GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 79/ Home/94
Dated: Gangtok thee 30\textsuperscript{th} December, 1994

NOTIFICATION

The Governor of Sikkim is pleased to appoint the following as Chairman/ Chairperson of the organisation(s) mentioned against their respective name(s):

1. Shri Palden Lama
   Scheduled Tribes Welfare Board
2. Shri Badri Thatal
   Scheduled Caste Welfare Board
3. Shri Choppel Lepcha
   Sikkim Time Corporation
4. Shri Dugo Bhutia
   Sikkim Mining Corporation
5. Shri Udai Lama
   Sikkim Housing Development Board
6. Ms. Kalawati Subba
   Sikkim Industrial and Investment Corporation
7. Shri M.B. Rai
   Land Use and Environment Board
8. Shri Vinod Pradhan
   Sikkim Nationalised Transport
9. Shri S.B. Subedi
   Electricity Advisory Board
10. Shri T.R. Sharma
    Sikkim Milk Union
11. Shri Passang Rinzing Sherpa
    Sikkim Tea Board
12. Shri Lodey Tshering Bhutia
    Sikkim Jewels Limited
13. Shri M.B. Subba
    Sikkim Consumer’s Co-operative Society

BY ORDER

K.A. VARADAN
CHIEF SECRETARY
(F.No.2 (1) Home/77-II)

PRINTED AT THE SIKKIM GOVT. PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 2/Home/95
Dated Gangtok, the 10th January, 1995

NOTIFICATION

The Governor of Sikkim is pleased to appoint Shri R. W. Kazi as Chairman of Sikkim Marketing Federation (SIMFED).

By Order.

K.A. VARADAN,
CHIEF SECRETARY.

F.No. 2(1) Home/ 77/ II).

PRINTED AT THE SIKKKIM GOVT. PRESS, GANGTOK.
NOTIFICATION

The State Government Constitutes, with immediate effect, a Committee comprised as follows:-

1. Shri D. Dahdul, Secretary, Motor Vehicles - Chairman
2. Shri R.S. Shreshtha, Special Secretary Finance, - Member
   Special Secretary Finance,
3. Shri G.S. Lama, Chief Engineer, R.D.D. - Member
   Chief Engineer, R.D.D.
4. Shri B.K. Kharel Joint Secretary (Protocol), Home - Member
   Joint Secretary (Protocol), Home
5. Shri D.P. Sharma, Deputy Secretary - Member
   Deputy Secretary

The Committee shall take stock of all government vehicles and suggest a policy for re-deployment of the vehicles with a view to maximize their use. The Committee shall also suggest any change in the terms and conditions under which vehicles are allotted so that the expenditure on this account, is minimized.

By Order,

K.A. VARADAN
Chief Secretary,
(F. No.54 (45) Home/88

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 3/Home/95                   Dated: Gangtok the 16th January, 1995

NO T I F I C AT I O N

The State Government hereby constitutes a Committee for the purpose of conducting a thorough verification of stores of various of the State Government.

2. The Committee shall comprise as follows:-

(i) Shri R.S. Shrestha, Special Secretary, Finance. - Chairman
(ii) Shri P.C. Pradhan, Director, Internal Audits, Finance. - Member
(iii) One representative of Accountant General of the rank of Accounts Officer. - Member
(iv) Shri K.S. Tobgay, O.S.D.Finance. - Member - Secretary

3. The Committee shall start functioning with immediate effect and shall submit its report to the Government by 31st March, 1995.

By Order,

K.A. VARADAN
CHIEF SECRETARY
(F. No. 54(45) Home/88)

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
The Government of Sikkim is pleased to appoint a Committee to constantly monitor the implementation of different plan schemes.

2. The Committee will consist of the following members, namely:

   (i) Shri T.P. Sharma - Chairman
       Advisor, Government of Sikkim
   (ii) Shri Sonam Wangdi - Member
        Development Commissioner,
        Planning & Development Department
   (iii) Shri Tashi Tobden, - Member
        Secretary,
        Finance Department
   (iv) Shri L.B. Chettri - Member
        Secretary,
        Urban Deployment Department
   (v) Shri T.P. Dorjee, - Member
        Joint Secretary
        Planning & Development Department

3. The function of the Committee will be-
   (i) to review constantly in consultation with the Secretary and the other Senior Officers of each Department the implementation of the plan schemes of the Department;
   (ii) to suggest suitable modifications to ensure that these schemes are well co-ordinate;
   (iii) to ensure from an over all point of view that the formulation and implementation of the schemes are such that all available resources-financial, technical and managerial are directed vigorously towards priority areas so that development can take place at the earliest possible time and there be visible impact of the schemes on the ground.

4. The Committee shall meet as often as necessary and shall also make on the spot visits for carrying out the above purposes.

5. The Committee will utilise services of the Planning and Development Department.

6. The Chairman will keep the Chief Secretary informed of the progress of work from time to time.

K.A. VARADAN,
CHIEF SECRETARY.
ERRATUM

In the notification No.62/L.R. (S) dated 4. 10.94 of Land Revenue Department under Section 4 (I) of L.A. Act, 1894 ( 1 of 1894 ) issued and published vide Sikkim Government Extraordinary Gazette No. 165A dated 26th November 94 in relation to the acquisition of land by 86 RCC (GREF) for the construction of Toong-Sangkalang Road at Salim Pakayal and Lingthem block, North Sikkim, the Schedule of properties may be read as under.

a) Plot No. 325 be read as plot No.335.

b) Plot No. 263 be read as plot No. 263
   1025  1030

c) Between the plot Nos 309 and 330 may be read plot No. 330
   1026  1031  1031

T.W. Barphungpa,
Commissioner-Cum-Secretary,
Land Revenue Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GAMGTOK.
DECLARATION UNDER SECTION 6
OF LAND ACQUISITION ACT, 1894.

Whereas the Government is satisfied that land is needed for public purpose, not being a purpose of the Union, namely for Industries Department for the set up of Stol Air Field in the block of Burtuk, East District, it is hereby declared that a piece of land comprising cadastral plot Nos 208,208/B,209,82,182,83 (portion) 84,85,93,526,99,100,101,533,535,529,179,178 measuring more or less 5.90 acres bounded as follows:-


North:  P.F. of Chidup Lepcha and Pahalman Gurung.

South:  C.F. of Bochen Lepcha, Nari Lepcha, Nim Gyatso Lepcha, Bomden Lepcha and Nondol Lepcha.

is needed for the aforesaid public purpose at the public expense within the aforesaid block of Burtuk, East Sikkim.

