order of a Magistrate, investigate any such offence which a court having jurisdiction over the local area to which such officer is appointed would have power to inquire into or try under the aforesaid provisions.

Powers and duties of Excise Commissioner and certain Excise Officers investigating offences.

66. (I) The Excise Commissioner or any Excise Officer may, after recording in writing his reason for suspecting the commission of an offence which he is empowered to investigate, exercise.

(a) any of the powers conferred upon a Police Officer making an investigation, or upon an officer in charge of a Police Station by section 160 to 171 of the 5 of 1898 Code of Criminal Procedure, 1898; and

(b) as regards offences punishable under section 34, section 35, section 39 or section 40 of this Act, any of the powers conferred upon Police Officer in respect of cognizable offences by first clause of sub-section (I) of section 54 and section 56 of the said Code and the said Portion of the said Code shall apply accordingly, subject to any restrictions or modifications as may be prescribed.

(2) Subject to any restriction as the Government may impose, the Excise Commissioner or an Excise Officer empowered under sub-section(2)of section 65 may, without reference to a Magistrate, and for reasons to be recorded by him in writing, stop further proceedings against any persons concerned, or supposed to be concerned, in any offence which he or any Excise Officer subordinate to him has investigated.

(3) For the purposes of section 66 of the Code of Criminal Procedure, 1898, the area to which an Excise Officer empowered under sub-section (2) of section 65 is appointed shall be deemed to be a Police Station, and such officer shall be deemed to be the Officer in charge of such station.
(4) As soon as an investigation by the Excise Commissioner or by an Excise Officer empowered under sub-section (2) of section 65 has been completed, if it appears that there is sufficient evidence to justify the forwarding of the accused to a Magistrate, the investigating officer, unless he proceeds under sub-section (2) of this section or under section 57 shall submit a report which shall, for the purposes of section 190 of the Code of Criminal Procedure, 1898, be deemed to be a Police report to a Magistrate having jurisdiction to inquire into or try the case and empowered to take cognizance of offences on police report.

(1) When a Magistrate issues a warrant for the arrest of any bail person under this Act, he shall in every such case direct in the manner provided in section 76 of the Code of Criminal Procedure, 1898, that such person shall be released from custody on bail or, if the Magistrate thinks fit, on his own hand.

(2) When any person is arrested otherwise than under a warrant under this Act and is prepared to give bail, he shall be released on bail or at the discretion of the officer releasing him, on his own hand.

(3) All Excise Officers not below such rank as may be empowered by the Government may accept bail.

(4) If the arrest be made otherwise than under a warrant by a person or officer not empowered to accept bail and the person arrested is prepared to give bail, the officer or person making the arrest shall, for that purpose, take the person arrested to the nearest Excise Officer empowered to accept bail, or the nearest officer in charge of a police station, whoever is nearer.

(5) Bonds taken under this section from persons arrested otherwise than under a warrant shall bind such person to appear before a Magistrate or other officer empowered under section 65 to investigate the case.

(6) The provision of sections 498 to 502, 513, 514, 515 and 516 of the Code of Criminal Procedure, 1898 shall apply, so far as may be, in every case in which bail is accepted or a bond taken under this section.

(7) A bond taken under this section shall, for the purpose of sub-section (6), be deemed to be a bond under the Code of Criminal Procedure, 1898.
4. When any article seized cannot conveniently be conveyed before as officer referred to in sub-section(I) or sub-section (2), as the case may be, the person making the seizure shall dispose of such articles in some place of safety and forthwith report the seizure to such an officer.

5. Notwithstanding anything elsewhere contained in this Act, when an article seized under section 58, section 59, section 61 or section 63 is subject to speedy decay, such article may be destroyed in accordance with the rules made under clause (n) of section 77.

Custody by police of articles seized.

1. All officers in charge of police stations shall take charge of and keep in safe custody, pending the orders of a Magistrate, or of the Excise Commissioner, or an Excise Officer empowered under sub-section (2) of section 65 to investigate the case all persons arrested and all article seized under this Act and brought or delivered to them, and shall allow any Excise Officer who may accompany any such articles to the police station, or who may be deputed for the purpose by an official superior to affix his seal to such articles and to take samples of and from them.

2. All samples so taken shall be sealed with the seal of the officer in charge of the police station.

Report of arrest, seizures and searches.

70. When any Excise Officer below the rank of Excise Commissioner, or any officer in charge of a Police Station makes or receives information of any arrest, seizure or search under this Act he shall, within twenty-four hours thereafter make a full report of all the particulars of the arrest, seizure or search, or of the information received to the Excise Commissioner, and to the Excise Officer, if any, empowered under sub-section (2) of section 65, within the local limits of whose jurisdiction the arrest, seizure or search was made.

Execution of Warrant.

71. Any warrant issued by a Magistrate under this Act may be executed by the officer to whom the warrant is directed or by any other officer selected by the Magistrate for the purpose.

Maximum period of detention

72. No person arrested under this Act shall be detained in custody for a longer period than under all the circumstances of the case is reasonable and such period shall not, without the authority of a Magistrate, exceed twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the place where the Court of Magistrate having jurisdiction to inquire into and try the case situate.

2. Every Officer executing a warrant issued under this Act, and every Officer other than the Excise Commissioner making arrests, searches or seizures under this Act shall, for the purposes of the Code of Criminal Procedure, 1898 be deemed to be police officers.

Magistrates having jurisdiction to try offences.

73. No Magistrate other than a Judicial Magistrate of First Class shall try an offence punishable under this Act.

Initiation of certain prosecutions.

74. No Magistrate shall take cognizance of an offence referred to –
   a. in section 34, section 35, section 39 or section 40, except on his own knowledge or suspicion, or on the complaint or report of an Excise Officer or an officer empowered in this behalf by the Government ; or
   b. in section 42, 43, clause (d) or clause (e) of section 47, or section 48, except on the complaint or report of the Excise Commissioner or an Excise Officer authorised by the Excise Commissioner in this behalf.

Bar to transfer of trial on application of accused.

75. The provisions of section 191 of the Code of Criminal Procedure, 1898 shall not apply in any case in which a Magistrate takes cognizance of an offence under this Act on the report of any officer referred to in clause (a) or clause (b) of section 74.
CHAPTER IX
MISCELLANEOUS

Power of the Government to make rules.

The Government may, subject to previous publication, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) prescribing the powers and duties of officers of the Excise Department;
(b) regulating the delegation of any powers by the Excise Commissioner under clause (vii) of sub-section (2) of section 5;
(c) declaring in what cases or classes of cases and to what authorities appeals shall lie from orders whether original or appellate, passed under this Act or under any rule made thereunder, and for prescribing the time and manner for presenting and the procedure for dealing with, such appeals;
(d) regulating the import, export, transport, sale, purchase, possession or consumption of any intoxicant;
(e) regulating the periods for which licenses for the wholesale or retail vend of any intoxicant may be granted, and the number of such licenses which may be granted for any local area;
(f) prohibiting the grant of licenses for the retail sale of any intoxicant at any place or within any local area described in the rules, or for defining places in the vicinity of which shops for the retail sale of any intoxicant shall not ordinarily be licensed;
(g) prohibiting the grant to specified classes of persons of licenses or any particular kind of class;
(h) declaring, either generally or in respect of areas described in the rules, the persons or classes of persons to whom any intoxicant may or may not be sold;
(i) prescribing restrictions subject to which a licence, permit or pass granted under this Act may be cancelled or suspended;
(j) regulating the procedure to be followed and prescribing the matters to be ascertained before any licence for the wholesale or retail vend of any intoxicant is granted for any locality;
(k) for restricting the exercise of any of the powers conferred by section 57, section 58, and section 59
(l) for declaring the Excise Officers to whom and the manner in which, information or aid should be given under section 64;
(m) for the grant of expenses to witnesses;
(n) for the grant of compensation for loss of time to persons released by an Excise Officer under this Act on the ground that they have been improperly arrested and to persons charged before a Magistrate with offences punishable under this Act and subsequently acquitted; and
(o) for prescribing restriction or modifications in the application to Excise Officer of the provisions of the Code of Criminal Procedure, 1898, relating to powers of police officers which are referred to in sub-section (1) of section 66 of this Act:

Provided that any such rules may be made without previous publication if the Government considers that they should be brought into force at once.
77. The Government may also make rules-

(a) for regulating the manufacture, supply or storage of any intoxicant and in particular and without prejudice to the generality of this provision, may make rules for regulating-

(i) the establishment, inspection, supervision, management and control of any place for the manufacture, supply or storage of any intoxicant and the provision and maintenance of fittings, implements and apparatus therein;

(ii) the bottling of liquor for purposes of sale;

(b) for fixing the strength, price or quantity in excess of or below which any intoxicant shall not be supplied or sold, and the quantity in excess of which denatured spirit shall not be processed and for prescribing a standard of quality for any intoxicant;

(c) for declaring how spirit manufactured in India shall be denatured;

(d) for causing spirit so manufactured to be denatured through the agency or under the supervision of servants of the Government;

(e) for ascertaining whether any spirit so manufactured has been denatured;

(f) for regulating the deposit of any intoxicant in a warehouse established, authorised or continued under this Act, and the removal of any intoxicant from any such warehouse or from any distillery or brewery;

(g) for prescribing the scale of fees or the manner of fixing the fees payable in respect of any exclusive privilege granted under section 17 or any licence, permit or pass granted under this Act, or in respect of the storing of any intoxicant;

(h) for regulating the time, place and manner of payment of such fees;

(i) for prescribing the restrictions under which or the condition of which any licence, permit or pass may be granted and in particular, and without prejudice to the generality of this provision, may make rules for –

(i) prohibiting the admixture with any intoxicant or any article deemed to be noxious or objectionable;

(ii) regulating or prohibiting the reduction of liquor by a licensed manufacturer or licensed vendor from a higher to a lower strength;

(iii) prescribing the nature and regulating the arrangement of the premises in which any intoxicant may be sold, and prescribing the notices to be exposed at such premises;

(iv) prohibiting or regulating the employment by the licensees or any person or class of persons to assist him in his business;

(v) prohibiting the sale of any intoxicant except for cash;

(vi) prescribing the days and hours during which any licensed premises may or may not be kept open, and providing for the closing of such premises on special occasions;

(vii) prescribing the accounts and registers to be maintained and the returns to be submitted by the licensee relating to their business;

(viii) regulating the transfer of licenses;

(j) for prescribing the particulars to be contained in licenses, permits or passes granted under this Act;

(k) for the payment of compensation of licensees whose premises are closed under section 22 or under any rule made under sub-clause (vi) of clause (i) of this section;
(l) for prescribing the time, place and manner of levying duty on intoxicants;
(m) for providing for the destruction or for the disposal in any other manner, of any intoxicant deemed to be unfit for use; and
(n) for regulating the disposal or destruction of articles or things confiscated or seized under the provisions of this Act.

Explanation I: Fees may be prescribed under clause (g) of this section at different rates for different classes of exclusive privilege, licenses, permits, passes or storage, and for different areas.

Explanation 2: The price of an intoxicant as fixed by rules made under clause (b) of this section shall be deemed to have always been exclusive of any tax, surcharge, additional surcharge or any other impost on the sale or purchase of such intoxicant levied under any law for the time being in force.

78. (1) The following moneys, namely:-
(a) all excise revenue;
(b) all amounts due to the Government by any person on account of any contract relating to the excise revenue:
(c) all excise revenue:
may be recovered from the person primarily liable to pay the
same, or from his surety, if any, by distress and sale of his moveable or immovable property in accordance with the law relating to recovery or public demand for the time being in force.
(2) When a grant has been taken under management by the Exercise Commissioner, or has been transferred by him, the Excise Commissioner may recover in any manner authorized by sub-section (1), any money due to the grantee by any lessee or assignee.
(3) When any money is due in respect of an exclusive privilege to a grantee referred to in section 18 from any person holding under him, such grantee may apply to the Excise commissioner and he may recover such money on his behalf in order of the ways provided in sub-section(1).

79. The Government may, by notification, either wholly or partially, and subject to such condition, if any, as it may think fit to impose, exempt any intoxicant from all or any of the provisions of this Act, either throughout Sikkim or in any specified local area, or for any specified period or occasion or as regards any specified class of person.

80. No suit or other proceeding shall lie in any court against the Government or any Excise Officer for any act in good faith done or ordered to be done in pursuance of this Act and except with the previous sanction of the Government, no Magistrate shall take cognizance of any charge made against any Excise Officer under this Act, unless the suit or prosecution is instituted within six months after the date of the act complained of.

81. (1) No Civil Court shall try any suit against the Government in respect of anything done or alleged to have been done in pursuance of this Act and except with the previous sanction of the Government, no Magistrate shall take cognizance of any charge made against any Excise Officer under this Act, unless the suit or prosecution is instituted within six months after the date of the act complained of.

(2) Notwithstanding anything to the contrary contained in this Act or in any other law for the time being in force, when any Sub-inspector of Excise, or Assistant Sub-Inspector of Excise or Excise Constable is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence, except with the previous sanction of the Government.

82. Nothing in the foregoing provisions of this Act applies to the import, manufacture, possession, sale or supply of any bonafide medicated article for medicinal purposes by medical practitioners, chemists, druggists, apothecaries or keepers of dispensaries, except in so far the Government may, by notification, so direct.
Provision re- 83. The provisions of section 337, 339 and 339A of the Code of Criminal
garding pardon Procedure, 98, shall apply in relation to offences punishable under this 5 of 1898
Act as they apply in relation to offences mentioned in the said sections.
e tc. to apply to a offences punish-able under this
Act.

Restriction of 84. If any Excise Officer considers that he ought to stop further procee-
powers of cen- dings against any person concerned, or supposed to be concerned in an off-
ain officers to ence, he shall forthwith send a report to the Excise Commissioner stating
stop proceeding. all the facts relating to the initiation of proceedings and his reason for
thinking that further proceedings should be stopped, such proceedings
shall be stopped only when the Excise Commissioner authorises him to do
in writing.

Repeal and 85. (1) On and from the date of commencement of this Act, the Sikk-
saving. im Excise Act, 1971 shall stand repealed.
(2) Notwithstanding such repeal, anything done or any action
taken under the repealed Act shall, so far as it is not inconsis-
tent with the provisions of this Act, be deemed to have
been done or taken under the corresponding provision of
this Act;

By Order of the Governor.

B.R. Pradhan
Secretary to the Government of Sikkim
Law Department
F:No. 16(267)LD/92.
NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 27th day of March, 1992 is hereby published for general information.

THE SIKKIM APPROPRIATION ACT, 1992
(Act No. 3 of 1992)

AN ACT

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Sikkim to meet the amounts spent on certain services during the Financial Year ended on 31st day of March, 1984 and 31st day of March, 1985 in excess of the amounts authorised or granted for the said services.

BE it enacted by the Legislature of the State of Sikkim in the Forty-third Year of the Republic of India as follows:

1. This Act may be called the Sikkim Appropriation Act, 1992.
2. The sums specified in column 5 of the Schedule amounting to five crore, six lakhs, fifty-nine thousands, one hundred and three 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 amount 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, 1984 and 31st day of March, 1985 in excess of the amounts authorised or granted for those services.
3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the Financial Years ended on the 31st day of March, 1984 and 31st day of March, 1985.
### THE SCHEDULE
(See Section 2 and 3)

<table>
<thead>
<tr>
<th>Demand No.</th>
<th>Services and purposes</th>
<th>Voted by the Legislative Assembly</th>
<th>Sums not exceeding Charged on Consolidated Fund</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Rs.</td>
<td>Rs.</td>
<td>Rs.</td>
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<td>State Legislature</td>
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<td></td>
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<td>Co-operation</td>
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<td>8.</td>
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<td>Revenue 22,995</td>
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<td>13.</td>
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<td>Revenue 131,03,763</td>
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<td>16.</td>
<td>Power</td>
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<td>Sikkim Nationalised Transport</td>
<td>Revenue 70,544</td>
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</table>

Total: 1,88,09,232 3,18,49,871 5,06,59,103

By order of the Governor,

B. R. Pradhan
Secretary to the Government of Sikkim
Law Department,
F. No. 16(82)LD/77.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 27th day of March, 1992, is hereby published for general information.

THE SIKKIM APPROPRIATION ACT, 1992

( ACT NO. 4 OF 1992 )

AN ACT,

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year, 1991-92

BE it enacted by the Legislature of the State of Sikkim in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Sikkim Appropriation Act, 1992.

2. From and out of the Consolidated Fund of the State of Sikkim, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of twenty crores, fifty six lakhs, twenty one thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 1991-92 in respect of the services specified in column 2 of the Schedule.

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the service and purposes specified in the Schedule in relation to the said year.
### THE SCHEDULE
(See Section 2 and 3)

<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICES AND PURPOSES</th>
<th>Vote</th>
<th>SUMS NOT EXCEEDING</th>
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<td>12.</td>
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<td>Revenue</td>
<td>..</td>
</tr>
<tr>
<td>13.</td>
<td>Revenue</td>
<td>Revenue</td>
<td>..</td>
</tr>
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<td>14.</td>
<td>Police</td>
<td>Revenue</td>
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<td>Revenue</td>
<td>Revenue</td>
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<td>17.</td>
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<td>23.</td>
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<td>31.</td>
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<td>44.</td>
<td>Power</td>
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<td>52.</td>
<td>Tourism</td>
<td>Revenue</td>
<td>1760</td>
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</tbody>
</table>

By order of the Governor.

B.R. Pradhan
Secretary to the Government of Sikkim
Law Department
F. No. 16(268)LD/92

PRINTED AT SIKKIM GOVERNMENT PRESS,GANGTOK.
NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 27th day of March, 1992 is hereby published for general information.

THE SIKKIM APPROPRIATION ACT, 1992

(ACT NO. 5 OF 1992)

AN ACT to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Sikkim for the Services of the Financial Year, 1992-93.

BE it enacted by the Legislature of the State of Sikkim in the Forty-third Year of the Republic of India as follows:

1. This Act may be called the Sikkim Appropriation Act 1992.
2. From and out of the Consolidated Fund of the State of Sikkim there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of two hundred and sixty crores, thirty five lakhs, ninety two thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 1992-93 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 specified in the Schedule in relation to the said year.
<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICES AND PURPOSES of Vote</th>
<th>Voted by the Legislative Assembly</th>
<th>(In thousands of Rupees) SUMS NOT EXCEEDING Charged on the Consolidatee Fund</th>
<th>Total</th>
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<td>Capital</td>
<td>18000</td>
<td>..</td>
</tr>
<tr>
<td>50.</td>
<td>Other Scientific Research</td>
<td>Revenue</td>
<td>8700</td>
<td>..</td>
</tr>
<tr>
<td>51.</td>
<td>Secretariat-Economic Services</td>
<td>Revenue</td>
<td>7600</td>
<td>..</td>
</tr>
<tr>
<td>52.</td>
<td>Tourism</td>
<td>Revenue</td>
<td>17955</td>
<td>..</td>
</tr>
<tr>
<td>53.</td>
<td>Aid Material and Equipments</td>
<td>Revenue</td>
<td>5</td>
<td>..</td>
</tr>
<tr>
<td>54.</td>
<td>Public Debt</td>
<td>Revenue</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital</td>
<td>47528</td>
<td>..</td>
</tr>
<tr>
<td>55.</td>
<td>Loans to Government Servants</td>
<td>Revenue</td>
<td>..</td>
<td>..</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital</td>
<td>4410</td>
<td>..</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td>2378079</td>
<td>2255613</td>
</tr>
</tbody>
</table>

By order of the Governor,

R.B. Pradhan  
Secretary to the Government of Sikkim  
Law Department.  
F. No. 61(82)LD/77.

PRINTING AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ESTABLISHMENT DEPARTMENT
GANGTOK

No: 93/GEN/EST. Dated Gangtok, the 5th February, 1992

NOTIFICATION

In partial modification of this Department Notification No: J (28)/66 /Gen/Est dated 11.1.91, the Governor is pleased to reconstitute the Selection Board as under :-

1. Chief Secretary Chairman
2. Shri Sonata Wangdi, Development Commissioner-cum-Secretary, Planning - Member
3. Shri L.B. Chhetri, Secretaryt Rural Dev. Department - Member
4. Shri N.S. Lepcha, Chief Engineer-cum-Secretary, Irrigation & PHE Department - Member
5. Secretary/Head of Department concerned
6. Shri D.K. Gajmer, Secretary, Establishment Department - Member Secretary.

By Order.

D.K. GAJMER
Secretary to the Govt of Sikkim
Establishment Department

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road,
New Delhi-110001.

Dated the 23rd January, 1992 (.)
Magha 3,(1913 (SAKA)

NOTIFICATION

No. 56/91-(7).-Whereas, the Election Commission of India has registered a number of associations or bodies of individual citizens of India as political parties under section 29 A of the Representation of the people Act, 1951;

AND WHEREAS, the Commission had decided, in exercise of powers under Article 324 of the Constitution of India and all other powers enabling it in that behalf, that the parties whose applications for registration under the said section 29A were pending for consideration in the Commission and which were being processed as on the 19th April 1991, shall be deemed to be political parties registered under the said section 29A of the Representation of the people Act, 1951 for the limited purpose of the general Election to Lok Sabhas and General elections /bye-elections to the State Legislative Assemblies called by notification issued on 19th April,1991;

AND WHEREAS, the Commission by its notification No. 56/91-(5), dated the 9th October, 1991 directed that such of the aforesaid political parties whose applications were still pending as on that date shall continue to be deemed to be registered political parties under the said section 29A of the Representation of the People Act, 1951 till 31st December, 1991; AND WHEREAS, a number of the said applications for registration have since been disposed of either by registering the parties concerned or by refusing to register them under the said section 29A of the Representation of the People Act, 1951;

AND WHEREAS, the Commission has decided in exercise of its powers under Article 324 of the Constitution of India and all other powers enabling it in that behalf, that such of the aforesaid political parties whose applications are still pending for consideration and are under process in the Commission for registration under the said section 29A, shall further continue to be deemed to registered political parties under the said section 29A of the representation of the People Act, 1951, till 29th February, 1991;
NOW, therefore, in exercise of its powers under Article 324 of the Constitution of India read with paragraphs 17 and 18 of the Election Symbols (Reservation and Allot Order, 1968 the Election Commission hereby directs that the third paragraph of its notification No. 56/91, dated 19th April, 1991, published as O.N. 98 (fc) in the Gazette of India Extra-ordinary, Part II, Section 3(iii) dated 19th April, 1991, as amended from time to time, shall be deemed to have been amended to the extent indicated in the preceding paragraph and further directs, in pursuance of paragraph 17 of the said Symbols Order, that the following amendments shall be made in Table III appended to the said notification, namely:-

(i) the existing entries under column (1) and (2), at-Nos. 2, 33, 36, 40, 41, 57, 63, 74, 84, 89, 90, 93, 95, 96, 97, 101, 105, 108, 110, 129, 143, 150, 155, 162, 174, 191, 197, 199, 200, 210, 212, 216, 218, 230, 246, 249, 266, 267, 278, 293, and 295 relating to
All India Christian Republican Party,
Andhra Desham Party,
Arya Sabha,
Azad Party,
Akhil Bharatiya Socialist Party,
Bharat Desam Labour Party,
Bharath Mahila Party,
Bolshevik Party of India (West Bengal State Committe Chitta Nath),
Cheluva Kannad Nadu
Communist Party of India (Realism),
Communist Party of India (Marxist-Leninist),
Chattisgarh Mukti Morcha,
Central Party,
Dalit Panthers Party,
Dalit Mazdoor Kisan Party,
Democratic Socialist Party (Dr. Haider),
Dravida Party of India,
Federal Party,
Gondvana Party,
Indian Farmers and Toilers Party,
Jai Mahakali Nigrant Samity,
Jan Sava Party,
Kanraj Desiya Congress,
Kaviyarasu Kannadasan Kazhagam
Liberal Party of India, MasIhi Dal,
Nationalist Party,
Nathiga Thiravida Munnetra Kazhagam
Navabharat Party, Praja Prabhatava Party,
Prajatantrik Samajwadi Vikas Dal,
Punjab People's Party,
Purvanchal Uthan Party,
Rashtriya Sarvbhoomik Dal,
Samarthi Party,
Sarva Varat Nyaya Panchayat,
Socialist Republican Party (Vagudevan),
Socialist Labour League,
Tamil Nadu Makkal Munnetra Co-operative,
Ulaga Makkal Nala Mahizhi Sinthannyalar Kazhagam,
United Tribal Nationalists Liberation Front, and Vijaya Shakhti respectively,

SHALL BE OMITTED;
(ii). After the existing entries under column (1) and (2) at S-N. 322, the following entries,

- Akhil Bhartiya General Labour Party
- Bharat Mukti Dal
- Bharatiya Rashtrawadi Dal
- Bharatiya Jantantrik Parishad Jhansi
- Bharatiya Samata Party
- Bundelkhand Vikas Dal
- Bharatiya Rashtriya Morcha
- Gondvana Ganatantra Party
- Bharatiya Samata Party
- Bundelkhand Vikas Dal
- Bharatiya Rashtriya Morcha
- Gondvana Ganatantra Party
- Indian Democratic Peoples
- Indian Democratic Socialist Party
- Jan Kranthi Morcha
- Kerala Congress (B)
- Orissa Communist Party
- Peoples Party of Prants
- Rashtriya Mazdoor Ekta Party
- Rashtriya Mazdoor Ekta Party (Samajwadi)
- Rashtriya Samaj Sudhar Party
- Uttar Pradesh Vikas Manch
- Punjab People's Party

SHALL BE INSERTED:

(a) for the existing entry under column (1) at S. No. 32, the entry "Ambedkar People's Movement";
(b) for the existing entry under column (1) at S.No. 83, the entry "Akhil Bharatiya Dal";
(c) for the existing entry under column (1) at S-No. 171, the entry "Labour Party (AB)";
(d) for the existing entry under column (1) at S-No. 186, the entry "Marxist, Engelsist, Leninist, Proletariat Health Commune";
(e) for the existing entry under column (1) at S-No. 265, the entry "Socialist Republican Party";
(f) for the existing entry under column (2) at SNo. 135, the entry "28. Meghraj Sethi Marg, Bombay - 400008"; and
(g) for the existing entry under column (2) at S.Nq. 243, the entry "Head Office Kaulapur, Tandoli, Faizabad, Uttar Pradesh", respectively, SHALL BE SUBSTITUTED.

By Order,

S. K. MENEHRATTA
Secretary,

C. P. Dhakal
Assistant Electoral Officer
Election Department, Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 36 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Central Act 61 of 1985), the State Government hereby constitutes one Special Court for the whole of the State of Sikkim and with the approval of the Chief Justice of the High Court of Sikkim, appoints Shri A-P. Subba, Additional District and Sessions Judge, Gangtok as the Judge of the said Court.

P. K. PRADHAN,
CHIEF SECRETARY.
Govt of Sikkim
(F.No.39(15)89/90/Ex/Abk.)
DECLARATION UNDER SECTION 6 LA, ACT, 1894
(1 OF 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 purposes of Central Government have been entrusted to the State Government by Notification No. 12018/12/76-LRD dated 10.1.78 issued by the Government of India under clause (1) of Article 258 of the Constitution of India.

And whereas the Government is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for construction of approach to PMT Bridge by 97 R.C.C. (GREF) over Rongni Kholo at Singtam, East District it is hereby declared that a piece of land comprising cadastral plots 2933, 2934, 2938, 2939, 2940, 2941 and 2942 (1976-82 Survey and Settlement operation) and measuring 0.1511, 0.0440, 0.2040, 0.0640, 0.0412, 0.1620 and 0.0380 hectares respectively within the Singtam Bazar Area and bounded on:

1. West Pendam Block
   East: Land of Shri P.P. Dhamala
   West: NH 31/A and area of Hospital.
   North: Rongnikhola and land of Shri P.P. Dhamala.
   South: Land of S/sri P.P. Dhamala and M.P. Dhamala.

is needed for the aforesaid public purpose at the public expense within the aforesaid block of West Pendam and Singtam Bazar.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1984 (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 Collectorcum-SP. L.A.O., LandRevenue Department, Government of Sikkim, Gangtok.

T. W. Barphungpa, IAS
Secretary
Land Revenue Department.
In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor is pleased to make the following rules to amend the Sikkim Services (Pensions) Rules, 1990, namely:–

1. (1) These rules may be called Sikkim Services (Pension) amendment rules, 1991.
   (2) They shall be deemed to have come into force with effect from 14th August, 1991.

2. In the Sikkim Services (Pension) Rules, 1990, (hereinafter referred to as the said rules), in rule 35, in the proviso to sub-rule (2), for the words “rupees sixty five thousand,” the words “eighty five thousand rupees” shall be substituted.

3. In rule 40 of the said rules:
   (a) in sub-rule (2), for the existing table below clause
   (b) the following table and explanation shall be substituted, namely:–

<table>
<thead>
<tr>
<th>“Pay in the Revised scale”</th>
<th>Rate of Family Pension P.M.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pay not exceeding Rs. 1500/-</td>
<td>30% of pay subject to a minimum of Rs. 375/- p.m.</td>
</tr>
<tr>
<td>2. Exceeding Rs. 1500/- but not exceeding Rs. 3000/-</td>
<td>20% of pay subject to minimum of Rs. 450/- p.m.</td>
</tr>
<tr>
<td>3. Exceeding Rs. 3000/-</td>
<td>15% of pay subject to a minimum of Rs. 600/- p.m. &amp; maximum of Rs. 1250/- p.m.</td>
</tr>
</tbody>
</table>

Explanation: “Pay” for this purpose means the basic pay only; 
(b) in sub-rule (3), for the words “rupees three hundred twenty five the words “three hundred seventy five rupees” shall be substituted.

G. P. PRADHAN
Commissioner –Cum-Secretary Finance.
GOVERNMENT OF SIKKIM
INCOME & SALES TAX DEPARTMENT
GANGTOK 737101 SIKKIM

G. P. Pradhan.
Commissioner,
Income & Sales Tax Department
Government of Sikkim.
GOVERNMENT OF SIKKIM
INCOME & SALES TAX DEPARTMENT
GANGTOK 737101 SIKKIM

No.459/IT&ST.

NOTIFICATION
( LOSS OF DECLARATIONS IN FORM C )

In pursuance of the provisions contained in Rule 9(5) of the Central Sales Tax (Sikkim) Rules, 1983, it is notified for general information that the undermentioned declarations in Form C referred to in sub-section (4) of section 8 of the Central Sales Tax Act, 1956 is declared obsolete and invalid for reasons that the said declaration in "C" form was lost in transit.

1. Name of the Office who issued the declaration in Form "C"  The Assistant Commissioner, Commercial Taxes, Government of Sikkim, Gangtok, Sikkim

2. Serial No. of the declaration
HH 166217, HH 166218, HH 166781 to 166784
Form lost.

3. Name and address of the dealer to whom the declarations in form "C" was issued by the Deptt.
Sikkim Distilleries Ltd., Rangpo, East Sikkim.

4. Registration Certificate No. of the dealer under the C.S.T Act, 1956. 080/82-83/SKM/C

5. Reasons for declaring the "C" form obsolete and invalid. Lost in transit

Joint Secretary,
Income Sales Tax Department,
Government of Sikkim.
Gangtok.

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
THE SIKKIM PAYMENT OF WAGES RULES, 1992

In exercise of the power conferred by sub-section (i) of section 26 of the Payment of Wages Act, 1936 (4 of 1936) the State Government hereby makes the following rules namely:

1. Short title and Commencement

(1) These rules may be called the Sikkim Payment of Wages Rules, 1992.

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

2. Definitions

In these rules, unless there is anything repugnant in the subject or context:

(a) "Act" means the Payment of Wages Act, 1936;

(b) "authority" means the authority appointed under sub-section (1) of section 15 of the Act;

(c) "Chief Inspector" means the Chief Inspector appointed under sub-section (2) of section 68 of the Sikkim Shops and Commercial Establishment, Act 1983;

(d) "Court" means the Court mentioned in sub-section (1) of section 17 of the Act;

(e) "deduction for breach of contract" means a deduction made in accordance with the provisions of the provison to sub-section (2) of section 9;

(f) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause © of sub-section (2) of section 7;

(g) "Form" means a form appended to the rules;

(h) "Inspector" means the Inspector authorized by or appointed under section 14 of this Act;

(i) "person employed" includes all persons to whom the Act apply;

(j) "paymaster" means an employer or other person responsible for payment of wages; under section 3 of the Act;

3. Register of Fines

(1) In any factory or industrial establishment in respect of which the employee has obtained approval under sub-section (i) of section 8 to a list of acts and omission in respect of which fines may be imposed, the paymasters shall maintain a Register of Fines in Form 1

(2) At the beginning of the Register of Fines there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be, expended.
(3) When any disbursements are made from the fines realised entry of the amount so expended shall be made in the Register of Fines and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose have been approved, the entry of the disbursement shall also indicate the purpose for which it is made.

4. Register of deductions for damage or loss

In every factory or industrial establishment in which the deductions for damage or loss are made, the paymaster shall maintain the register required by sub-section (i) of section 10 in Form II.

5. Register of Wages

In every factory or industrial establishment, the paymaster shall maintain a register of wages in such form as finds census including inter-alia the following particulars:—

(a) the rate of wages of each person employed;
(b) the gross wages earned by each person employed for each period;
(c) all deductions made from these wages, with an indication in case of the clause of sub-section (2) of section 7 under which deduction is made;
(d) the wages actually paid to each person employed for each wage period;
(e) date of payment.

6. Maintenance of Registers

(1) The registers required by rules 3 4 and 17 shall be maintained in English/Nepali language.
(2) All entries in the register shall be made in ink, shall be legible and shall be maintained up-to-date.
(3) All registers for the preceding three calendar years shall be preserved and shall be made available in the factory or industrial establishment, as the case may be, for examination by the Inspector.

7 Weights and measures

(1) All weights, measures or weighting machines which are used in factory shall be examined at least biennially by an Inspector and shall be made available in the factory or industrial establishment, as the case may be, for examination by the Inspector.
(2) All the registers required by rules 3 4 and 17 shall be maintained in English/Nepali language.
(3) All entries in the register shall be made in ink, shall be legible and shall be maintained up-to-date.
(4) All registers for the preceding three calendar years shall be preserved and shall be made available in the factory or industrial establishment, as the case may be, for examination by the Inspector.

8. Notice of Dates of Payment

The paymasters shall display in a conspicuous place at or near the main entrance of the factory or industrial establishment, a notice, in English and in the language of the majority of the persons employed therein, specifying for not less than one month advance, the wage-period and the date or dates on which wages are not to be paid.

9. Prescribed Authority

The Labour Secretary shall be the authority competent to approve under sub-section III of section 8 acts and emissions in respect of which fines may be imposed and under sub-section (8) of section 8, the purposes on which the proceeds of fines shall be pended.

10. Applications in respect of fines

Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Labour Secretary.

(a) a list, in English/in duplicate/clearly defining such acts and omissions;
(b) In case where the employer himself does not intend to be the sole person empowered to impose fines, a list, in duplicate, she showing those appointments in his factory or industrial establishments of which the incumbents may pass orders imposing fines end the class of establishment of which the incumbent of each such appointment may impose final.
The authority appointed under rule 9, on receipt of the list under clause (a) of rule 10 may, after such enquiry as he considers necessary, pass orders either:—

(a) disapproving the list or

(b) approving the list either in their original form or as amended by him, in which case, such list shall be considered to be an approved list & provided that no order disapproving or amending the list shall be passed unless the employer is given an opportunity of showing cause orally or in writing why the list as submitted by him should be approved.

The employer shall display at or near the main entrance of the factory or industrial establishment, a copy in English together with a literal translation thereof, in the language therein, of the list approved under rule 11.

No fine shall be imposed by any person other than an employer, or a person holding an appointment named in the list submitted under clause (b) of rule 10.