The declaration is made, under the provision of Section 6 of Act 1 of 1894, to all whom it may concern.

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

T.W. Barphungpa,
Secretary,
Land Revenue Department.
Government of Sikkim
Election Commission of India’s notification No. 56/94 (7) dated 4th November, 1994 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi- 110001
Dated: 4th November,1994
13 Kartika, 1916 (S)

NOTIFICATION

No. 56/94 (7)- In exercise of the power conferred by clause (d) of sub-para (1) and in pursuance of sub para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission of India hereby makes the following further amendments to its notification No. 56/92, dated 7-1-1993, as amended from time to time namely,

In Table IV of the said notification :-
against “10 Karnataka “pin column (1) after the existing entry at S. No. 34 in column 2, the following entries shall be added ; namely :-


By Order,

D.K. Pradhan
Deputy Chief Electoral Officer.

S.K. RENDIRATTA
SECRETARY

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 219/94 Dated Gangtok, the 18th January, 1995.

Election Commission of India’s notification No. 56/94(9) dated 15th December, 1994 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110001.

Dated 15th December, 1994
Agrahayana 24, 1916 (Saka)

NOTIFICATION

No. 56/94(9)- In pursuance of sub-paragraph (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission of India hereby makes the following further amendment to its Notification No. 56/92, dated 7th January, 1993, published as O.N. No. 2 (E) in the Gazette of India, Extraordinary, Part-II, Section 3 (iii), dated the 8th January, 1993, as amended from time to time, namely:-

(I) In Table-II of the said notification,

(i) against the entry “West Bengal” in column I, for existing entry ‘Lion’ in column 3 relating to 11 All India Forward Bloc’, the entry ‘plough’ shall be substituted.

(ii) against the entry ‘Tamil Nadu’ in column 1, for the existing entries “109 B, Eldmas Road, Vanniya Teynampet, Madras-600018” in column 4, relating to ‘3. Pattali Makkal Katchi’, the entries “63 Nattumutu Naicken Street, Vanniya

(II) In Table-III of the said notification,

(i) after the existing entries at S.No. 364, the following entries shall be inserted under column (1) and (2) respectively:-

“365. Bharipa Bahujan Mahasangha
Dr. Ambedkar Bhawan., Gokuldas Pasta Road, Dadar, Bombay-400014.

366. Ekta Party
Hotel Chirag, Jharoda Road, Najafgarh, New Delhi-1100043.

367. Gareebjan Samaj Party
450, Jaidevi Nagar, Garh Road, Meerut (Uttar Pradesh).
368. Janadhipathiya Samrekshna Samiti
State Committee Office, Near Vezhicherry
Alleppey, Kerala-688001.

369. Maharashtra Vekas Congress
At & Post-Jalgaon, Distt. Jalgaon,
Maharashtra-425001.

370. Nava Samaj Party
‘JALADRUSYYAM’, 6-1-2/1, Secretariat Road,
Hyderabad-500004.

371. Proutist Sarva Samaj Samiti
10/105A, Sector-3, Rajendra Nagar, Sahibabad,

372. Rastreeya Praja Parishat
H. No.4-62/1, Jyothi Complex, Street No. 8, Habshiguda, Hyderabad-500007 (Andhra Pradesh).

373. Sahi Party
15, Nasiruddin Lane, Phari Tola, Ranchi,
Bihar-834001.

374. Satayug Party
No.1-2-597//24, Ist Floor, Lower Tank Bund Main
Road, Hyderabad-500029 (Andhra Pradesh).

375. Savarn Samaj Party
East of Stadium, Nand Hardwear, Sirmor Road,
Rewa, Madhya Predesh-486001”.

(ii) against S. No. 157, relating to the Karnataka Rajya Ryota Sangha, for the existing entries in column 2, the entries “2111, 7’ ‘A’ Cross, III Main, Vijaynagar II Stage, Bengaluru-560040 “shall be substituted.

III. In Table IV appended to the said notification, against “25. West Bengal “in column 1, the entry ’28. Plough’ specified in column 2, SHALL BE DELETED.

By Order,

S.K. MENDIRATTA
SECRETARY

D.K. Pradhan
Deputy Chief Election Officer.
Election Department, Gangtok.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

Election Commission of India’s notification No. 56/95/(2) dated 10th January, 1995 is hereby republished for general information.

SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi.

20 Pausa, 1916 (Saka)

NOTIFICATION

No. 56/95(2).- In pursuance of clause (d) of sub-para (1) and (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendment to its Notification No. 56/92, dated 7-1-1993 published as O.N.2(E), dated 8-1-1993 in the Gazette of India, Extraordinary, Part II, section 3 (iii), and as amended from time to time, namely:-

In TABLE IV appended too the said notification-Against the name of State “18’ Odissa” under column 1, the following entries shall be inserted under column 2:-

27. Bell
28. Bucket
29. Comb
30. Conch
31. Flute
32. Ring
33. Rising Sun
34. Saw
35. Two Leaves.”

By Order.

S.K. MENDIRATTA
Secretary
K.K. Pradhan
Joint Chief Electoral Officer
Govt. of Sikkim.
Gangtok, Friday, 27th January, 1995

GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT


Election Commission of India’s notification No. 56/94 (10) dated 30th December, 1994 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110001.

Dated : 30th December, 1994.
9 Pausa, 1916 (Saka)

NOTIFICATION

No. 55/94(10)-In pursuance of clause (c) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendment to its Notification No. 56/92, dated 07-1-1993 published as O.N. 2 (E), dated 08-1-1993 in the Gazette of India, Extraordinary, Part II, Section 3(iii), and as amended from time to time, namely:-

In Table III appended to the notification –
(i) after the existing entries at S. No. 375, the following entries shall be inserted under column (I) and (2) respectively:-

376. Rashtriya Suraiya Parishad
Mrudul Tower, Ground Floor, Kailash Sociaty
H.K. House Lane, Aashram Road, Ahmedabad-380 009 (Gujarat).

377. Bharathiya Nethaji Party
3857, 4th Cross, Gayath Nagar, Bangalore-560 021, Karnataka.

378. Kisan Vyawaqsayee Magdoor Party
Prakash Bhawan, Narhi Bazar, Lucknow,
Utter Pradesh.

379. Hindu Praja Party
Sangeetha Sahitya Samskruthi Hindu Dharma
Nilayam, Brahmana Koduru (V), Ponnur Mangal,

380. Soshan Mukti Murcha
Ambadkar Nagar, Sector 5, G-Block, House
No. 375, New Delhi-110 062.

381. Jharkhand Mukti Morcha (Mardi)
Shukla Colony, Post Hinoo, Ranchi-2, Distt.
Ranchi, Bihar-834 002.
382. All India Democratic People Federation
291, M.T.H. Road, Villivakkam, Madras-600 049.

383. Bharatiya Azad Party
131/16, Onkar Nagar-B, Trinagar, Delhi-110035.

384. Akhil Bharatiya Rajarya Sabha
Adarsh Gurukul Shahi, Distt-Pilibhil (Uttar Pradesh) Pin-262001.

(ii) against S. No. 159, relating to ‘Kerala Congress (B)’, for thee existing entries in column 2, the entries “P.T. Chacko Smaraka Mandiram, S.S. Kovil Road, Thampanoor, Thiruvanathpuram, Pin:695 001,” shall be substituted.

By Order,

S.K. MENDIRATTA
SECRETARY

D.K. Pradhan
Deputy Chief Election Officer.
Election Department, Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Election Commission of India’s notification No.56/95(1) dated 5th January, 1995 in hereby republished for general information.

NOTIFICATION

No. 56/95(1).- In pursuance of clause (d) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments to its Notification No. 56/92, dated 7-1-1993 published as O.N. 2 (E), dated 8-11993 in the Gazette of India, Extraordinary, Part II, section 3(iii), and as amended from time to time, namely:-

In TABLE IV appended to the said notification-

(a) against the name of the State “2. Arunachal Pradesh” in column 1, the entry “36. Star” shall be inserted under column 2;
(b) against the name of the State “4. Bihar” in column 1, the entry “91. Star” shall be inserted under column 2;
(c) against the name of the State “6. Gujarat” in column 1, the entry “36. Star” shall be inserted under column 2;
(d) against the name of the State “13. Maharashtra” in column 1, the entry “76. Star” shall be inserted under column 2; and
(e) against the name of the State “18. Orissa” in column 1, the entry “26. Star” shall be inserted under column 2.

By Order,

S.K. MENDIRATTA
Secretary

D.K. Pradhan
Deputy Chief Electoral Officer
Election Department, Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 223/H/95 Dated Gangtok the 2nd February, 1995.
Election Commission of India’s notification No. 56/95 (3) dated 13.1.95 is hereby republished for general information.

SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi.

Dated : 13th January, 1995
Pausa, 23, 1916 (Saka)

NOTIFICATION
No. 56/95(3)- In pursuance of clause (d) of sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendments to its Notification No. 56/92, dated 7-1-1993 published as O.N. 2 (E), dated 8-1-1993 in the Gazette of India, Extraordinary, Part II, Section 3 (iii), and as amended from time to time, namely:-

In TABLE IV appended to the said notification-
Against the name of State “6-Gujarat” under column 1,
the following entries shall be inserted under column 2:-


By Order,

S.K. MENDIRATTA
Secretary

D.K. Pradhan
Deputy Chief Electoral Officer
Election Department, Gangtok.

PTINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
WHEREAS the State Government is deeply concerned with the problem of rural poverty and for this purpose it has decided to set up an Economic Policy Committee. Now, therefore, it is hereby notified that the Economic Policy Committee is constituted as follows:-

Shri K.A. Varadan, - Chairman
Chief Secretary
Shri Tashi Tobden, - Member
Secretary, Finance
Smt. Rinchen Ongmu, - Member
Secretary, Rural Development
Shri L.B. Rai, - Member
Director, Social Welfare

The Commission will formulate specific proposals for augmenting various schemes which are meant for the direct benefit of those below the poverty line, especially in rural areas. Such schemes will be implemented starting with the poorest of the poor in such a manner that in areas such as supply of agriculture inputs, supply of animals as productive assets, supply of input for development of floriculture, fisheries, supply of facilities to enable children of these families to be properly educated in the schools, distribution of productive assets such as land to the landless, distribution of inputs for rural housing etc. There is significant impact on these families. These specially identified families will get consistent help to pull them above the poverty line. It will be ensured that these benefits go to genuine Sikkimese people.

K.A. VARADAN,
CHIEF SECRETARY.
(F. No.54 (168) HOME/94)
In exercise of the powers conferred by section 30 of the Protection of Human Right Act, 1993 (Central Act 10 of 1994), the State Government with the concurrence of the Chief Justice, High Court of Sikkim, specifies the Court of Session, East and North Districts as a Human Right Court for the whole of Sikkim for providing speedy trial of offences arising out of violation of Human Rights.

K.A. VARADAN,
CHIEF SECRETARY.
(F. No. 54(77)Home/93)
Gangtok, Monday, 13th February, 1995                        No.13

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK


NOTIFICATION

The State Government is pleased to constitute a Committee comprising of the following members for examination of the offers in respect of implementation of Teesta Hydro Electric Project, Stage-III under Private or Joint Sector and make suitable recommendation.

1. Chief Secretary   : Chairman
2. Development Commissioner : Member
3. Finance Secretary   : Member
4. Land Revenue Secretary  : Member
5. Secretary (Power)   : Member
6. Shri Athup Lepcha, Dzongu : Member
7. Shri Chopel Lepcha, Dzongu : Member
8. Addl. Chief Engineer (Power) : Member Secretary

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

K.A. VARADAN
CHIEF SECRETARY.
F. No. 406/P/Gen/91

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 8/HOME/95 Dated 2nd February 1995

NOTIFICATION

In partial modification of notification No. 2/3 (35)/G/LU & E (F) dated 6.7.1993, the State Government hereby nominates and appoints Shri M.B. Rai to be Chairman of the Land Use and Environment Board in place of Shri U.P. Bhutia with effect from 30.12.1994 which is the date of issue of Notification No.79/Home/94 of Home Department.

By order and in the name of the Governor.

K.A. VARADAN
CHIEF SECRETARY
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GANGTOK

Notification No. 2/NR/(S) Dated 4.2.1995

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

Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely for construction of Civil Court & Judicial Court Cum residential quarter in the block of Namchi Bazar South District, It is hereby notified that a piece of land comprising cadastral plots No. 228 and measuring area 0.3400 hectares, bounded as follows:

West: D.F. of Samten Tshering Lepcha & Pempo Dome Bhutia, & Tshering Lhamu.

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

This notification is made, under the provision of Section 4 (1) of Act I of 1894 to all whom it may concern.

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

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

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

T.W. Barphungpa,
Secretary,
Land Revenue Department,
Government of Sikkim, Gangtok.