Any person desiring to impose a fine on an employed person or to make a deduction for damage or loss shall explain personally to the said person the act or omission, or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and if any such employed person has any explanation to offer in this behalf, he shall hear the employed person in the presence of at least one other person.

The person imposing a fine or directing the making of a deduction for damage or loss shall at once inform the paymaster of all particulars so that the register prescribed in rule 3 or rule 4 may be duly completed.

(1) No deduction for breach of contract shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No deduction for breach or contract shall be made from the wages of any employed person unless:—

(a) there is a provision in "writing forming part of the terms of the contract of employment requiring him to give notice of the termination of his employment, and

(i) the period of the notice does not exceed fifteen days or the wage period, whichever is less, and

(ii) the period of the notice does not exceed the period of notice which the employer is required to give of the termination of that employment;

(b) this rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the factory or industrial establishment and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;© a notice has been displayed at or near the main entrance of the factory or industrial establishment giving the names of the persons from whom the deduction is proposed to be made, the number of days wages to be deducted and the conditions (i) any on which the deduction will be remitted;

Provided that where the deduction is proposed to be made from all the persons employed in any departments or sections of the factory or industrial establishment it shall be sufficient, in lieu of giving the names of the persons in such departments or section, to specify the departments or sections affected.

(3) No deduction for breach of contract shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.
(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no deduction for breach of contract shall be made from any person who has complied with these conditions.

(1) An advance of wages not already earned shall not, without previous permission of an Inspector, exceed an amount equivalent of the wages earned by the employed person during the preceding two calendar months, or if he has not been employed for that period, an amount equivalent to the wages he is likely to earn during the two subsequent calendar months.

17. Advances :-

(2) The advance may be recovered in instalments by deductions from wages ordinarily spread over not more than twelve months. An instalment shall exceed one-third, or where the wages for wage-period are not more than twenty rupees one-fourth of the wages for the wage-period in respect of which the deduction is made.

(3) The amounts of all advances sanctioned and the repayments thereof shall be entered in a register in Form III.

18. Annual Returns :-

In respect of every factory or industrial establishment in which during the calendar year any fines have been imposed or any deductions for breach of contract or for damage or loss have been made from wages, the paymaster shall submit a return in Form IV to the Labour Commissioner so as to reach him not later than the 15th February following the end of the calendar year to which it relates.

19. Costs :-

(1) Where the Authority or the Court, as the case may be, directs that any costs shall not follow the event, he shall state his reasons for so doing in writing.

(2) The costs which may ordinarily be Rs.10/- (Rupees ten)

(a) the charges necessarily incurred on account of court, as the case may be

(b) pleader's fees which shall ordinarily be Rs.10/- (Rupees ten)

provided that the Authority or the Court, as the case may be in any previous proceedings may reduce the fee to a sum not less than Rs.5/- (Rupees five) or increase it to a sum not exceeding Rs.30/- (Rupees thirty).

(3) When a party engages more pleaders than one to defend a case, he shall be allowed one set of costs only.

20. Fees for copies of documents :-

Provided that the Authority or the Court, as the case may be, may, in the consideration of the poverty of the applicant, grant copies free of cost.

The fee payable in respect of proceedings under the Act shall be:

(i) for every certificate of authorisation - one rupee

(ii) for every application to summon a witness - fifty paise

(a) for the first witness mentioned in the application; fifty paise;

(b) for each subsequent witness in the application - twenty five pais

(iii) for every other application made by or on behalf of an individual before the Authority - fifty paise;

(iv) for every other application made by or on behalf of an unpaid group before the Authority - twenty paise for each member of the group, subject to maximum of five rupees.

(v) for every appeal lodged with the Court - five rupees;

Provided that the Authority or the Court may, in consideration of the poverty of the applicant, reduce or remit this fee.

Provided further that no fee shall be chargeable in respect of application presented by an Inspector.

21. Other Fees :-

(1) Any amount directed to be paid under section it may be deposited with the authority along with a statement in Form v.
FORM I
REGISTER OF FINES
See sub-rule (1) of rule 3
FACTORY AND INDUSTRIAL ESTABLISHMENTS

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Token or Ticket number of the worker or father’s or husband’s name.</th>
<th>Department</th>
<th>Act or omission for which fine imposed.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Wages payable during the wage period.</th>
<th>Date and amount of fine imposed.</th>
<th>Date on which fine realised.</th>
<th>Remark,</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

Note- A title page should be attached to each register showing the acts or omission for which fines may be imposed.

FORM II
REGISTER OF DEDUCTION FOR DAMAGE OR LOSS CAUSED TO THE EMPLOYER, BY THE NEGLECT OR DEFAULT OF THE EMPLOYED PERSONS.
FACTORY OR INDUSTRIAL ESTABLISHMENTS.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Token or Ticket number of the worker and father’s or husband’s name.</th>
<th>Department</th>
<th>Damages or loss caused</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Date and amount of deduction imposed</th>
<th>Number of instalments, if any</th>
<th>Date on which total amount realized</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>
### FORM III
**(sub-rule (3) of rule 17)**

**REGISTER OF ADVANCES MADE TO EMPLOYED PERSONS FACTORY AND INDUSTRIAL ESTABLISHMENTS.**

<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Name</th>
<th>Token or Ticket number of the worker and father’s or husband’s name</th>
<th>Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Date and amount of advance made | Date and amount of each instalment by which the advance is repaid | Remarks |
---|---|---|
5 | 6 | 7

### FORM IV

**WAGES AND DEDUCTIONS FROM WAGES**

(See Rule 17)

Annual Return under the Sikkim Payment of Wages Rules, 1992 for the year ending 31st December, 19....

1. (a) Name of the factory or industrial establishment and postal address.
   (b) Industry

2. Number of days worked during the year

3. (a) Average daily number of persons employed during the year Adults
   Children

   (b) Gross wage amount paid as remuneration to those persons
   including deductions under section (i) of which the amount due to bonus is and that due to money value of concession money is

4. Total wages paid including deduction under section 7 (2) on the following accounts:
   (a) Basic wages including overtime.
   (b) Dearness and other allowance in cash.
   (c) Arrear of pay in respect of the previous years paid during the year

5. Number of case and amounts realised as :-

<table>
<thead>
<tr>
<th>Number of cases</th>
<th>Amount Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Fines…………………...</td>
<td></td>
</tr>
<tr>
<td>(b) Deduction for damages or loss</td>
<td></td>
</tr>
<tr>
<td>© Deductions for breach of contract</td>
<td></td>
</tr>
</tbody>
</table>

6. Disbursement from the fines fund:-

<table>
<thead>
<tr>
<th>Purposes.</th>
<th>Amount Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td></td>
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<tr>
<td>(b)</td>
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<td>©</td>
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<tr>
<td>(d)</td>
<td></td>
</tr>
</tbody>
</table>

7. Balance of fines found in hand at the end of the year

<table>
<thead>
<tr>
<th>Date</th>
<th>Signature</th>
<th>Designation</th>
</tr>
</thead>
</table>

The average daily number of persons obtained by dividing the aggregate number of attendance during the year by the number of working days.
FORM V
[See sub-rule (ii of rule 22 ]

FORM FOR DEPOSIT

The sum Rs. _____________________________ (Rupees _____________________________)
is hereby presented for deposit in accordance with the direction issued on__________________________
(date) in the matter of an application No:_________________________________of 19_________________________
filed by_______________________________________(Applicant) against____________________________________
(Opposite Party).

DATE_______________________________ SIGNATURE OF THE DEPOSITOR.

FORM VI
[See sub-rule (2) of rule 22 ]

RECEIPT

Name of depositer _____________________________________
Name of payee_________________________________________
Name of application_____________________________________
Name of applicant_______________________________________
Name of opposite party___________________________________
Date of direction________________________________________
Amount deposited-Rupees___________________________________
Date of deposit____________________________________________

AUTHORITY
PAYMENT OF WAGES ACT, SIKKIM.

FORM VII
(See rule 23)

ABSTRACT OF THE PAYMENT OF WAGES ACT, 1936, AND THE RULES MADE THEREUNDER.

WHOM THE ACT AFFECTS

1. The Act applies to the payment of wages, to persons in this factory receiving less than
Rs. 200/- a month.
2. No employed person can give up by contract or agreement his rights under the Act.

DEFINITION OF WAGES

3. "Wages" means all remuneration payable to employed person on the fulfilment of his
contract of employment.

It includes bonus and any sum payable for want of a proper notice of discharge.
It excludes :—
(a) the value of the houses accommodation, supply of light, water, medical atten-
dance or other amenity or of any service excluded by the Central Government or the State Government;
(b) the employer's contribution to a pension or provident fund;
(c) travelling allowance or concession or other special entailed by the employment;
(d) any gratuity payable or discharge.
RESPONSIBILITY FOR AND METHOD OF PAYMENT

4. The manager of the factory is responsible for the payment under the Act of wages persons employed under him, and any contractor employing persons is responsible for payment to persons he employed.

5. Wages-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on working day within seven days of the end of the wage period (or within ten days if 1,000 or more per sons are employed).

The wages of a person discharge shall be paid net later than the second wage day after his discharge.

7. Payments in kind are prohibited.

FINES AND DEDUCTIONS

8. No deductions shall be made from wages except those authorised under the Act paragraph 9-10 below).

9. (1) Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Chief Inspector or Inspector of Factories, specified by a notice displayed or near the main entrance of the factory and after giving the employed person an opportunity for explanation.

(2) Fines :-
(a) Shall not exceed three paise in the rupee;
(b) shall not be recovered by instalments of later than sixty days of the date of imposition;
(c) shall be recorded in a register and applied to such purpose beneficial to the employed persons as are approved by the Chief Inspector or Inspector of Factories.
(d) shall not be imposed on a child.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working, and such deductions must not exceed an amount which is in the same proportion to his wage for the wage period, at the time he was absent in that period is to the total time he should have been at work.

(b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, i.e., deduction for absence can include wages for eight days in lieu of notice, but—
(1). no deduction for breaking a contract can be made from a person under 15 or a woman
(2) there must be provision in writing which form part of the contract of employed requiring that a specific period of the notice to intension, case work not be ding fifteen days or the period of notice which the employer has to give charge a worker, must be given to lie employer and that wages may be deduction in the lieu of such notice,
(3) the above provision must be displayed at or near the main entrance of the factory,
(4) no deduction of this nature can be made until a notice that this deduction be made has been posted at or near the main entrance of the factory,
(5) no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment, is less than the notice he should give under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person for loss of money for which is required to account, where such damage or less is due to neglect or default.

Such deduction cannot exceed the amount of the damage or less caused and can made only after giving the employed person an opportunity for explanation.
12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or service (other than tools and raw material supplied by the employer, provided these area accepted by the employed person as a part of the terms of this employment and have in the use of amenities and services been authorised by order of Government.

13. (a) Deductions can be made, for the recovery of advances, or for adjustment of over payment of wages.
(b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage period but no recovery can be made of advances given for welfare expense before employment began.
(c) Advances of unearned wages can be made at the paymaster's discretion during employment but must not exceed the amount of two months' wages without the permission of an Inspector.

These advances can be recovered by instalments, ordinarily spread over not more than twelve months and the instalments must not exceed 3rd, or if the wages are not more than Rs.20 4th of the wages for any wage period.

14. Deductions can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the Local Government or to the postal insurance, subject to any conditions imposed by the Local Government.

**INSPECTION**

16. An Inspector can enter on any premises, and can exercise power of inspection (including examination of documents and taking of evidence as he may deem necessary for carrying out the purpose of the Act.

**COMPLAINTS OF DEDUCTIONS OR DELAYS**

17. (i) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within six months to the Authority appointed by the Local Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(2) Any legal practitioner, official of a registered trade union, Inspector under the Act, or other person acting with the permission of the Authority, can make the complaint on behalf of an employed person.

(3) A single application may be presented by or on behalf of, any number of person belonging to the same factory the payment of whose wages has been delayed.

**ACTION BY THE AUTHORITY**

18. The Authority may award Compensation to the employed person in addition to ordering the payment of delay wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 10/- on the application and order that it be paid to the employer.

**APPEAL AGAINST THE AUTHORITY**

19. An appeal in the prescribed from against a direction made by the Authority may be preferred within thirty days to the District Court

(a) by the paymaster if the total amount directed to be paid exceeds Rs.300/-.
(b) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs.100/-.
(c) by a person directed to pay a penalty for a malicious or vexatious application.
PUNISHMENTS FOR BREACHES OF THE ACT

20. Any one delaying payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine upto Rs.600/-, but only if prosecuted with the sanction of the Authority or the Appellate Court.

21. The paymaster who :-
   (i) does not fix a wage-period, or
   (2) makes payment in kind, or
   (3) fails to display at or near the main entrance of the factory this abstract in English and in the language of the majority of the employment person, or
   (4) breaks certain rules made under the Act, is liable to fine not exceeding Rs. 2001.-. A complaint to this effect can be made only by the Inspector with his sanction.

K. SHERAB, IAS
SECRETARY,
LABOUR DEPARTMENT,
GOVERNMENT OF SIKKIM.
FILE NO: DL/02/79-80.
NOTIFICATION

In exercise of the power conferred by sub-section 2 of Section 5 of Sikkim Sales Tax Act, 1983 the State Government is pleased to exempt Sales Tax payable by Sikkim Fruit Preservation Factory of Singtam for the period 1983/84 and 1984/85.

G. P. Pradhan,
Commissioner,
Income & Sales Tax Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
TASHILING GANGTOK

No.82/M/H&FW/92 Dated: the 13th May, 1992.

NOTIFICATION
STATE EMPOWERED COMMITTEE ON AIDS CONTROL AND PREVENTION

With a view to ensure expeditious sanctions, better intersectoral coordination and minimise procedural delays, the Government hereby constitutes State Empowered Committee on AIDS Control and Prevention consisting of the following members :-

1. Chief Secretary -Chairman
2. Finance Secretary -Member
3. Development Commissioner -Member
4. Education Secretary -Member
5. Secretary, Urban Dev. Deptt. -Member
6. Secretary, RDD -Member
7. Secretary, Health -Member
8. Director Health Services -Member
9. Addl. Director Health Services -Member Secretary
10. President, Sikkim Women's Council - Member
11. President, Sikkim Red Cross - Member

The Empowered Committee will mainly be responsible for the following :-
1. review and monitor the implementation of the project every monthly/quarterly,
2. ensure timely release of fund,
3. approve proposal submitted by NGO for financial sanction,
4. issue appropriate directions to the concerned departments at the State levels and to district officers.

PASONG NAMGYAL, IAS
Secretary to the Government of Sikkim
DEPARTMENT OF ANIMAL HUSBANDRY AND VETY. SERVICES
KRISHI BHAWAN, TADONG, GANGTOK.

87/A.H & VS.

Dated Gangtok, the 28th May, 1992.

NOTIFICATION

In exercise of the powers conferred by section 9 of the Sikkim (Livestock and Livestock Products Control) Act, 1985(4 of 1985) and in supersession of the Department of Animal Husbandry and Veterinary Services Notification No. 17/AH&VS. dated the 29th March 1986, as published in the Government of Sikkim Gazette, Extraordinary No. 33A dated March 31, 1986, the State Government hereby specified the following rates for selling of the different categories of hides and skins:

(i) Goat/Sheep - Rs. 11/-
(ii) Bull/Bullock/Yak - Rs. 90/-
(iii) Buffalo - Rs. 120/-

T.T. DORJI, IAS
Secretary,
Animal Husbandry & Vety. Services,
Government of Sikkim

PRINTED AT THE SIKKIM GOVERNMENT PRESS GANGTOK.
GOVERNMENT OF SIKKIM
DEPARTMENT OF ANIMAL HUSBANDRY & VETY. SERVICES
KRISHI BHAVAN, TADONG, SIKKIM

No.88/AH&VS.                                            Dated Tadong, the 28th May, 1992

NOTIFICATION

In exercise of the powers conferred by section 8 of the Sikkim (Livestock & Livestock Products Control/ Act, 1985 (4 of 1985) the State Government hereby makes the following amendment in the Department of Animal Husbandry and Veterinary Services Notification No. 18/AH&VS dated the 29th March, 1986 as published in the Government of Sikkim Gazette, Extraordinary No., 34 dated March 31, 1986, namely :

In paragraph 1 of the said Notification, for sub-paragraph (b), the following Sub-paragraph shall be substituted, namely :-

"(b) Specifies the following fees for such removal :

(1) Goat / Sheep - Rs. 3/- per skin
(2) Bull / Bullock - Rs. 12/- per hide
(3) Buffalo - Rs. 15/- per hide.

T.T. Dorji, I.A.S.
Secretary,
Animal Husbandry & Vety. Services Deptt. Government of Sikkim,
RURAL DEVELOPMENT DEPARTMENT
GOVERNMENT OF SIKKIM

Notification No. 35(2) 87-88/891/RDD/P
Dated Gangtok, the 27th February, 1992

&

Notification No. 35 (2)87-88/29RDD/P
Dated Gangtok, the 28th May, 1992.

Reorganisation Of Gram Panchayats
NOTIFICATION

In exercise of the powers conferred by section 3 of the Sikkim Panchayat Act, 1982 (3 of 1982) and in supersession of the Government of Sikkim, Rural Development Department Notification No.35 (2) 87-88/11/RDD/P dated Gangtok the 10th December, 1987 published in the Sikkim Government Gazette Extraordinary No. 13 dated31st December, 1987, except as respect things done or omitted to be done before such supersession, the State Government has been pleased to declare that:

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<tbody>
<tr>
<td>(a)</td>
<td>each Gram Panchayat shall be known by the unit number and name specified in column (1) of the table below;</td>
</tr>
<tr>
<td>(b)</td>
<td>the hamlets, revenue block(s) and Gumpa(s) specified in column (2) of the table below shall constitute a ward or wards for the purpose of the said Act;</td>
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<tr>
<td>(c)</td>
<td>those Sangha voters who normally do not reside in their Gumpas wards to which their Gumpas are attached and are residing in rural areas shall form a part of the electorate of the revenue block where they normally reside</td>
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<tr>
<td>(d)</td>
<td>all electors of forest blocks in the State shall be deemed to be the part of Gram Panchayat ward in which their names are appearing as per the part numbers/polling areas specified in the State Assembly Electoral Rolls</td>
</tr>
<tr>
<td>(e)</td>
<td>each ward shall elect number of members as specified in column (3) of the table which also specifies the total number of members of each Gram Panchayat;</td>
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<td>(f)</td>
<td>the total limits and jurisdiction of each Gram Panchayat as mentioned in column (1) shall be as specified in column (4) of the said table and</td>
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<td>(g)</td>
<td>the Assembly Constituency within which the Gram Panchayat falls as mentioned in column (1) shall be as specified in column of the said table.</td>
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<tr>
<td>Name of Gram Panchayat with Unit No.</td>
<td>Wards in which Gram Panchayat is divided</td>
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<td>4. Sumen Lingzey</td>
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<td>2. Sumen</td>
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<td>3. Mangthang</td>
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<td>5. Namchey Bung</td>
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<td>4. Tshalumthang</td>
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<td>7. Pacheykhani</td>
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<td>4. Rorathang Bazar</td>
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<td>Block Name</td>
<td>Revenue Blocks</td>
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<td>1. Samliki</td>
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<td>2. Marchak</td>
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<td>3. Namin</td>
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<td>4. Namli</td>
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<td></td>
<td>5. Tumlabung</td>
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<td></td>
<td>6. Chuba</td>
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### 34. Martam Nazitam

|-----------|------------|------------|---------------------------------------------------------------|

### 35. Byang-Phengyong

|----------|-------------|-----------------|------------|------------|-------------|-----------------|-----------|---------------------------------------------------------------|

### 36. Khamdong

|---------------------|--------|----------|--------------|------------|--------|---------------------------------------------------------------|

### 37. Simik Lingzey

|----------|-------------------|--------|----------|----------|---------------------------------------------------------------|

### 38. Tumen

<table>
<thead>
<tr>
<th>1. Tumen</th>
<th>2. 3. 4. 5. 5</th>
<th>Revenue block of Tumen (Tumen Karma Chadorling Gumpa)</th>
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### 39. Samdong-Kambal

<table>
<thead>
<tr>
<th>1. Raley Khese</th>
<th>2. Samdong</th>
<th>3. Kambal</th>
<th>Revenue blocks of Raley Khese Samdong (Raley Khese Sangha Samdong Menkagrud Gumpa) and Kambal</th>
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</table>

Khamdong, Tintek, and Sangha
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<tr>
<th>No.</th>
<th>Village</th>
<th>Block 1</th>
<th>Type</th>
<th>Description</th>
<th>Block 2</th>
<th>Type</th>
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<tr>
<td>40.</td>
<td>Rakdong</td>
<td>1. Rakdong</td>
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<td>3 Revenue blocks of Rakdong (Rakdong Tintek Gumpa &amp; Tintak)</td>
<td>2. Tintek</td>
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<td>Rakdong Tintek/ Sangha</td>
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<td>41.</td>
<td>Lingdok Namphong</td>
<td>1 Namphong</td>
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<td>3 Revenue blocks of Namphong, Lingdok, (Lingdok Chenkar Gumpa)</td>
<td>2. Lingdok</td>
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<td>Kabi.... Tingda Sangha</td>
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<td>42.</td>
<td>Navey Shotak</td>
<td>1. Navey</td>
<td></td>
<td>2 Revenue blocks of Navey, Shotak, (Pangthang) and Penlong</td>
<td>2. Shotak</td>
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<td>Kabi Tingda</td>
<td>3. Penlong</td>
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<td>43.</td>
<td>Gnathang</td>
<td>1 Gnathang</td>
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<td>1 Revenue block of Gnathang</td>
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<td>Name of Gram Panchayat with Unit No.</td>
<td>Wards in which Gram Panchayat is divided</td>
<td>No. of members to be elected from each ward</td>
<td>Jurisdiction of Gram Panchayat</td>
<td>Constitution</td>
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<td>Revenue blocks of Mangnam</td>
<td>Tashiding</td>
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<td>2. Narkhola</td>
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<td>Narkhola and Dupidara</td>
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<td>2. Kongri Labdang</td>
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<td>Revenue blocks of Labdang and Kongri</td>
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<td>3. Tashiding</td>
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<td>Revenue blocks of Laso</td>
<td>Tashiding/</td>
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<td>Ganggep (Siluen Ngadok Gumpa)</td>
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<td>3. Tashiding</td>
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<td>and Tashiding Chogyal Lhakang Gumpa)</td>
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<td>4. Arithang Chongrang</td>
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<td>Revenue blocks of Chongrang</td>
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<td>2. Arithang</td>
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<td>and Arithang</td>
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<td>5. Gerethang</td>
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<td>Revenue blocks of Gerethang</td>
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<td>2. Labing</td>
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<td>and Labing</td>
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<td>Revenue blocks of Yuksum and Dubdi (Dubdi Sangha Gumpa)</td>
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<td>Revenue blocks of Thingle I</td>
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<td>Revenue blocks of Lingi (Lingi Phagyal Gumpa) &amp; Sokpay</td>
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<td>Revenue blocks of Tokday (Ungmo)</td>
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<td>Kolthang and</td>
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<td>4. Kolthang</td>
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<td>5. Mangzing</td>
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<td>Revenue blocks of Rangang,</td>
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<td>Yangang (Yangang Gumpa), Gagyong and Satam</td>
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<td>6. Rabong-Sangmo</td>
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<td>Revenue blocks of Rabong and Sangmo</td>
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<td>7. Barfung Zurung</td>
<td>1. Barfung (Naya Sada)</td>
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<td>Revenue blocks of Barfung (Naya Sada)</td>
<td>Ralang/ Sangha</td>
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<td>(Doling Rikzin Lonoyang Gumpa)</td>
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<td>3. Deythang</td>
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<td>Zurung and Deythang</td>
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### 8. Ben Namphrik

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<tr>
<td>1. Ben</td>
<td>Ben, Namphrik</td>
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<tr>
<td>2. Nampnrik</td>
<td>Ben, Namphrik</td>
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<tr>
<td>3. Deu</td>
<td>and Deu</td>
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### 9. Temi

<table>
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<tr>
<td>1. Temi</td>
<td>Temi, Gangchung &amp; Aifahar Tarku</td>
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<td>2. Gangchung</td>
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<td>3. Aifaltar</td>
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### 10. Tarku

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<td>2. Tarku</td>
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<td>3. Tanak</td>
<td>and Tanak,</td>
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### 11. Namphing

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<td>1. Doring</td>
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<td>2. Namphing</td>
<td>Namphing</td>
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<td>3. Rashyap</td>
<td>Rashyop, Fabong</td>
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<td>4. Fabong (Gangchung)</td>
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<td>5. Tsalumthang</td>
<td>and Tsalumthang</td>
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### 12. Ramyak Tokal

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<tbody>
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<td>1. Barnyak</td>
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<td>2. Thangsing</td>
<td>Thangsing (Bermiok)</td>
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<td>3. Tokday (Resep) (Gangchung)</td>
<td>Wosel-Gioling Gumpa</td>
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<td>4. Nijarmeng</td>
<td>Tokday (Rasep)</td>
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<td>5. Barul</td>
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### 13. Parbing Chuba

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<td>1. Parbing</td>
<td>Parbing</td>
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<td>2. Chuba</td>
<td>(Parbing Gumpa)</td>
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<td>3. Phong</td>
<td>Phong, Karek</td>
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<td>4. Karek</td>
<td>and Rameng</td>
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### 14. Nagi-Maneydara

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<td>Nagi (Namthang)</td>
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<td>Choling Gumpa</td>
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<td>3. Paleytara</td>
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<td>4. Nalam-Kolbong</td>
<td>Paleytam Nalam</td>
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<td>5. Karteng Bokrong</td>
<td>Kolbong</td>
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<td>6. Kabrey</td>
<td>Kateng-Bokrong and Kabrey</td>
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<td>15. Turung Pamphok</td>
<td>1. Mamring</td>
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<td>2. Donak</td>
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<td>3. Turung</td>
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<td>4. Khanamtek</td>
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<td>5. Pamphok</td>
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| 16. Rateypani | 1. Rabikhola | 1 | Revenue blocks of Rabikhola, Rateypani | West |
|               | 2. Ratepani  | 2 | Ratepani, Passi, Tangi | Pendam |
|               | 3. Passi     | 1 | Passi, Tangi and Rateypani | Pendam |
|               | 4. Tangi     | 1 | Tangi and Rateypani | Pendam |
|               | 5. Bikmat    | 2 | Bikmat | Pendam |

| 17. Sadam Suntaley | 1. Sadam | 2 | Revenue blocks of Sadam, Suntaley, Pasibarey and Rabitar | Melli |
|                    | 2. Sukrabarey | 2 | Sukrabarey, and Suntaley | Melli |
|                    | 3. Suntaley | 2 | Suntaley and Rabitar | Melli |
|                    | 4. Rabitar  | 1 | Rabitar and Sukrabarey | Melli |

| 18. Mellidara Paiyong | 1. Mellidara | 2 | Revenue blocks of Mellidara, Gumpa and Kerabari, Sangha | Melli |
|                       | 2. Kerabari | 1 | Kerabari, Melli | Sangha |
|                       | 3. Melli    | 1 | Melli and Paiyong | Sangha |
|                       | 4. Paiyong  | 2 | Paiyong | Sangha |

| 19. Turuk-Ramabung | 1. Turuk | 2 | Revenue blocks of Turuk, Ramabung, and Panchgharey | Melli |
|                    | 2. Ramabung | 2 | Ramabung and Panchgharey | Melli |
|                    | 3. Panchgharey | 2 | Panchgharey | Melli |

| 20. Longchok Kamarey | 1. Longchok | 3 | Revenue blocks of Longchok and Kamarey | Melli |
|                     | 2. Kamarey | 3 | Kamarey | Melli |

| 21. Sumbuk-Kartickey | 1. Sumbuk | 2 | Revenue blocks of Sumbuk and Sumbuk Kartickey and Suntaley | Melli |
|                      | 2. Kartickey | 2 | Kartickey | Melli |
|                      | 3. Suntaley | 1 | Suntaley | Melli |

<p>| 22. Rongbul | 1. Rong | 2 | Revenue blocks of Rong, Bull and Palum, Singtam | Damthang |
|            | 2. Bull | 1 | Bull | Damthang |
|            | 3. Palum | 1 | Palum | Damthang |
|            | 4. Singtam | 1 | Singtam | Damthang |</p>
<table>
<thead>
<tr>
<th>No.</th>
<th>Revenue Blocks</th>
<th>Districts</th>
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</thead>
</table>
| 23. Maniram Phalidara | 1. Saleumbong | 1
2. Maniram | 2
3. Phalidara | 2
| Revenue blocks of | Saleumbong
Maniram and Phalidara | Damthang |
| 24. Singhithang | 1. Singhithang | 3
2. Bomtar | 2
3. Gumpa-Ghurpisey | 2
| Revenue blocks of | Singhithang (Namchi Bomtar Gumpa), Bomtar and Gumpa Ghurpisey
(Namchi Ngadak Gumpa) | Damthang Sangha |
2. Tinger | 1
3. Mamley | 2
4. Tingrithang | 1
5. Pabong | 1
6. Pajer | 1
| Revenue blocks of | Kamrang, Tinger, Mamley Tingrithang Pabong and Pajer | Damthang |
| 26. Assangthang | 1. Assangthang | 3
2. Sangbung | 2
| Revenue blocks of | Assangthang and Sangbung | Jorethang Nayabazar |
| 27. Salghari | 1. Salghari | 2
2. Dorop | 2
3. Dhargaon | 1
| Revenue blocks of | Salghari Dorop and Dhargaon | Jorethang Nayabazar |
| 28. Poklok-Denchung | 1. Tinik | 1
2. Chisopani | 1
3. Poklok (Polok) | 3
4. Denchung | 2
| Revenue blocks of | Tinik Chisopani, Poklok (Polok) and Denchung | Jorethang Nayabazar |
| 29. Damthang | 1. Damthang | 2
2. Chemchey | 1
3. Jaubari | 2
| Revenue blocks of | Damthang Chamchey and Jaubari | Damthang |
| 30. Sorak-Shyampani | 1. Sorok | 2
2. Shyampani | 1
3. Gom | 2
<p>| Revenue blocks of | Sorok Shyampani, and Gom | Jorethang Nayabazar |
| 35. Mikhola Kitam          | 1. Kitam                          | 2 | Revenue blocks of Kitam                  | Jorethang |
|                          | 2. Manpur                         | 1 | (Kitam Saniten Choling Gumpa) Manpu, Mikhola and Kopchey | Nayabazar |
|                          | 3. Mikhola                        | 2 |                                            | Sangha    |
|                          | 4. Kopchey                        | 7 |                                            |           |
| 36. Wak Omchu            | 1. Wak (Wak Gumpa)               | 2 | Revenue blocks of Wak (Wak Gumpa), Omchu, and Chumlok | Wak/     |
|                          | 2. Omchu                          | 2 |                                            | Sangha    |
|                          | 3. Chumlok                        | 2 |                                            |           |
| 37. Tinkitam Rayong      | 1. Tingkitam                      | 3 | Revenue Mocks of Tingkitam and Rayong     | Wak       |
|                          | 2. Rayong                        | 5 |                                            |           |
| 38. Sanganath            | 1. Sanganath                      | 1 | Revenue block of Sanahanath               | Rinchenpong |
| 39. Lamting-Tingmo       | 1. Lamting                        | 1 | Revenue blocks of Lamting                 | Wak       |
|                          | 2. Tingmo                         | 2 | (Tingmo, Mangbrue and Hingdam)            | Sangha    |
|                          | 3. Mangbrue                       | 1 |                                            |           |
|                          | 4. Hingdam                        | 1 |                                            |           |
| 40. Kewzing-Bakkim       | 1. Bakkim                        | 2 | Revenue blocks of Bakkhim, Kewzing, (Kewzing Mangbrue Gumpa), Lingzo and Dalep | Ralong/   |
|                          | 2. Kewzing                        | 1 |                                            | Sangha    |
|                          | 3. Lingzo                         | 5 |                                            |           |
|                          | 4. Dalep                          | 1 |                                            |           |
| 41. Likship              | 1. Likship                        | 1 | Revenue block of Likship                  | Gyalshing |
| 42. Ralong-Namlung       | 1. Ralong                         | 2 | Revenue blocks of Ralong                 | Ralong/   |
|                          | 2. Namlung                        | 3 | (Ralong Kagyud Gumpa) Namlung and Lingding | Sangha    |
|                          | 3. Lingding                       | 1 |                                            |           |
| 43. Brong-Phamthang      | 1. Foley                          | 2 | Revenue blocks of Foley Brong Phamthang and Sada | Ralong    |
|                          | 2. Brong                          | 2 |                                            |           |
|                          | 3. Phamthang                      | 1 |                                            |           |
|                          | 4. Sada                           | 1 |                                            |           |</p>
<table>
<thead>
<tr>
<th>Name of Gram Panchayat with Unit No.</th>
<th>War is in which Gram Panchayat is divided</th>
<th>No of Members to be elected from each ward</th>
<th>Jaris diction of Gram Panchayat</th>
<th>Constituency</th>
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<tr>
<td>1. Tung Naga</td>
<td>1. Naga Namgor</td>
<td>1</td>
<td>Revenue blocks of Naga Namgor</td>
<td>Lacchen</td>
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<tr>
<td></td>
<td>2. Tung</td>
<td>1</td>
<td>Tung</td>
<td>Mangshila</td>
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<td></td>
<td>3. Meyont</td>
<td>1</td>
<td>Meyona</td>
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<td></td>
<td>4. Singchit</td>
<td>2</td>
<td>Singchit</td>
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</tr>
<tr>
<td>1. Shipger</td>
<td>1. Shipger</td>
<td>5</td>
<td>Revenue blocks of Ship-ger</td>
<td>Dzondu</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>(Ship Kunzachoii Sangha Gumpa)</td>
<td></td>
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<tr>
<td>3. Pakshep</td>
<td>1. Sentam</td>
<td>3</td>
<td>Revenue blocks of Sentam</td>
<td>Lacchen</td>
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<tr>
<td></td>
<td>2. Kazor</td>
<td>1</td>
<td>Sentam (Sentam)</td>
<td>Mangshila</td>
</tr>
<tr>
<td></td>
<td>3. Pakshep</td>
<td>1</td>
<td>Pensong Gumpa Kazor and Pakshep</td>
<td>Sangha</td>
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<tr>
<td>4. Ringhim Nam-patam</td>
<td>1. Singhik</td>
<td>2</td>
<td>Revenue blocks of Singhik</td>
<td>Lachen</td>
</tr>
<tr>
<td></td>
<td>2. Ringhim</td>
<td></td>
<td>(Singhik Gumpa)</td>
<td>Mangshila</td>
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<td>3. Nampatam</td>
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<td>Ringhim Nampalam</td>
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<td></td>
<td>4. Zimchung</td>
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<td>(Ringhim Gumpa) and Zimchung</td>
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<tr>
<td>5. Barfok Lingdong</td>
<td>1. Barfok</td>
<td>3</td>
<td>Revenue blocks of Barfok &amp; Lingdong</td>
<td>Dzongu</td>
</tr>
<tr>
<td></td>
<td>2. Lindong</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Linatham-Lindem</td>
<td>1. Lingthem (Paneng)</td>
<td>2</td>
<td>Revenue block of Lingthem</td>
<td>Dzongu</td>
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<tr>
<td></td>
<td>2. Lingdem</td>
<td>2</td>
<td>(Paneng), Lindem and Salim Pakel</td>
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<td></td>
<td>3. Salim Pakel</td>
<td></td>
<td>&amp; lingthem Chopel Gumpa</td>
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<tr>
<td>7. Tingdong</td>
<td>1. Tingbong</td>
<td>1</td>
<td>Revenue block of Tingbong</td>
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<tr>
<td>No.</td>
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<td>Constituency 1</td>
<td>Constituency 2</td>
<td>Constituency 3</td>
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<td>8.1</td>
<td>Sakyong-Pentung</td>
<td>1. Sakyong-Pentung</td>
<td>2. Lingzah Tolung</td>
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<td>8.2</td>
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<td>9.1</td>
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<td>1. Lum</td>
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<td>Lum-Gor-Sangtok</td>
<td>1. Lum</td>
<td>3. Sangtok</td>
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<tr>
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<td>Hee Gyathang</td>
<td>1. Hee Gyathang</td>
<td>2. Gnon Samdong</td>
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<td>1. Hee Gyathang</td>
<td>2. Gnon Samdong</td>
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<td>11.1</td>
<td>Tsunghang</td>
<td>1. Tsunghang</td>
<td>1</td>
<td>5</td>
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<tr>
<td>11.2</td>
<td>Tsunghang</td>
<td>1. Tsunghang</td>
<td>2</td>
<td>5</td>
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<td>12.1</td>
<td>Namok Tangyek</td>
<td>1. Namok</td>
<td>2. Sheyam</td>
<td>2</td>
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<tr>
<td>12.2</td>
<td>Namok Tangyek</td>
<td>1. Namok</td>
<td>2. Sheyam</td>
<td>3</td>
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<tr>
<td>13.1</td>
<td>Ramthang-Tangyek</td>
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<td>2. Tangyek</td>
<td>3</td>
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<td>Ramthang-Tangyek</td>
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<td>2. Tangyek</td>
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<td>Tingchim-Mangshik</td>
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<td>2. Upper Mangshila</td>
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<td>3. Tumlang</td>
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<tr>
<td>No.</td>
<td>Area</td>
<td>Block 1</td>
<td>Block 2</td>
<td>Revenue Blocks</td>
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<td>19.</td>
<td>Lachen</td>
<td>1. Lachen Pipon system</td>
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<tr>
<td>20.</td>
<td>Lachung</td>
<td>1. Lachung Pipon system</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

L. B. CHHETRI
DIRECTOR, PANCHAYAT ELECTIONS
AND
SECRETARY, RURAL DEVELOPMENT
ELECTION COMMISSION OF INDIA

New Delhi.
Dated the 5th June, 1992.
15 Jyaistha 1914(SAKA)

NOTIFICATION

No. 479/3/92/1. - In Pursuance of sub-section (1) of Section 3 of the Presidential and Vice presidential Elections Act, 1952 (31 of 1952), the Election Commission of India, 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.

By order,

K. P. G KUTTY
Secretary
Election Commission of India.

B. K. Kharel
Joint Chief Electoral Officer
to the Government of Sikkim
Gangtok.

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 157/H

Dated Gangtok the 5th June, 1992.

Election Commission of India, notification No. 479/3/92 II dated 5th June, 1992,
is hereby republished for general information.

ELECTION COMMISSION OF INDIA
New Delhi.
Dated the 5th June, 1992.
15 Jyaistha, 1914 (SAKA)

NOTIFICATION

No. 479/392/H- In pursuance of sub-section (1) of the Section 3 of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952), the Election Commission hereby appoints (1) Shri. BG Gujar and (2) Shrimati Shovana Narayan, Directors in Rajya Sabha Secretariat, Parliament House, New Delhi, to be the Assistant Returning Officers for the Presidential Election.

By order,

K.P.G. KUTTY
SECRETARY
ELECTION COMMISSION OF INDIA.

B.K. Kharel
Joint Chief Electoral Officer

to the Government of Sikkim
Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
ELECTION COMMISSION OF INDIA

New Delhi,
Dated the 5th June, 1992.
15 Jyaistha, 1914. (Saka)

NOTIFICATION

No 479/3/92III - In pursuance of sub-section (1) of Section 3 of the Presidential and Vice Presidential Elections Act, 1952 (31 of 1952), the Election Commission of India hereby appoints the Secretaries to the Legislative Assemblies of all States to be the Assistant Returning Officers for the Presidential Election.

By Order,

K.P G KUTTY
SECRETARY
ELECTION COMMISSION OF INDIA.

B.K. Kharel
Joint Chief Electoral Officer
to the Government of Sikkim
Gangtok.
NOTIFICATION

The Governor of Sikkim is pleased to re-constitute the Board of Directors of M/S. Sikkim Distilleries Ltd., Rangpo as per the provisions under clause 20 and 21 of the Articles of Association of the company as follow :-

1. Shri S.K. Pradhan, Hon’ble M.L.A. (Chairman),
2. Secretary, Excise, Government of Sikkim,
3. Secretary, Finance or his Representative,
4. Managing Director of M/S. Sikkim Distilleries Ltd.,
5. One Representative of the Management.

The aforesaid decision of the Government of Sikkim comes into effect immediately and it supersedes all previous orders/notifications issued by the Government on the subject.

P. K. PRADHAN,
CHIEF SECRETARY.
Govt of Sikkim
(F.No41(5)Home/80)
NOTIFICATION

Whereas the Government of Sikkim proposes to appoint notary public in exercise of the powers conferred on it by section 3 of the Notaries Act, 1952 (Central Act 53 of 1952) thereafter referred to as the Act);

And whereas, in pursuance of the advertisement published in Sikkim Herald dated 26th February, 1992, inviting application for appointment as notary public, the following persons have submitted their memorial applying for the same:-

1. Shri Tej Bahadur Thapa, Advocate, Main Road Junction, Gangtok, Sikkim.
2. Shri Arun Kumar Upadhyaya, Advocate, below High Court of Sikkim, 31 A National High Way, Gangtok, Sikkim.

Now, therefore, in pursuance of clause (a) of sub-rule (2) of rule 6 of the Notaries Rules, 1956, the competent authority hereby publishes this notice inviting objections, if any, from the general public, to the appointment of the above applicants as notary public within 14 (fourteen) days from the date of publication of the notification in the Official Gazette.

B. R. Pradhan
Competent Authority/
Secretary, Law.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
NOTIFICATION

The State Government hereby revokes with effect from 11th March, 1992, the appointment of the following Chairmen :-

1. Shri Rajendra Upreti - Sikkim Marketing Federation.
2. Shri Namkha Gyaltsen - Sikkim Milk Union.

Notification No.69/Home/89 dated 11th December, 1989 stands modified to the extent relevant.

By Order,

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim.
ELECTION COMMISSION OF INDIA

Ashok Road,
New Delhi - 110001.

Dated 10th June, 1992.
20 Jyaistha, 1914 (Saka)

NOTIFICATION

No.479/7/92/I- In pursuance of rule 7 of the Presidential and Vice-Presidential Election Rules 1974, the Election Commission hereby fixes -

(a) 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.479/92, dated 10th June, 1992, and

(b) with respect to each such place of polling, specified 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

<table>
<thead>
<tr>
<th>Place of polling</th>
<th>Group of electors</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Room No. 63, First Floor, 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 the 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) Committee Hall No.1 of the New Assembly Building, Public Gardens, 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>
</tbody>
</table>
(3) Conference Room of Arunachal Pradesh Legislative Assembly Building, Naharlagun. Elected Members of the Arunachal 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 Naharlagun.

(4) Room No. two of the Assam Legislative Assembly Building, Dispur. Elected Members of the Assam Legislative Assembly and any elected Members of Parliament after intimation to the Election Commission intends to vote at the place of polling in Dispur.

(5) Reading Room of Library of the Bihar Vidhan Sabha, Patna. Elected Members of the Bihar Legislative Assembly and any elected Member of Parliament after intimation to the Election Commission intends to vote at the place of polling in Patna.

(6) Main Hall at the entrance of Assembly Hall Secretariat, Panaji. Elected Members of the Goa Legislative Assembly and any elected Member of Parliament where after intimation to the Election Commission intends to vote at the place of polling in Panaji.

(7) Exhibition Room on 1st Floor, Near Reading Room of Library of Gujarat Legislative Assembly, Gandhinagar. 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.

(8) Old Committee Room of Haryana Vidhan Sabha Secretariat, Vidhan Bhavan, Chandigarh. 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.

(9) Main Committee Room No.1, Council Chamber, Himachal Pradesh Vidhan Sabha, Shimla. Elected Members of the Himachal 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 Shimla.

(10) Assembly Lobby Jammu. Any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Jammu.

(11) Room No.106, 1st Floor, Vidhan Sabha, Bangalore. 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.

(12) Air Conditioned Room, Legislature Sectt. Building, Thiruvanthapuram. Elected Members of the Kerala Legislative Assembly and any elected Member of Parliament who after intimation to the Election Commission intends to vote at the place of polling in Trivandrum (Thiruvanthapuram).

(13) Committee Room No.1 of Madhya Pradesh Vidhan Sabha, Bhopal. Elected Members of the Madhya Pradesh Legislative Assembly and any elected Member of Parliament after intimation to the Election Commission intends to vote at the place of polling in Bhopal.

(14) Central Hall (4th Floor), Vidhan Bhavan, Reclamation Bombay. Elected Members of the Maharashtra Legislative Assembly and any elected Member of Parliament after intimation to the Election Commission intends to vote at the place of polling in Bombay.

(15) Conference Hall of Manipur Legislative Assembly, Imphal. Elected Members of the Manipur Legislative Assembly and any elected Member of Parliament after intimation to the Election Commission; to vote at the place of polling in Imphal.

(16) Room No. 2, Meghalaya Legislative Assembly, Shillong. Elected Members of the Meghalaya Legislative Assembly and any elected Member of Parliament Assembly after intimation to the Election Commission intends to vote at the place of polling in Shillong.
17) Committee Room of Mizoram Legislative Assembly, Aizawl.

18) Committee Room, Nagaland Legislative Assembly Sectt., Kohima.

19) Room No.7, office Room of Secretary, Orissa Legislative Assembly, Bhubaneswar.

20) Committee Room of the Punjab Vidhan Sabha Secretary, Vidhan Bhavan, Chandigarh.


22) Committee Room in the Assembly Building, Gangtok.

23) Legislative Committee Room in the ground Floor of the Main Secretariat Building, Secretariat, Madras.

24) Library Room 11 Assembly Secretariat, Agartala.

25) Tilak Hall, Vidhan Bhawan, Lucknow.

26) The Assembly Chamber at Assembly House, Calcutta.

By Order,

K.P.G. Kutty
Secretary,
Election Commission of India.

B.K. Kharel,
Joint Chief Electoral Officer
to the Government of Sikkim,
Gangtok
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No 160/H

Dated Gangtok the 10th June, 1992.

Election Commission of India, notification No. 479/7/92/I dated 10th June, 1992, is hereby re-
published for general information.

ELECTION COMMISSION OF INDIA

New Delhi

Dated the 10th June, 1992.

20 Jyaistha, 1914 (Saka).

NOTIFICATION

No 479/7/92/11.

In pursuance of clause (b) of rule 7 of the Presidential and Vice-Presidential Elections 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 Commis-
sion in its notification No. 479/7/92/I, dated the 10th June, 1992, for the Presidential Election.

By order.

K P G Kutty
Secretary,
Election Commission of India.

B K Kharel
Joint Chief Electoral Officer
to the Government of Sikkim,
Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
ELECTION COMMISSION OF INDIA

New Delhi

Dated the 10th June, 1992.

20 Jyaistha, 1914 (Saka).

NOTIFICATION

No.479/792/III.- Besides the Returning Officer for the Presidential Election, 1992, who shall conduct the poll to be taken at the said election on the 13th July, 1992 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

<table>
<thead>
<tr>
<th>Assistant Returning Officer</th>
<th>Place of polling</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

1. The Secretary, Andhra Pradesh Legislative Assembly, Hyderabad. Committee Hall No.1 of the New Assembly Building, Public Gardens, Hyderabad.

2. The Secretary, Arunachal Pradesh Legislative Assembly, Naharlagun. Conference Room of Arunachal Pradesh Legislative Assembly Building, Naharlagun.

3. The Secretary, Assam Legislative Assembly, Dispur. Room No, two of Assam Legislative Assembly Building, Dispur.

4. The Secretary, Bihar Legislative Assembly, Patna. Reading Room of Library of the Bihar Vidhan Sabha, Patna.
5. The Secretary, Goa Legislative Assembly, Panaji.
   Main Hall at the entrance of Assembly Hall Secretariat, Panaji.
6. The Secretary, Gujarat Legislative Assembly, Gandhinagar.
   Exhibition Room on 1st Floor, Near Reading Room of Library of Gujarat Legislative Assembly, Gandhinagarg.
7. The Secretary, Haryana Legislative Assembly, Chandigarh.
   Old Committee Room of Haryana Vidhan Sabha Secretariat, Vidhan Bhavan, Chandigarh.
8. The Secretary, Himachal Pradesh Legislative Assembly, Shimla.
   Main Committee Room No.1, Council Chamber, Himachal Pradesh Vidhan Sabha, Shimla.
9. The Secretary, Jammu & Kashmir Legislative Assembly, Jammu.
   Assembly Lobby, Jammu.
10. The Secretary, Karnataka Legislative Assembly, Bangalore.
    Room No.106, 1st Floor, Vidhan Sabha, Bangalore.
11. The Secretary, Kerala Legislative Assembly, Thiruvanthapuram.
    Air Conditioned Room Legislative Secretariat Building, Thiruvanthapuram.
12. The Secretary, Madhya Pradesh Legislative Assembly, Bhopal.
    Committee Room Number one of Madhya Pradesh Vidhan Sabha, Bhopal.
13. The Secretary, Maharashtra Legislative Assembly, Mumbai.
    Central Hall (Fourth Floor), Vidhan Bhavan, , Backbay Reclamation, Bombay.
14. The Secretary, Manipur Legislative Assembly, Imphal.
    Conference Hall of Manipur Legislative Assembly, Imphal.
15. The Secretary, Meghalaya Legislative Assembly, Shillong.
    Room No. two, Meghalaya Legislative Assembly, Shillong.
16. The Secretary, Mizoram Legislative Assembly, Aizawl.
    Committee Room of Mizoram Legislative Assembly, Aizawl.
17. The Secretary, Nagaland Legislative Assembly, Kohima.
    Committee Room, Nagaland Legislative Assembly Secretariat, Kohima.
18. The Secretary, Odisha Legislative Assembly, Bhubaneswar.
    Room No.7, Office Room of Secretary, Orissa Assembly, Bhubaneswar.
19. The Secretary, Punjab Legislative Assembly, Chandigarh.
    Committee Room of the Punjab Vidhan Sabha Secretariat, Vidhan Chaidigarh, Bhavan, Chandigarh.
20. The Secretary, Rajasthan Legislative Assembly, Jaipur.
    Room No. G-44, Rajasthan Vidhan Sabha Bhawan, Swai Man Singh Town Hall, Jaipur.
21. The Secretary, Sikkim Legislative Assembly, Gangtok.
   Committee Room in the Assembly Building, Gangtok.

22. The Secretary, Tamil Nadu Legislative Assembly, Madras
   Legislature Committee Room in the ground Floor of the main Building, Secretariat, Madras.

23. The Secretary, Tripura Legislative Assembly, Agartala.
   Library Room in Assembly Secretariat, Agartala.

24. The Secretary, Uttar Pradesh Legislative Assembly, Lucknow.
   Tilak Hall, Vidhan Bhavan, Lucknow.

25. The Secretary, West Bengal Legislative Assembly, Calcutta.
   Assembly Chamber at Assembly House Calcutta.

By order,

K.P.G. KUTTY
SECRETARY,
ELECTION COMMISSION OF INDIA.

B.K. Kharel
Joint Chief Electoral Officer to the Government of Sikkim, Gangtok.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 162/H

Dated Gangtok the 10th June, 1992.

Election Commission of India, notification No. 479/92 dated 10th June, 1992, is hereby republished for general information.

ELECTION COMMISSION OF INDIA

New Delhi.
Dated the 10th June, 1992.
20 Jyaistha, 1914 (Saka)

NOTIFICATION

No. 479/92/ - Whereas the term of office of Shri R. Venkataraman, President of India, is due to expire on the 24th day of July, 1992;
And whereas under sub-section (3) of Section 4 of the Presidential and Vice-Presidential Elections Act, 1952 (31 of 1952, the Election Commission of India 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, 1992;
Now, therefore, in pursuance of sub-section (1) of Section 4 of the said Act, the Election Commission hereby appoints in respect of the said election.
(a) Wednesday, the 24th of June, 1992 as the last date for making nominations;
(b) Thursday, the 25th of June, 1992 as the date for the scrutiny of nominations;
© Saturday, the 27th of June, 1992 as the last date for the withdrawal of candidatures;
and
(d) Monday, the 13th of July, 1992 as the date on which a poll shall, if necessary, be taken.

By order,

K. P. G. KUTTY
Secretary,
Election Commission of India.

B. K. Kharel
Joint Chief Electoral Officer
to the Government of Sikkim.
Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Public Notice relating Election to office of President of India is hereby republished for general information.

RAJYA SABHA SECRETARIAT
PUBLIC NOTICE
OF
ELECTION TO THE OFFICE OF PRESIDENT OF INDIA

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, J. Sudarshan Agarwal, the Returning Officer for such election, do hereby give notice that —

i) nominations 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 unavoidably absent, to Shri B.G. Gujar/ Shrimati Shovana Narayan, Assistant Returning Officers and Directors, Rajya Sabha Secretariat, at the said office between 11 a.m. and 3 p.m. on any day (other than a public holiday) not later than Wednesday, the 24th June, 1992.

ii) each nomination paper shall be accompanied by a certified copy of the only 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 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 of the Act, will be taken up for scrutiny at the said office in Room No. 29, Ground Floor, Parliament House, New Delhi, on Thursday, the 24th June, 1992, 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 after noon of Saturday, the 27th June, 1992;

vii) in the event of the election being contested, the poll will be taken on Monday, 13th July, 1992, between the hours of 10 a.m. and 5 p.m. both inclusive, at the places of polling fixed under the rules.

SUDARSHAN AGARWAL
New Delhi, Returning Officer for the Presidential Election and
Dated the 10th June, 1992. Secretary-General, Rajya Sabha.

H.B. Rai
Under Secretary
to the Government of Sikkim,
Election Department, Gangtok.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

NOTIFICATION

No. 3/LD/RD/1992
Dated the 26th March, 1992.

The following ordinance promulgated by the President on 19th January, 1992 and published in the Gazette of India, Extraordinary, Part II, Section I is hereby republished for general information:-

THE REPRESENTATION OF THE PEOPLE (SECOND AMENDMENT) ORDINANCE, 1992
No. 2 OF 1992

Promulgated by the President in the Forty-second Year of the Republic of India.
An Ordinance further to amend the Representation of the People Act, 1951.
WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary, for him to take immediate action;
NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:-

1. (1) The Ordinance may be called the Representation of the People (Second Amendment) Ordinance 1992.

2. In section 30 of the Representation of the People Act, 1951, in clause (d), the words “twentieth day” shall be substituted.

R. VENKATARAMAN
PRESIDENT

V.S. RAMA DEVI
SECRETARY TO THE GOVT. OF INDIA

B.R. PRADHAN
SECRETARY TO THE GOVT. OF SIKKIM
F- NO. 11(408)LD/84

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In supersession of notification No. 315/Gen/Est dated 26.12.1985, the Governor of Sikkim is pleased to fix the rates for payment of fees for various services connected with the holding of interview/written examination for selection of persons for employment as under:

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Categories 01 Functionaries</th>
<th>Rates for single session</th>
<th>Rates for two or more sessions or full day</th>
<th>Norms for payment of fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Co-ordinating Supervisor</td>
<td>Rs.100/- per day</td>
<td>Rs.150/- or more sessions per day</td>
<td>Actual session/day plus one full day remuneration for making arrangements</td>
</tr>
<tr>
<td>2.</td>
<td>Supervisor</td>
<td>Rs.60/- per day</td>
<td>Rs.120/- or more sessions per day</td>
<td>-do-</td>
</tr>
<tr>
<td>3.</td>
<td>Assistant Supervisor, Time Keeper/Text Checkers</td>
<td>Rs.45/- per day</td>
<td>Rs.90/- or more sessions per day</td>
<td>For three papers</td>
</tr>
<tr>
<td>4.</td>
<td>Invigilators</td>
<td>Rs.40/- per day</td>
<td>Rs.75/- or more sessions per day</td>
<td>Actual session/day of the test, For three papers, per day</td>
</tr>
<tr>
<td>5.</td>
<td>Clerks attached to Supervisors</td>
<td>Rs.30/- per day</td>
<td>Rs.60/- or more sessions per day</td>
<td>Actual session/day of the test plus two days i.e. one day for making arrangements and one day for preparation of accounts, Clerks attached to Coordinators will be allowed two full days remuneration, For three papers</td>
</tr>
<tr>
<td>6.</td>
<td>Dictator</td>
<td>Rs.50/- for 1st dictation and Rs.25/- each for subsequent dictations of the same passage subject to a ceiling of Rs.420/- to any one person for one day. No remuneration is admissible for trial passages. Dictations at different speeds will be treated as separate dictations and not subsequent dictations.</td>
<td>Rs.80/- per day</td>
<td>For three papers</td>
</tr>
</tbody>
</table>
7. Class IV Staff/Daily Wagers
   Rs.21/- per day or the rates sanctioned from time to time by the Labour Department Government of Sikkim whichever is higher.
   (a) Attached to supervisor for stitching, sealing & despatch etc should be paid for actual day of test plus two days.
   (b) Casual labourer/ waterman etc for actual number of days for which they are employed.

8. Typewriting and Shorthand test
   Upto three batches, single session rates are to be paid. When the number of batches on a day is more than three, full day rates of remuneration are to be paid.

9. Evaluation of Answer script :
   (a) Conventional type - Rs. 4/- per paper for duration of 3 hours and more; or Rs.2/- per paper for duration of less than 3 hours; subject to a minimum of Rs.25/- in each case
   (b) Objective type - Rs.1/- for paper of 100 marks subject to a minimum of Rs.15/-.
   (c) Shorthand script (10 minutes duration) :
      (i) 100 w.p.m. - Rs.5.00 per script Subject to a
      (ii) 80 w.p.m. - Rs.3.00 per script minimum of Rs.15.00
      (iii) 55 w.p.m. - Rs.2-00 per script
   10. Paper Setter - Rs.200-00 per paper
   11. Expert/Adviser - Rs.100.00 per day (Hotel charge and bus fare to be paid if the expert Adviser from outside)

   To assist them in conducting examination, Supervisors are authorised to procure staff assistance at the scale as per Annexure-

   By Order,

   D. K. PRADHAN
   Deputy Secretary to the Govt, of Sikkim Establishment Department.
ANNEXURE TO THE NOTIFICATION NO: 97/GEN/EST- DATED:4/2/1992-
STAFF ASSISTANCE

For less than 200 candidates......................None
200-399 candidates.............................Two
400-599 candidates ................................Three
600-799 candidates ................................Four
800-999 candidates ................................Four plus at the rate of one Assistant
Supervisor for every 200 candidates exceeding 800

Invigilators:
Invigilators are to be engaged at the rate of one Invigilator for 25 candidates. In the
case of stenography and typewriting tests, there should be at least two invigilators in each
room/hall.
Persons engaged as invigilators should be reliable and trustworthy, while selecting
retired Government servants, care should be taken to see that they are active and energetic
and would be in a position to be on their feet during the entire duration of the examination.

Clerical Assistance:
The Supervisor can engage one clerk for assisting him in making examination arran-
gements, preparation of accounts and to provide such other assistance as may be required.
The Clerk so appointed is entitled for payment of three days remuneration i.e. one day for
pre-examination work, for the day of the examination; and one day for post-examination
work.
When the number of registered candidates is more than 400, additional clerks at the
rate of one clerk for additional 400 or less candidates may be engaged only for the day of the
examination. Such additional clerks should be paid remuneration only for the day(s) of the
examination. In the case of Stenography and Typewriting Tests, additional clerk(s) should
not be engaged as the Tests are held in small batches.

Other Staff
The Supervisors are authorised to engage Daftary Waterman, Peon, Chowkidar and
Sweeper at the following scale :-

One Daftary
One Daftary may be engaged. He is to
be utilised for making the pre-exami-
nation arrangements and for packing
and despatch of examination materials.

One Waterman
One waterman for every 100 can-
didates.

One Peon
One Peon for the day of the Examina-
tion.

One Chowkidar
One Chowkidar for one or two days
as may be considered necessary.

One Sweeper
One Sweeper for one or two days as
may be considered necessary.

The Supervisors may also engage minimum number of casual labourers if furniture
are required to be shifted from room to another Persons so engaged should be paid only for
one day.

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In supersession of this Department Notification No. DL/1 dated the 4th April, 1990 and in exercise of the Powers conferred by Sub-Section (1) and (2) of Section 6 of the Equal Remuneration Act, 1976 (25 of 1976), the Government of Sikkim hereby reconstitutes the Advisory Committee, consisting of the following members -

ADVISORY COMMITTEE:

1. Shri Birbal Subba, Hon’ble Minister -Chairman
2. Shri K. Shrab, IAS, Secretary, Labour Department. Vice-Chairman
3. Shri L. B. Chettri, Secretary, R.D.D. Ex-Officio member
4. Shri M.K. Pradhan, Secretary, S-N-T. - do -
5. Mrs. R. Wongma, IAS, District Collector, West - do -
6. Mrs- Jaishree Pradhan, District Collector, East - do -
7. Miss. B-M. Singh, District Collector, South - do -
8. Smt. Hemlata Chettri, Secretary, Social Welfare Board Non-Official member
9. Smt C.S. Rai, Rai Cottage, Arithang Gangtok -do-
10. Shri Tashi Wangchuk, Deputy Secretary, Labour Department Secretary

By Order,

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT
GANGTOK

No.149/H Dated Gangtok the 15th February, 1992.

Election Commission of India, notification No.56/91 (8) dated 29th January, 1992, is hereby re-published for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road
New Delhi -110001.
Dated the 29th January, 1992.
Magha 9, 1913 (Saka).

NOTIFICATION

No. 56/91-(3) In exercise of the powers conferred by Article 324 of the Constitution of India read with Section 29A of the Representation of the People Act, 1951 and paragraphs 17 and 18 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby directs that its notifications No.56/91, dated 19th April, 1991, published as O.N.98(E) in the Gazette of India Extra-ordinary, Part II, Section 3 (iii) dated 19th April, 1991, as amended from time to time, shall be further amended to make it up to date as follows namely,-

In Table III appended to the said Notification, after the existing entries under column (x) and(2) at S.N.342, the following entries, namely,

"343. Shironani Akali Dal (S) House No. 6, Sector Chandigarh

SHALL BE INSERTED.

By order.

K.P.G Kutty
Secretary,
Election Commission of India.

H.B. Rai
Under Secretary,
Election Department
Gangtok

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GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

NO. 18/Home/92

Dated Gangtok the 17th June, 1992.

NOTIFICATION

Order No. SKM/GOV/229/92 dated 16th June, 1992 issued by His Excellency the Governor of Sikkim is republished for general information:-

ORDER

No. SKM/GOV/229/92

Dated the 16th June, 1992.

Under the powers vested in me under Article 164 (1) and consequent to the advice of the Chief, I, R.H. Tahiliani, Governor of Sikkim hereby order that Shri Pawan Kumar Chamling shall cease to be a member of the Council of Ministers with immediate effect.

R. H. TAHILIANI
Governor of Sikkim

By Order,

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim

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GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 19 Home/92                                                                                                                                    Dated Gangtok, the 17th June, 1992.

NOTIFICATION

Order No. SKM/GOV/229/92 dated 16th June, 1992, issued by His Excellency the Governor of Sikkim is republished for general information:-

ORDER

No. SKM/GOV/229/92

In exercise of the powers vested in me under clause (1) of the article 164 of the Constitution, 1.R.H.Tahiliani, Governor of Sikkim, hereby appoint, on the advice of the Chief Minister of Sikkim, Shri Bhimraj Rai to be a member of the Council of Ministers after he is sworn in on the afternoon of 17th June, 1992.

R. H. TAHILIANI
GOVERNOR OF SIKKIM

By Order,

P. K. PRADHAN,
Chief Secretary
Govt. of Sikkim

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

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

No. SKM/GOV/2/92

ORDER

I, Admiral R.H Tahiliani, Governor of Sikkim, hereby order that the portfolios of the members of the Council of Ministers shall be as follows with immediate effect:-

1. Shri Nar Bahadur Bhandari
   Home, Panchayat and Rural Development, Information and Public Relations and Printing. Establishment, Planning and Development and any other Departments not allotted to other Ministers.

2. Shri Chamala Tshering
   Agriculture, Irrigation and Co-operation

3. Shri Padam Bahadur Gurung
   Education, Culture and Law and Legislative

4. Shri Khara Nand Upreti
   Industries and Ecclesiastical

5. Shri Padam Lall Gurung
   Urban Development and Housing

6. Shri Sonam Choda Lepcha
   Food and Civil Supplies

7. Shri Sonam Dupden Lepcha

8. Shri Bir Bal Subba Power and Labour
   Animal Husbandry, Excise and State Trading Corporation of Sikkim

9. Shri O.T. Bhutia
   Sikkim Nationalised Transport and Motor Vehicles

10. Shri Sonam G. Kaleon
    Land Revenue and Survey and Settlement and Scheduled Castes and Scheduled Tribes Welfare.

11. Shri Man Bahadur Dahal
    Forest and Mines and Geology.

12. Shri Ram Lepcha
    Animal Husbandry, Excise and State Trading Corporation of Sikkim

13. Shri Bhimraj Rai
    Sikkim Nationalised Transport and Motor Vehicles

R. H. TAHILIANI,
GOVERNOR OF SIKKIM.

By Order,

P. K. PRADHAN,
Chief Secretary,
Govt. of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The Governor of Sikkim is pleased to appoint the following as Chairman/Chairperson of the organisation mentioned against their respective names with immediate effect:-

1. Shri Ugen Pintso Bhutia, MLA Land Use & Environment Board
2. Shri Hangu Tshering Bhutia, MLA State Bank of Sikkim
3. Shri India Bahadur Rai, MLA Electricity Advisory Board
4. Shri Tasha Tangey Lepcha, MLA Sikkim Jewels Ltd.
5. Shri Rup Raj Rai, MLA Sikkim Khadi & Village Industries Board
6. Shri S.M. Subba, MLA Sikkim Time Corporation
7. Shri TM. Rai, MLA Sikkim Consumers Cooperative Society
8. Smt. Manita Pradhan, MLA State Trading Corporation of Sikkim
9. Smt. Chewang Lhamu, MLA Sikkim Industrial Development & Investment Corporation
10. Shri C.K. Mohora, MLA Sikkim Nationalised Transport
11. Shri S.K. Pradhan, MLA Sikkim Distilleries Ltd.
12. Shri Phuchung Bhutia, MLA Denjong Agricultural Co-operative Ltd.
13. Shri D.R. Basnet, MLA Sikkim Housing Development Board.
14. Shri B.P. Dahal Sikkim Marketing Federation
15. Shri Dorjee Tshering Sikkim Mining Corporation
16. Shri Dawa Sherpa Scheduled Tribes Welfare Board
17. Shri D.K. Khati Scheduled Castes Welfare Board
18. Shri D.P. Rajalim Sikkim Tea Board
19. Shri Kiran Chetri Sikkim Milk Union.

This supersedes all previous notifications issued on the subject.

By Order,

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim
F.No.2(l)Home/77/II)

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GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 150/H

Election Commission of India, Nirvachan Sadan, New Delhi notification No.56/91 (9) dated 5th March, 1992, is hereby republished for general information.

Nirvachan Sadan
Ashok Road,
New Delhi-110001

Dated: 5th March, 1992
15 Phalguna, 1913 ( Saka )

ELECTION COMMISSION OF INDIA
NOTIFICATION

No. 56/91 (9)- Whereas the Election Commission has, under the provisions of the Election Symbols (Reservation and Allotment) Order, 1968, reviewed the poll performance of all recognised National State parties on the basis of the general election to the Lok Sabha held in 1991, and the latest general election to each of the existing State Legislative Assemblies which were held during 1988, 1989, 1990 and 1991.

And whereas, as the result of the aforesaid review, the Commission vide its Orders, dated 21.2.92, has withdraw recognition of three National Parties, viz. (1) Indian Congress (Socialist-Sarat Chandra Singh), (2) Janata Dal (Samajwadi) and (3) Lok Dal, and ten State Parties, viz. (1) Democratic Party (Mizoram), (2) Kerala Congress, (3) Nagaland Peoples Party, (4) Pattalli Makkal Katchi (Pondicherry), (5) Peasants and Workers Party of India (Maharashtra), (6) Peoples Party of Arunachal, (7) Plains Tribals Council of Assam, (8) Pondicherry Mannila Makkal Munnani, (9) Revolutionary Socialist Party (Kerala) and (10) United Minorities Front, Assam in terms of the provisions of paragraphs 6 and 7 of the Election Symbols (Reservation and Allotment) Order, 1968;

Now, therefore, in pursuance of sub-clauses (a) and (b) of para (1) of para 17 of the Election Symbols (Reservation and Allotment) Order, 1968; the Election Commission hereby directs that Tables I and II appended to its Notification No. 56/9 dated 19.04.91, published as O.N. 98(E) in the Gazette of India, Extraordinary, Part-II, Section 3 (iii), dated 19.04.91, as amended from time to time, shall be substituted by the following Tables:-

TABLE----I

<table>
<thead>
<tr>
<th>National Parties</th>
<th>Symbol Reserved</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1. Bhartiya Janata party</td>
<td>Lotus</td>
</tr>
<tr>
<td>2. Communist Party c f India</td>
<td>Ears of Corn and Sickle</td>
</tr>
<tr>
<td>3. Communist Party of India (Marxist)</td>
<td>Hammer, Sickle and Star</td>
</tr>
<tr>
<td>4. Indian National Congress</td>
<td>Hand</td>
</tr>
<tr>
<td>5. Janata Dal</td>
<td>Chakra (Wheel)</td>
</tr>
<tr>
<td>6. Janata Party</td>
<td>Haldhar within Wheel (Chakra Haldhar)</td>
</tr>
<tr>
<td>Name of the State/Union Territory</td>
<td>Name of the State Party</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>Telugu Desam</td>
</tr>
<tr>
<td>Assam</td>
<td>1. Asom Gana Parishad</td>
</tr>
<tr>
<td></td>
<td>2. Natun Asom Gana Parishad</td>
</tr>
<tr>
<td></td>
<td>3. Autonomous State Demand Committee</td>
</tr>
<tr>
<td>Bihar</td>
<td>Jharkhand Mukti Morcha</td>
</tr>
<tr>
<td>Goa</td>
<td>Maharashtrawadi Gomantak</td>
</tr>
<tr>
<td>Haryana</td>
<td>Haryana Vikas Party</td>
</tr>
<tr>
<td></td>
<td>2. J &amp; K Panthers Party</td>
</tr>
<tr>
<td></td>
<td>3. J &amp; K Peoples Conference</td>
</tr>
<tr>
<td>Kerala</td>
<td>1. Maslim League</td>
</tr>
<tr>
<td></td>
<td>2. Kerala Congress (M)</td>
</tr>
<tr>
<td></td>
<td>3. Indian Congress</td>
</tr>
<tr>
<td>(Socialist-Sarat Chandra Sinha)</td>
<td></td>
</tr>
<tr>
<td>Maharashtra</td>
<td>Shivsena</td>
</tr>
<tr>
<td>Manipur</td>
<td>1. Kuki National Assembly</td>
</tr>
<tr>
<td></td>
<td>2. Manipur Peoples Party</td>
</tr>
<tr>
<td></td>
<td>3. Indian Congress</td>
</tr>
<tr>
<td>(Socialist-Sarat Chandra Sinha)</td>
<td></td>
</tr>
<tr>
<td>Meghalaya</td>
<td>1. All Party Hill Leader's Conference (A.M. Group)</td>
</tr>
<tr>
<td></td>
<td>2. Hill People Union</td>
</tr>
<tr>
<td></td>
<td>3. Hill State People's Democratic Party</td>
</tr>
<tr>
<td></td>
<td>4. Public Demands Implementation Convention</td>
</tr>
<tr>
<td>Mizoram</td>
<td>Mizo National Front</td>
</tr>
<tr>
<td>Nagaland</td>
<td>Nagaland People's Council</td>
</tr>
<tr>
<td>Pondicherry</td>
<td>1. All India Anna Dravida Munnetra Khazagam</td>
</tr>
<tr>
<td></td>
<td>2. Davida Munnetra Kazhagam</td>
</tr>
<tr>
<td>Punjab</td>
<td>1. Bahujan Samaj Party</td>
</tr>
<tr>
<td></td>
<td>2. Siramani Akali Dal (Simaranjit Singh Mann)</td>
</tr>
<tr>
<td></td>
<td>3. Shiromani Akali Dal</td>
</tr>
<tr>
<td></td>
<td>4. Shiromani Akali Dal (Badal)</td>
</tr>
<tr>
<td>Sikkim</td>
<td>1. Rising Sun Party</td>
</tr>
<tr>
<td></td>
<td>2. Sikkim Sangram Parishad</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>1. All India Annuma Dravida Munnetra Kazhagam</td>
</tr>
<tr>
<td></td>
<td>2. Dravida Munnetra Kazhagam</td>
</tr>
<tr>
<td></td>
<td>3. Pattali Makkal Katchi</td>
</tr>
<tr>
<td>State</td>
<td>Party 1</td>
</tr>
<tr>
<td>----------------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Tripura</td>
<td>1. Tripura Upajati Juba ganuty</td>
</tr>
<tr>
<td></td>
<td>Bahujan Samaj Party</td>
</tr>
<tr>
<td>West Bengal</td>
<td>1. All India Forward Bloc</td>
</tr>
</tbody>
</table>

By order,

S.K. MENDIRATTA  
SECRETARY

C.P. Dhakal  
Assistant Electoral Officer  
Election Department, Gangtok

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT


ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
New Delhi.
Dated the 23rd March, 1992.