T.W. BARPHUNGPA
SECRETARY TO THE GOVERNMENT OF SIKKIM.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No. 21 (129) LD/LIT/ 95/12
Dated the 7th February, 1995.

NOTIFICATION

In exercise of the powers conferred by clause (I) of article 165 of the Constitution of India, the Governor of Sikkim is pleased to appoint Shri Ashok Kumar Srivastava, Advocate, Supreme Court, to be Advocate General for the State of Sikkim with immediate effect.

His terms of appointment shall be Governor by Notification No. 21 (100) LD/LIT/ 90/439/92 dated the 20th March, 1992.

B.C. SHARMA,
JOINT LEGAL REMEMBRANCER AND JOINT SECRETARY TO THE GOVERNMENT OF SIKKIM.
GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK


N O T I F I C A T I O N


T.W. BARPHINGPA
SECRETARY TO THE GOVT. OF SIKKIM.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK.


NOTIFICATION


T.W. BARPHUNGPA
SECRETARY TO THE GOVT. OF SIKKIM.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 9/HOME/95


NOTIFICATION

In exercise of the powers conferred by clause (a) of sub-section (1) of section 16 of the Consumer Protection Act. 1985 (Central Act No. 68 of 1986), the State Government in consultation with the Chief Justice of High Court of Sikkim hereby appoints Justice R. Dayal, Judge, Sikkim High Court as the President of the State Commission for the purpose of the said Act.

By order in the name of Governor.

K.A. VARADAN
CHIEF SECRETARY
F. NO. 1 (13) 91-92/CP/WM/FCS

PTINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK


NOTIFICATION


T.W. BARPHUNGPA
SECRETARY TO THE GOVT. OF SIKKIM.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK

No. 14/DL/DCA/1995

NOTIFICATION


T.W. BARPHUNGPA
SECRETARY TO THE GOVT. OF SIKKIM.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

NOTIFICATION

Notification No. 7(10) Home/83/32 dated 15th December, 1992 is hereby re-published for general information:-


NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 3 of the Immoral Traffic Prevention Act. (Central Act 104 of 1956), the State Government hereby appoints Sub-Divisional Police Officers as the Special Police Officers for dealing with offences under the said Act within their respective jurisdiction in Sikkim.

P.K. PRADHAN
CHIEF SECRETARY/HOME SECRETARY,
GOVERNMENT OF SIKKIM.”
DECLARATION UNDER SECTION 6
OF LAND ACQUISITION ACT, 1894:

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (1 of 1894) in relation to the acquisition of land for the Union have been entrusted to the State Government by Notification issued by the Government of India under Clause (1) of Articles 258 of the constitution of India.

And whereas the Governor in satisfied that land is needed for a public purpose being purpose of the Union, namely for the construction of Toong-Sangkalang Road by 86 RCC (GREF) in the Salimpakel and Shipgyer, North Sikkim, it is hereby declared that 17 Meters wide strip of land i.e. approximately 56 feet within Cadastral Survey plot Nos noted under the hectares in needed for the aforesaid blocks of Salimpakel and Shipgyer.

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 by inspected in the office of the District Collector, North District, Mangan.

SCHEDLUE OF PROERTIES:

Salimpakel block:

733,734,736,739,741, 742,743,744,745,746,747,749,750,753,754,755,756,757
758,759,761,762,763,764,929,935,936,937,938,939,940,941,943,948,950,955,956,
957,958,962,963,969,970,971,976,977,978,979,980,981,982,983,985,986,988,992,993,
and 1007.

Shipgyer block:

2,3,4,5,9,10,10A,26,27,33,56,56A,56B, and 25
948

T.W. BARPHUNGPA,
Commissioner-Cum-Secretary,
Land Revenue Department.
In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Sikkim, in consultation with the High Court of Sikkim, makes the following rules further to amend the Sikkim Superior Judicial Service Rules, 1980, namely

1. (1) These rules may be called the Sikkim Superior Judicial Service (Amendment) Rules, 1995.
   (2) They shall come into force with effect from the date of their publication in the Official Gazette.

2. In the Sikkim Superior Judicial Service Rules, 1980, after rule 14, the following rule shall be inserted, namely:-

   “14A. Age of Superannuation-
   (1) Subject to the provisions of sub-rule (2) and (3), a member of the service shall retire from service in the afternoon of the last day of the month in which he attains the age of 60 years.
   (2) Subject to the provisions in sub-rule (3), the High Court shall assess and evaluate the record of a member of the service for his continued utility well within time before he attains the age of 58 years by following the procedure for the compulsory retirement under the service rules applicable to him and give him the benefit of the extended superannuation age from 58 to 60 years only if he is found fit and eligible to continue in service. In case he is not found fit and eligible, he should be compulsorily retired on his attaining the age of 58 years.
   (3) An existing member of the service may exercise his option in writing before he attains the age of 57 years to retire at the age of 58 years.”

K.A. VARADAN,
CHIEF SECRETARY.
(F. No. 54 (11) Home/90)
DECLARATION UNDER SECTION 6 OF LAND ACQUISITION ACT, 1894:

Whereas the functions of the Central Government under the Land Acquisition Act, 1894 (1 of 1894) in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by Notification issued by the Government of India Clause (1) of Articles 258 of the constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose being a purpose of the Union, namely for the construction of Toong-Sangkalang Road by 86 RCC (GREF) in the block of Lingdong, Lingthem and Salimpakel, North Sikkim, it is hereby declared that 17 Meters wide strip of land i.e. approximately 56 feet within Cadastral Survey plot Nos noted under the schedule of properties below and measuring more of less, 20500 meters long i.e. 30.7760 hectares is needed for the aforesaid blocks of Lingdong, Lingthem and Salimpaket.

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 District, Mangan.

SCHEDULE OF PROPERTIES:

Salimpaket block:


1026 1027 1029 1030 1031 1032

Lingthem block:

603, 610, 611, 612, 613, and 614.

T.W. BARPHUNGPA,
Commissioner-Cum-Department,
Land Revenue Department.
No. 224/H95

Election Commission of India’s notification No. 56/95 (4) dated 14th January, 1995 is hereby republished for general information.

SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi.