The Regulation of Political Parties (Furnishing of Additional Particulars) Order, 1992.
An order to provide for furnishing of additional particulars by associations or bodies of individual citizens of India seeking registration as a political party with the Election Commission of India.

ORDER

WHEREAS, Section 29A of the Representation of the People Act, 1951 provides that any association or body of individual citizens of India calling itself a political party and intending to avail itself of the provisions of Part IVA of the said Act shall make an application to the Election Commission for its registration as a political party for the purposes of that Act.

AND WHEREAS, sub-section (4) of the said Section 29A specifies the particulars which an association or body of individual citizens shall furnish in its application to the Commission seeking registration as a political party;

AND WHEREAS, sub-section (6) of the said Section 29A provides that the Commission may call for such other particulars as it may deem fit from the association or the body making the application as aforesaid;

AND WHEREAS, in exercise of the powers conferred by the said sub-section (6) of section 29A, the Commission, by the Election Symbols (Reservation and Allotment) (Amendment) Order, 1989 dated the 15th June, 1989, specified in paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968 the additional particulars which an association or body seeking registration shall furnish in or along with its application for registration.

AND WHEREAS, the Commission is, on reconsideration, of the view that the said paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968 is not the appropriate place for specifying the aforesaid additional particulars;

GOVERNMENT OF SIKKIM

GANGTOK

Tuesday, 23rd June 1992

No. 59
NOW THEREFORE, in exercise of the powers conferred by the said sub-section (6) of Section 29A of the Representation of the People Act, 1951, Article 324 of the Constitution of India and all other powers enabling it in this behalf, the Election Commission of India hereby makes the following order:—

1. Short title, extent, commencement.—
(1) This Order may be called the Registration of IB cal Parties (Furnishing of Additional particulars Order, 1992.
(2) It extends to the whole of India.
(3) It shall come into force on the date of its publication in the Gazette of India.

2. Additional particulars to furnished in, or along with, an application for registration as a political party.—Every association of body of individual citizens of India making an application to the Election Commission for its registration as a political party under section 29A of the Representation of the people Act, 1951 (43 of 1951) shall, in addition to the particulars mentioned in sub-section (4) of that section furnish in such application or in an annexure thereto, the following particulars, namely:-
   (a) the principles on which the association or body is based;
   (b) the policies, aims and objects it pursues or seeks to pursue;
   (c) its programmes, functions and activities for the purpose of carrying out its principle policies, aims and objects;
   (d) the names of the main organs (by whatever name called) of the association or body functions and the names of the Chairman (by whatever name called), and other member such organs; and
   (e) the relationship of the association or body with the electors and the popular supply enjoys, along with tangible proof, if any, of such relationship and support.

3. Omission of paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968—
Paragraph 3 of the Election Symbols (Reservation and Allotment) Order, 1968 is hereby omitted.

By order,

(F.No.56/Regn./92-J.S.II)

(S.K. Mandiratta)
Secretary to the
Election Commission of India

B.K. Kharel
Joint Chief Electoral Officer
to the Government of Sikkim.
Gangtok.

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK
NOTIFICATION

As per rule 8 (a) sub section 1 read with rule 10 of the Sikkim Government Establishment Rule, the inter se-seniority of the first batch of 35 Panchayat Assistants appointed under the Rural Development, Government of Sikkim is as follows :-

1. Shri Dilip Pandey
2. Shri Nim Dorjee Lepcha
3. Shri Hari Prasad Sharma
4. Shri Anil Giri
5. Shri Sonam Tashi Bhutia
6. Shri Phurbu Tshering Bhutia
7. Shri Lal Man Gurung
8. Shri Bijoy Kumar Gurung
9. Shri Tenzing Bhutia
10. Shri Nar Hari Sharma
11. Shri Mahindra Timsina
12. Shri Sonam Tenzing Bhutia
13. Shri Tashi Wangyal Bhutia
14. Shri Lakchung Bhutia
15. Miss Yog Maya Pradhan
16. Shri Subha Kumar Rai
17. Shri Indra Bahadur Chhetri
18. Shri Mancrath Rai
19. Shri Dilu Ram Chhetri
20. Smt. Chandra Basnett
21. Shri Ram Bahadur Gurung
22. Shri Dawa Namgyal Bhutia
23. Shri Nir Bahadur Chhetri
24. Shri Sonam Wangchuk Lachungpa
25. Shri Amber Bahadur Gurung
26. Shri Dik Bir Gurung
27. Miss Phutit Lhamu Lepcha
28. Miss Sumitra Subba
29. Shri Sochen Lama
30. Shri Ganga Prasad Dahal
31. Shri Kul Chandra Dahal
32. Shri Basant Kumar Rai
33. Miss Man Kumari Tamang
34. Shri Kamal Prasad Sharma
35. Shri Bhakta Bahadur Thatal

L. B. CHHETRI
Secretary,
Rural Development Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK
ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashok Road,
New Delhi-110001.

No. 76/SKM/90
Dated : 7th May, 1992
17 Vaisakha, 1914 (Saka)

ORDER

Whereas, the Election Commission is satisfied that the contesting candidate specified in column (4) of the Table below at the General Election to Sikkim Legislative Assembly, 1989, as specified in column (2) and held from the constituency specified in column (3) against his name has failed to lodge any account of his election expenses as shown in column (c) of the said Table, as required by the Representation of the People Act, 1951 and the Rules made thereunder;

And whereas, the said candidate has not furnished any reason or explanation for the said failure even after due notice,and the Election Commission is thus satisfied that he has no good reason of justification for the said failure;

Now therefore, in pursuance of section 1 Act of the said Act, the Election Commission hereby declares the person 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 of Legislative council of a State Union Territory for a period of 3 years from the date of this order.

TABLE-I

<table>
<thead>
<tr>
<th>Particulars of election</th>
<th>S. No. &amp; Name of the Constituency</th>
<th>Name and address of the candidate</th>
<th>Reason for disqualification</th>
</tr>
</thead>
</table>

By Order,

BALWANT SINGH
SECRETARY
ELECTION COMMISSION OF INDIA

H.B. RAI
Under Secretary, Election

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK
GOVERNMENT OF SIKKIM
FOOD & CIVIL SUPPLIES DEPARTMENT
GANGTOK (SIKKIM)

No. 82/FCS
Dated Gangtok, the 24th March, 1992.

NOTIFICATION

RICE AND WHEAT (STORAGE) CONTROL ORDER, 1992.

Whereas the Central Government is of the opinion that it is necessary and expedient
do for maintaining proper supplies, and for securing equitable distribution and availa-
lity at Fair Price of Rice and Wheat.

Now, therefore, in exercise of the powers conferred by clause (f) of sub-section (2)
of Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with Government of
India Ministry of Industry and Civil Supplies (Department of Civil Supplies and Co-opera-
tion) Notification No. S.O. 30 (E) dated the 9th January, 1976 and Ministry of Agriculture
and irrigation (Department of Food) Notification No. GS.R. 475 (E) dated the 24th July,
1976, and with the prior concurrence of the Central Government, the State Government her-
by makes the following order, namely:----

Short, ex-
tent and com-
mencement

1. (1) This order may be called the Rice and Wheat (Storage) Control Or-
(2) It extends to the whole of Sikkim.
(3) It shall come into force on the date of its publication in the Official
Gazette.

Definitions

2. In this order, unless the context otherwise requires,-
(a) ‘Retailers’ means a dealer in Rice and Wheat who is not a wholesaler,
(b) ‘Rice’ means the produce of paddy obtained after dehusking and its
extract and include common, fine and superfine rice but does not
include bran,
(c) ‘Wheat’ means any kind of whole wheat,
(d) ‘Wholesaler’ means any person, registered firm or dealer who deals
with the bulk distribution of rice and wheat to the retailers-

Registration

3. No wholesaler or retailer shall, after publication of this order, either
by himself or by any person acting on his behalf, store or have in
possession at any time rice and wheat in excess of the quantities speci-
fied below:

<table>
<thead>
<tr>
<th></th>
<th>Wholesaler</th>
<th>Retailer</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Rice</td>
<td>250 quintals</td>
<td>50 quintals</td>
</tr>
<tr>
<td>(ii) Wheat</td>
<td>250 quintals</td>
<td>50 quintals</td>
</tr>
</tbody>
</table>
Returns.
4. Every wholesaler and retailer who holds stock of rice and wheat shall furnish a fortnightly return in Form I appended to this order Secretary to the Government of Sikkim, Food and Civil Supplied Department.

Previous order not to apply.
5. The provisions of any order relating to the storage of rice or wheat before the Commencement of this order shall not apply in respect of any matter for which provisions have been made in this order.

Order not to apply in certain cases
6. Nothing in this order shall apply-
   i) to corporation or company owned or controlled by the Central Government or a State Government,
   ii) to any local producer or farmer who stocks rice and wheat for domestic use but not for commercial purpose.

Power of entry search and seizure
7. Any Police Officer of and above the rank of Sub-Inspector of Police and any officer of the Food and Civil Supplies Department of and above the rank of Sub-Inspector of Food may, with a view to securing the compliance with this order or to satisfy himself that this order has been complied with and with such assistance, if any, as he thinks fit-
   (i) enter, inspect and search any place or premises which he has son to believe that such place or premises has been or is being used in contravention of the provisions of this order; and
   (ii) search, seize and remove stocks of rice or wheat stocked in contravention of the provisions of this order and thereafter take or autho- rise the taking of all such stocks in excess of the limit rixed under clause 3 for securing the production of the said stocks so seized in a court and for their safe custody pending such production.

8. The provisions of sections 102 and 103 of the Code of Crimes Procedure, 1898 (5 of 1898), relating to search and seizure! far as may be, apply to searches and seizures under this order.

Tashi Tobden,
Commissioner cum Secretary,
Food and Civil Supplies Department
Government of Sikkim,
Gangtok.
Form –I
(See Clause 4)
Fortnightly return to be submitted by wholesaler/Retailer for the fortnight ending _________________.
Dated _________________.

Name of the Wholesaler/Retailer _________________.
Address of the Business Premises _________________.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Item Rice/Wheat</th>
<th>Opening Balance (in quintals)</th>
<th>New Stock Received/Purchased during the fortnight (in quintals)</th>
<th>Total quantity sold during the fortnight (in quintals)</th>
<th>Closing balance (in quintals)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Signature of the Wholesaler/Retailer.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT
GANGTOK

No. 154/H

Dated Gangtok the 27th May 92

Election Commission of India notification No. 56/92 dated 15th May 1992 is hereby republished for general information.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan,
Ashok Road,
New Delhi 110001.

25 Vaisakha 1914 (Saka)

NOTIFICATION

No. 56/92. - Whereas, the Election Commission has VIDE its Order dated 13.05.1992, decided that the Indian Congress (Socialist-Sarat Chandra Sinha) shall be known, and called, as Indian Congress (Socialist) that it shall be recognised as a State party in the States of Kerala and Manipur and that the symbols Gurkha shall be reserved for it in the said States;

Now, therefore, in pursuance of sub-clause (b) of clause (1) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendments in its Notification No. 56/91 dated 19th April 1991, as amended from time to time, namely:-

In Table 2 appended to the said Notification, against the States of Kerala and Manipur (i) the entries "Indian Congress (Socialist - Sarat Chandra Sinha) and Charkha within a rectangle in columns 2 and 3 shall be substituted by the entries Indian Congress (Socialist) and Charkha respectively.

By Order,

S.K. MENDIRATTA
SECRETARY

H.B. Rai
Under Secretary
Election Department
Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No.155/H
Dated Gangtok the 1st. June, 1992

Election Commission of India's notification No. 56/92 dated 21st. May, 1992, is hereby republished for general information.

ELECTION COMMISSION OF INDIA
Ashok Road,
New Delhi-no 110001.

Dated the 21st May, 1992
Vaisakha 31,1914 (Saka)

NOTIFICATION

No.51/92 : WHEREAS, the Election Commission of India is satisfied that on the basis of its performance at the general Election to the House of the People, 1991 from the State of Gujarat, the Janata Dal (Gujarat) a registered unrecognised political party, is entitled for recognition as State Party in the State of Gujarat in terms of paragraph 6 of the Election Symbols (Reservation and Allotment) Order, 1968;

AND WHEREAS, the Commission has decided to recognise the said Janata Dal (Gujarat) as a State of Gujarat and to reserve the symbol 'Bicycle' for the said party, at its request in that State;

NOW, THEREFORE, in pursuance of clauses (b), (c) and (d) of sub-paragraph (1) and sub paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968 the commission hereby makes the following further amendments in its notification No. 56/91, dated 19.4.91 as amended from time to time, namely:-

I. In Table II of the said Notification Substituted Vide notification No. 56/92 (9), dated 5.3.92 below the entries relating the State "Gosr", the entries "Gujarat Janata Dal (Gujarat);......Bicycle" SHALL BE INSERTED under. Cols. 1, 2, and 3 respectively,

II. In Table II of the said notification, the entries at Sl. No. 147 relating to Janata Dal (Gujarat) under Cols 1 and 2 SHALL BE DELETED; and

III. In Table IV of the said notification, against the entry "6 Gujarat" under column the entry "2. Bicycle" under column 2, SHALL BE DELETED.

By Order,

S.K.; MENDIRATTA
SECRETARY,
ELECTION COMMISSION OF INDIA

H.B. Rai
Under Secretary to the
Government of Sikkim

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No.164/H

Dated Gangtok, the 27th June. 1992

The list of contesting candidates in Form 5 for Election to the Office of President India is hereby republished for general information.

RAJYA SABHA SECRETARIAT
FORM 5
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>1.</td>
<td>Shri. Ram Jethraalani</td>
<td>House No. 12 Brutone Road, Richmond Town, Shanthia Nagar</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Bagalore (Karnataka)</td>
</tr>
<tr>
<td>2.</td>
<td>Dr. Shankar Dayal Sharma</td>
<td>6, Maulana Azad Road, New Delhi</td>
</tr>
<tr>
<td>3.</td>
<td>Kaka Joginder Singh URF Dharti-Pakad</td>
<td>198, Qamoon Goyan P.O. Shyamat Ganj Bareilly 243005 U.P.</td>
</tr>
<tr>
<td>4.</td>
<td>Shri. G.G. Swell</td>
<td>Demthring House, Upper Nongthymmai, Shillong (Meghalaya)</td>
</tr>
</tbody>
</table>

NEW DELHI
June 27, 1992

SUDARSHAN AGARWAL
Secretary-General Rajya Sabha and Returning Officer for the Presidential Election.

B. K. KHAREL
Joint Chief Electoral Officer.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The Governor of Sikkim has been pleased to constitute a State Level Committee consisting of the following members to deal with all issues pertaining to the reincarnation of 16th His Holiness the Gyalwa Karmapa. That Committee shall immediately find out about the latest position of the issue and submit a report within a month from the date of this Notification:

1. Honorable MLA (Sanga) — Chairman
2. Secretary, Ecclesiastical Affairs — Member
3. Lama Tonden Lharipa — Member
4. (Representative of Denzong Lhadey Tsogpa)
5. Mr. Tsegyal Tashi — Member Deputy Secretary (Home)
6. Joint Secretary, Ecclesiastical Affairs — Member Secretary

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim
(F.No.6(42) EA)
NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 20 of the Drugs and Cosmetics Act, 1940 (Central Act 23 of 1940), and in consultation with the Central Government, the State Government hereby appoints Director of Homoeopathic Pharmacopeia Laboratory, Ghaziabad (UP) as Government Analyst for Homoeopathic Medicine for the State of Sikkim for the purposes of the said Act.

Pasong Namgya IAS
Secretary to the Govt. of Sikkim.


No.123.DRUG/H&FW/92

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
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 (Allocation of Business) Rules 1985, namely:

1. These rules may be called the Government of Sikkim (Allocation of Business) Second Amendment Rules, 1992.

2. In the Second Schedule to the Government of Sikkim (Allocation of Business) Rules, 1985 under the heading XXVI-Rural Development Department*, after serial number 13, the following serial number and entries shall be inserted, namely:

“14 Rural Housing”.

P. K. PRADHAN,
Chief Secretary,
Govt. of Sikkim
F.No.7(17)Home/79-Pt.II)

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In exercise of the power conferred under section 17 (2) of Sikkim Shops & Commercial Establishments Act, 1983. Every Shops or Establishments shall remain closed on the following day for places specified as below:-

1. Jorethang : Tuesday
2. Namchi : Tuesday
3. Gayzing : Sunday

This notification shall not effect the Hotel Establishment, Pan Shop Tea Stall and Medical Establishments.

Contravention of this notification shall on first conviction, be punished with fine which shall not be less than Rs. 60/- and may extend to Rs. 500/- and for 2nd conviction for contravention of provision shall be punished with fine which shall not be less than Rs. 100/- and may extend to Rs. 1,000/-.

By order,

K. SHERAB
Secretary,
Labour Department.
Notification No. 1(31)1990-91/1 dated 1.5.91 of this Department is published for general information:-

It is hereby notified for information of general public and all concerned that in view of the increase in operational cost of vehicles, the freight of food commodities for different destination in Sikkim from FCI, CSD, Debgram, NJP, West Bengal are fixed as under:-

1. NJP to Rangpo - Rs. 28-60 per quintal
2. NJP to Jorethang - Rs. 30-60 per quintal
3. NJP to Gangtok - Rs. 38-10 per quintal

This is effective from 27.8. 1990 and supersedes all previous notifications on the subject.

By Order,

M.K. PRADHAN,
Secretary,
Sikkim Nationalised Transport.
Gangtok, Saturday 4th July 1992

GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

165/H

Dated Gangtok, the 30th June, 1992.

Election Commission of India Notification No. 479/92 dated 30th June, ’92 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

New Delhi.

Dated the 30th June, 1992.
9 Asadha 1914 (Saka)

NOTIFICATION

No. 479/92: In pursuance of rule 27 of the Presidential and Vice-Presidential Elections Rules, 1974, the Election Commission hereby appoints 16th July, 1992 (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, 1992, shall take place in the office of the Returning Officer in Room No. 63, First Floor, Parliament House, New Delhi.

By order,

K.P.G KUTTY
SECRETARY
ELECTION COMMISSION OF INDIA.

B.K. Kharel
Joint Chief Electoral Officer
to the Government of Sikkim
Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM

DEPARTMENT OF HEALTH AND FAMILY WELFARE

GANGTOK

DRUG/H&FW/92


NOTIFICATION

In exercise of the powers conferred by section33-F of the Drugs and Cosmetics ACT. 1970, Central Act 23 of 1940) and in consultation with the Central Government, the State Government hereby appoints with immediate effect Director, Pharmacopoeial Laboratory for India system of Medicine, Ghaziabad (U.P.) as Government Analyst for Ayurvedic Product for the State of Sikkim for the purposes of Chapter IVA of the said Act.

PASONG NAMGYAL, IAS
Secretary, to the
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
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, 1998, namely:-

1. These rules may be called the Government of Sikkim (Allocation of Business) Third Amendment Rules, 1992.


By Order

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim.
(F-No. 7(17)Home/79-Pt. II)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No.54(2) (Home),88/11 Dated Gangtok, the 1st April, 1992.

NOTIFICATION

In supersession of all previous orders on the subject, the State Government, in pursuance of the powers conferred by sub-section (1) of section 59 of the Sikkim Panchayat Act, 1982 (Act No. 3 of 1982) hereby appoints all District Collectors as ex-officio Sachiva of the Zilla Panchayats of their respective districts with effect from 1st April, 1992.

The District Collectors will discharge and perform all the duties and functions and exercise all the powers of the Sachiva under the Sikkim Panchayat Act, 1982 and rules thereto and such other duties and functions which are ancillary to the purposes of the said Act or as may be prescribed from time to time by the State Government.

By Order,

P. K. PRADHAN,
Chief Secretary,
Govt. of Sikkim.

PRINTED AT THE GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the President-on the 12-th day of June, 1992 is hereby published for general information.

THE LAND ACQUISITION (SIKKIM) AMENDMENT ACT, 1992
(ACT NO. 6 OF 1992)
AN ACT

Further to amend the Land Acquisition Act, 1894.

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

1. This Act may be called the Land Acquisition (Sikkim) Amendment Act, 1992.

2. In section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the Principal Act), in sub-section (1), the word "daily" shall be omitted.

3. In section 6 of the Principal Act, in sub-section (2), the word "daily" shall be omitted.

4. Any notification published under sub-section (1) of section 4 and any declaration published under sub-section (2) of section 6 of the Principal Act before the commencement of this Act, shall be deemed to have been published in accordance with the provisions of this Act as if this Act was in force on the date of such publication.

By Order of the Governor,

B. R. Pradhan,
Secretary to the Government of Sikkim,
Law Department.
F. No. 16(12)LD/77-92.
ELECTION COMMISSION OF INDIA

New Delhi.
Dated the 5th July, 1992.
14 Asadha, 1914 (SAKA)

NOTIFICATION

No. 479/3/92-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 of India hereby directs that following further amendment shall be made in its Notification No.479/3/92/III, dated the 5th June, 1992, published in the Gazette of India, Extraordinary, Part II, Section 3 (iii), dated the 5th June, 1992 as amended by Commission's Notification No. 479/3/92-III, dated 4th July, 1992.

After the words "hereby appoints" occurring in the fourth line the following shall be substituted, namely:-

(i) the Secretaries to the Legislative Assemblies of all States (Excluding Bihar) and Manipur);
(ii) the Secretary to Legislative Council, Bihar; and
(iii) the Deputy Commissioner, Imphal, Manipur," as Assistant Returning Officers for the Presidential Election.

By order,

K-P.G KUTTY
SECRETARY
Election Commission Of India.

B.K. Kharel
Joint Chief Electoral Officer
to the Government of Sikkim.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No170/H
Dated Gangtok the 4th July, 1992.

Election Commission of India, notification dated 4th July, 1992, is hereby republished for general information.

ELECTION COMMISSION OF INDIA

NIRVANA SADAN,
Ashok Road,
New Delhi-110001.

Dated the 4th July, 1992
13 Asadha, 1914 (SAKA)

NOTIFICATION

No. 479/3/92-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 of India hereby directs that following amendment shall be made in its Notification No. 479/3/92 III, dated the 5th June, 1992, published in the Gazette of India, Extraordinary, Part II, Section 3 (in), dt. 5 June, 1992:-

After the words "hereby appoints" occurring in the fourth line the following shall be substituted viz.

"(i) the Secretaries to the Legislative Assemblies of all States, (excluding Bihar); and
(ii) the Secretary to Legislative Council, Bihar,"

as Assistant Returning Officers for the Presidential Election.

By Order,

K. P. G. KUTTY
Secretary,

B. K. KHAREL
Joint Chief Electoral Officer,
to the Government of Sikkim.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

Election Commission of India, notification dated 8th July, 1992, is hereby republished for general information.

ELECTION COMMISSION OF INDIA

New Delhi
Dated the 8th July, 1992.
17 Asadha, 1914 (SAKA)

NOTIFICATION

No. 479/7/92/M.- In pursuance of clause (a) of rule 7 of the Presidential and Vice-Presidential Elections Rules, 1974, read with sub-rule (1) of rule 9 of said Rules, the Election Commission hereby directs that following amendment shall be made in its Notification No. 479/7/92/-III, dated the 10th June, 1992, published in the Gazette of India, Part II Section 3 (iii), dated the 10th June, 1992, namely;

In the Table appended to said Notification against item 4 for the existing entry under column 2, the entry the large size Room No. 9 on the Ground Floor of the Bihar Legislative Assembly, Patna” shall be substituted.

By Order,
K. P. G. KUTTY
Secretary

B. K. KHAREL
Joint Chief Electoral Officer
to the Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
ELECTION COMMISSION OF INDIA

New Delhi.
Dated the 8th July, 1992.
17 Asadha, 1914 (SAKA)

NOTIFICATION

No. 479/7/92/1. - In pursuance of clause (b) of rule 7 of the Presidential and Vice-Presidential Elections Rules, 1974, the Election Commission hereby directs that the following amendment shall be made in its notification No. 479/7/92/1, dated the 10th June 1992, namely.

In the Table appended to said notification, under column 1, for the item 5 "Reading Room of Library of the Bihar Vidhan Sabha, Patna" the entry "The large size Room No. 9 on Ground Floor of the Bihar Legislative Assembly, Patna" shall be substituted.

By order,

K.P.G. KUTTY
SECRETARY
Election Commission of India.

B.K. Kharel
Joint Chief Electoral Officer
to the Government of Sikkim.
ELECTION COMMISSION OF INDIA

New Delhi
Dated the 10th July, 1992.
19 Asadha, 1914 (Saka)

NOTIFICATION

Whereas, rule 7 (a) of the Presidential and Vice-Presidential Elections Rules, 1974 provides that at every Presidential Election where a poll is to be taken, the Election Commission shall fix a place of polling in the Parliament House, New Delhi, and also in the premises in each State in which the Legislative Assembly of that State meets for transaction of business-

And whereas, the Election Commission, by its Notification No. 479/7/92/I, dated 10th June, 1992, issued in pursuance of the said rule 7(a), had fixed, among other places, the conference Hall of Manipur Legislative Assembly, Imphal as the place of poll for 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.

And whereas, before fixing the said place of polling in Imphal, the permission of the Hon'ble Speaker of the Manipur Legislative Assembly for using the said Conference Hall as the place of polling was obtained;

And whereas, the Election Commission by its Notifications No.479/392/III, dated 4th June, 1992 and 479/7/92/III, dated 10th June, 1992 had appointed the Secretary of the Manipur Legislative Assembly as the Assistant Returning Officer and specified him as the Officer who shall conduct the poll at the aforesaid place of polling in Imphal;

And whereas, there was some controversy as to who is the real incumbent of the post of Secretary of the Manipur Legislative Assembly in view of certain Court proceedings pending before the Hon'ble Supreme Court and the Commission by its subsequent Notification No. 479/3/92-III, dated 4th July, 1992 appointed the Deputy Commissioner Imphal as the Assistant Returning Officer and the specified Officer for the conduct of the poll at the aforementioned place of polling in Imphal;

And whereas, the Hon'ble Speaker of Manipur Legislative Assembly subsequently directed on 8th July 1992 that the said Conference Hall of the Manipur Legislative Assembly shall not be spared for holding the Presidential Election as its place of poll:

And whereas, the Election Commission, by its message No. 479/7/92/I dated 10th June, 1992, requested the Hon'ble Speaker kindly to reconsider his decision in view of the express provisions of the above referred rule 7 (a) of the Presidential and Vice-Presidential Elections Rules, 1974:
And whereas, the Hon'ble Speaker of Manipur Legislative Assembly has informed vide the massage No. 8/1(14)/92-LA(LEG), dated 10th July, 1992 from Shri N. Hera Singly Secretary in-charge of Manipur Legislative Assembly Imphal that "the Election Commission has recently amended the mandatory provision under Sub-section (1) of section 3 of the Presidential and Vice-Presidential Elections Act, 1952 for the States of Bihar and Manipur, without inviting view of comment from the Speaker in the latter case and has appointed the Deputy Commissioner, Imphal as Assistant Returning Officer for conducting the Presidential Election in Manipur and fixed a venue of polling in the premises of Manipur Legislature Assembly.
And whereas, the Hon'ble Speaker of Manipur Legislative Assembly has desired through the said message dated 10.07.1992 either to conduct the Presidential Election elsewhere outside the premises of the State Legislative Assembly under the management of the Assistant Returning Officer appointed by the Election Commission or to appoint any responsible Officer from the Secretariat of Manipur Legislature Assembly as Assistant Returning Officer for conducting the said election at the Assembly premises;
And whereas, the Election Commission is now left with no alternative except to fix another place of polling in Imphal instead of the Conference Hall of the Manipur Legislative Assembly as fixed.
And whereas, the Chief Electoral Officer, Manipur has proposed the Conference Hall of Old Secretariat Building, Manipur, Imphal as the alternative place of polling and has certified that the Hall is spacious enough and suitable for conducting free, fair and peaceful poll and that the Building where the above mentioned Conference Hall is situated is secure;
Now, therefore the Election Commission, in exercise of the powers conferred by Articles 324 of the Constitution Rule 7 (a) of the Presidential and Vice-Presidential Elections Rules; 1974 and all other powers enabling it in this behalf hereby fixes the Conference Hall of Old Secretariat Building Manipur, Imphal, as the place of polling in Imphal for the Presidential Election to be held on 13th July, 1992 and directs that the Commission's Notification Nos, 479/7/92/I and 479/7/92/III, both dated the 10th June, 1992 shall be amended as under
1) In the Table appended below Notification No. 479/7/92/I dated 10th June, 1992 for the existing entry against Item No. (14) under Column 1, the entry "Conference Hall of Old Secretariat Building, Imphal Manipur, " shall be substituted, and;
2) In the Table appended below Notification No. 479/7/92/III, dated 10th June, 1992, for the existing entry against Item No. 14 under Column 2, the entry "Conference Hall of Old Secretariat Building Imphal Manipur, " shall be substituted.

By Order.

K.P.G. Kutty
Secretary
Election Commission of India.

B.K. Kharel,
Joint Chief Electoral Officer
to the Government of Sikkim.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 171/H

Election Commission of India Notification dated 17th July, 1992 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

New Delhi-110001.
Dated the 17th July, 1992.
Asadha 26, 1914 (Saka)

NOTIFICATION

No.480/92-WHEREAS the term of office of Dr. Shanker Dayal Sharma Vice-President of India is due to expire on 2nd September, 1992.

AND WHEREAS under sub-section (3) of section 4 of the Presidential and Vice-Presidential Election Act, 1952 (31 of 1952) the Election Commission is required to so appoint the dates for the election to fill the office of the Vice-President of India that the election will be completed at such time as will enable the Vice-President thereby elected to enter upon his office on the 3rd day of September 1992;

NOW THEREFORE in pursuance of sub-section (1) of section 4 of the said Act, the Election Commission hereby appoints in respect of the said election.

(a) the 31st July 1992 (Friday) as the last date for making nominations;
(b) the 1st August, 1992 (Saturday) as the date for the scrutiny of nominations;
(c) the 3rd August 1992 (Monday) as the last date for the withdrawal of candidatures; and
(d) the 19th August, 1992 (Wednesday) as the date on which a poll shall if necessary, be taken.

By order,

K.P.G. KUTTY
SECRETARY
Election Commission of India.

H B. Rai
Under Secretary
to the Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
ELECTION COMMISSION OF INDIA
New Delhi-1.
Dated the 17th July, 1992.
Asadha, 26, 1914 (Saka)

NOTIFICATION
No. 480/3/92.- In pursuance of rule 8 of the Presidential and Vice-Presidential Elections Rules, 1974, the Election Commission hereby-

(a) fixes Room No. 63 First Floor, Parliament House in New Delhi as the place of polling for the Vice-Presidential Election to be held in accordance with its Notification No. 480/92, dated the 17th July, 1992, and
(b) specifies the hours from 10.00 a.m. to 4.00 p.m. both inclusive to be the hours during which the poll will be taken at the said place of polling.

By Order,

K. P. G. KUTTY
Secretary
Election Commission of India.

H.B. Rai,
Under Secretary,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No.173/H

Election Commission of India, notification dated 14th July, 1992, is hereby republished for general information.

ELECTION COMMISSION OF INDIA

New Delhi-110001.
Dated the 14th July, 1992.
Asadha, 23, 1914 (S)

NOTIFICATION

No. 480/2/92 (2).- In pursuance of Sub-section (i) of Section 3 of the Presidential and Vice Presidential Elections Act, 1952 (31 of 1952), the Election Commission hereby appoints Joint Secretary (L) Lok Sabha Secretariat, Parliament House, New Delhi, to be the Assistant Returning Officer for the Vice-Presidential Election.

By Order,

K. P. G. KUTTY
Secretary
Election Commission of India

H.B. Rai
Under Secretary,
to the Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.

GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No.174/H
Dated Gangtok the 14th July, 1992.

Election Commission of India notification dated 14th July 1992 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

New Delhi - 110001.
Dated the 14th July, 1992
Asadha 23,1914 (S)

NOTIFICATION

No. 480/2/92 (1).- In pursuance of sub-section (1) of section 3 of the Presidential and Vice-Presidential Elections Act, 192 (31 of 1952), the Election Commission, in consultation with the Central Government, hereby appoints the Secretary General to the Lok Sabha, Parliament House, New Delhi to be the Returning Officer for the Vice-Presidential Election.

By Order,

K.P.G. Kutty,
Secretary to the
Election Commission of India.

H.B. Rai,
Under Secretary to the
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No.175/H

Dated the 17th July, 1992

Public notice dated 17th July, 1992 in Form I is hereby republished for general information.

LOK SABHA SECRETARIAT FORM-I
(See Rule 3 of the Presidential and Vice-Presidential Elections Rules, 1974)
PUBLIC NOTICE
OF
ELECTION TO THE OFFICE OF VICE-PRESIDENT OF INDIA

Whereas a notification under sub-section(i) of section 4 of the Presidential and Vice-Presidential Election Act, 1952, for the holding of an election to fill the office of Vice-President of India has been issued by the Election Commission, I. C.K. Jain, Secretary General Lok Sabha and 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. 18 Ground Floor, Parliament House, New Delhi or if he is unavoidably absent to the Assistant Returning Officer Shri T. S. Ahluwalia Joint Secretary (L) Lok 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 Friday, the 31st July 1992;

(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 01 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 abovesaid office at the times aforesaid.

(v) The nominatie papers, other than those rejected under sub-section (4) of section 58 of the Act, will be taken up for scrutiny at the said office in Room No. 18 Ground Floor Parliament House New Delhi on Saturday, the 1st August, 1992 at 11.00 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 Monday the 3rd August 1992;

(vii) In the event of the election being contested the poll will be taken on Wednesday the 19th August 1999 between the hours of 10.00 A.M. and 4.00 P.M. at the place of polling fixed under the rules.

C. K. Jain,
Secretary General Lok Sabha and New Delhi
Returning Officer for
Vice-Presidential Election.

K. K. Pradhan,
Joint Chief Electoral Officer
to the Government of Sikkim,
Gangtok.
NOTIFICATION

In exercise of the powers conferred by section 12 of the Code of Criminal Procedure 1898 (5 of 1898), read with sub-section (1) of section 10 of the Sikkim Civil Courts, 1978 (9 of 1978), and in supersession of all previous notification on the subject in consultation with the High Court of Sikkim, the State Government hereby redesignates the Court of "Civil Judge-cum-Judicial Magistrate, East and North" as the Court of "Civil Judge-Cum-Judicial Magistrate, North" and fixes the territorial jurisdiction of the said Court to be the "North District of Sikkim" for the purposes of the said Code and the Act.

P. K. PRADHAN,
Chief Secretary,
Government of Sikkim.
Gangtok.
In exercise of the powers conferred under Rule 108 of the Central Motor Vehicles Rules, 1989 the Government of Sikkim is pleased to order:—

1. That vehicles carrying the following dignitaries can use lights on the front of the vehicles as per the category of light shown against each dignitary as indicated below:—
   1. Governor of Sikkim
   2. Chief Minister of Sikkim
   3. Speaker of Sikkim Legislative Assembly
   4. Cabinet Ministers of Sikkim
   5. Deputy Speaker of Sikkim Legislative Assembly
   6. All elected Chairman/Chairperson of undertakings
   7. Chief Justice of Sikkim
   8. Advisor to the Government of Sikkim
   9. Chief Secretary/Home Secretary, Sikkim
   10. Director General of Police, Sikkim
   11. Inspector General of Police, Sikkim
   12. All District Collectors/District Magistrates
   13. All District Superintendents of Police
   14. All Adhakshyas, Zilla Panchayats

All Red lights will be static except for Serial Numbers 1 and 2.

The Governor of Sikkim is further pleased to notify the following class of motor vehicles which can also use light in front of vehicles while on enforcement, emergency, rescue duties:—

i. Chief Fire Officer
ii. Vehicles performing security duties with V.LPs (Pilot, escort etc)
iii. Traffic Police Vehicles
iv. Ambulances
v. Fire Tender (used for extinguishing fire)
vi. Special category of vehicles utilised for emergency/rescue
vii. The Government of India and Defence personnel may use static red light, if specifically permitted by Government of India.

This order supersedes all previous Circulars/Orders/Notifications issued on the subject.

By Order,

P. K. PRADHAN, IAS
Chief Secretary/Home Secretary
to the Govt. of Sikkim.
NOTIFICATION

In view of the International Decade for Natural Disaster Reduction the State Government is pleased to constitute a State Level Committee for preparation of the State Action Plan for reduction of natural disasters and for co-ordinating the programmes relating to the International Decade for Natural Disaster Reduction- The State Level Committee shall consist of the following members :-

1. Hon'ble Chief Minister - Chairman
2. Hon'ble Minister, Public Works Department.
3. Hon'ble Minister, Forest Department
4. Hon'ble Minister, Land Revenue Department
5. Chief Secretary
7. Finance Secretary.
8. Secretary, Land Revenue as Member Secretary.

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim
(F.No. 22/(II)SRC/91-92)

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S I K K I M

G O V E R N M E N T

G A Z E T T E

E X T R A O R D I N A R Y

P U B L I S H E D   B Y   A U T H O R I T Y

Gangtok, Tuesday, 28th July, 1992.                                               No. 89

GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK


NOTIFICATION

In exercise of the powers conferred by section 4 of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985, the Government of Sikkim makes the following rules further to amend the Fixation of Site Salami Rules, 1986, namely :-

1. (1) These rules may be called the Fixation of Site Salami (Amendment) Rules, 1992.
   (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Fixation of Site Salami Rules, 1985, after rule 6, the following rule shall be inserted, namely:-

   "7 Power to exempt.-(1) Where sites are allotted to Social, Charitable, Educational and and State Governmental Organisations, the State Government may, by general or special order exempt wholly or in part, the payment of site salami payable under rule 5.
   (2) The question as to whether an organisation is social, charitable, educational or governmental, the decision of the State Government thereon shall be final."

By Order,

R. S. Basnet
Secretary,
Urban Development & Housing Department,
Government of Sikkim.
The State Government is pleased to constitute a Committee to examine the proposals of privatisation and to recommend framing of a comprehensive industrial policy for consideration of the State Government with a view to foster progressive growth of industries in the State. The constitution of the Committee shall be as under:

(i) Advisor to the Government of Sikkim - Chairman
(ii) Secretary, Industries - Member
(iii) Development Commissioner - Member
(iv) Secretary, Finance - Member
(v) Director, Industries - Member Secretary.

2. The Committee shall also see the functioning of the Government Units already privatised and make such recommendations as deemed necessary.

3. The Committee may co-opt additional members and also invite experts, individuals or organisations to attend its meetings as may be necessary for assisting in formulation of its recommendations.

4. The Committee shall submit its report within a period of two months from the date of issue of this notification.

By Order

P. K. PRADHAN,
Chief Secretary,
Government of Sikkim.
F. N. 54(45)Home/88
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No.23/Home/92. Dated Gangtok, the 30th June, 1992.

NOTIFICATION

In exercise of the powers conferred by Sub-section (1) of Section 4 of the Registration of Births and Deaths Act, 1969, the State Government hereby appoints Director, Health & Family Welfare Department as the Chief Registrar of Births and Deaths for the State of Sikkim This supersedes Notification No. 14/Home/91 dated 13th May, 1991 where Secretary, Rural Development Department was appointed as such.

By Order.

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim;
(F-No. 4(1)79-80/B&D)
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GANGTOK


Notification U/S 4 under the
Land Acquisition Act of 1894.

Whereas it appears to the Governor that the land is likely to be needed for public purpose, not being a purpose of the union namely for construction of gedown of Food and Civil Supplies Department Government of Sikkim in the block of Tadong East District it is hereby notified that a piece of land comprising plot Nos. 553 and 554 a measuring more or less 0.82 acre bounded as follows:

East: P.F of Pern Tshering and Tenzing Bhutia,
West: National Highway 3 i-A
North: Jhora,
South: D.F. of Kyalook and Chingo Bhutia.

is likely to be needed for the aforesaid purpose at the public expense within the aforesaid block Tadong, East District.

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

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

In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorise the officer for the time being in the undertaking, with their servants and workman to enter upon and survey the land and to all other acts required or permitted by the section.

And whereas there is urgency to acquire the land Governor is further pleased to direct under Section 17(4) and that the provision of Section 5-A of the Act shall not apply.

T. W. Barphungpa,
Secretary, Land Revenue,
Govt, of Sikkim, Gangtok.
NOTIFICATION

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Government of Sikkim hereby makes the following rules regulating the method of recruitment of the posts of Principals of the Senior Secondary Schools, and Headmasters of the Secondary Schools in the Education Department, Government of Sikkim, namely:

1. Short Title and commencement:
   (i) These rules may be called the Education Department (Principals of the Senior Secondary Schools and Headmasters of the Secondary Schools) recruitment Rules, 1992.
   (ii) They shall come into force on the date of their publication in the official Gazette.

2. Application:
   These rules shall apply to the posts as specified in column 1 of the Schedule annexed to these rules.

3. Sanctioned Strength, Classification and Pay Scales:
   Sanctioned strength, classification and pay scales in relation to the posts of Principals and Headmasters shall be as specified in column 2, 3 and 4 of the Schedule appended to these rules.

4. Method of, and the Qualifications Required for Recruitment:
   The method of and the qualifications required for, recruitment and/or eligibility conditions for promotion to the post of Principal and Headmaster and period of probation shall be such as specified in column 5 to 11 of the Schedule aforesaid.

5. Disqualification:
   No person,
   (a) who has entered into or contracted a marriage with a person having a spouse living or
   (b) who having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to the said posts:
   Provided that the State Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

6. Power to relax:
   Where the Government of Sikkim is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons or posts.
7. Repeal and Saving:

(i) The conditions of service in respect of matters for which no provisions have been made in these rules shall be the same as are applicable generally to the employees of the Government of Sikkim from time to time.

(ii) Nothing in these rules shall affect reservation, relaxation of age limit and other concessions required to be provided for persons belonging to special categories of candidates in accordance with the orders issued by the Government of Sikkim from time to time in this regard.

(iii) On and from the date on which these rules come into force, the provisions of rules or orders which are not in conformity with the provisions of these rules shall stand repealed.

(iv) Notwithstanding such repeal, anything done or any action taken under the said rules or orders shall be deemed to have been done or taken under corresponding provisions of these rules.

S.W Tenzing, IAS  
Commissioner-cum-Secretary-Education,  
Government of Sikkim.
### SCHEDULE

<table>
<thead>
<tr>
<th>Name of Post</th>
<th>No. of Post</th>
<th>Classification of Pay</th>
<th>Scale of Pay</th>
<th>Whether Selection Post or Non-Selection Post</th>
<th>Method of Recruitment (whether by Selection Post or direct/promotion/deputation/transfer)</th>
<th>Age limit for direct recruitment</th>
<th>Educational &amp; other qualifications required for direct recruitment</th>
<th>Educational &amp; other Qualification required for promotion including habitation</th>
<th>Period of Pro-</th>
<th>In case of recruitment by promotion, deputation/transfer grade from which promotion/deputation to be made</th>
<th>If a DPC exists</th>
<th>Circumstances in which SPSC is to be consulted in making recruitment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Principal Sr. Sec. Schools and when sanctioned</td>
<td>14 (plus additional posts as principal)</td>
<td>Class-I</td>
<td>Rs.2525-75-3200-100-4000</td>
<td>Selection</td>
<td>(i)50% by promotion</td>
<td>30 years relaxable by 5 years for Govt Servant</td>
<td>(a) Graduate with B.Ed &amp; 15 years administrative teaching experience</td>
<td>(b) Master's Degree with B.Ed/M.Ed. with 7 years teaching experience</td>
<td>8</td>
<td>As at column 8</td>
<td>One Year</td>
<td>(a) Headmaster of Sec. Schools with 15 years service.</td>
</tr>
<tr>
<td>2. H.M./Headmistress</td>
<td>55 (plus additional posts as headmistress)</td>
<td>Class-II</td>
<td>Rs.1820-60-2600-75-3200</td>
<td>Selection</td>
<td>100% by promotion</td>
<td>Not applicable</td>
<td>Graduates with B.Ed</td>
<td>One Year</td>
<td>Graduate teachers with B.Ed. with 5 years regular service.</td>
<td>As may be constituted by the Govt. from time to time by a separate notification</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

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GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK


NOTIFICATION

In exercise of powers conferred by section 8 of the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985 and Rules 2(g), 14 and 17 of the Sanitation Rules for Town in Sikkim, No.10(200) LSGHD/1985/473 dated 5th May, 1989 and in super-1 of Notification No. 10(200) LSGHD/1985(Part III) 474 dated 5th May, 1989, the StateGovernment declares the following areas as Town for the purpose of the said Rules:-


The following officials of the Urban Development and Housing Department are authorised to do all functions under Rules 14 and 17 of the said Rules in the above mentioned Town :

1. Deputy Secretaries in the Department.
2. Divisional Engineers/Town Planner in the Department
3. Assistant Engineers in the Department
4. Assistant Town Planner in the Department
5. Bazar Officers in the Department.

By Order,

R. S. Basnet,
Secretary,
Urban Development & Housing Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
DEPARTMENT OF LABOUR
GANGTOK.

No. 6/DL

Dated Gangtok, the 24th June, 1992.

NOTIFICATION

In exercise of the powers conferred under Section 17 (2) of Sikkim Shops & Commercial Establishments Act, 1983 every shop or establishment shall remain closed on the following days for places specified as below :-

1. Singtam Bazar : Wednesday
2. Pakyong Bazar : Thursday

This Notification shall not effect the Hotel Establishments, Fruits, Vegetable & Meat Stalls, Pan Shops, Tea Stalls and Medical Establishments.

Contravention of this Notification shall on first conviction, be punished with fine which shall not be less than Rs. 50/- and may extend to Rs. 500/- and for second conviction for contravention of same provision shall be punished with fine which shall not be less than Rs. 100/- and may extend to Rs. 1000/-.

Further, opening of the Shops & Commercial Establishments and closure shall be regulated by this provisions of the Sikkim Shops & Commercial Establishments Act, 1983.

K. SHERAB
Secretary,
Labour Department.
(F. No. DL/32(III)/88-99-90-91)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No.10/Home/92. Dated Gangtok, the 1st April, 1992.

NOTIFICATION

BANK TREASURY ESCORTS RULES 1992

The Sikkim Police, is regularly requested to provide armed treasury escorts to banks functioning in the. Armed Treasury Escorts are normally provided for remittance of cash between different branches of the banks in the State or for cash remittance from Reserve Bank of India/Bank branches from Siliguri. These rules are framed with a view to provide uniform procedures for deployment of treasury escorts different Bank in the State.

1. Scale of guards for local remittance within the State:
   i) For cash-valuables upto Rs. 2 lakhs-1 NCO, 4 PCs
   ii) For cash/valuable upto Rs. 25 lakhs to 1 crore-1 NCO, 6 PCs.
   iii) For cash/valuable upto Rs. 1 crore upto 5 crore- S.I., NCO, 8 PCs.

2. Scale of guards for Inter-State Escorts:
   i) Cash valuables Rs. 10 lakhs to 1 crore-1 S.I., 1 NCO, 8 PCs.
   ii) Cash/valuables Rs. 1 crore to Rs. 5 crores-1 S.I., 2 NCOs, 10 PCs.
   iii) Cash/valuables Rs. 5 crores to Rs. 20 crores-1 Inspector, 1 S.I., 2 NCOs, 15 PCs.

The scale of escort may be increased at the discretion of the Commandant, Sikkim Armed Police, subject to the security environment of the area where escort is deployed.

3. Charges to be levied for escorts:

   For all escort duties the requisitioning bank shall pay charges at the following rates for personnel deployed on duty as per scale.

   a) Pay: Daily salary of the personnel calculated at the middle rate of the scale for each rank will be paid by the banks to the Police Department for each day of service rendered. The rates are subject to revision with increase in pay scales or allowances from time to time.

   b) Travelling Allowance/Daily Allowance: Travelling allowance and Daily allowance for staff deployed for Guard/Treasury Escort duties shall be paid by the banks requisitioning the force at the rates prescribed in the Sikkim Government Travelling Allowance Rules for tours within the State and outside the State.
4. **Transportation of Guards and Escorts:** The bank requisitioning guards and escorts shall provide transportation for personnel from SAP Camp, Pangthang to required destination and back. For security reasons and also during monsoon reason, all vehicles deployed for transportation of treasury shall be covered. Where the banks are not in a position to provide vehicles for transportation of treasury, vehicles of Sikkim Armed Police will be provided and commercial rates as per prevailing rates of Sikkim Nationalised Transport will be charged. The rate to be charged for transportation shall be based on load capacity of the vehicle as classified hereafter:—

- **a)** Heavy vehicles- tons load capacity
- **b)** Light Commercial vehicles-3 tons load capacity.

Besides the above for every additional day for which the vehicle is detailed, a halting charge at the following rates will be charged:—

- **a)** Heavy vehicle-Rs. 1,000/- per day
- **b)** Light Commercial vehicle-Rs.750/- per day.

The transportation rates of vehicles detailed for escort duty are subject to change with increase of S.N.T. rates and the rates shall not any how be less than the S.N.T. rates.

The cost of fuel/lubrications or any other incidental charge for the vehicle will be realised from the hire charge of the vehicle. The balance amount after deduction of costs from the hire charge of the vehicles shall be credited as follows:—

- i) 75/- of the net balance to Government revenue head.
- ii) 25/- of the net balance to the Battalion Welfare Fund of the SAP.

5. The daily pay of the staff deployed for escort duty payable by the banks shall be credited in the following rates:—

- i) 75/- of the daily pay to Government revenue account,
- ii) 25/- of the daily pay to Sikkim Police Welfare Fund.

6. **Scale of Arms and ammunition to be deployed with Escort/Guard Party:**

- i) All officers on Escort Duty shall carry service revolver with 12 rounds of ammunition
- ii) All NCOs on Escort duty shall carry 9 mm carbine with two loaded magazine
- iii) All constables on Escort duty shall carry rifle .303/.762 SLR with 20 rounds of pouch ammunition.
- iv) Where the value of treasury is over 1 crore and the route of journey is Inter State the Escort party shall carry one LMG with two loaded magazines.

7. The Escort/Guard party deployed for treasury duty shall carry one wireless set with operator. The Escort commander will ensure that total radio silence is maintained during the journey and the mobile wireless station kept on listening watch. Radio silence should be broken only in cases of emergencies like road block breakdown of vehicle or any attack on the escort party. The Escort Commander shall flash Top priority signal to the Police Control Room in case of attack on his party giving the location of the place of incident.

8. **Halt by Escort party while on duty:**

Where Escort party has to make overnight halt due to delays or due to road blockage or circumstances, the Escort commander shall ensure that all Arms and ammunition are kept in safe custody and proper guard mounted at the place of temporary camp. Where the value of treasury has been loaded and is on transit if overnight halt has to be made the Escort Commander will camp at the nearest Police station with intimation to the officer-in-charge of the Police Station and send signal to his Head Quarters. While making night halts enroute at Police stations, the treasury chests should be unloaded from vehicle and kept in safe custody in the Police Station after mounting proper guard.

The representative of the bank should be present at the time of loading/unloading of treasury at places of halt, he shall check all seals of treasury chest at the time of loading/unloading and issue a certificate to the effect that all treasury chest seals are intact or otherwise.

9. The daily rate of pay/Travelling allowance/Daily allowance for each rank and transport charge are specified in Schedule I of these rules. The Police Department reserves the right to revise the schedule of charges from time to time subject to revision of rates by the Government.
2. Daily Rate of Pay/Allowances of each ranks:

   i) Inspector of Police                                    - Rs. 135/- per day
   ii) Sub-Inspector of Police                            - Rs. 89/- per day
   iii) Head Constables                                       - Rs. 72/- per day
   iv) Naiks                                                         - Rs. 68/- per day
   v) Constables                                                  - Rs. 59/- per day

2. Travelling Allowances/Daily Allowance of Police personnel:

   The TA/DA for Police personnel on escort duty shall be paid by the Bank concerned at the rate/ rates as prescribed under the Sikkim Government Travelling Allowances Rules for both inside and outside the State.

3. Transportation charge of vehicles:

   i) Rs. 0.25 paise per quintal per k.m.
      a) For heavy vehicle charge per k.m. is Rs. 12.00.
      b) For L.C.V. charge per k.m. is Rs. 7.50.

4. Halting charge:

   Heavy vehicles                                          - Rs. 1,000/- per day
   L.C.V.                                                       – Rs. 750/- per day

By Order.

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim.
(F.No. 7/SAP/88-89)
ELECTION COMMISSION OF INDIA

New Delhi,

13 Sravana 1914 (Saka)

NOTIFICATION

480/92:- In pursuance of rule 27 of the Presidential and Vice-Presidential Elections Rules, 1974, the Election Commission of India hereby appoints 19th August, 1992 (Wednesday), as the day on which and 5.00 p.m. of that day as the time at which the counting of votes for the Vice-Presidential Election, 1992 shall take place in the office of the Returning Officer (Room No. 63, First Floor of the Parliament House) in New Delhi.

By Order,

K.P.G. KUTTY
Secretary
Election Commission of India.

K.K. PRADHAN
Joint Chief Electoral Officer to the
Government of Sikkim Gangtok.
List of contesting candidate in Form 5 for Election to the office of Vice-President of India is hereby republished for general information.

**LOK SABHA SECRETARIAT**

**FORM 5**

(See rule 6 of the Presidential and Vice-Presidential Elections Rules 1974)

**ELECTION TO THE OFFICE OF VICE-PRESIDENT OF INDIA**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of candidate</th>
<th>Address of candidate</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri K. R. Narayanan</td>
<td>81, Lodhi Estate, New Delhi</td>
</tr>
<tr>
<td>2.</td>
<td>Shri Kaka Joginder Singh</td>
<td>1998 Qanoon Goyan, P.O. Shyamat Ganj, Bareilly-243005</td>
</tr>
</tbody>
</table>

C. K. JAIN
Secretary-General Lok Sabha
and
Returning Officer for the

K. K. PRADHAN
Joint Chief Electoral Officer
to the Government of Sikkim
Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No.23/(HOME/92. Dated: 30th June, 1992

NOTIFICATION

In exercise of the powers conferred by Sub-section (i) of Section 4 of the Registration of Births and Deaths Act, 1969, the State Government hereby appoints Director, Health & Family Welfare Department as the Chief Registrar of Births and Deaths for the State of Sikkim. This supersedes Notification No. 14/Home/91 dated 13th May, 1991 where Secretary, Rural Development Department was appointed as such.

By Order

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim.
(F.No. 4(l)79-80/B&D)

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK


NOTIFICATION

In exercise of the powers conferred by sub-section (3) of section 3 of the Sikkim Allotment of House Sites and construction of Building (Regulation and Control) Act 1985, the State Government declares the newly developed Kazitar complex at Namchi, South Sikkim as Commercial Area for the purpose of the above Act.

R. S. Basnet,
Secretary,
Urban Development & Housing Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM  
LAND REVENUE DEPARTMENT  
GANGTOK  

Notification No. 32/32/87-88/LR(S).  
Dated 24th June, 1992  

ADDENDUM  

In continuation of Notification No. 31/32/87-88/LR (S) dated 13.4.92, it is further notified to the  

general and all concerned that Pachak Block under Duga V.L.O. Circle in East District is also hereby  

transferred from Gangtok-Sub-Division to Pakyong Sub-Division with its records alongwith Kamaray Bhasmay  

Block with immediate effect.  

By Order.  

T. W. Barphungpa,  
Secretary,  
Land Revenue Department.
GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK

No. 200/M

NOTIFICATION

For the convenience of public in General the Government is pleased to grant 300 litres of P.O.L, as a monthly quota for the vehicle SK-02/1305, of the S.T.N.M. Hospital, Gangtok. This will come into effect from 2.6.92.

By Order.

P.N. TAMANG
Deputy Secretary (ADM)

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK


NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 3 of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 (11 of 1985), the State Government declares the area mentioned in the Schedule below as notified area for Mangan Bazar for the purpose of this Act.

SCHEDULE

MANGAN BAZAR

East: From 10 feet away from the building of Shri Rinzing Pipon, the boundary runs along the approach road to Mangan Bazar till the LP turn below the S.N.T. Petrol Pump and goes further North in a straight line till it meets the Rafong Khola.

North: From the above point at Rafong Khola, the boundary follows the Southern edge of the Rafong Khola downstream till it reaches a point forty feet Northwards from the house of Shri Ambikesher Pradhan.

West: From the point where the North boundary ends, the boundary runs Southwards behind the house of (a) Shri Ambikesher Pradhan, (b) Smt Sonamati Devi, (c) Shri Hems Pradhan, (d) Shri Jugdish P.M Prakash and (e) Shri Mulchand till meets a point 50 feet behind the old structure of Jetmull Bhojraj and then runs straight south till it meets the main drain of Mangan Bazar.

South: From the point where the West boundary ends, the boundary runs eastwards along the northern edge of the above main drain of Mangan Bazar till it meets the approach road to the Hospital. From there the boundary runs diagonally across the approach road till it meets the RC.C. building of Shri Karma Tshering Dezongtenpa. Thereafter, the boundary runs straight till it meets the starting point of the East Boundary.

R. S. Basnet,
Secretary,
Urban Development & Housing Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
DEPARTMENT OF LABOUR
GANGTOK.

No. 5/ DL Dated Gangtok, the 24th June, 1992.

NOTIFICATION

1. In exercise of the powers conferred under Section 17 (2) of Sikkim Shops & Commercial Establishments Act, 1983, every shop or establishment shall remain closed on the following days for places is specified:

1. National Highway, Gangtok (From the point Tenzing & Tenzing Building to Zero Point,: Sunday
2. M.G. MARG, Gangtok (From the Point General Stores to Nam Nam Road, upto new Legislative Assembly Secretariat Building) : Tuesday
3. Lall Markek Lall Market Road and Denzong Cinema Road Gangtok : Thursday
4. Super Markek Gangtok : Sunday
5. Deorali Bazar (From Tenzing & Tenzing Point to By Pass) : Friday
6. Tadong Bazar (From By Pass down till near Forest Check Post above Ranipool) : Tuesday
7. Ranipool Bazar : Thursday
8. Paljor Stadium (From Hotel Mayur to Palzor Stadium) : Tuesday
9. Tibet Road (From MLA Hostel to above Variety Corner) : Tuesday
10. Development Area (From Community Hall to T.N.H.S. School) : Tuesday
11. Balukhani (From Zero Point to India Press) : Thursday

2. This Notification shall not effect the Hotel Establishment Fruits Vegetable & Meat Stalls, Pan Shops Tea Stalls and Medical Establishments.
3. Contravention of this Notification shall on first conviction, be punished with fine which shall not be less than Rs. 50/- and may extend to Rs.500/-and for second conviction for contravention of same provision shall be punished with fine which shall not be less than Rs. 100/- and extend to Rs. 1000.


K. SHERAB
Secretary
Labour Department.
Election Commission of India notification No. 508/SKM/92 dated 4th August, 1992 is hereby published for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road,
New Delhi-110001

Dated 4th August, 1992
13, Sravana, 1914 (S)

NOTIFICATION

No. 508/SKM/92 In pursuance of the provisions contained in sub-section (1) of section 13AA of the Representation of the People Act, 1950, the Election Commission, in consultation with the State Government hereby designates the District Collector-cum-District Magistrate of each of the districts in the State of Sikkim as the District Election Officer of the District of which he is the District Collector-cum-District Magistrate.

By order,

BALWANT SINGH
Secretary,
Election Commission of India.

H.B. Rai
Under Secretary
to the Government of Sikkim,
Gangtok.
In pursuance of Rule 75 of the Rules of Procedure and Conduct of Business in Sikkim Legislative Assembly the Speaker has been pleased to order the pre-publication of the following Bill:

(BILL NO. 7 of 1992)

A BILL
further to amend the Sikkim Co-operative Societies Act, 1978

BE it enacted by the Legislative Assembly of Sikkim in the Forty-third Year of the Republic of India as follows :

1. (1) This Act may be called the Sikkim Co-operative Societies (Amendment) Act, 1992.
(2) It shall be deemed to have come into force with effect from the 1st day of April, 1992.

2. In the Sikkim Co-operative Societies Act, 1978 (hereinafter referred to as the principal Act) in section 2 for clause (e), the following clause 12 of 1978 shall be substituted namely :

"(e) "Co-operative year" means the period beginning from the 1st day of April, or the date of commencement of business, or the date of registration of the society and ending on the 31st day of March every year for the purpose of drawing balance sheets of registered societies".

3. Notwithstanding anything contained in section 2 the Co-operative year for the year immediately preceding the date of commencement of this Act shall be the period beginning from the 1st day of July, 1991, or the date of commencement of business, or as the case may be, the date of registration of the society, and ending on the 31st day of March, 1992 for the purpose of drawing balance sheets of registered societies for that period.

4. In the principal Act, for the proviso to section 26, the following proviso shall be substituted, namely :

"Provided that in respect of certain class of societies as the Government may, by notification in the Official Gazette specify a member other than the Government or any other society, may hold share exceeding the prescribed limit".
STATEMENT OF OBJECTS AND REASONS

As per clause (e) of section 2 of the Sikkim Co-operative Societies Act, 1978 (12 of 1978) Co-operative year has been defined to be the period beginning from 1st day of July, or the date of Commencement of the business, or the date of registration of society and ending on the 30th June every year for the purpose of drawing balance sheets and closing accounts of the societies. It is now felt that the Co-operative year should coincide with the financial year. A suggestion to this effect has also been received from the National Co-operative Consumers Federation of India Ltd., in order to avoid double auditing in same year one for societies accounts closing and drawing balance sheets and the other for tax purposes during the financial year. It is therefore, proposed to substitute clause (e) of Section 2 the Act to make the Co-operative year coincide with the financial year.

2. Further during implementation of the proviso to section 26, it is found that the proviso had some ambiguity in as much as giving relaxation to members other than the Government or a registered society to hold in certain societies to be specified by the Government by notification in the Official Gazette more shares than the limit prescribed under this section is concerned. In order to make the proviso more clear and specific it is proposed to substitute it as in the Bill.

With the above objectives in view, the Bill has been prepared.

( P. B. GURUNG )
MINISTER-IN-CHARGE

FINANCIAL MEMORANDUM
NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

As in the original proviso, the present proviso also empowers the State Government specify, by notification in the Official Gazette, certain societies in which members other than Government or registered societies can hold shares more than the limit prescribed under section 26. The delegation of power is, therefore, of normal character.

By Order,

B.P.S. Busnett,
Additional Secretary

PRINTED AT SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The following Order No. SKM/Gov/709/92 dated 26th August 1992 made by the Governor of Sikkim is hereby circulated for information:

ORDER

In exercise of the powers conferred on me by Article 174 (1) of the Constitution on India, L.R.H. Tahiliani, Governor of Sikkim, hereby summon the Sikkim legislative Assembly to meet on Wednesday, 9th September 1992 at 1100 A.M. in the legislative Assembly Building at Gangtok.

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

R.H. Tahiliani
Governor of Sikkim

By Order,

B.P.S. Busnett,
Additional Secretary.
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK


NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 3 of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 (11 of 1985), the State Government declares the area mentioned in the Schedule below as notified area for Namchi Bazar for the purpose of this Act.

SCHEDULE
NAMCHI BAZAR

North: 150 feet away from the junction of Namchi-Damthang Road and the Bazar Yard, the boundary runs East upto 50 feet. Thereafter the boundary runs South East till it meets the Southern edge of the approach road to Housing Colony. Thereafter the boundary runs along the Southern edge of the Housing Colony Road upto the junction of Housing Colony and approach road to Kazitar complex.

East: From the junction of the Housing Colony Road and the Kazitar approach Road to Kazitar complex, the boundary runs southwards for 300 feet tangentially touching the rotary road. Thereafter it runs in a South Westernly direction upto 280 feet (forty feet away from the LP bend of the Kazitar Complex Road).

South: From the above forty feet away from the ‘U’ bend of the Kazitar Complex Road, the boundary runs North West for seven hundred feet along the South edge of the foot-path till it meets the Bazar boundary pillar. Thereafter, the boundary runs behind the buildings of (a) Smt. Krishna Maya Tamang, (b) Shri Govakh Lama, (c) Shri B. Mukhia, (d) Kesang Bhutia (e) Smt. Ran Maya Tamangni and then passes through the wooden house of Shri Lolay Bhutia. Thereafter, boundary crosses the Namchi - Kitam road till the Approach Road to the Hospital.

West: From the above approach road to the Hospital, the boundary runs parallel to the Western edge of the Bazar Yard along the wall and running behind the houses of (a) Shri Abdul Razak Hussain and (b) Shri Parshuram upto 250 feet, crossing the Namchi - Jorethang Road. Thereafter, it runs in a North direction upto 75 feet crossing the footpath towards Tinzer. From there, it runs North East, behind the Maszid till it meets the culvert junction and Dharabu Dara Road. Then it runs towards the Namchi-Damthang Road till it meets the Northern Boundary.

R. S. Basnet,
Secretary,
Urban Development & Housing Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
DEPARTMENT OF EDUCATION
GANGTOK.

NOTIFICATION

The Governor of Sikkim is pleased to sanction creation of Six (6) Grade-H, posts of Senior Instructors in the pay scale of Rs. 1820-60-2,600/75/3200 following introduction of Vocational Education courses in Senior Secondary Schools under CSS.

Appointment to the posts will be co-terminus with the duration/continuity of the CSS and shall be effective at the plus 2 stage of the following six Government Sr. Secondary Schools.

1. Mangan Sr. Sec. School
2. Pelling Sr. Sec. School
3. T.N. Sr. Sec. School
4. Namchi Sr. Sec. School
5. Enchey Sr. Sec. School
6. Soreng Sr. Sec. School

75% of the expenditure will be borne by the Government of India and 25/- of the expenditure be borne & debited to Budget Head Demand No. 21"-2202-Gen-Edn, 800-Other Expenditure 02 Secondary Education 2- Vocational Education Programme, CSS.

By Order.

COMMISSIONER-CUM-SECRETARY-EDUCATION
GOVERNMENT OF SIKKIM.
GANGTOK.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

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


A BILL further to amend the Sikkim Sales Tax Act, 1983.

Be it enacted by the Legislative Assembly of Sikkim in the Forty-third year of the Republic of India as follows:

Short title 1. (1) This Act may be called the Sikkim Sales Tax (Amendment) Act, 1992.
extent and (2) It extends to the whole of Sikkim.
commence- (3) It shall be deemed to have come into force with effect from first ment. day of April, 1992.

Amendment 2. In section 5 of the Sikkim Sales Tax Act, 1983, in sub-section (1), in clause (c), for the words "five paise", the words ten paise" shall be substituted

STATEMENT OF OBJECTS AND REASONS

The object of the Bill is to seek regularisation of collection of tax at an enhance rate of six paise per rupee with effect from 1.4.92 on certain goods other than goods specified under Schedule I and Schedule II of the Sikkim Sales Tax Act, 1983. The Bill, if enacted, would authorise the Government to collect Tax at a higher rate which would result in further mobilisation of revenue for meeting of welfare schemes undertaken by the State Government.

With the above objects in view the Bill has been prepared,

( CHAMLA TSHERING)
Minister-in-Charge
RECOMMENDATION OF THE GOVERNOR CLAUSE (i) OF ARTICLE 207 OF THE CONSTITUTION OF INDIA

The Governor having been informed of the subject matter of the Bill has been pleased to recommend the introduction and consideration of the said Bill by the Sikkim Legislative Assembly.

FINANCIAL MEMORANDUM
On enactment the State Government expects to earn an additional revenue of Rs. 40 Lacs, approximately per year.

MEMORANDUM REGARDING DELEGATED LEGISLATION
NIL

By Order,

B.P.S. Busnett,
Additional Secretary.

PRINTED A THE SIKKIM GOVERNMENT PRESS, GANGTOK.
सिद्धिम सरकारी राजपत्र

गान्तोक बुधवार, २ सेप्टेम्बर, १९६२ संख्या ९१०

सिद्धिम सरकार
सिद्धिम विधान तथा सचिवालय
गान्तोक

संख्या एसएलएसए / ६२-६३/१४/४६३ मिति गान्तोक २ सेप्टेम्बर, १९६२

अधिसूचना

सिद्धिम विधान सभाको ब्राचार एवं कार्यप्रणाली नियम ७५ का सन्दर्भमा सिद्धिम विधान
का अद्यावधि तल जनाइ, अनुसारणका विषयकदृश दृष्टिकोण निम्नमध्ये दिनुमात्र को ४:

सिद्धिम विधान नियम (संसाधन) नियंत्रण, १९६२
(विधेयक न° १५६२)
एक
विधेयक

सिद्धिम विधान बिधी का एन०, १९६३'लाई गान्तोक संसाधन गर्न।
सिद्धिम विधान सभाले गणतंत्र भारतको विषयकारी कर्मन निम्न
प्रकारले पारित गरिनुहुँचौँ

हामीको श्रीमृत्युक भाषा प्राचीन
(१) यो एनको सिद्धिम विधान बिधी (/संसाधन) एन०, १९६२ भनिन्छ।
(२) यसको प्रारम्भ मार्ग सिद्धिम दुन्छ।
(३) यो १ तारिख अगस्त, १९६२ देखि लागू भएको मानिनेछ।

एव' को २. सिद्धिम विधान बिधी का एन० १९६३, को धारा ५' मा, उपधारा (१) मा,
ब्रह्म (५) मा, शम्भुव खण्ड "पाँच पैसा" लाई-ब्रह्महु "दश पैसा" प्रतिस्थापित
गरिनुहुँछ।

उदेश्य श्री कारणहुको विवरण

यो विधेयकको उदेश्य सिद्धिम विधान बिधी का एन०, १९६२ को (1) भनिन्छ।
(2) यो जनाका वस्तुत हुको तालक प्रति विशेष वस्तुहुका एक
रूपमात्र 'यू पैसाको बढी दरले १ अप्रैल १९६२' का विदेशक उत्तराधिकारी
बिधी दरलाई व्यक्तिगत गर्नु हो। यो विधेयकले, पारित भएको खण्डमा,
Sikkim Legislative Assembly Secretariat
Gangtok

No.SLAS/92-93/15/501
Dated Gangtok the September, 8th 1992.