24, Pausa, 1916 (Saka)

NOTIFICATION

No. 56/95 (4).- WHEREAS, the Election Commission of India has reviewed the poll performance of all political parties at the general election to the State Legislative Assemblies of Andhra Pradesh, Goa, Karnataka and Sikkim held in November – December, 1994, in terms of paras 6 and 7 of the Election Symbols (Reservation and Allotment) order, 1968; and

2. WHEREAS, on such review the Election Commission is satisfied that the United Goans Democratic Party, a registered un-recognised party, has become eligible for recognition as a State Party in Goa, the Karnataka Congress Party, a registered un-recognised party, has become eligible for recognition as a State Party in Karnataka, and the Sikkim Democratic Front, a registered un-recognised party, has become eligible for recognition as a State Party in Sikkim, in terms of para 6 (2) of the Election (Reservation and Allotment) Order, 1968; and

3. WHEREAS, the Election Commission has decided to recognise the said United Goans Democratic Party as a State Party in Goa, Karnataka Congress Party as a State Party in Karnataka, and Sikkim Democratic Front as a State Party in Sikkim and to reserve the symbols “Two Leaves”, “Bicycle” and “Umbrella” respectively for the said parties in the respective State;

4. NOW, THEREFORE in pursuance of clause (b) (c) and (d) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendments to its Notification No. 56/92, dated 7-11993, published as O.N. 2 (E), in the Gazette of India, Extraordinary, Part II, section 3 (iii), on 8-1-1993, and as amended from time to time, namely:-
(I) In TABLE II of the said notification,-

(1) against the entry “Goa” in column I, the existing entry in column 2 relating to Maharashtrawadi Gomantak shall be numbered as ‘I’, and below that entry as so numbered, following entries shall be inserted in columns 2, 3 and 4 respectively :-

“2. United Goans Democratic Party Two Leaves ‘PARIMAL’ Altinho, P.O. Box-114 Panjim, Goa-403001.”;

(2) below the entries relating to the State of Jummu and Kashmir, following entries shall be inserted under column 1,2,3 and 4 respectively:--

Karnataka Karnataka Congress Party Bicycle 190, Sankey Road, Sadashivanagar, Bangalore-560 080.”;

(3) against the entry “Sikkim” in column 1, the following entries shall be inserted in column 2,3 and 4 respectively :-

“3. Sikkim Democratic Front Umbrella H.O. Namchi, Sikkim-737 126.”;

(II) In TABLE III of the said notification, the entries under column 1 and 2 relating to “United Goans Democratic Party”, “Sikkim Democratic Front” and “Karnataka Congress Party” mentioned at serial No. 327, and 335 respectively shall be deleted ;

(III) In TABLE IV of the said notification :-

(I) against “10-Karnataka” in column 1, the entry ‘6. Bicycle’ specified in column SHALL BE DELETED ;

(2) against “21-Sikkim” in column 1, the entry “32. Umbrella” specified in column SHALL BE DELETED/ 

By Order,

S.K. MENTIRATTA
Secretary
ELECTION COMMISSION OF INDIA

D.K. Pradhan
Deputy Chief Electoral Officer
Election Department, Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRSS, GANGTOK.
Gangtok Tuesday, 28<sup>th</sup> February, 1995

GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK.


NOTIFICATION


T.W. BARPHUNGPA
SECRETARU TP THE GOVT. SIKKIM.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK


NOTIFICATION


T.W. BARPHUNGPA
SECRETARY TO THE GOVT. OF SIKKIM.
In exercise of its powers conferred by section 3 of the Family Courts Act, 1984 No. 66 of 1984, the State Government, after consultation with the High Court, hereby notifies the establishment of one Family Court for the State Government of Sikkim with immediate effect.

By Order and in the name of the Governor.

K.A. VARADAN,
CHIEF SECRETARY.
(F. NO.6 (6) Home/85)
NOTIFICATION

The following Order No. SKM/GOV/SECTT/70/95 dated March 1, 1995 made by the Governor of Sikkim is hereby published for general information:-

“O R D E R

In exercise of the powers conferred by Clause (1) of the Article 174 of the Constitution of India, 1, P. Shiv Shanker, Governor of Sikkim, hereby summon the Sikkim Legislative Assembly to meet on Wednesday, the 22\textsuperscript{nd} March, 1995 at 11.00 A.M., in the Legislative Assembly Building at Gangtok.

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

P. SHIV SHANKER
GOVERNOR OF SIKKIM”

BY ORDER,

B.P.S. Busnett
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
BUILDINGS & HOUSING DEPARTMENT

No. 352/ Buildings                                      Dated 31.1. 95.

NOTIFICATION

In exercise of the powers conferred on me by sub-rule (a) of Rule 2 of the Sikkim
Engineer Cum-Secretary, Buildings, Government of Sikkim, do hereby authorise the respective
Superintending Engineers to exercise the powers of the competent authority within their jur-
isdiction under the aforesaid rules.

B.N. Pradhan,
Principal Chief Engineer Cum-Secretary,
Building & Housing Department,

T.W. BARPHUNGPA
SECRETARY TO THE GOVT. OF SIKKIM.
GOVERNMENT OF SIKKIM
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GANGTOK.

No. 13/PFA/H & FW


NOTIFICATION


T.W. BARPHUNGPA
SECRETARY TO THE GOVT. OF SIKKIM.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In exercise of the powers conferred by proviso to article 309 of the Constitution of India, the Governor of Sikkim is hereby pleased to make the following rules to further amend the Sikkim State Health Service Rules, 1993, namely,-

1. SHORT TITLE AND COMMENCEMENT.-

(1) These rules may be called the Sikkim State Health Service (Amendments) Rules 1995.

(2) They shall be deemed to have come into force with effect from 8.12.93.

2. In the Sikkim State Health Service Rules, 1993, in Schedule II, under the heading, specialist Cadre, for entry under the heading “Condition for Promotion” against item no 2, the following shall be substituted namely,

“A minimum of 4 years service as Jr. Specialist in the concerned subject in respect of Post Graduate Diploma holders, Post Graduate Degree holders shall be eligible for promotion on completion of 6 years continuous service including period of in-service training for Post Graduate Degree. Preference will be given to persons possessing higher qualification and experience”.

Explanatory Memorandum.

The Cabinet in its meeting held on 7.8.93 approved amendment of Sikkim State Health Service Rules, 1993 and the amendment rules were published in the extraordinary Gazette on 10.2.94. Inadvertently, however, one of the amendments approved was not published. The same is now notified. This amendment is given retrospective effect from the date on which other amendment approved alongwith it came into force.

By Order,

R.S. Basnet
Secretary to the Government.,
Department of Personnel, AR. & TRG.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.

T.W. BARPHUNGPA
SECRETARY OF THE GOVT. OF SIKKIM.

PTINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In exercise of the powers conferred by Section 8 of the Sikkim (Repeal and Miscellaneous Provision) Act, 1985 (Act No. 10 of 1985), the State Government hereby makes the following rules further to amend the Sikkim Trade Licence and Miscellaneous Provisions Rules, 1985, namely:

1. (1) These rules may be called the Sikkim Trade Licence and Miscellaneous Provision (Amendment) Rules, 1994.

   (2) They shall come into force at once.

2. In the Sikkim Trade Licence and Miscellaneous Provision Rules, 1985, in Schedule II,-

   (a) after item 25 the following item shall be inserted, namely:-

   “26. Sale of lottery tickets..........................” and

   (b) existing item 26 shall be renumbered as Item 27.

L.B. CHHETRI
SECRETARY
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM  
URBAN DEVELOPMENT & HOUSING DEPARTMENT  
GANGTOK

NO. 6/(94) UDHD/94-95/  

NOTIFICATION

The State Government is pleased to include the following Rural Marketing Centres under Scheme of Urban Micro Enterprises (SUME) under Nehru Rojgar Yojana: -

**EAST DISTRICT**
1. Tadong  
2. Ranipool  
3. Rhenock  
4. Rongli  
5. Song  
6. Pacheykhani  
7. Rorathang  
8. Middle Camp  

**WEST DISTRICT**
1. Chakung  
2. Legship  
3. Sombaria  
4. Demtam  
5. Kaluk  
6. Soreng  
7. Hee  
8. Bermiok  
9. Sribadam

**NORTH DISTRICT**
1. Chungthang  
2. Dikchu  
3. Phodong  
4. Phensong  

**SOUTH DISTRICT**
1. Melli  
2. Ravangla  
3. Damthang  
4. Temi  
5. Majhitar  
6. Sumbuk  
7. Lingmoo (Aitabaray)

These will be in addition to the 9 notified towns already being covered by the Scheme.

L.B. Chettri,  
Secretary,
GOVERNMENT OF SIKKIM
FINANCE DEPARTMENT
GANGTOK

No. 12 Fin/Acct/

Dated 14th February/1995.

NOTIFICATION

In exercise of the powers conferred by Clause 3 of Article 166 of the Constitution of India, the Governor is pleased to amend the Sikkim Financial Rule, 1979.

Short Title: (1) These rules may be called the Sikkim Financial Rules (10th Amendment) 1994.

(2) These amendments shall come into force with immediate effect.

Inserted the following after Serial No. 13 (b) in Appendix 4 of the said rules.

<table>
<thead>
<tr>
<th>SI. No.</th>
<th>Item of Expenditure</th>
<th>Authority to whom delegated</th>
<th>Extent of delegation</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>13 (c)</td>
<td>Preparation of Photos Cards to Voters and payment thereof.</td>
<td>C.E.O.</td>
<td>Upto Rs. 5.00 lakhs at a time.</td>
<td>Provided the approval of Govt. through Finance Department is obtained before undertaking such work. Subject to provision in the annual budget.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Subject to observance of prescribed purchase procedure.</td>
</tr>
<tr>
<td>(b) Preparation and conduct of Intensive/Summary/Special Provision of Electoral Rolls and printing thereof.</td>
<td>C.E.O.</td>
<td>Full Power</td>
<td>Subject to make the preparation and conduct as per the time schedule and directions of the Election Commission, Govt. of India from time to time and within provision of the annual budget. Subject to observance of prescribed purchase procedure.</td>
<td></td>
</tr>
</tbody>
</table>
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 SIKKIM VEHICLES TAXATION (AMENDMENT) BILL, 1995
(BILL NO. 1 of 1995)

A BILL

further to amend the Sikkim Motor Vehicles Taxation Act, 1982.

BE it enacted by the Legislative of Sikkim in the Forty-sixth year of the Republic of India as follows:-

1. This Act may be called the Sikkim Motor Vehicles Taxation (Amendment) Act, 1995.

2. In the Schedule to the Sikkim Motor Vehicles Taxation Act, 1982, in paragraph C, after item (e), the following item shall be inserted, namely -

“(F) in respect of goods carriage registered and normally kept in any one of the States or Union Territories of India other than the State of Sikkim, and authorised to play in the State of Sikkim under the national permit granted by the competent authority of any other State of Union Territory in pursuance of sub-section (12) of section 88 of the Motor Vehicles Act, 1988, Rs. 5,000/- per vehicle Per annum irrespective of the laden weight of such Vehicle;”

STATEMENT OF OBJECTS AND REASONS.

The Sikkim Motor Vehicles Taxation Act, 1982 provides for the imposition of tax on various types of Motor Vehicles plying in the State. The rate of tax have been specified in the Schedule to the Act. The Transport Development Council, in its meeting held on August 18, 1993, adopted a resolution for imposition of a composite tax on goods carriage holding national permit under sub-section (12) of section 88 of the Motor Vehicles Act, 1988 in lieu of Path-kar. The Schedule does not have any provision for imposition of composite tax on goods carriage holding national permit. It is, therefore, proposed to insert a new clause after item (e) of paragraph C of the schedule to the Sikkim Motor Vehicles Taxation Act. 1982 to make a provision for imposition of composite tax goods carriage holding national permit.

With the above objects in view the Bill has been prepared.

D.B. THAPA
MINISTE-IN-CHARGE

FINANCIAL MEMORANDUM

The existing infrastructure would be sufficient to implement the provisions of the proposed amendment. Therefore, no additional expenditure is involved. with the insertion of the new clause (f), in paragraph C of the Schedule to the Rs. 50,000/- approx. per annum by way of composite tax.

RECOMMENDATION OF THE GOVERNOR CLAUSE (I) OF ARTICLE 207 OF THE CONSTITUTION.

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

MEMORANDUM REGARDING DELEGATED LEGISLATIVE NIL

By Order

B.P.S. BUSNETT
SIKKIM LEGISLATIVE ASSEMBLY

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:

THE SIKKIM APPROPRIATION BILL, 1995
(BILL NO 2 OF 1995)
A BILL

BE it enacted by the Legislative of Sikkim in the Forty-sixth year of the Republic of India as follows:-

Short title. 1. This Act may be called the Sikkim Appropriation Act, 1995.