NOTIFICATION

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

THE SIKKIM APPROPRIATION BILL, 1992
(BILL NO. 9 OF 1992)
A BILL

to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Sikkim to meet the amounts spent on certain services during the Financial Year ended on 31st day of March, 1986 and 31st day of March, 1987 in excess of the amounts authorised or granted for the said services.

BE it enacted by the Legislature of the State of Sikkim in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Sikkim Appropriation Act, 1992.
2. The sums specified in column 5 of the Schedule amounting to three crore, forty six lakhs, fifty nine thousands, four hundred and twenty eight 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 amount 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, 1986 and 31st day of March, 1987 in excess of the amounts authorised or granted for those services and purposes for those years.
3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the Financial Years ended on the 31st day of March, 1986 and 31st day of March, 1987.
## THE SCHEDULE
(See Section 2 and 3)

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<th>Demand Services and No</th>
<th>Purposes</th>
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<th>Charged on Consolidated Fund</th>
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<td>Stationeries and Printing</td>
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<td>26</td>
<td>Scientific Services and Technology</td>
<td>Revenue</td>
<td>2,49,358</td>
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<td>Medical and Public Health</td>
<td>Capital</td>
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<td>Social Security and Welfare</td>
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<td>Fisheries</td>
<td>Revenue</td>
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<td>Revenue</td>
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<td>45</td>
<td>Roads and Bridges</td>
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<td>68,36,936</td>
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<tr>
<td>50</td>
<td>Road &amp; Water Transport Services</td>
<td>Revenue</td>
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<td>20,34,842</td>
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<td></td>
<td>Public Debts</td>
<td>Capital</td>
<td>21617</td>
<td>21617</td>
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<tr>
<td>51</td>
<td>Loans to Govt, Servants</td>
<td>Capital</td>
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<td></td>
<td></td>
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<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>1,76,50,505</strong></td>
<td><strong>1,70,08,923</strong></td>
</tr>
</tbody>
</table>

### STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (1) of article 204 read with sub-clause (b) of clause (1) of article 205 of the Constitution to provide for the appropriations out of the Consolidated Fund of the State of Sikkim of the moneys required to meet the expenditure incurred in excess of the appropriation charged on the fund and the grants made by the Sikkim Legislative Assembly for the Financial Years ended on the 31st day of March, 1986 and 31st day of March, 1987.

Chamla Tshering
Minister-in-Charge-Finance
GOVERNOR'S RECOMMENDATION UNDER ARTICLE 207 OF THE CONSTITUTION OF INDIA

The Governor, having been informed of the subject matter of the proposed Bill to authorise payment and appropriation out of the Consolidated Fund of the State of Sikkim to meet the amounts spent on certain services during the financial year ended on 31st day of March, 1986 and 31st day of March, 1987 in excess of the amounts authorised or granted for the said services, recommends the introduction of this Bill in the Legislative Assembly.

By Order,

B.P.S. BUSNETT
Additional Secretary
Sikkim Legislative Assembly.
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSINGDEPARTMENT
GANGTOK


NOTIFICATION

In exercise of the powers conferred by sub-section (i) of section 3 of the Sikkim Al-
ottment of House sites and Construction of Building (Regulation and Control) Act 1998 (11 of 1985),
the State Government declares the area mentioned in the Schedule below as notified area for Naya
Bazar for the purpose of this Act.

SCHEDULE

NAYA BAZAR

East:   Two hundred feet East ward from the tri-junction of the Old Akar Bridge, the boundary
        runs along the Eastern edge of the road (towards the river) till it meets the cremation ground.
        Thereafter, the boundary runs along the western edge of the cremation ground, till it meets
        the Police Station.

South:  From the Police Station, the boundary runs in a North Western direction till it meets
        Soreng Road (near the Forest Quarter). Thereafter, the boundary runs along North till it meets the
        ‘U’ bend of the footpath leading to Forest Quarters.

West:   From the above it bend boundary runs North East in a straight line till it meets
        a point 50 feet above the Old Naya Bazar Gyalshing Road.

North:  From the above point 50 feet above the Old Naya Bazar Gyalshing Road, the
        boundary runs South East in a straight line till it meets the starting point of the East
        Boundary.

R. S. Basnet,
Secretary,
Urban Development & Housing Department,
Government of Sikkim.
NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 3 of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 (11 of 1985), the State Government declares the area mentioned in the Schedule below as notified area for Gyalshing Bazar for the purpose of this Act.

SCHEDULE

GYALSHING BAZAR

North: From the junction of Gyalshing-Pelling Road and the footpath below Hospital Complex, the boundary runs along the upper side of the footpath till the front face of the building of Mrs. Chum Maili. Then it climbs straight up to the Hospital road and then runs along the said road till it crosses the jhora and goes further 25 feet along said road. Then it rises straight till it meets the Gyalshing Tikjuk jeepable road.

East: From the Northern boundary meeting the Gyalshing Tikjuk Road, the boundary runs downwards along the Southern edge of the said road till it meets the junction formed by (a) approach road to Hospital, (b) road to Sakyang, (c) road to Tikjuk and (d) road to Gyalshing Bazar. Then the boundary runs behind the buildings of Shri CRinzing, Shri Martham Lama and Shri Rinzing Lama. The boundary then runs behind the manay (religious engraving) upto the S.N.T. Booking Office.

South: From the the S.N.T. Booking Office, the boundary runs hundred feet below the Gyalshing-Legship Road till it meets the Jhora.

West: From the meeting point of the Southern Boundary and the jhora, the boundary crosses the road, then runs along the Northern edge of the Gyalshing-Pelling Road till it meets the junction of Gyalshing-Pelling Road and the footpath below the Hospital Complex.

R. S. BASNET
Secretary,
Urban Development & Housing Department
DECLARATION UNDER SECTION 6 OF LA. ACT, 1894.

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (1 of 1894) in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. 12018/12/76-LRD dated 10.1.78 issued by the Government of India in the Ministry of Agriculture and Irrigation under clause (1) of Article 28 of the Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Ministry of Defence, Government of India in Menshithang a piece of land comprising cadastral plots Nos. Noted under the schedule of properties belo and measuring more or less 80.2040 hectares 572920 Hects khas land and 22.9120 Hects of private land bounded on the:-

North :- Khas land and Lachen khola.
South :- Private lands separated by Dare)khola.
East :- Lachen Khola.
West :- Reserve Forest (Kanchanjunga National Park).

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

This declaration is made under the provision of section 6 of the land acquisition Act, 1894 (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, North Mangan.

SCHEDULE PROPERTIES
Cadadastral Survey (1976-82 Settlement Operation) plot nos:
36,39,40,72,41,42,43,44,46,10,/17.47,93,54,94,98,108,1041729,,103,105,
104/1720,107,108,100/1724 104/172,104/1726,104/1727, measuring a total area of 22.9120 Hectares
Private land and further C.S. Plot Nos 37,48,40,67,92,90,97,99,102,104/1730,104 and 109 with
total area as 67.2920 hectares (Khas land) totalling 80.2040 hectares.

T. W. Barphungpa,
Secretary,
Land Revenue Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The following order of the Governor of Sikkim No. SKM/GOV/717/92 dated 18th September, 1992 is notified for information:

“In exercise of the powers conferred by Article 174 (2) (a) of the Constitution, I. R.H. Tahiliani, Governor of Sikkim, hereby prorogue the Sikkim Legislative Assembly which was summoned to meet on Wednesday, 9th September, 1992.

R.H. TAHILIANI
GOVERNOR OF SIKKIM"

By Order,

G.K. Subba
Secretary
The Governor of Sikkim is pleased to relieve Sri Thinlay Topgay, Advocate, who was appointed vide Office Order No. 21 (101) LD/LIT/7/90 dated the 21st March, 1990 to act as Junior to Sri Krishnamurthi Swami, Advocate-On-Record in the Supreme Court for the State of Sikkim with effect from 30th September, 1992 (afternoon).

By order,

B.C. Sharma
Joint Legal Remembrancer and
Joint Secretary, Law.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GANGTOK.

Notification No. 34/591/LR(S) Dated 14th September, 1992.

DECLARATION UNDER SECTION 6 OF LA. ACT, 1894

Whereas the Governor is satisfied that the land is needed for a public purpose, not being a purpose of the Union, namely for construction of Food and Civil Supplies Department, Government of Sikkim under block Tadong, Elaka Tadong, District East, it is hereby declared that a piece of land comprising c. s. plot Nos. 553 and 554 measuring more or less 0.82 acre bounded as follows: -

East: P.F of Pern Tshering and Tenzing Bhutia,
West: National Highway 31-A,
North: Jhora,
South: DF. of Kyalook and Chingo Bhutia

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

This declaration is made, under the provision 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, East.

T. W. Barphungpa, IAS
Secretary,
Land Revenue Department.
GOVERNMENT OF SIKKIM

LAW DEPARTMENT

GANGTOK

NOTIFICATION


The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 23rd day of September, 1992, is hereby published for general information:-


(Act No. 7 of 1992)

AN ACT further to amend the Sikkim Co-operative Societies Act, 1978.

BE it enacted by the Legislative Assembly of Sikkim in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Sikkim Co-operative Societies (Amendment) Act, 1992.

(2) It shall be deemed to have come into force with effect from the 1st day of April, 1992.

2. In the Sikkim Co-operative Societies Act, 1978 (hereinafter referred to as the principal Act), in section 2, for clause (e), the following clause 12 of 1978 shall be substituted namely :—

(e) "Co-operative year" means the period beginning from the 1st day of April, or the date of commencement of business, or the date of registration of the society and ending on the 31st day of March every year for the purpose of drawing balance sheets of registered societies.

3. Notwithstanding anything contained in section 2 the Co-operative year for the year immediately preceding the date of commencement of this Act shall be the period beginning from the 1st day of July, 1991 or the date of commencement of business, or as the case may be, the date of registration of the society, and ending on the 31st day of March, 1992 for the purpose of drawing balance sheets of registered societies for that period.

4. In the principal Act, for the proviso to section 26, the following proviso shall be substituted, namely :—

"Provided that in respect of certain class of societies as the Government may, by notification in the Official Gazette specify a member other than the Government or any other society, may hold share exceeding the prescribed limit".

By Order of the Governor,

B. R. Pradhan,
Secretary to the Government of Sikkim,
Law Department,
( F. No. 16(25)LD/77-92)
NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 23rd day of September 1992, is hereby published for general information:-

(Act No. 8 OF 1992)
AN ACT

further to amend the Sikkim Sales Tax Act, 1983. Be it enacted by the Legislative Assembly of Sikkim in the Forty-third year of the Republic of India as follows :-

1. Short title extent and commencement.
   (1) This Act may be called the Sikkim Sales Tax (Amendment) Act, 1992.
   (2) It extends to the whole of Sikkim.
   (3) It shall be deemed to have come into force with effect from first day of April, 1992.

2. Amendment of Section 5.
   In section 5 of the Sikkim Sales Tax Act, 1983 in sub-section (1), in clause (c), for the words "five paise" the words "ten paise" shall be substituted.

By order of the Governor.

B. R. Pradhan
Secretary to the Government of Sikkim
Law Department
F. No. 16(71)LD/77-92.
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 23rd day of September, 1992 is hereby published for general information:—

THE SIKKIM APPROPRIATION ACT, 1992
( ACT NO. 9 OF 1992 )
AN ACT
to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of the State of Sikkim to meet the amounts spent on certain services during the Financial Year ended on 31st day of March, 1986 and 31st day of March, 1987 in excess of the amounts authorised or granted for the said services.

BE it enacted by the Legislature of the State of Sikkim in the Forty-third Year of the Republic of India as follows.—

1. This Act may be called the Sikkim Appropriation Act, 1992.
2. The sums specified in column 5 of the Schedule amounting to three crore, forty six lakhs, fifty-nine thousands, four hundred and twenty eight 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 years ended on the 31st day of March, 1986 and 31st day of March, 1987.
3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim under this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes specified in the Schedule in relation to the Financial Years ended on the 31st day of March, 1986 and 31st day of March, 1987.
## THE SCHEDULE
(See Section 2 and 3)

<table>
<thead>
<tr>
<th>Services and No.</th>
<th>Purposes</th>
<th>Sums not exceeding Voted by the Legislative Assembly</th>
<th>Charged on Consolidated Fund</th>
<th>'Demand Total</th>
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<td>1.</td>
<td>State Legislature</td>
<td>Revenue</td>
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<td>Governor</td>
<td>Revenue</td>
<td>86,208</td>
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<td>16</td>
<td>Stationeries and Printing</td>
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<td>1166,537</td>
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<td>Public Works</td>
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<td>10,30,354</td>
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<td>20</td>
<td>Pension and Other</td>
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<td>6,83,107</td>
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<td>Revenue</td>
<td>2,49,358</td>
<td>—</td>
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<td>and Technology</td>
<td>Capital</td>
<td>7,42,734</td>
<td>—</td>
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<tr>
<td>27</td>
<td>Medical and Public Health</td>
<td>Revenue</td>
<td>10,66,004</td>
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<td>Social Security and Welfare</td>
<td>Revenue</td>
<td>10,66,004</td>
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<td>Agriculture and allied Services</td>
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<td>Capital</td>
<td>Revenue</td>
<td>3,44,474</td>
<td>—</td>
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<td>Dairy Development</td>
<td>Revenue</td>
<td>36,821</td>
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<td>Revenue</td>
<td>13,866</td>
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<td>Power</td>
<td>Revenue</td>
<td>318,2530</td>
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<td>49</td>
<td>Roads and Bridges</td>
<td>Revenue</td>
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<td>—</td>
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<tr>
<td>50</td>
<td>Road &amp; Water Transport Services</td>
<td>Revenue</td>
<td>20,34,842</td>
<td>—</td>
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<tr>
<td></td>
<td>Public Debts</td>
<td>Capital</td>
<td>21617</td>
<td>—</td>
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<tr>
<td>52</td>
<td>Loans to Govt. Servants</td>
<td>Capital</td>
<td>5,49,999</td>
<td>—</td>
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<tr>
<td></td>
<td></td>
<td>Total</td>
<td>1,76,50,505</td>
<td>1,70,08,923</td>
</tr>
</tbody>
</table>

By Order of the Governor

B.R. Pradhan,  
Secretary to the  
Government of Sikkim,  
Law Department.  
F.No.16(82)LD/77-92

PRINTED AT THE SIKKIM GOVT. PRESS, GANGTOK.
NOTIFICATION

In exercise of the powers conferred by sub-section (i) of section 3 of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 (11 of 1985), the State Government declares the area mentioned in the schedule below as notified area for Jorethang Bazar for the purpose of this Act.

SCHEDULE

JORETHANG BAZAR

East: From the end of the Southern boundary of the Industry Department complex the boundary runs along the Eastern boundary of the Industry Department Complex till it meets the Melli-Jorethang road. Then it crosses the above road and follows the Eastern boundary of the R.D.D. complex till it meets the junction of the Western boundary of the Pv.D.D. complex and the Northern boundary of the School Complex (above the existing school playground).

North: From the junction of the Western boundary of the R.D.D. complex with the Northern boundary of the School complex the boundary runs along the Northern boundary of the school compound till it meets the footpath behind the Creche. Thereafter it follows the Northern edge of the said footpath till it meets the approach road to the Government quarter of the Assistant Engineer. Then it runs along the road behind the S.P.W.D. office till it meets the footpath. Thereafter it runs along the wall constructed by Urban Development & Housing Department (behind the Maszid area) till the end of the said wall.

West: From the end of the above wall the boundary runs in a South Western direction via Pawan Biscuit Factory till it meets the Namchi-Jorethang road. Thereafter it crosses the said road till it meets the bank of the Rangit River. Then it runs along the Western and Southern boundary of S.N.T. complex. Then it emerges behind the building of Shri Deoki Nandan and runs straight to the public latrine. Thereafter it runs in a straight line from behind the M.P.C.S. building, Truck Park, Car Park till it meets the approach road to St. Francis School (near building of Iswari Mazi). Then it runs along the Southern edge of the Circular Road till it meets the South-West boundary of the Industry Department Complex and thereafter runs along the Southern Boundary of the above mentioned complex till it meets the end of the Southern Boundary of the Industries Department Complex.

R. S. BASNET
Secretary,
Urban Development & Housing Department.
GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK

No, 84(139)89-90/SW/750


NOTIFICATION

In exercise of the powers conferred by section 53 of the Juvenile Justice Act, 1986 (Central Act 53 of 1956), the State Government hereby make the amendment in the Government of Sikkim, Department of Health, Family Welfare and Social Welfare Department Notification No. 15(84)88-89/3/H & SW dated 18th November, 1989 namely:-

In the said Notification, for serial number 13 and entries relating thereto, the following serial Number and entries shall substituted, namely:-

“Director. Social Welfare - Member Secretary.”

PASONG NAMGYAL
Health, F.W. & Social Welfare.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In exercise of the powers conferred by sub-section (i) of section 3 of the Sikkim Allotment of House Sites and construction of Building (Regulation and Control) Act, 1998 (11 of 1985), the State Government declares the area mentioned in the Schedule below as notified area for Singtam Bazar for the purpose of this Act.

SCHEDULE

SINGTAM BAZAR

North: From the Junction of Sirwani and Tarku road (via old Bridge), including fish stalls, the boundary runs immediately behind the sites allotted to private individuals including old S.P.W.D. store complex and than climbs upto the edge of the power sub-station, then it runs along the northern boundary of Singtam Secondary School till it meets the National Highway and continuous towards Gangtok till it meets the eastern boundary below the office of the Assistant Engineer (Roads) marked by the bazar boundary pillar.

East: From the bazar boundary pillar (below the office of the A.E. (Roads)) , the boundary runs in a straight line till it meets the Singtam Khola.

South: From the point where the Eastern boundary meets the Singtam khola the boundary runs downstream, along the northern bank of the Singtam khola till it meets (the confluence of the Singtam khola and the Teesta River.

West: From the confluence of the Singtam khola and Teesta River, the boundary runs up stream of the Teesta River till it meets the suspension bridge and thereafter runs along the road it meets the Northern boundary including the Fish Stalls.

R. S. Basnet.
Secretary
Urban Development & Housing Department,
NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 3 of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1915 (11 of 1985) the State Government declares the area mentioned in the Schedule below as notified area for Rangpo Bazar for the purpose of this Act.

SCHEDULE

RANGPO BAZAR

South: From the Police Check Post (upto the edge of the Rangpo khola), the boundary runs downstream till it meets the Cremation ground.

West: From the Cremation ground, running straight upwards in a North Eastern direction the boundary reaches the point 100 feet above the National Highway (leading to Singtam) meeting the Northern boundary.

North: From the point where the West boundary meets the North boundary (leading feet above the National Highway leading to Singtam) the boundary runs straight in South East direction till it meet the Rongpo-Duga Road then run diagonally (crossing the said road), passing below and behind the Building of Shri B. fi Basnet and Shri Dhan Pathi Sharm till it meets the Rangpo Rorathang Road.

East: From the junction of the Northern boundary, with the Rorathang-Rangpo road the boundary run along the said road till it meets the drain near the house of Fileman Mishra, then runs along the drain till it meets the existing kutcha structure of Food Godown (old PHSC), Thereafter, it runs along the Rangpo khola towards downstream till it meets the Police Check post (upto the tike edge of the Rangpo khola).

R.S. BASNET
Secretary
Urban Development & Housing Department

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
Tashling, Gangtok.

No35(205)91-P/176/RDD Dated 14th October 1992

NOTIFICATION

In exercise of the powers conferred by Section 118 of the Sikkim panchayat Act, 1982(3 of 1982) and in partial modification of the list of symbols as per TABLE and Rule 19 of the Sikkim Panchayat Election Rules 1982, Government of Sikkim appends the following ten symbols to the list of twenty symbols already existing :-

1) Boy and Girl
2) Jeep
3) Inkpot and Pen
4) Kettle
5) Jug
6) Motor Cycle
7) Lady Purse
8) Whistle
9) Violin
10) Ladder

L. B. CHHETRI
Secretary
Rural Development Department
&
Director, Panchayat Elections

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
SECRETARY/COMMISSIONER
EXCISE (ABKARI) DEPARTMENT
 GANGTOK

No.039(63)91/92/3434-/Ex(Abk) Dated the 11th August, 92.

NOTIFICATION

Taking into consideration the financial constraint being faced by M/S Yoksum Breweries Ltd Melli the Government of Sikkim is pleased to approve Special incentives as follows with immediate effect :-

1. The unit shall regularly pay the excise duty every month.

2. 75% of the excise duty paid shall be released as interest free loan on quarterly basis, for a period of 3 (three) years.

3. Every interest free loan shall be released against a banks guarantee from any nationalised banks in the state and will be repayable after 3 three years.

T. Gyatso IAS
Commissioner-cum-Secretary to the Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110001
Dated 26th August, 1992
1913,(SAKA)

NOTIFICATION

No.,56/92: WHEREAS, Sh. Chimanbhai Jivabhai Patel, President of Janata Dal (Gujarat) has requested to derecognise and to cancel the registration of Janata Dal (Gujarat) a recognised State Party in the State of Gujarat, under the provisions of the Election Symbols (Reservation and Allotment Order, 1968 following the party's merger with the Indian National Congress, a recognised National party:

AND WHEREAS, the Commission is satisfied on the information furnished by the said Janata Dal (Gujarat) that it has merged with the Indian National Congress and has ceased to exist as a separate party;

AND WHEREAS, the Commission has consequently decided to derecognise and remove the name of the said Janata Dal (Gujarat) from the list of the recognised State Parties and the list of political parties registered under Section 29A of the Representation of the people Act, 1951;

NOW, THEREFORE, in pursuance of clauses (b), (c) and (d) of sub-paragraph (1) and sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Commission hereby makes the following further amendments in its Notification No.56/91 dated 19th April, 1991 as amended from time to time namely:-

In Table II of the said notification, the entries relating to Janata Dal (Gujarat) as inserted vide notification No.56/92, dated 21st May, 1992 under columns 1,2 and 3 SHALL BE DELETED.

By order,

S. K. MENDIRATTA
Secretary,
Election Commission of India.

H.B. Rai I
Under Secretary
to the Government of Sikkim,
Gangtok.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT
GANGTOK

No. 180/H


Election Commission of India Notification No-56/92 dated 3rd September, 1992 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashok Road,
New Delhi-110001.
Date the 3rd September, 1992
Bhadra 12, 1914(SAKA)

NOTIFICATION

No. 56/92 Whereas, the Election Commission has specified Pot as one of the free symbols in the list of free symbols for several States and Union Territories under the provisions of the Election symbols (Reservation and Allotment) Order, 1968.

AND WHEREAS, the Government of India in the Ministry of Environment and Forests has promoted a scheme of labelling of environment friendly consumer products by awarding a standard mark to be called 'ECOMARK' and has chosen the 'Earthen Pot' to be the logo for the said ECOMARK;

AND WHEREAS, the Commission felt that the election symbol 'Pot' and the logo 'Earthen Pot' of ECOMARK would lead to confusion to the voters because of the similarity of the design thereof;

AND WHEREAS, the Government of India in the Ministry of Environment and Forests requested Commission to permit the use of the above referred logo Earthen Pot of ECOMARK;

AND WHEREAS, the Commission has acceded to the request of the Government, and decided to delete the election symbol 'Pot' from the list of free symbols;

NOW, THEREFORE, in exercise of the powers conferred by clause (d) of sub-para (1) of paragraph 17 read with paragraph 53 and in pursuance of sub-para (2) of paragraph 17 of the Election symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendments in its notification No.56/91 dated 19th April 1991, as amended from time to time namely;

In Table IV of the said Notification against all the States and Union Territories, the entry 'Pot' wherever it occurs under Column 2, SHALL BE DELETED.

By Order,

S.K. MANDIRATTA
Secretary
H.B. Rai Under Secretary
to the Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM  
ELECTION DEPARTMENT  
No. 181/H  

Election Commission of India's notification No. 429/92 dated 15th. August, 1992, is hereby republished for general information.

ELECTION COMMISSION OF INDIA  
Nirvaaean Sadan,  
Ashok Road,  
New Delhi-110001  
Dated the 18th August, 1992  
27 Sravana 1914 (Saka)

NOTIFICATION

No. 429/SKM92. In pursuance of the provisions of sub-section (i) of section 13B of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Sikkim, hereby designates the Officers specified in column (2) of the Table below as the Electoral Registration Officer of the Assembly Constituency in the State of Sikkim specified in column (1) of the said Table against such officer.

**TABLE**

<table>
<thead>
<tr>
<th>Serial number and name of Constituency</th>
<th>Electoral Registration officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>1. Yoksam</td>
<td>District Collector-cum-District Magistrate, West Sikkim, P.O. Geyzing.</td>
</tr>
<tr>
<td>2. Tashiding</td>
<td>District Collector-cum-District Magistrate, West Sikkim, P.O. Geyzing.</td>
</tr>
<tr>
<td>4. Dentam</td>
<td>District Collector-cum-District Magistrate, West Sikkim, P.O. Geyzing.</td>
</tr>
<tr>
<td>5. Barmiok</td>
<td>District Collector-cum-District Magistrate, West Sikkim, P.O. Geyzing.</td>
</tr>
<tr>
<td>6. Rinchenpong</td>
<td>District Collector-cum-District Magistrate, West Sikkim, P.O. Geyzing.</td>
</tr>
<tr>
<td>7. Chakung</td>
<td>District Collector-cum-District Magistrate, West Sikkim, P.O. Geyzing.</td>
</tr>
<tr>
<td>8. Soreong</td>
<td>District Collector-cum-District Magistrate West Sikkim, P.O. Geyzing.</td>
</tr>
<tr>
<td>District Collector-cum-District Magistrate, South Sikkim, P.O. Namchi.</td>
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<td>District Collector-cum-District Magistrate, South Sikkim, P.O. Namchi.</td>
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<td>District Collector-cum-District Magistrate, South Sikkim, P.O. Namchi.</td>
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<tr>
<td>District Collector-cum-District Magistrate, East Sikkim, P.O. Gangtok.</td>
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<td>District Collector-cum-District Magistrate, East Sikkim, P.O. Gangtok.</td>
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<td>District Collector-cum-District Magistrate, East Sikkim, P.O. Gangtok.</td>
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<td>District Collector-cum-District Magistrate, East Sikkim, P.O. Gangtok.</td>
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<tr>
<td>District Collector-cum-District Magistrate, North Sikkim, P.O. Mangan.</td>
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<td>District Collector-cum-District Magistrate, North Sikkim, P.O. Mangan.</td>
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<td>District Collector-cum-District Magistrate, North Sikkim, P.O. Mangan.</td>
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<td>District Collector-cum-District Magistrate, North Sikkim, P.O. Mangan.</td>
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<tr>
<td>District Collector-cum-District Magistrate, North Sikkim, P.O. Mangan.</td>
<td></td>
</tr>
<tr>
<td>District Collector-cum-District Magistrate, North Sikkim, P.O. Mangan.</td>
<td></td>
</tr>
</tbody>
</table>

By Order,

BALWANT SINGH
SECRETARY,
ELECTION COMMISSION OF INDIA

H.B. Rai
Under Secretary to the
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
EXCISE (ABKARI) DEPARTMENT
GANGTOK
No.0039(3)91/92/3497/EX(Abk)                                                                 Dated the 12th August. 1992

NOTIFICATION

The Government of Sikkim is hereby pleased to make the following amendment in the Excise Department notification No. 039 (27) 85/490/Ex (Abk) dated the 1st April, 1986 published in the Government of Sikkim Gazette, Extraordinary No-36 dated 3rd April, 1986, namely :-

1. In the said notification -
   (a) for paragraph 1, the following paragraph shall be substituted, namely -
       "1. Any industry who shall pay amount exceeding Rs.12.5 lakhs per Quarter as Excise Duty under the Medicinal and Toilet Preparation (Excise Duties) Act, could be released as interest free loan provided that for a 12 months period of a financial year the amount finally collected by the State Government would be Rs. 50 lakhs. Incase there is a short-fall to deposit of the year, the concerned industrial unit shall repay part of the interest free loan I already released during the preceding quarter of the year equal to the amount fallen short of thus bringing the sum total of the duty payable to the Government during the year to Rs.50 lakhs”.
   (b) in paragraph 3, for the words, ”five years”, the words ”eight years” shall be substituted;
   (c) in paragraph 4, for the words, ”who are already paying”, the word ”who pay” shall be substituted;
   (d) for paragraph 6, the following paragraph shall be substituted, namely:-

   “6. However, the due date for the repayment of interest free loan already released in past as per terms and conditions of main agreement will remain as it is

T. Gyatso IAS
Commissioner-cum-Secretary.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT
GANGTOK

No.182/H. Dated Gangtok the 14th October, 1992.

Election Commission of India, notification No.429/SKM/92 of dated 18th Sept. 1992, is hereby republished for general information.

ELECTION COMMISSION OF INDIA
Nirvachan Sadan,
Ashoka Road,
New Delhi-110001
Dated 18th September, 1992
27 Bhadra, 1914, (SAKA)

NOTIFICATION

No. 429/SKM/92 :- In exercise of the powers conferred by Sub-Section (1) of Section 13B of the Representation of the People Act, 1910 (43 of 1910), the Election Commission hereby directs that the following amendments shall be made in the Notification No. 429/SKM/92, dated 18th August 1992, namely:-

i) In column 2 of the Table appended to the said notification:-
   For the existing entry against item No.-“26-Rakdong Tintek”, the entry” District Collector-cum-District Magistrate, Fast Sikkim, P.O. Gangtok.”

ii) For the existing entry against item No. “27-Martam” the entry” District Collector-cum-District Magistrate. East Sikkim, P.O Gangtok”.

iii) For the existing entry against item No 28- Rumtek’. the entry ‘District Collector-cum-District Magistrate, east Sikkim, P.O Gangtok’.

iv) For the existing entry against item No.2 9- Assam Lingjay' the entry 'District Collector-Cum-District Magistrate, East Sikkim, P.O. Gangtok.'

v) For the existing entry against item No. '30-Ranka the entry District Collector-Cum-District Magistrate, east Sikkim, P.O. Gangtok.

vi) For the existing entry against item no. 31-Gangtok” the entry District Collector-Cum District Magistrate east Sikkim P.O. Gangtok.

shall be substituted.

By order,

BALWANT SINGH
Secretary,
Election Commission of India.

H B. Rai
Under Secretary
to the Government of Sikkim,
Gangtok.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GANGTOK

No.35(205)90-91/109/RDD-P

Dated 5th November, 1992

NOTIFICATION

In pursuance of the powers conferred by sub section (2) of Section 101 of the Sikkim Panchayat Act, 1982 (Act No. 3 of 1982), the State Government hereby appoints the Joint Chief Electoral Officer as the Joint Director of Panchayat Elections, to assist the Director of Panchayat Elections with immediate effect.

L. B. CHHETRI
Secretary
Rural Development Department
&
Director, Panchayat Elections,
GOVERNMENT OF SIKKIM
INCOME & SALES TAX DEPARTMENT
GANGTOK 737101 SIKKIM

No.254/IT & ST
Dated the 12th August 1992

NOTIFICATION

In exercise of the power conferred by sub-section 5 of the Section 8 of the Central Sales Tax Act, 1956, (Central Act of 74 of 1956), the State Government is pleased to exempt M/s Sikkim Food and General Industries (Pvt) Limited of Singtam from payment of C.S.T. on the sale of their products in the course of inter-state Trade and Commerce for a period of five years commencing from 1.7.1987 to 30.6.1992.

G.P. Pradhan
Secretary Cum Commissioner,
Income & Sales Tax Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
Tashiling, Gangtok.

No.254(2)87-88/166/RDD-P

Dated 1st October, 1992.

NOTIFICATION

In exercise of the powers conferred by Section 3 of the Sikkim Panchayat Act 1982 (3 of 1982) and in partial modification of the Government of Sikkim, Rural Development Department Notification No: 35(2) 87-88/891/RDD/P dated 27.2.992 in District of West in the Panchayat of 10 Singyang Chongrung, the word "CHONGRUNG" shall be substituted by "CHUMPHUNG" wherever it occurs.

L. B. CHHETRI
Secretary
Rural Development Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 24/HOME/92. Dated: Gangtok, the 18th July, 1992.

NOTIFICATION

The Government of Sikkim is pleased to reconstitute Nehru Rozgar Yujana Committee for the implementation of the Nehru Rozgar Yojana in supersession of Notification No. 94/Home/90 of 20.4.1990 with immediate effect as follows:

1. Secretary, Urban Development and Housing Department
   Chairman

2. Joint Secretary, Urban Development and Housing Department
   Member and Director Urban Poverty Aleniation Programme

3. Shri R. Khanna, Divisional Engineer, Urban Development and Housing Department
   Member Secretary, Project Coordinator and Nodal Officer

4. Accounts Officer, Urban Development and Housing Department
   Member & Accounts Officer

5. Lead Bank Officer, State Bank of India
   Member

P. K. Pradhan
Chief Secretary
Government of Sikkim
(F.No. 6.(132)UD/H/89-92/II)
NOTIFICATION

In exercise of the power conferred by sub-section 2 of the Section 5 (No. 4 of 1983) of the Sikkim sales tax Act, 1983, the State Government is pleased to exempt M/S. Sikkim Food and General Industries (Pvt) Limited of Singtam from payment of Sikkim Sales Tax on the sales of their products for a period of five years commencing from 1.7.1987 to 30.6.1992.

G.P. PRADHAN
Secretary Cum Commissioner,
Income & Sales Tax Department,
Government of Sikkim.
Sikkim

Government Gazette

Extraordinary
Published by Authority

Gangtok Saturday, 21st November, 1992 No.137

Government of Sikkim
Income & Sales Tax Department

No.286/IT&ST Dated the 31st August 1992

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of the section 5 of the Sikkim Sales Tax Act, 1983, (4 of 1983), the State Government, being satisfied that it is necessary to do so in the public interest, hereby exempts sales tax on the sale of Dhara brand edible oil through public distribution system in the whole of State with immediate effect.

Secretary Cum Commissioner,
Income & Sales Tax Department,
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT


NOTIFICATION

In exercise of the powers conferred by sub-section (1) read sub-section (2) of section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (Central Act 6 of 1974) and sub-section (1) read, with sub-section (2) of Section 31 of Air (Prevention and Control of Pollution) Act, 1981 (Central Act 14 of 1981), the State Government hereby constitutes the appellate authority for the State of Sikkim and appoints the District and Sessions Judge at Gangtok as the said Authority.

P. K. Pradhan
Chief Secretary
Government of Sikkim
NOTIFICATION

It is hereby notified for information of public in general that contractors working under the Central Government, State Government and other agencies and the Public henceforth are required to obtain permit to be issued by the office of the undersigned for procurement of goods including construction material into the State. Such permit should be surrendered before the check post set up under the provisions of the Sikkim Sales Tax Act, 1983 which shall have authority to detain any person or vehicle, the case may be, for non compliance of the contents of this notification.

However, this notification will not apply in the case of dealer registered under the Sales Tax Act, 1983.