Issue of Rs.327,29,50,000 out of the Consolidated Fund of the State of Sikkim for the Financial year 1994-95

Appropriation. 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 three hundred twenty seven crores twenty nine lakhs fifty thousand rupees towards defraying the several charges which will come in course for payment during the Financial year 1994-95 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)

<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICES AND PURPOSES</th>
<th>SUMS NOT EXCEEDING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Voted by the Legislative Assembly</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>1.</td>
<td>State Legislature</td>
<td>Revenue</td>
</tr>
<tr>
<td></td>
<td>Governor</td>
<td>Revenue</td>
</tr>
<tr>
<td>2.</td>
<td>Council of Ministers</td>
<td>Revenue</td>
</tr>
<tr>
<td>4.</td>
<td>Election</td>
<td>Revenue</td>
</tr>
<tr>
<td>6.</td>
<td>Land Revenue</td>
<td>Revenue</td>
</tr>
<tr>
<td></td>
<td>Interest Payments</td>
<td>Revenue</td>
</tr>
<tr>
<td>11.</td>
<td>Secretariat General Services</td>
<td>Revenue</td>
</tr>
<tr>
<td>12.</td>
<td>District Administration</td>
<td>Revenue</td>
</tr>
<tr>
<td>14.</td>
<td>Police</td>
<td>Revenue</td>
</tr>
<tr>
<td>15.</td>
<td>Jails</td>
<td>Revenue</td>
</tr>
<tr>
<td>17.</td>
<td>Public Works (Building)</td>
<td>Revenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Revenue</td>
</tr>
<tr>
<td>18.</td>
<td>Other Administrative Services</td>
<td>Revenue</td>
</tr>
<tr>
<td>20.</td>
<td>Mise. General Service</td>
<td>Revenue</td>
</tr>
<tr>
<td>21.</td>
<td>Education</td>
<td>Revenue</td>
</tr>
<tr>
<td>22.</td>
<td>Sports &amp; Youth Services</td>
<td>Revenue</td>
</tr>
<tr>
<td>23.</td>
<td>Medical and Public Health</td>
<td>Revenue</td>
</tr>
<tr>
<td>25.</td>
<td>Water Supply and Sanitation</td>
<td>Capital</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Revenue</td>
</tr>
<tr>
<td>26.</td>
<td>Urban Development</td>
<td>Revenue</td>
</tr>
<tr>
<td>27.</td>
<td>Information and Publicity</td>
<td>Revenue</td>
</tr>
<tr>
<td>30.</td>
<td>Nutrition</td>
<td>Revenue</td>
</tr>
<tr>
<td>32.</td>
<td>Other Social Services</td>
<td>Revenue</td>
</tr>
<tr>
<td>34.</td>
<td>Agriculture</td>
<td>Revenue</td>
</tr>
<tr>
<td>35.</td>
<td>Soil &amp; Water Conservation</td>
<td>Revenue</td>
</tr>
<tr>
<td>36.</td>
<td>Animal Husbandry</td>
<td>Revenue</td>
</tr>
<tr>
<td>39.</td>
<td>Forestry &amp; Wildlife</td>
<td>Revenue</td>
</tr>
<tr>
<td>42.</td>
<td>Cooperation</td>
<td>Revenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Revenue</td>
</tr>
<tr>
<td>43.</td>
<td>Rural Development</td>
<td>Revenue</td>
</tr>
<tr>
<td>45.</td>
<td>Power</td>
<td>Capital</td>
</tr>
<tr>
<td>46.</td>
<td>Industries</td>
<td>Capital</td>
</tr>
<tr>
<td>48.</td>
<td>Roads &amp; Bridges</td>
<td>Revenue</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital</td>
</tr>
<tr>
<td>50.</td>
<td>Other Scientific Research</td>
<td>Revenue</td>
</tr>
<tr>
<td></td>
<td>Public Debt</td>
<td>Capital</td>
</tr>
</tbody>
</table>

Total | 3250981 | 21969 | 3272950
STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (1) of article 204 read with article 205 of the Constitution of India to provide for the appropriations out of the Consolidated Fund of the State of Sikkim of the moneys required to meet the Supplementary expenditure charge on the Consolidated Fund of the State of Sikkim and Supplementary grants made by the Sikkim Legislative Assembly for the expenditure of the Government of Sikkim for the Part of Financial Year 1994-95.

P.T. LEPCHA
Dy. Chief Minister,
Minister-in-Charge, Finance.

By Order,

B.P.S. Busnett,
Secretary,
Sikkim Legislative Assembly

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In pursuance of the rule 75 of the 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, 1995
(BILL NO. 3 OF 1995)
A BILL
to provided 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, 1990 in excess of the amounts authorised or granted for the said services.

BE it enacted by the Legislative of the State of Sikkim in the Forty-sixth Year of the Republic of India as follows:-

Short title. 1. This Act may be called the Sikkim Appropriation Act, 1995.

Issue of Rs.79, 63,117 three hundred one seventeen rupees shall be deemed to have been authori- out of sated 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 charge 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, 1990 in excess of the amounts authorised or granted for those services and pur- poses for that year.

Appropriation. 3. The sum deemed to have 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 Year ended on 31st day of March, 1990.
## THE SCHEDULE
(See section 2 and 3)

<table>
<thead>
<tr>
<th>Demand No.</th>
<th>SERVICES AND PURPOSES</th>
<th>SUM Voted by the Legislative Assembly Rs.</th>
<th>NOT EXCEEDING Charged on the Consolidated Fund Rs.</th>
<th>Total Rs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>State Legislative</td>
<td>Revenue 218408</td>
<td>. .</td>
<td>218408</td>
</tr>
<tr>
<td>2.</td>
<td>Council of Ministers</td>
<td>Revenue 421024</td>
<td>. .</td>
<td>421024</td>
</tr>
<tr>
<td>8.</td>
<td>Excise (Abkari)</td>
<td>Revenue 41494</td>
<td>. .</td>
<td>41494</td>
</tr>
<tr>
<td>19.</td>
<td>Pensions and Other Retirement Benefits</td>
<td>Revenue 421878</td>
<td>. .</td>
<td>421878</td>
</tr>
<tr>
<td>23.</td>
<td>Medical and Public Health</td>
<td>Revenue 5066503</td>
<td>. .</td>
<td>5066503</td>
</tr>
<tr>
<td>29.</td>
<td>Nutrition</td>
<td>Revenue 79649</td>
<td>. .</td>
<td>79649</td>
</tr>
<tr>
<td>30.</td>
<td>Relief on Account of Natural Calamites</td>
<td>Revenue 37740</td>
<td>. .</td>
<td>37740</td>
</tr>
<tr>
<td>33.</td>
<td>Agriculture</td>
<td>Capital 19467</td>
<td>. .</td>
<td>19467</td>
</tr>
<tr>
<td>37.</td>
<td>Fisheries</td>
<td>Capital 11944</td>
<td>. .</td>
<td>11944</td>
</tr>
<tr>
<td>38.</td>
<td>Forestry and Wild Life</td>
<td>Revenue 1565673</td>
<td>. .</td>
<td>1565673</td>
</tr>
<tr>
<td>45.</td>
<td>Industries</td>
<td>Revenue 79337</td>
<td>. .</td>
<td>79337</td>
</tr>
<tr>
<td></td>
<td><strong>Total:</strong></td>
<td><strong>7963117</strong></td>
<td><strong>7963117</strong></td>
<td></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) 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 charge on the fund and the grants made by the Sikkim Legislative Assembly for the Financial Year ended on the 31st day of March, 1990.