By Order

G.P. PRADHAN
Commissioner-cum-Secretary,
Finance (IT & ST) Department,
Government of Sikkim.
NOTIFICATION

State Government is pleased to reconstitute the State Level Monitoring Committee for proper implementation of the Urban Basic Service Programme as follows:

1. Secretary,
   Urban Development & Housing Department - Chairman

2. Jt. Secretary,
   Urban Dev. & Housing Department - Director

3. Shri R. Khanna,
   Divisional Engineer,
   Urban Dev. & Housing Department - Project Coordinator,
   Nodal Officer

4. Representative of Education Department - Member

5. Representative of Health Department - Member

6. Accounts Officer,
   Urban Dev. & Housing Department - A-O-

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim.
(F.No. 6.(221)UD/H/91-92)
Gangtok Wednesday, 2nd December, 1992
No.141

GOVERNMENT OF SIKKIM
OFFICE OF THE DEPUTY CONTROLLER, WEIGHTS & MEASURES
FOOD AND CIVIL SUPPLIES DEPARTMENT
GANGTOK (SIKKIM)

No. 6/WM/FCS

NOTIFICATION

Government of India Notification published in the Gazette of India, Extraordinary Part II, Section 3, Sub-Section (i) Ministry of Civil Supplies, Consumer Affairs and Public Distribution, New Delhi, the 17th January, 1992 and 6th February, 1992 are republished here for general Information.

GSR-50 (E) In exercise of the, powers conferred by section 83 of the standards of weights and Measures Act, 1976 (60 of 1976), the Central Government hereby makes the following rules further to amend the standards of Weights and Measures (Packaged Commodities Rules, 1977,namely :-

1. (1) These rules may be called the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 1992.
   (2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 2 of the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 (here-in after referred to as the said rules),-
   (i) Explanation to clause (1) shall be numbered as "Explanation I" and after explanation I, as so numbered, the following Explanation shall be inserted, namely:
   "Explanation II : Where a commodity consists of a number of components and these components are packed in one, two or more units for sale as a single commodity, such commodity shall be amend, for the purpose of these rules, to be a pre-packed commodity
   (ii) in clause (r), for the words Maximum retail price", the words Maximum retail price" shall be substituted.

3. To rule 4 of the said rules, the following explanation shall be added, namely :-
   "Explanation : If a separate label is affixed on the package to provide information required under these rules, that label shall be amend by the manufacturer of packer and it shall bear the name or trade mark of the manufacturer or packer and the label shall be so affixed that it does not block the other information required under these rules.

4. in rule 6 of the said rules-
   (i) in sub-rule (i), the word "Cheese" whereever it occurs shall be omitted;
   (ii) after sub-rule (1),the following sub-rule shall be inserted, namely:-
   "(2) Where a commodity consists of a number of components and these component are packed in two or more units, for sale as a single commodity, the declaration required to be made under sub-rule (1) shall appear on the main package and such main package shall also carry information about the other accompanying packages,"

5. In rule 8 of the said rules, in the Proviso to sub-rule (2), the following clause shall be inserted, namely,
   "(V) In the case of metallic container, if the net weight or measure of the commodity contained in the container is two kilogram or two litre or less, the retail sale price may be indicated at the bottom and if such retail sale price is indicated at the bottom it shall be embossed and an indication shall be given at the main panel that such retail sale price is indicated at the bottom."
6. In rule 12 of the said rules, in sub-rule 5), in illustration ©, before the words “weights of each gulab-jamun”, the word “approximate” shall inserted.
   word "approximate" shall be inserted.

7. In rule 13 of the said rules, to sub-rule (i), the following provisio shall be added, namely -
   "Provided that the Central Government may, if it is satisfied that for any technical or mecha-
   nical reason it is not possible to prepack any commodity in the standard quantities specified in
   the Sixth Schedule, authorise the pre-packing of such commodities in such numbers as it may
   specify."

8. In rule 23 of the said rules, -
   (i) for sub-rule (2), the following shall be substituted, namely, -
   "(2) No retail dealer or other person including manufacturer, packer and wholesale dealer
   shall make any sale of any commodity in packaged form at a price exceeding the retail sale price
   there of,
   (ii) in sub-rule (4), for the words Central Government, State Government and Government
   of Union Territories’, the words "Director in the Central Government and Controllers of
   Legal Metrology in the States and Union Territories” shall be substituted.

9. In rule 24 of the said rules, -
   (i) in sub-rule (4), (a) in clause (b), for the words "five per cent of the packages drawn as
   samples, or", the words and figure "the number specified in column 3 of the Table in the
   Ninth Schedule, or "shall be substituted;
   (b) In clause (c) for the words "rupees two hundred and fifty" the words "rupees five
   hundred" shall be substituted;
   (ii) in sub-rule (6), in clause (b) for the words "five percent of the packages selected as
   samples, "the following words and figures shall be substituted, namely :-
   "the number specified in column 3 of the Table in the Ninth Schedule,” shall be substituted

10. In rule 25 of the said rules, in sub-rule (1),-
   (i) in clause (b), for the words "five percent of the packages drawn under that rules as
   sample, or", the words and figure "the number specified in column 3 of the Table in the Ninth
   Schedule, or “shall be substituted;
   (ii) after clause (d) and before the proviso, the words "as he may think fit" shall be omitted

11. In rule 34 of the said rules, in the Proviso to clause (a), after sub-clause (ii), the following sub-
    clauses shall be inserted, namely :-
    "(iii) any package containing a commodity of net content of 1 kilograms or 1 litres or less than
    displayed for sale at the retail outlet;
    (iv) any package containing a commodity to be sold by number or length and displayed for said
    at the retail outlet."

12. In the First Schedule to the said rules, against item 3, in column 3, for the entry, for the word
    "the entry" "For any quantity" shall be substituted.

13. For the Second Schedule to the said rules, the following Schedule shall be substituted, namely.

"THE SECOND SCHEDULE"
(See rule 2(1) (ii) )

Maximum permissible error in relation to packaged commodities not specified in the First
Schedule.
1. Maximum permissible error on net quantity declared by weight or volume.

(1) The maximum permissible error, in excess or in deficiency, in the net quantity by weight
or volume of any commodity not specified in the First Schedule, shall be as specified in
Table I below :-

   TABLE I

   (i) Maximum permissible errors on net quantities declared by Weight or by volume
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Declared quantity</th>
<th>Maximum permissible or in excess or in deficiency</th>
<th>As percentage of declared quantity g or ml</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>g or ml</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i)</td>
<td>5 to 50</td>
<td>9 to 90</td>
<td>..</td>
</tr>
<tr>
<td>ii)</td>
<td>50 to 100</td>
<td>4.5 to 90</td>
<td>..</td>
</tr>
<tr>
<td>iii)</td>
<td>100 to 200</td>
<td>4.5 to 90</td>
<td>..</td>
</tr>
<tr>
<td>iv)</td>
<td>200 to 300</td>
<td>3 to 90</td>
<td>..</td>
</tr>
<tr>
<td>v)</td>
<td>300 to 500</td>
<td>3 to 90</td>
<td>..</td>
</tr>
<tr>
<td>vi)</td>
<td>500 to 1000</td>
<td>. to 90</td>
<td>15</td>
</tr>
<tr>
<td>vii)</td>
<td>1000 to 10000</td>
<td>. to 90</td>
<td>150</td>
</tr>
<tr>
<td>viii)</td>
<td>10000 to 150000</td>
<td>1.0 to 90</td>
<td>..</td>
</tr>
<tr>
<td>ix)</td>
<td>more than 150000</td>
<td>1.0 to 90</td>
<td>..</td>
</tr>
</tbody>
</table>

(2) The maximum permissible error specified as percentage shall be rounded off to the nearest one tenth of a g or ml, for declared quantities less than or equal to 1000 g or ml and to the next whole g or ml for declared quantities above 1000 g or ml.

2. Maximum permissible error on net quantity declared by length, area or number,-

(i) The maximum permissible error, in excess or in deficiency, in the net quantity declared in terms or length, area or number of any commodity not specified in the first schedule shall be as specified in Table II below :-

**TABLE II**

Maximum permissible errors on net quantities declared by length, area or number

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Quantity declared</th>
<th>Maximum permissible error in excess or in deficiency</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>in Units of length</td>
<td>2 per cent of declared quantity upto 10 metres and thereafter 1 per cent of declared quantity,</td>
</tr>
<tr>
<td>(ii)</td>
<td>in Units of area</td>
<td>4 per cent of declared quantity upto 10 sq. metres and thereafter 1 per cent of declared quantity.</td>
</tr>
<tr>
<td>(iii)</td>
<td>by number</td>
<td>2 per cent of declared quantity.</td>
</tr>
</tbody>
</table>

14. In the Third Schedule to the said rules, -

(i) against serial number 4, in column 3, the figures and letter "250 g" and "400 g" shall be omitted;

(ii) after serial number 4 and entries relating there to, the following shall be inserted, namely :-

"4 A. Butter, Cheese and allied products in open top sanitary (OTS) cans. 165 g, 450g and 825 g."

(iii) against serial number 6 in column 3, the figures and letter“400” shall be omitted;

(iv) after serial number 6 and entries relating thereto, the following shall be inserted, namely :-

"6A. Extruded ready to eat 40g, 8og, 100g, 150g, snacks of Huffy nature 200g and 250g."

(v) against serial number 11, in column 2, for the entry the following entry shall be substituted, namely :-

"Coffee and cocoa."

(vi) after serial number 11A and entries relating thereto, following shall be inserted, namely :-

"11B Materials which may be reconstructed as beverages 25g, 50g, 100g, 200g, 500g,1kg and there after in multiples of 1 kg."

(vii) against serial number 22, on column, 3, the figure and letter 50g shall be omitted.

(viii) serial number 24 and entries relating thereto shall be omitted;

(ix) after serial number 34 and entries relating thereto, the following shall be added, namely :-

"35.Cement 1 kg, 2kg, 5kg, 10kg, 20kg, 10kg, and there after in multiples of 50 kg."
15. For the Ninth Schedule to the said rules, the following Schedule shall be substituted, namely:

THE NINTH SCHEDULE

(See rule 24)

Manner of Selection of Samples of Packages

1. For the determination of the net quantity for any commodity contained in package, the sample size shall be such as is specified in the corresponding entry in column 2 of the Table below against the batch size specified in column 1 of the said Table.

<table>
<thead>
<tr>
<th>Batch size</th>
<th>Sample size</th>
<th>Number of packages showing error more than the maximum permissible error but less than twice the maximum permissible error.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 4000</td>
<td>32</td>
<td>Not more than 2</td>
</tr>
<tr>
<td>More than 4000</td>
<td>80</td>
<td>Not more than 4</td>
</tr>
</tbody>
</table>

2. The sample shall be selected at random in accordance with the manner specified in paragraph 3 and 4.

3. Where, for the determination of the net quantity of any commodity contained in a package it is necessary to take samples of packages stored by the manufacturer or packer in a warehouse, godown or at other places the sample shall be selected at random, from every batch of packages and shall be picked out from the top, bottom, centre, right, left, front and rear of the stocks so that the samples may adequately represent the packages in the batch.

4. Where, for the determination of the net quantity of any commodity contained in a package it is necessary to take samples from the place where the package is being filled such sample shall be selected from among the packages which have already been filled, or in the alternative, the requisite number of empty containers may be taken over and each of them shall be adequately marked for proper identification and the tare weight of each container shall be accurately noted and thereafter the marked containers shall be introduced at random packing process so that after the package are filled it may be possible to determine the net quantity.

Explanation: In this schedule "sample size" means the number of packages to be selected sampler”.

Note: (1) Where, on the commencement of the Standards of Weights and Measures (Packaged Commodities) Amendment Rules, 1992 (hereinafter referred to as the amendments rules), a manufacturer or packer is not in a position to make declaration in accordance with rule 4 of the amendment rules he shall start doing so as early as possible but in no case later than the 30th day of June, 1992.

(2) Packing of butter in 250g and 400g of cereal product in 400g of non-soapy detergent in 50g shall be discontinued as early as possible but in no case later than the 30th day of June, 1992.

(3) Packing of Cement, Zarda, Pan Masala and Paint Varnish in the quantities specified by this amendment rules shall be adopted as early as possible in any case before the 30th day of June, 1992.

(Sathi Nair)
Joint Secretary.
Foot Note: The Principle Rules were notified vide GSR 622(E) dated the 26 September, 1977 and subsequently amended vide

1. GSR 347 (E) dated 30.6.1978
2. GSR 59 (E) dated 23.2.1980
3. GSR 303 (E) dated 31.3.1983
4. GSR 253 (E) dated 31.3.1984
5. GSR 316 (E) dated 30.4.1984
6. GSR 393 (E) dated 23.5.1984
7. GSR 96 (E) dated 20.2.1985
8. GSR 458 (E) dated 25.5.1985
9. GSR 32 (E) dated 17.1.1986
10. GSR 100 (E) dated 8.6.1986
11. GSR 730 (E) dated 25.8.1987
12. GSR 19 (E) dated 8.1.1988
13. GSR 799 (E) dated 11.7.1988
14. GSR 511 (E) dated 25.5.1990
15. GSR 601 (E) dated 26.6.90
NOTIFICATION

New Delhi, the 6th Feb. 92

GSR - 88 (E) In exercise of the powers conferred by section 83 of the standards of Weights and Measures Act. (60 of 1976), the Central Government hereby makes the following rules further to amend the Standards Weights and Measures (Packaged Commodities) Rules, 1977, Namely :-

1. (1) These rules may be called the Standards of Weights and Measures (Packaged Commodities) Second Amendment Rules, 1992.
   (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the Third Schedule to the Standards of Weights and Measures (Packaged Commodities) Rules, 1977 (hereinafter referred to as the said rules),
   (i) against serial number 12, in column 2, for the entry, the following entry shall be substituted, namely :-
       “Vanaspati, Ghee and Margarine.”.
   (ii) after serial number 12 and entries relating thereto the following shall be inserted, namely
       "12-A. Edible oils other than Vanaspati, Ghee 100g, 200g, 500g, 1kg, 2kg, 5kg and thereafter
       in multiples of 5kg. (if net quantity is declared by volume, the same number in millilitre
       or litres, as the case may be)."
3. In the Fifth Schedule to the said rules,-
   (i) against serial number 10, in column, for the following entry shall be substituted
       namely :-
       “Non edible Vegetable Oils”.
   (ii) after serial number 10 and entries relating thereto, the following shall be inserted
       namely :-
       “10 A. Edible oils Weights or volume.”

Sathi Nair
Joint Secretary.

F. No. WM-10(5)/92

Foot Note : The principal Rules were notified vide GSR 622(E) dated 26 September 1977 and subsequent amended rules

1. GSR 347 (E) dated 30.6.1978
2. GSR 59 (E) dated 23.2.1980
3. GSR 303 (E) dated 31.3.1983
4. GSR 253 (E) dated 31.3.1984
5. GSR 316 (E) dated 30.4.1984
6. GSR 393 (E) dated 23.5.1984
7. GSR 96 (E) dated 20.2.1985
8. GSR 458 (E) dated 25.5.1985
9. GSR 32 (E) dated 17.1.1986
10. GSR 1005(E) dated 8.6.1986
11. GSR 720 (E) dated 25.8.1987
12. GSR 19 (E) dated 88.1.1988
13. GSR 779 (E) dated 11.7.1988
14. GSR 511 (E) dated 15.5.1990
15. GSR 601 (E) 26.6.1992

( B.K. Pradhan)
Deputy Controller
Weights and Measures Cell,
Food & Civil Supplies Deptt.
Governement of Sikkim,
NOTIFICATION

The Government of Sikkim has been pleased to appoint the following to the State Press Accreditation Committee:-

1. Shri P T Gyamtso, Secretary IPR - Convenor
2. Shri Jigme N. Kazi, Editor Sikkim Observer - Member
3. Mr. Subash Deepak, Editor, Wichar - Member
4. Mr. P Chakravarty, Correspondent, UNI. - Member
5. Mr. Kamal Mukhia Editor Aaj Ko Sikkim - Member

The Committee will function for a period of two years from the day of its first meeting. It will examine cases of accreditation as per the rules framed by the Government and recommend cases for accreditation to the State Government.

P. D. Tashi
Director : IPR
GANGTOK, the 5th December, 1992.

NOTIFICATION

SANCTIONED LIST OF HOLIDAYS FOR 1993

The Government of Sikkim is pleased to declare that the following days shall be the public holidays for the year 1993 A. D. In addition, all Sundays and Second Saturday of each month, shall also be public holidays.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Holidays</th>
<th>Date(s)</th>
<th>Days of Week</th>
<th>No. of days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>New Year’s Day</td>
<td>1. 1. 1993</td>
<td>Friday</td>
<td>1 day</td>
</tr>
<tr>
<td>2.</td>
<td>Maghe Sankranti</td>
<td>13.1.1993 &amp;</td>
<td>Wednesday &amp;</td>
<td>2 days</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14.1.1993</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Republic Day</td>
<td>26.1.1993</td>
<td>Tuesday</td>
<td>1 day</td>
</tr>
<tr>
<td>4.</td>
<td>Tibetan New Year’s Day</td>
<td>22.2.1993</td>
<td>Monday</td>
<td>1 day</td>
</tr>
<tr>
<td>5.</td>
<td>Holi</td>
<td>9.3, 1993</td>
<td>Tuesday</td>
<td>1 day</td>
</tr>
<tr>
<td>6.</td>
<td>Id-ul-Fiter</td>
<td>25. 3. 1993</td>
<td>Thursday</td>
<td>1 day</td>
</tr>
<tr>
<td>7.</td>
<td>Ramnawami (Chaite Dasai)</td>
<td>1. 4. 1993</td>
<td>Thursday</td>
<td>1 day</td>
</tr>
<tr>
<td>8.</td>
<td>Good Friday</td>
<td>9.4, 1993</td>
<td>Friday</td>
<td>1 day</td>
</tr>
<tr>
<td>9.</td>
<td>State Day</td>
<td>16. 5. 1993</td>
<td>Sunday</td>
<td>1 day</td>
</tr>
<tr>
<td>10.</td>
<td>Saga Dawa</td>
<td>4. 6. 1993</td>
<td>Friday</td>
<td>1 day</td>
</tr>
<tr>
<td>11.</td>
<td>Bhanu Jayanti</td>
<td>13. 7. 1993</td>
<td>Tuesday</td>
<td>1 day</td>
</tr>
<tr>
<td>12.</td>
<td>Drupka Tseshi</td>
<td>23. 7. 1993</td>
<td>Friday</td>
<td>1 day</td>
</tr>
<tr>
<td>13.</td>
<td>Janamasthami</td>
<td>11. 8. 1993</td>
<td>Wednesday</td>
<td>1 day</td>
</tr>
<tr>
<td>15.</td>
<td>Pang lhabsol</td>
<td>31.8.1993</td>
<td>Tuesday</td>
<td>1 day</td>
</tr>
<tr>
<td>16.</td>
<td>Gandhi Jayanti</td>
<td>2. 10. 1993</td>
<td>Saturday</td>
<td>1 day</td>
</tr>
<tr>
<td>17.</td>
<td>Durga Puja (Dasai)</td>
<td>21.10.1993 to</td>
<td>Thursday to</td>
<td>6 days</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26. 10. 1993</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Lhabab Duechen</td>
<td>6.11. 1993</td>
<td>Saturday</td>
<td>1 day</td>
</tr>
<tr>
<td>19.</td>
<td>Laxmi Puja (Tyohar)</td>
<td>13. 11. 1993</td>
<td>Saturday to</td>
<td>3 days</td>
</tr>
<tr>
<td></td>
<td></td>
<td>15.11.1993</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Kagyed Dance</td>
<td>12. 12. 1993</td>
<td>Sunday</td>
<td>1 day</td>
</tr>
<tr>
<td>21.</td>
<td>Lossong</td>
<td>14. 12. 1993</td>
<td>Tuesday to</td>
<td>5 days</td>
</tr>
<tr>
<td></td>
<td></td>
<td>18. 12. 1993</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20. 12. 1993</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Christmas</td>
<td>25. 12. 1993</td>
<td>Saturday</td>
<td>1 day</td>
</tr>
</tbody>
</table>

Total 36 days

By Order

P.K PRADHAN
Home Secretary/C.S.
Government of Sikkim.
GOVERNMENT OF SIKKIM
FINANCE DEPARTMENT (COMMERCIAL TAXES)
GANGTOK

No.14(85)/92/Fin/IT&ST. Dated: 1st April, 1992.

NOTIFICATION

In exercise of the Power conferred by Sub, Section 2 of Section 8 of the Sikkim Sales Tax Act, 1983 (4 of 1983) and in partial modification of the Government of Sikkim in the Finance (Income & Sales Tax) Department's Notification No:7(86) IT & ST/364, dated Gangtok, the 24th May, 1984, the State Government hereby specified that the rate of tax payable by a dealer under the said Act for Petrol and High Speed Diesel Oil shall be 3% and 4% respectively.

2. This notification shall be deemed to have come into force with effect from the 1st day of April, 1992.

Sd/-
Secretary-cum-Commissioner,
Income & Sales Tax Department
Government of Sikkim.
GOVERNMENT OF SIKKIM
FINANCE DEPARTMENT (COMMERCIAL TAXES)
GANGTOK

No.14(85)92/6/Fin/IT & ST. Dated: 1st April, 1992.

NOTIFICATION

In supersession of this Department's Notification No. 832/ST/390 dated the 2nd June, 1984 and in exercise of the powers conferred by Sub Sec 2 of Section 8 of the Sikkim Sales Tax Act, 1983 (No.4 of 1983), the State Government is pleased to delete the word "Drugs and Formulations" i.e Patent or Proprietary medicines including Ayurvedic medicine and unani drugs but excluding "Life saving drugs" mentioned at serial No. 32 of the Schedule I to the aforesaid Act, the tax payable by the dealer under the said Act shall be three paise in a rupee.

2. This Notification shall be deemed to have come into force with effect from the 1st day of April, 1992.

Sd/-
Secretary-cum-Commissioner,
Finance (Income & Sales Tax) Deptt;
Government of Sikkim.
In exercise of the powers conferred by Sub Section 2 of Section 8 of the Sikkim Sales Tax Act, 1983 (4 of 1983) and in Partial modification of the Government's Notification in the Finance (Income and Sales Tax) Department No. 832/St/3608 dated 12th August, 1983, the State Government is pleased to increase the rate of tax from 5% to 6% in respect of all goods other than those specified in Schedule I or Schedule II to the aforesaid Act.

2. This Notification shall be deemed to have come into force with effect from the 1st day of April, 1992.

G. P. PRADHAN,
Secretary-cum-Commissioner
Finance (Income & Sales Tax) Deptt.
Government of Sikkim.
NOTIFICATION

In supersession of this Department's notification No. 832/ST/390 dated Gangtok the 2nd June, 984 and in exercise of the powers conferred by Sub. Sec. 2 of section 8 of the Sikkim Sales Tax Act, 983 (No. 4 of 983), the State Government is pleased to delete the word "Betal" nuts commonly know as "Supari" (Areca catechu) mentioned at serial No. 33 of the Schedule-I to the aforesaid Act, the tax payable by the dealer under the said Act shall be six paise in the rupee.

2. This notification shall be deemed to have come into force with effect from the 1st day of April, 1992.

G.P. PRADHAN,
Secretary-cum-Commissioner,
Income & Sales Tax Department
Government of Sikkim.
GOVERNMENT OF SIKKIM
FINANCE DEPARTMENT (COMMERCIAL TAXES)
GANGTOK

No. 14(85)/92/IT&ST. Dated: Gangtok, the 1st April, 1992

NOTIFICATION

In supersession of this Department's notification No. '8(178) IT&ST/85/276, dated the 11th May, 1987 and in exercise of the powers conferred by sub-sec. 2 of Section 8 of the Sikkim Sales Tax Act, 1983 (No. 4 of 1983) the State Government is pleased to levy local Sales tax at the rate of 3% on the following items :-

a) Chemical fertilizers,
b) Pesticides.

2. This notification shall be deemed to have come into force with effect from the 1st day of April, 1992.

G. P. PRADHAN,
Secretary-cum-Commissioner
Commercial Taxes
Government of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 34/HOME/92 Dated Gangtok, the 1st December, 1992.

NOTIFICATION

The State Government is pleased to hereby revoke, with immediate effect, the appointment made vide Notification No. 2(3) Home/77 of 23rd March, 1998 further followed by Notification No.5(6) Hom/83/80 of 12th February, 1990 in respect of Shri Sailesh Chandra Pradhan as Member Secretary of the Sikkim Khadi & Village Industries Board.

The Executive Officer of the Board will perform the functions and responsibilities of Secretary of the Board in accordance to Section HA (I) of the Sikkim Khadi & Village Industries Board Act, 1978.

By Order

P.K. PRADHAN
Home Secretary,
Government of Sikkim.
(F.No.51(6)Home/83)
Government of Sikkim.
NOTIFICATION

Subject: Prohibition of tobacco smoking in public places.

The State Government has been viewing with concern the increasing scientific evidence of non-smoking public being exposed to serious health hazards due to exposure to passive smoking in the proximity of tobacco smokers. There has been a wide spread public demand that measures be taken to protect this majority of non-smoking public from the polluting impact of tobacco smoking by a small minority. The Government of India on accepting the recommendations of the National Conference on "Tobacco or Health has also issued guidelines on the prohibition of smoking at public places. Moreover, there is a need to save smokers from their own excesses.

2. With a view to protect the non-smoking public from the hazards of passive smoking, at least in public places where larger number of people are expected to be present for longer periods, it has been decided to prohibit tobacco smoking to begin with, in a few selected places, namely, Government offices including offices of Public Undertakings, hospitals, dispensaries and other health care establishments, educational institutions, conference rooms and on public transport including Government vehicles.

3. All Secretaries/Heads of Departments may issue instructions accordingly to the various offices under their control in order to ensure implementation of these orders. They are also requested to take steps to identify the non-smoking areas/building and display "NO SMOKING" boards in all such places as per the enclosed guidelines. No ashtrays should be placed in non-smoking areas and all cigarette shops removed from the compound of buildings in which smoking is prohibited.

P.K. PRADHAN,
Chief Secretary,
F.No,27/DHS/H&F.W./90-91
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 38(9) Home/87/PtU/26. Dated: 20th August, 1992,

NOTIFICATION

The State Government is pleased to declare the 22nd August, 1992 as a public holiday throughout the State of Sikkim.

By Order.

P.K. PRADHAN,
Chief Secretary,
Government of Sikkim.


NOTIFICATION

The Government of Sikkim is pleased to declare 9th October, 1992 (Friday) is public holiday throughout the State of Sikkim-

By ORDER

G.P. PRADHAN
Chief Secretary to the Government of Sikkim,

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
SIKKIM NATIONALISED TRANSPORT

No. 1367/T. Dated Gangtok, the 10th November, 1992.

NOTIFICATION

The reimbursement of hire charges to private carrier operating under the Sikkim Nationalised Transport is revised as under with effect from 1st September, 1992:

1. Trucks - Rs. 2.30/MT/KM
2. Tankers - Rs. 2.10/KL/KM

M.K. PRADHAN,
Secretary,
Sikkim Nationalised Transport.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In exercise of the powers conferred by Section 64 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974), the State Government after consultation with the State Land Use and Environment-cum-Pollution Control Board for the Prevention and Control of Water Pollution, hereby makes the following rules, namely:—

CHAPTER -I
Preliminary

1. Short title and commencement:—
   (1) These rules may be called the Sikkim Water (Prevention & Control of Pollution) Rules 1991.
   (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions:—
   In these Rules unless the context otherwise requires:—
   (a) "Act" means the Water (Prevention and Control of Pollution) Act, 1974;
   (b) "Chairman" means the Chairman of the State Board;
   (c) "State Board Laboratory" means a laboratory established or recognised as such under Sub-section (2) of Section 17;
   (d) "State Water Laboratory" means a laboratory established or specified as such under Sub-section (1) of Section 52;
   (e) "Form" means a Form set out in Schedule I;
   (f) "Member" means a Member of the State Board and includes the Chairman thereof;
   (g) "Member Secretary" means the Member Secretary of the State Board;
   (h) "Section" means a section of the Act;
   (i) "Schedule" means a Schedule appended to the rules;
   (j) "Year" means the financial year commencing on the first day of April.

CHAPTER II
PROCEDURES FOR TRANSACTION OF BUSINESS OF THE BOARD

3. Meeting of the Board:
   (1) The meeting of the State Board shall be held on such dates as may be fixed by the Chairman
   (2) The Chairman may, upon the request of not less than two members of the Board or at the direction of the Government call special meeting of the Board.
   (3) Five days clear notice for ordinary meeting and two days notice for special meeting specifying the time and place shall be given.
   (4) The Members shall be entitled to bring forward any relevant matter for the consideration at the meeting for which he has not given any notice to the Member Secretary if the Chairman in his discretion permits him to do so. If the Chairman or Presiding Officer adjourns a meeting from day to day at any particular day, the Member Secretary shall give reason thereof and no fresh notice shall be required for such an adjourned meeting.
4. Presiding Officer:
   Every meeting shall be presided over by the Chairman and in his absence by the Presiding Officer
elected by the members among themselves.

5. Questions to be decided by majority:
   (1) All question at a meeting shall be decided by a majority of opinion votes of members present;
   (2) In case of an equality of opinion/votes, the Chairman or Presiding Officer shall have a second or
casting vote.
   (3) The meeting of the Board shall ordinarily be held at least once in every three months. The
frequency of the meeting may be increased depending upon the need.

6. Quorum:
   (1) Five members shall form the quorum for any meeting.
   (2) If at any time fixed for any meeting or during the course of any meeting, a quorum is not present
even after the expiration of fifteen minutes from the time fixed, the Presiding Officer shall ad-
journ the meeting to such time on the following or on such other future date as he may fix.
   (3) If the meeting is adjourned to some future date due to Jack of quorum, fresh notice will be giv-
en to the absentee members as to the date and time on which the next meeting will be held.

7. Minutes:
   (1) Record of the proceedings of every meeting along with the names of members who attended
the meeting shall be kept by the Member Secretary in a book maintained by him exclusively
for the purpose.
   (2) The minutes of the previous meeting shall be read at the beginning of every succeeding;
meeting and shall be confirmed and signed by the Chairman or Presiding Officer at such meeting.
   (3) The proceeding shall be open to inspection by any member at the office of the Board during
office hours.

8. Maintaining order at a meeting:
   The Chairman or Presiding Officer shall preserve order at a meeting.

9. Business to be transacted at a meeting:
   (1) No business shall be transacted at the meeting without quorum.
   (2) With the permission of the Chairman or Presiding Officer, any business which is not entered
in the agenda or of which notice has not been given by a member may be transacted at any
meeting.

10. Committee:
     (1) The Board may constitute any number of committee consisting wholly of members or partly
of members and partly of other members for such purpose or purposes as it may be necessary.
     (2) The terms, the purposes and other details of procedure and allowances of the Commi-
tee shall be decided by the Board.

CHAPTER III
TERMS AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE STATE BOARD

11. Allowances and other conditions of the service of the Chairman.
     (1) The terms and conditions of the service of the Chairman including allowances payable to
him shall be such as may be specified by the Government from time to time and in the absence
of being so specified, such terms and conditions shall be, as far as may be, the same as are
applicable to a Grade I officer of corresponding status of the State Government.
     (2) Notwithstanding anything contained in sub-rule (1) where a Government servant is appointed
a Chairman, the terms and conditions of his service shall be such as may be specified by the
State Government from time to time.

12. Salaries, allowances and other conditions of the service of the Member Secretary.
     (1) The Member Secretary being a Government servant shall draw his normal salary.
     (2) The other terms and conditions of service of Member Secretary including allowances payable
to him shall be as may be specified by the State Government from time to time.

13. Terms and conditions of service of Members of the State Board.
     (1) Non official Members of the State Board resident of Gangtok shall be paid an allowance of fifty
rupees for each day of the actual meetings of the State Board.
     (2) Non official Members of the State Board, non resident in Gangtok shall be paid an allowance of
seventy five rupees per day (inclusive of daily allowance) for each day of the actual meeting
of the State Board and also travelling allowance at such rate as is admissible to a Grade I
Officer of the State Government.
CHAPTER IV
POWERS AND DUTIES OF THE CHAIRMAN AND MEMBER SECRETARY AND APPOINTMENTS
OF OFFICERS AND EMPLOYEES

14. Powers and duties of the Chairman:
(1) The Chairman shall have overall control over the day to day activities of the State Board.
(2) The Chairman may undertake tours within the State for carrying out the function of the State Board;
provided that he shall keep the State Government and the State Board informed of his tours.
(3) Subject to rules, if any made under sub-section (3) of section 12, the Chairman shall have full powers in matters on promotion, confirmation, transfer and termination of service of the officers and employees of the Board.
(4) In the matters of acceptance to tenders, the Chairman shall have full powers subject to the concurrence of the State Board;
provided that no such concurrence is required for the acceptance of tenders upto an amount of one thousand rupees in each case.
(5) Subject to overall sanctioned budget provision, the Chairman shall have full powers to administratively approve and sanction all estimates.

15. Creation and abolition of posts :
The State Board may create such post as it considers necessary with the prior sanction of the State Government for efficient performance of its functions and may abolish any post so created with the prior approval of the State Government.

16. Powers and duties of the Member Secretary:
The Member Secretary shall be subordinate to the Chairman and shall, subject to the control of Chairman, exercise the following powers, namely:
(i) The Member Secretary shall be in charge of all the confidential papers of the Board and shall be responsible for preserving them,
(ii) The Member Secretary shall produce each papers whenever so directed by the Chairman or by the State Board,
(iii) The Member Secretary shall make available to any member of the State Board for his perusal any record of the Board.
(iv) The Member Secretary shall be entitled to call for the services of any officer or employee of the State Board and files, papers and documents for the study from 'any department of the Board as also to carry out inspection of any department at any time including checking of accounts, vouchers, bills and other records and stores pertaining to the Board.
(v) The Member Secretary may withhold any payment provided that as soon as may be after such withholding of such payment the matter shall be placed before the State Board for its approval.
(vi) The Member Secretary shall make all arrangements for holding meetings of the State Board
(vii) All orders or instructions to be issued by the State Board shall be over the signature of the Member Secretary or of any other officer authorised in his behalf by the Chairman
(viii) The Member Secretary shall authorise, sanction or pass all payments against allotments made or estimates sanctioned
(ix) The Member Secretary shall write and maintain confidential reports of all Class I and II officers of the State Board and shall get them countersigned by the Chairman.
(x) The Member Secretary shall have full powers for according technical sanction for all estimates
(xi) The Member Secretary shall countersign the confidential reports of all the class III employers of the State Board.
(xii) The Member Secretary shall exercise such other powers and perform such other functi may be delegated to him from time to time either by the Board or by the Chairman.

CHAPTER V
TEMPORARY ASSOCIATION OF THE STATE BOARD

17. Manner and association of persons with the State Board :
(1) The State Board may invite any person whose assistance or advice it considers useful to obtain in performing any of its functions to participate in the deliberations of any of its meetings
(2) If the person associated with the Board under sub-rule (i) happens to be a non-official resident in Gangtok, he shall be entitled to get an allowance of fifty rupees per day for each day actual meeting of the State Board in which he is so associated.
(3) If such person is non resident in Gangtok, he shall be entitled to get an allowance of five rupees per day (inclusive of daily allowance) for each day of actual meeting of seventy Board in which he is associated and also to travelling allowance at such rates as is admissible to Grade I officer of the State Government.
(4) Notwithstanding anything contained in sub-rules (2) and (3), if such person is a Government servant or an employee in a Government Undertaking, he shall be entitled to travelling or daily allowance only at the rates admissible under the relevant rules applicable to him.
CHAPTER VI

CONSULTING ENGINEER

18. Appointment of Consulting Engineer
For the purpose of assisting the State Board in the performance of its functions, the Board may appoint a Consulting Engineer to the Board for a specified period not exceeding four months:
Provided that the Board may, with the prior approval of the State Government, extend the period of appointment from time to time.
Provided further that if at the time of the initial appointment, the State Board has reason to believe that the services of the Consulting Engineer would be required for a period of more than four months, the State Board shall not make the appointment without the prior approval of the State Government.

19. Powers to terminate appointment:
Notwithstanding the appointment of a Consulting Engineer for a specified period under Rule 18, the State Board shall have the right to terminate the services of the Consulting Engineer before the expiry of the specified period, if in the opinion of the Board he is not discharging his duties properly or to the satisfaction of the Board or such a course of action is necessary in the public interest.

20. Emoluments of the Consulting Engineer:
The State Board may pay the Consulting Engineer suitable emoluments or fees depending on the nature and his qualifications and experience.
Provided that the State Board shall not appoint any person as technical engineer without the prior approval of the State Government.

21. Tours by Consulting Engineer:
The Consulting Engineer may undertake tours within the State for the performance of the duties entrusted to him by the State Board and he shall be entitled to his usual travelling or daily allowances if he is a Government servant, if not, as admissible to a Grade I officer of the State Government. He shall, however, get the prior approval of the Member Secretary to his tour programme.

22. Consulting Engineer not to disclose information:
The Consulting Engineer shall not disclose any information either given by the State Board or obtained during the performance of the duties assigned to him from the State Board or otherwise to any person other than the State Board without the written permission of the Board.

23. Duties and functions of the Consulting Engineer:
The Consulting Engineer shall discharge such duties and perform such functions as are assigned to him by the State Board and it will be his duty to advise the Board on all technical matters referred to him by the Board.

CHAPTER VII

Budget of the State Board

24. Preparation of budget:

(1) The budget in respect to the year next ensuing showing the estimated receipts and expenditure of the State Board shall be prepared in Form I, II, III and IV and submitted to the State Government.

(2) The estimated receipts and expenditures shall be accompanied by the revised budget estimates for the current year.

(3) The budget shall, as far as may be, be based on the accounts heads specified in Schedule II.

25. Submission of Budget estimates to the State Board:

(1) The budget estimates as compiled in accordance with Rule 24 shall be placed by the Member Secretary before the State Board by the 5th October each year for approval.

(2) After approval of the budget by the State Board, four copies of the final budget proposals incorporating therein such modifications as have been decided upon by the State Board shall be submitted to the State Government by 15th October each year.

26. Estimates of establishment and fixed recurring charges:

(1) The estimates of expenditure on fixed establishment as well as fixed monthly recurring charges on account of rent, allowances etc. shall provide for the gross sanctioned pay without deduction of any kind.

(2) To the estimates referred to in sub-rule (1) there shall be added a suitable provision for leave salary based on past experience with due regard to the intention of the members of the staff in regard to leave as far as the same can be ascertained.

(3) If experience indicates that the total estimates for fixed charges referred to sub-rule (1) end (2) is not likely to be fully utilised, a suitable lump deduction shall be made from the total amount estimated.

27. Reappropriations and emergent expenditure:
No expenditure which is not covered by a provision in the sanctioned budget estimates, or which is likely to be in excess over the amount provided under any head shall be incurred by the State Board without provision being made by reappropriation from some other head under which saving are firmly established and available.
28. Power to incur expenditure:
The state Board shall incur expenditure out of the funds received by it in accordance with the instructions laid down under the general financial rules of the State Government and other instructions issued by the Government from time to time.

29. Operation of fund of the State Board:
The fund of the State Board shall be operated by the Member Secretary of the State Board or in his absence by any officer of the State Board who may subject to the approval of the State Government be so empowered by the State Board.

30. Savings:
Nothing in this chapter shall apply to budget already finalized before the commencement of these rules.

CHAPTER VIII
ANNUAL REPORT OF THE STATE BOARD

31. Form of annual report
The annual report for the year last ended giving a true and full account of the activities of the State Board during the previous financial year shall contain the particulars specified in the Schedule III and shall be submitted to the State Government by the 15th of May each year.

CHAPTER IX
ACCOUNT OF THE STATE BOARD

32. Form of annual statement of accounts of the State Board
The statement of accounts of the State board shall be in Form V to IX.

CHAPTER X
REPORT OF THE GOVERNMENT ANALYST

33. Form of report of Government Analyst:
When a sample of any water, sewerage or trade effluent has been sent for analysis to a laboratory established or recognized by the State Government, the Government Analyst appointed under sub-section (3) of section 53 shall analyse the sample and submit to the State board a report in triplicate in Form X of the result of such analysis.

CHAPTER XI
STATE WATER LABORATORY

34. Functions of the State Water Laboratory:
The State Water Laboratory shall cause to be analysed any samples of water, sewerage or trade effluent received by it from any officers authorized by the State Board for the purpose and the findings shall be recorded in triplicate in Form XI.

35. Fees for report:
The fees for each such report shall be such as may be notified by the State Government from time to time.

CHAPTER XII
POWERS AND FUNCTIONS OF THE STATE BOARD

36. Power to take samples:
The State Board or any officer empowered by it in this behalf have the power to take for the purpose of analysis samples of water from any stream or well or samples of sewerage or trade effluent which is passing from any plant or vessel or from or over any place into such stream or well anywhere in the State from any place within or outside the premises of the industry at any time.

37. Form of Notice:
A notice under clause (a) of sub-section (3) of section 21 shall be in Form XII and shall be sent by registered post within or outside the premises of the industry at any time.

38. Application for consent:
An application for obtaining the consent of the State Board for establishment or taking any steps to establish any industry operation or process or any treatment and disposal system or any extension or addition thereto which is likely to discharge sewerage or trade effluent into a stream or well or sewer or on land (such discharge being hereinafter in these rules referred to as discharge of sewerage) or for bringing into use any new or altered outlet for the discharge of sewerage or beginning to make any new discharge of sewerage under section 25 or for continuing an existing discharge of sewerage under section 26 shall be made to the State Board in Form XIII.
39. Procedure for making enquiry into application for consent:

(1) On receipt of an application for consent under Section 26, the State Board may depute any of its officers accompanied by as many assistants as may be necessary, to visit the premises of the applicant to which such application relates, for the purpose of verifying the correctness or otherwise of the particulars furnished in the application or for obtaining such for the particulars or information as such officer may consider necessary. Such officer may for that purpose, inspect any place where water or sewerage or trade effluent discharged by the applicant or treatment plants, purification works or disposal systems of the applicant and may require the applicant to furnish to him plans, specifications and other data relating to such treatment plants, purification works or disposal systems or any part thereof, that he consider necessary.

(2) Such officer shall before visiting any premises of the applicant for the purpose of inspection under sub rule (1) above, give notice to the applicant of his intention to do so in Form XII. The applicant shall furnish to such officer may legitimately require for the purpose.

(3) Any officer of the State Board may, before or after carrying out an inspection under sub-rule (1) above, require the applicant to furnish to him orally or in writing such additional information or clarification to produce before him such documents, as he may consider necessary for the purpose of investigation of the application and may, for that purpose, summon applicant or his authorised agent to the office of the State Board.

CHAPTER XIII
APPEALS

40. Memorandum of appeal under Sub-section (3) of Section 28

(1) Every appeal against an order passed by the State Board to be filled by the aggrieved part under Section 27 Section 26 or Section 27 of the Act shall be in Form XIV.

(2) Every aggrieved person preferring an appeal shall do so separately in his own name and no appeal made on behalf of more than one person shall be entertained by the Appellate Authority.

(3) Every appeal shall:

(i) be inWaiting;
(ii) specify the name and address of the applicant and the date of the order appealed against;
(iii) specify the date on which the order appealed against was communicated to the appellant;
(iv) contain a clear statement of facts of the case and grounds relied upon by the aggrieved person in support of the appeal;
(v) state precisely the relief prayed for and
(vi) be signed and verified by the appellant or an agent duly authorised by the appellant in writing in this behalf.

(b) The fees for filing an appeal shall be one hundred rupees and it shall be paid by every appellant in the office of the Board.

(c) Every such appeal shall be accompanied by:

(i) an authenticated copy of the order appealed against;
(ii) a copy of the application made under sections 27, 26 and 27 as the case may be;
(iii) any document relating to the appeal; and
(iv) an authenticated copy of the receipt under which the prescribed fee has been paid by the appellant.

(d) Every memorandum of appeal shall be submitted in quadruplicate and shall be presented to the appellate authority by either the appellant or his authorised agent or sent to such authority by registered post. When the memorandum of appeal is presented by an agent duly authorised by the appellant, it shall be accompanied by a letter of authority written on a stamped paper of the value as required by law, appointing him as such an agent.

(e) On receipt of the memorandum of appeal, the appellate authority shall endorse thereon, the date of its presentation or receipt by post and the name of the appellant or his duly authorised agent presenting it, as the case may be.

41. Procedure to be followed by the appellate authority in dealing with and disposal of the appeal under sub-section (3) of section 28

(1) The appellate authority shall, as soon as may be, after the memorandum of appeal is filed before it, fix a date for hearing of the appeal and give its intimation in Form XV to the appellant and the Member Secretary. While giving such intimation to the Member Secretary, a copy of the memorandum of appeal together with its enclosures shall also be sent to the Member Secretary and he shall be called upon to send the appellate authority all the relevant records connected with the matter relating to the appeal.
(2) Where the material on record is insufficient to enable the appellate authority to come
to definite decision, it may take additional evidence and call for such material from the appe-
liant or the Member Secretary as it may deem fit. Such material shall form part of the record
only after the party either than that from whom such record has been received, has been given
an opportunity to pursue such record.

(3) Where on the date fixed for hearing or any date to which the hearing of the appeal
may be adjoined, the appellant or his duly authorised agent does not appear when the appeal
is called for hearing, the appeal shall be liable to be dismissed.

(4) Where an appeal is dismissed under sub-rule (3) the appellant may, within thirty days from the
dismissal of the appeal, apply to the appellate authority for the restoration of the appeal and
if it is shown to the satisfaction of the appellate authority that the appellant had not received
intimation of the date of hearing of the appeal or was prevented by any cause, sufficient in
the opinion of the appellate authority, from appearing when the appeal was called for hearing,
the appellate authority may restore the appeal on such terms as it thinks fit.

(5) The order passed by appellate authority on the appeal shall be in writing and shall state clearly
the points before it for determination, the decision thereon, and the reasons for the decision.

(6) A copy of the order passed in appeal shall be supplied by the appellate authority free of cost
to the appellant and a copy thereof shall also be sent to the Member Secretary.

SD/.
Principal C.C.F.cum-Secretary
Forest Department
Govt. of Sikkim, Gangtok.
<table>
<thead>
<tr>
<th>Heads of Accounts</th>
<th>Actuals for the past three years</th>
<th>Sanctioned estimate for the current year 19</th>
<th>Actuals of last six months i.e. year 19-</th>
<th>Actuals of last 6 months for the current year 19-</th>
<th>Revised estimates for the current year 19-</th>
<th>Budget estimate for the next year 19-</th>
<th>Variations between columns 8 &amp; 9</th>
<th>Variations between columns 8 &amp; 9</th>
<th>Explanation for columns 10 &amp; 11</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
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<td>6</td>
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<td>8</td>
<td>9</td>
</tr>
</tbody>
</table>

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**SHEDULE 1**

**FORM 1**

STATE BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION
DETAILED BUDGET ESTIMATES FOR THE YEAR 19...........
(See Sub-rule (1) of rule 24)
ADMINISTRATION
(Expenditure)
STATE BOARD FOR THE PREVENTION AND CONTROL OF WATER POLLUTION
ESTABLISHMENT
Statement of details of provision protected for pay of officers/ establishment for the year 19-
(See Sub-rule (1) of rule 24)

<table>
<thead>
<tr>
<th>Name &amp; designation</th>
<th>Reference to page of estimate form</th>
<th>Sanctioned pay of post Min. Max Actual pay of the person concerned due to April next year</th>
<th>Amount of provision for the year at the rate in column 3 (c)</th>
<th>Increment failing due within the year Date of increment (c) Rate of increment (b) Amount of increment for the year (c)</th>
<th>Total provision for the year i.e. total of columns 4 &amp; 5</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Name &amp; Designation</td>
<td>Pay</td>
<td>Dearness Allowance</td>
<td>City Compensatory allowance</td>
<td>House rent allowance</td>
<td>Overtime allowance</td>
<td>Children educational allowance</td>
</tr>
<tr>
<td>-------------------</td>
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<td>--------------------</td>
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<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>Actual sanctioned Strength as on 1st March 19</td>
<td>Particulars of post</td>
<td>Saniooned budget 19</td>
<td>Revised estimates 19</td>
<td>Budget estimates 19</td>
<td>Explanation for the difference between sanctioned budget, Revised Estimates and Budget Estimates.</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>---------------------</td>
<td>---------------------</td>
<td>---------------------</td>
<td>---------------------</td>
<td>------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>No. of posts included</td>
<td>Pay &amp; allowances</td>
<td>No. of posts included</td>
<td>Pay &amp; allowances</td>
<td>No. of posts included</td>
<td>Pay &amp; allowances</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
</tr>
</tbody>
</table>

I. Officers
(a) Posts filled
(b) Posts vacant
Total I officers

II. Estimation
(a) Posts filled
(b) Posts Vacant
Total II Establishment

III Class IV
(a) Posts filled
(b) Posts vacant
Total III Class IV

GRAND TOTAL 1, II AND III
FORM V

STATE BOARD FOR THE PREVENTION AND CONTROL OF WATER POLLUTION

Receipts and Payments for the year ended

(See rule 25)

<table>
<thead>
<tr>
<th>Previous Year</th>
<th>Receipts</th>
<th>Previous year</th>
<th>Payments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening balance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. Grants received</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) from govt</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) from other agencies</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>II. Fees</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>III. Fines &amp; Forfeitures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV. Interest on investments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VI. Miscellaneous Receipts</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VII. Miscellaneous Advances</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VIII. Deposits</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Capital Expenditure |
   i) Works |
   ii) Fixed Assets |
   iii) Other Assets |

2. Revenue expenditure |
   a) Lab. equipment |
   b) vehicles |
   c) Furniture & Fixture |
   d) Scientific instruments & office appliances |
   e) Tools and Plant |

3. Purchase |
4. Miscellaneous |
5. Advices |
6. Deposits |
   Closing Balance |

Accounts Officer | Member Secretary | Chairman
FORM VI

(See Rule 32)

STATE BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION

ANNUAL STATEMENT OF ACCOUNT

Income and Expenditure Account for the year ended 31st March, 19

<table>
<thead>
<tr>
<th>Previous Year</th>
<th>Expenditure</th>
<th>Details</th>
<th>Total of Sub-head</th>
<th>Total of major head</th>
<th>Previous Income</th>
<th>Total of sub-head</th>
<th>Total of major head</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
</tr>
</tbody>
</table>

REVÉNUE EXPENDITURE

By

(A) Administrative
   (i) Pay of officers
   (ii) Pay of establishment
   (iii) Allowances & Honoraria
   (iv) Leave salary and Pension Contributions
   (v) Board's contribution to the staff Provident Fund
   (vi) Contingent expenditure
      Deduct recoveries

(B) Running expenses of Laboratories
   (i) Main Laboratory
   (ii) Payments to be made to Central Water Laboratory

(C) Running and maintenance of vehicles

(D) Maintenance and Repairs :
   (i) Buildings and Land Drainage
   (ii) Works
   (iii) Furniture and Fixtures
   (iv) Scientific instruments and office appliances
   (v) Tools and plant

(E) Temporary works (including maintenance and repairs)

(F) Fees to Consultants and Specialists

(G) Law charges

(H) Depreciation
   (i) Buildings
   (ii) Laboratory equipment
   (iii) Vehicles
   (iv) Furniture and Fixtures
   (v) Scientific instruments and office appliances
   (vi) Tools and plants

(I) Miscellaneous
   (i) Write off of losses (as per details in the statement attached)
   (ii) Other miscellaneous expenditure

(J) Fees for Audit

(k) Excess of income over expenditure
    Total

Accounts Officer
Member Secretary
STATE BOARD OF PREVENTION AND CONTROL OF WATER POLLUTION
ANNUAL STATEMENT OF ACCOUNTS

Balance Sheet as at 31st March, 19

<table>
<thead>
<tr>
<th>Capital and liabilities</th>
<th>Property and Assets</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Previous Year</td>
<td>Details</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>A. Capital fund</td>
<td></td>
</tr>
<tr>
<td>(i) Grants received from Govt for capital expenditure</td>
<td>(as per Form VIII)</td>
</tr>
<tr>
<td>(a) Amount utilised upto 31st March, 19</td>
<td>(As per Form IX)</td>
</tr>
<tr>
<td>(b) Unutilised balance on 31st March, 19</td>
<td>(a) Value of land provided Govt, (at cost)</td>
</tr>
<tr>
<td>(ii) Grant from other agencies for capital expenditure</td>
<td>Balance as per last Balance sheet</td>
</tr>
<tr>
<td>(a) Amount utilised upto 31st March, 19</td>
<td>Additions during the year</td>
</tr>
<tr>
<td>(b) Unutilised balance as on 31st March, 19</td>
<td>Total:</td>
</tr>
<tr>
<td>(iii) Value of land provided by 3. Govt, (per contra)</td>
<td>Depreciation during the year</td>
</tr>
<tr>
<td>B. Capital Receipts</td>
<td></td>
</tr>
<tr>
<td>C. (i) Deposits received from outside bodies</td>
<td>Total</td>
</tr>
<tr>
<td>Less Expenditure</td>
<td>Less</td>
</tr>
<tr>
<td>(ii) Other deposits</td>
<td>Depreciation during the year</td>
</tr>
<tr>
<td>D. Amounts due (i) Purchases</td>
<td>Total</td>
</tr>
<tr>
<td>(ii) Others</td>
<td>Less</td>
</tr>
<tr>
<td>E. Excess of income over expenditure</td>
<td>Additions during the year</td>
</tr>
<tr>
<td>(i) Add for the year</td>
<td>Total</td>
</tr>
<tr>
<td>(ii) Deduct - Excess of expenditure over income</td>
<td>Less Depreciation during the year</td>
</tr>
<tr>
<td>(b) Vehicles as per last balance sheet</td>
<td>Total</td>
</tr>
</tbody>
</table>
(c) Furniture and Fixtures
As per last Balance sheet
Additions during the year___________________
Total
(d) Scientific Instruments
and office appliances
As per last Balance Sheet___________________
Additions during the year___________________
Total
(e) Tools and plants
As per last Balance Sheet
Additions during the year___________________
Total
Less depreciation during
the year
Total

4. Sundry debtors
(i) Amounts due from
outside bodies for expendi-
tures incurred
Expenditure
Less amount received
(ii) Other sundry Debtors
FORM VIII

(See Rule 32)

STATE BOARD ROR PREVENTION AND CONTROL OF WATER POLLUTION

Annual Statement of Accounts

Expenditure on works as on 31st March 19

(Item I- Assets of the Balance Sheet)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name of Works</th>
<th>Upto 31st March 19</th>
<th>During the year 19</th>
<th>Upto 31st March 19</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Direct expenditure</td>
<td>Overhead charges</td>
<td>Total expenditure</td>
<td>Direct expenditure</td>
</tr>
<tr>
<td></td>
<td>Direct expenditure</td>
<td>Overhead charges</td>
<td>Total expenditure</td>
<td>Direct expenditure</td>
</tr>
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</tr>
</tbody>
</table>

Total

Accounts Officer  
Member Secretary  
Chairman
 FORM IX  
(See Rule 32)  
STATE BOARD FOR PREVENTION AND CONTROL OF WATER POLLUTION  
Annual Statement of Accounts  

Fixed Assets as on 31st March, 19  
Other Assets as on 31st March, 19  

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Partition of assets</th>
<th>Balance on 31st March 19</th>
<th>Additions during the years</th>
<th>Total during the year</th>
<th>Depreciation during the year</th>
<th>Sales or write off during the year</th>
<th>Balance as on 31st March 19</th>
<th>Cumulative Depreciation as on 31st March 19</th>
</tr>
</thead>
</table>

Accounts Officer  
Member Secretary  
Chairman
FORM X
(See rule 34)

REPORT BY THE GOVERNMENT ANALYST

Report____________________________________________
Dated the__________________________________________             19_______________

I do hereby certify that I,                                         (I)_____________ Government Analyst duly appointed
under sub-section (I) of section 53 of the Water (Prevention and Control of pollution and Control of Pollution) Act, 1974(6 of 1974
received on the II_________________________ day of________________________19_________________ from
(III)__________________ a sample of______________________________for analysis, the sample was in a condition fit for
analysis reported below.
I further certify that I have analysed the aforementioned sample, on (IV)________________________ and
declare the result of analysis to be as follows:-
(v)
__________________________________________________________________________________________________
__________________________________________________________________________________________________
The condition of the seals, fastening and container on receipt was as follows
__________________________________________________________________________________________________
__________________________________________________________________________________________________

Signed this______________________________________ day of     ____________________________ 19 _____________________

(Signature)
Government Analyst

Address __________________________

To __________________________________

(I)                   Here write the full name of the Government Analyst
(II)                   Here write the date of receipt of the sample
(III)                  Here write the name of the Board or person or body of persons or officer from whom the sample
                      was received.
(IV)                   Here write the date of analysis
(V)                   Here write details of the analysis and refer to the method of analysis. If the space is not adequate,
                      the details may be given on a separate sheet of paper.
FORM XI

(See rule 33)

REPORT BY THE STATE BOARD ANALYST

Report No. _______________________________________________
Dated the ________________________________________________ 19

I hereby certify that I, (I) ______________________________ State Board Analyst, duly appointed under sub-section (3) of section 5-3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) received on the II __________________________________ day of 19 ______________ from (III) ______________ a sample of ________________________________ for analysis. The sample was in a condition fit for analysis reported below:-

I further certify that I have analysed the aforementioned sample on (IV) ______________________________ and declare the result of the analysis to be as follows:-

(V) ______________________________________________________________________________________________
_____________________________________________________________________________________________

The condition of the seals, fastening and container on receipt was as follows:-

__________________________________                                            ________________________________________
__________________________________                                           _________________________________________

Speed this______________________________________________ day of ___________________________________ 19

(Signature)  
State Board Analyst

Address __________________________________________

To ___________________________________________________

(I)                 Here write the full name of the State Board Analyst
(II)                Here write the date of receipt of the sample.
(III)               Here write the name of the Board or person or body of persons or officer from whom the sample was received.
(IV)                Here write the date of analysis.
(V)                 Here write the details of the analysis and refer to the method of analysis. If the space is not adequate the details may be given on a separate sheet of paper.
FORM XII
(See rule 37)
STATE BOARD FOR THE PREVENTION AND CONTROL OF WATER POLLUTION
Notice of intention to have sample analysed

To,
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

Take notice that it is intended to have analysed the sample of water/
sewerage effluent/trade effluent which his being taken today the ________________________________
y of________________________________19 _____________________________ from
(I) ____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

Name and designation of the person who takes
the sample.

(I) Here specify the stream, well, plant, vessel or place from where the sample is taken

To,
____________________________________________________________________________
____________________________________________________________________________


FORM XIII

(See rule 38)

Application for consent for establishing or taking any steps for establishment of Industry/Operation/process/ of any treatment disposal system for discharge, continuation of discharge under Section 25 or Section 26 of the Water (Prevention-and Control of Pollution), Act, 1974.

From ______________________________________________________________________________________
Date _______________________________________________________________________________________

To,

The Member Secretary,
Pollution Control Board.

Sir,

I/We hereby apply for consent/renewal of Consent under Section 26 of the Water (Prevention and Control of Pollution (Act 1974 (6 of 1974) for establishing or taking any steps for establishment of industry/operation process/or any establishment; of industry operation process/or any treatment/ disposal system to bring in use any new/altered outlet for discharge of sewerage/trade effluent from land/premises owned by ____________________________

The other relevant details are as below:-

1. Full name of the applicant
2. Nationality of the applicant
3. Status of the applicant:
   a) individual
   b) Proprietary concern
   c) Partnership firm (whether registered or unregistered)
   d) Joint family concern
   e) Private Limited Company
   f) Public Limited Company
   g) Government Company
      i) State Government
      ii) Central Government
      iii) Union Territory
4. Name, address and telephone numbers of the applicant
   (the full list of individuals, partners, persons, Chairman (full time or part time)
   Managing Directors, Managing Partners, Directors (Full of part time) other kinds of office bearers are to be furnished with the period of tenure in the respective office with telephone numbers and address)
5. Address of the Industry
   (Survey No. Khasra No. location as per the revenue records, village Revenue Block, District Police
   Station of SHO, jurisdiction of the first class Magistrate.
6. Details of commissioning, etc.;
   a) Approximate date of the proposed commissioning of work.
   b) Expected date of production
7. Total number of employees expected to be employed.
8. Details of licence, if any obtained under the provisions of Industrial Development, Regulations Act, 1981
9. Name of the person authorised to sign this form (the original authorisation except in the case of individual proprietary concern is to be enclosed).
10. a) attach the list of all raw materials and chemicals used per month.
    b) Licenced annual capacity of the factory/industry
12. a) State the daily maximum quantity of effluents and mode of disposal (sewer or drains or river)
    Attach analysis report of the effluents, type of effluent quantity in kilolitres, made of disposal, (i) Domestic (ii) Industrial
    b) Quality of effluent currently being discharged or expected to be discharged.
    (c) What monitoring arrangement is currently there or proposed.
13. State whether you have any treatment plant for industrial development, domestic or combined effluents.  
   Yes/No
   If yes, attach a description of the process of treatment in brief. Attach information on the quality of treated effluent vis-a-vis the standards.

   Description/Quantity/Method of collection/Method of disposal.

15. I/We further declare that the information furnished above is correct to the best of my/our knowledge.

16. I/We hereby submit that in case of change either of the point of discharge of the quantity of discharge or the quantity of discharge or its quality a fresh application for CONSENT shall be made and until such CONSENT is granted no change shall be made.

17. I/We hereby agree to submit the State Board an application for renewal of consent one month in advance of the date of expiry of the consented period for outlet/discharge if to be continued thereafter.

18. I/We undertake to furnish any other information within one month of its being called by the State Board.

19. I/We enclose herewith cash receipt No./bank draft No._________________ dated_________________ for Rs.________ (Rupees _____________________________) only in favour of the State Pollution Control Board as fees payable under Section 25 of the Act.

Yours faithfully,

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

Signature of the applicant
FORM XIV
(See sub-rule (i) of rule 40)
Form of appeal under Section 28 of the Act.

BEFORE _____________________________________________________________ APPEALLOTE AUTHORITY

CONSTITUTED UNDER SUB-SECTION (i) OF SECTION OF THE WATER (PREVENTION AND CONTROL OF POLLUTION)
ACT, 1974 (6 of 1974)

Memorandum of appeal of Shri__________________________________________________________ Appellant

Verses

Sikkim Pollution Control Board_________________________________________________________Respondent

The appeal of Shri___________________________________________________________________

Resident of______________________________________________________________________________________

District __________________________________________________________________________________________

against the order _________________________________________dated_____________________________________

passed by the Sikkim Pollution Control Board under Section 21/22 of the Water (Prevention and Control of pollution) Act, 1974 showeth as follows:-

SIKKIM WATER (PREVENTION AND CONTROL OF POLLUTION) RULES, 1983

(i) Under Section 25/26 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) appellant has been granted consent subject to the condition mentioned in the consent order in respect of the land/premises falling under the____________________________Corporation/Municipal Council/notified area committee, etc. noted below:

(a) Collectorate ______________________________________________
(b) Corporation ______________________________________________
(c) Village Panchayat_________________________________________
(d) Municipal Council________________________________________
(e) Cantonment _____________________________________________
(f) Defence Department ______________________________________
(g) Port Trust _______________________________________________
(h) State Government Area ____________________________________
(j) Prohibited Area __________________________________________

A copy of the consent order in question attached hereto.

(2) The facts of the case as under:
(here briefly mention the facts of the case).

(3) The ground on which the appellant relies for the purposes of this appeal are as below:
( here mention the grants on which appeal is made).
1. 
2. 
3. 

(4) In the light of what is stated above, the appellant respectively prayeth that-
(a) the unreasonable condition (s) imposed should be treated as annulled or it/they should be substituted by other condition (s) namely __________________________
(b) The unreasonable condition(s) ____________________________________________

_____________________________________________________________________________

An amount of Rs. __________________________________________ as for this appeal has been paid in the office of the Board vide receipt No._______________ dated _________________ an authenticated copy of which is attached as proof of payment.

x

Signature of Appellant
( Name in Block letters)
Occupation ________________________________
Address ___________________________________

Dated:                                                                                                          ____________________________________

_____________________________________________________________________________________________________

Note: Strike out what is not applicable.
SIKKIM WATER (PREVENTION AND CONTROL OF POLLUTION) RULES, 1991

a.m./p.m. on that date in the office of

_______________________________________________________________________________________________
(Here mention the detailed address)

You are hereby called upon to appear before this authority at the appointed time and date and place, either in person or through a duly authorised agent, and explain your case. Please take notice that failure on your part to appear on the dry of hearing either in person or through a duly authorised agent, without showing sufficient cause to the satisfaction of this Authority will make your appeal liable to be dismissed or decided ex parte.

Given under the hand and Seal of the Appellate Authority ______________________________________
this _________________________________ day of ______________________ 19 ______________________________

FORM XV

(See sub-rule (i) of rule 41)

Form of Notice

Before ________________________________________ Appellate Authority as constituted under Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974).

In the matter of appeal No. ______________ 19 ______________________ filed under sub-section (I) of Section 28 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) by Shri _________________________________________________________________________________
(Here mention the name and address of the appellant)

____________________________________________________________________________________________
has filed before this Authority a Memorandum of appeal against the order ________________ dated ________________ passed by the Sikkim Pollution Control Board under Section _____________ of the Act;

AND WHEREAS under sub-section (4) of Section 28 of the Act, this Authority is required to give to the parties an opportunity of being heard;

NOW, THEREFORE, please take notice this authority has fixed _____________________ as the date of hearing of the aforesaid appeal. The hearing shall take place at ______________________________________

Here mentioned the name and designation of the Authority.
SCHEDULE II
BUDGET AND ACCOUNTS HEAD
(See sub-rule (3) of rule 24)
ADMINISTRATION
Heads of Accounts (Expenditure)

1. Salaries
2. Wages
3. Travel Expense
4. Office expenses
   (a) Furniture
   (b) Postage
   (c) Office Machines/Equipment
   (d) Liveries
   (e) Hot and cold weather charges
   (f) Telephone
   (g) Electricity and Water charges
   (h) Stationery
   (i) Printing
   (j) Staff car and other vehicles
   (k) Other items
5. Fee and Honoraria
6. Payment for professional and special services
7. Rents, Rates and Taxes/Royalty
8. Publications
9. Advertising, Sales and Publicity Expenses
10. Grants in aid/Contributions/Subsidies
11. Hospitality Expenses/Sumptuary Allowances etc.
12. Pensions/Gratuites
13. Write off/Losses
14. Suspenses
15. Expenses in connection with the setting up and maintenance of the Board Laboratory
16. Other charges (A residuary head, this will also rewards and prizes Head of Account (Receipts)
   1. Payments by State Government
   2. Fees
   3. Fines and other receipts.

SCHEDULE III
(See rule 31)

State Board for the Prevention and control of Water Pollution
ANNUAL REPORT FOR THE FINANCIAL YEAR APRIL 19_______TO MARCH 19___
1. Introductory
2. Constitution of the State Board including changes therein
3. Constitution of the Committees by State Board and meeting of the Committee constituted the Act, by it.
4. Meetings of the State Board
5. Activities of the State Board including the various functions performed under Section I of
6. Prosecution launched and convictions secured.
7. Finance and Accounts of the State Board.
8. Visits to the State Board by experts, important persons etc.
9. Any other important matter dealt with by the State Board.
GOVERNMENT OF SIKKIM  
INCOME & SALES TAX DEPARTMENT  
 GANGTOK 737101 SIKKIM  

No. 119/IT &ST.  
Dated: Gangtok, the 24th April, 1992.

NOTIFICATION

In exercise of the power conferred under sub-section 5 of Section 8 of Central Sales Tax Act, 1956 the State Government is pleased to exempt the Sikkim Time Corporation of Deorali, Sikkim from payment of Central Sales Tax in the course of inter-State Trade and Commerce of Digital watches and ECB for a period of five years from the date of production.

G.P. PRADHAN  
Secretary-Cum-Commissioner  
Income and Sales Tax Department,  
Government of Sikkim.
GOVERNMENT OF SIKKIM

HOME DEPARTMENT


NOTIFICATION

In exercise of powers conferred by Section 9 of the National Security Act, 1980 (Central) Act No. 65 of 1980 and in supersession of Home Department’s Notification No. 7 (7) Home/80/1069 dated the 2nd September, 1986 and Notification No. 7 (7) Home/80/1326 dated the 15th November, 1986, the State Government hereby reconstitutes the Advisory Board and appoints the following as members of the same Board:

1. Brig. Justice Shri D.M. Sen. (Retd.) — Chairman
2. Shri Tsewang Dorjee, District and Sessions Judge — Member
3. Shri Udai P. Sharma, Government Advocate-cum-Public Prosecutor — Member

By Order in the name of Governor,

P.K. PRADHAN, IAS
Home Secretary,
Government of Sikkim.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.


NOTIFICATION

In supersession of Notification No. 6 (7) Home/83 dated the 15th June, 1983 the Governor of Sikkim is hereby pleased to lay down the following terms and conditions for appointment of Advocate General, Sikkim with immediate effect:—

1. No person shall be eligible for appointment as Advocate General, Sikkim, unless he fulfill the qualifications as laid down in article 16c of the Constitution.

2. The duties of the Advocate General shall he as follows:—

(a) to advice the State Government, without any fees, upon such legal legal matter as may re-
ferred to him by the State Government through Legal Remembrancer and Law Secretory;
(b) to represent the State Government in the Supreme Court;
(c) to to represent the State Government in the High Court in proceedings of importance, civil or criminal, original, or appelate when specially directed to do so by the State Government;
(d) the Advocate General , shall and appear in a Lower Court if the Legal Remembrancer and Law Secretary, on account of special importance of the case or matter arisieig out of the case, refers such cut to him on a particular date;
He shall also appear in a lower court when the Government Advocate in charge of the case considers, in view of the special importance of the case, that the Advocate General should conduct the case assisted by such Government Advocate. He may appear in such court with the approval of the Legal Remembrancer and Law Secretary.
(f) to discharge the function conferred upon him by or under the Constitution or any other law for the time being in force;
(g) to represent the State Government at all stages before the High Court.

3. The Advocate General shall, always, be assisted in a case by a Government Advocate.

4. The Advocate General shall not accept private briefs which may be adverse to the interests of the State Government.

5. The Advocate General shall be paid a monthly retainer of Rs. 3,000/-
6. The Advocate General shall also be entitled to the following rates of Fees—

(a) Daily appearance fee for appearing before the High Court of Sikkim and other courts of Sikkim. Rs. 510/- per case per day, subject to maximum of three fees per day.

(b) Daily appearance fee for appearing before the Supreme Court or any court outside Sikkim. Rs. 850/- per case per day, subject to maximum of three fees per day.

(c) Waiting fee Rs. 510/- per day.

(d) Fee for settlement of draft Rs. 175 per draft

(e) Consultation fee Rs. 100/- for each consultation.

(f) TA/DA, leave and Medical facilities as are admissible to a First Grade Officer of the State of Sikkim.

7. The Advocate General shall be provided with tree transport and free furnished residential accommodation. He shall also be provided with office accommodation and such other staff as the Government may provide from time to time.

8. If any doubt arises regarding interpretation of this Notification, the Law Department with the approval of the Minister-in-charge of the Department shall interpret and decide the matter

BY ORDER

B. R. PRADHAN
Legal Remembrancer and Law Secretary to the Government of Sikkim, Law Department.

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