P.T. LEPCHA,
DY. Chief Minister,
Minister-in-Charge Finance.

By Order,

B.P.S. BUSNETT
Secretary.

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

NOTIFICATION

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

THE SIKKIM APPROPRIATION BILL
(BILL NO. 4 OF 1995)

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, 1995-96

BE it enacted by the Legislative Assembly of Sikkim in the Forty-Sixty Year of the Republic of India as follows :-

1. This Act may be called the Sikkim Appropriation Act, 1995.

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 Six hundred Eighty four Crores thirty two lakhs Seventeen thousand rupees towards defraying the several charges which will come in course for payment during the Financial Year 1995-96 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 purpose specified in the Schedule in relation to the said year.
<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICE AND PURPOSES</th>
<th>Voted by the Legislature (In thousand of Rupees)</th>
<th>Charge on the Consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>State Legislative</td>
<td>Revenue 8475</td>
<td>350</td>
<td>8475</td>
</tr>
<tr>
<td>2.</td>
<td>Appropriation-Governor</td>
<td>Revenue -----</td>
<td>3207</td>
<td>3207</td>
</tr>
<tr>
<td>3.</td>
<td>Council of Ministers</td>
<td>Revenue 13025</td>
<td>-----</td>
<td>13025</td>
</tr>
<tr>
<td>4.</td>
<td>Administration of Justice</td>
<td>Revenue 8375</td>
<td>5100</td>
<td>8375</td>
</tr>
<tr>
<td>5.</td>
<td>Election</td>
<td>Revenue 3445</td>
<td>-----</td>
<td>3445</td>
</tr>
<tr>
<td>6.</td>
<td>Income and Sale Tax</td>
<td>Revenue 3615</td>
<td>-----</td>
<td>3615</td>
</tr>
<tr>
<td>7.</td>
<td>Land Revenue</td>
<td>Revenue 9950</td>
<td>-----</td>
<td>9950</td>
</tr>
<tr>
<td>8.</td>
<td>Stamps and Registration</td>
<td>Revenue 50</td>
<td>-----</td>
<td>50</td>
</tr>
<tr>
<td>9.</td>
<td>Tax on Vehicles</td>
<td>Revenue 19529</td>
<td>-----</td>
<td>19529</td>
</tr>
<tr>
<td>10.</td>
<td>Other Taxes and Duties &amp; Services</td>
<td>Revenue 1110</td>
<td>-----</td>
<td>1110</td>
</tr>
<tr>
<td></td>
<td>Interest Payment</td>
<td>Revenue -----</td>
<td>308640</td>
<td>308640</td>
</tr>
<tr>
<td></td>
<td>Public Service Commission</td>
<td>Revenue 1520</td>
<td>-----</td>
<td>1520</td>
</tr>
<tr>
<td>11.</td>
<td>Secretariat-General Services</td>
<td>Revenue 26201</td>
<td>-----</td>
<td>26201</td>
</tr>
<tr>
<td>12.</td>
<td>District Administration</td>
<td>Revenue 10965</td>
<td>-----</td>
<td>10965</td>
</tr>
<tr>
<td>13.</td>
<td>Treasury and Accounts Administration</td>
<td>Revenue 13806</td>
<td>-----</td>
<td>13806</td>
</tr>
<tr>
<td>14.</td>
<td>Police</td>
<td>Revenue 139639</td>
<td>-----</td>
<td>139639</td>
</tr>
<tr>
<td>15.</td>
<td>Jails</td>
<td>Revenue 1810</td>
<td>-----</td>
<td>1810</td>
</tr>
<tr>
<td>16.</td>
<td>Public Works (Building)</td>
<td>Revenue 12170</td>
<td>220</td>
<td>121700</td>
</tr>
<tr>
<td>17.</td>
<td>Other Administration Services</td>
<td>Revenue 206560</td>
<td>-----</td>
<td>206560</td>
</tr>
<tr>
<td>18.</td>
<td>Pension and Other Retirement Benefits</td>
<td>Revenue 20698</td>
<td>-----</td>
<td>20698</td>
</tr>
<tr>
<td>19.</td>
<td>Miscellaneous General Services</td>
<td>Revenue 35700</td>
<td>-----</td>
<td>35700</td>
</tr>
<tr>
<td>20.</td>
<td>Education</td>
<td>Revenue 3062750</td>
<td>-----</td>
<td>3062750</td>
</tr>
<tr>
<td>21.</td>
<td>Sports and Youth Services</td>
<td>Revenue 429435</td>
<td>-----</td>
<td>429435</td>
</tr>
<tr>
<td>22.</td>
<td>Art and Culture</td>
<td>Revenue 9730</td>
<td>-----</td>
<td>9730</td>
</tr>
<tr>
<td>23.</td>
<td>Medical and Public Health</td>
<td>Revenue 7805</td>
<td>-----</td>
<td>7805</td>
</tr>
<tr>
<td>24.</td>
<td>Water Supply and Sanitation</td>
<td>Revenue 169520</td>
<td>-----</td>
<td>169520</td>
</tr>
<tr>
<td>25.</td>
<td>Urban Development</td>
<td>Revenue 60325</td>
<td>-----</td>
<td>60325</td>
</tr>
<tr>
<td>26.</td>
<td>Information and Publicity</td>
<td>Revenue 93310</td>
<td>-----</td>
<td>93310</td>
</tr>
<tr>
<td>27.</td>
<td>Social Security and Welfare</td>
<td>Revenue 6200</td>
<td>-----</td>
<td>6200</td>
</tr>
<tr>
<td>28.</td>
<td>Labour and Labour Welfare</td>
<td>Revenue 9435</td>
<td>-----</td>
<td>9435</td>
</tr>
<tr>
<td>29.</td>
<td>Nutrition</td>
<td>Revenue 38919</td>
<td>-----</td>
<td>38919</td>
</tr>
<tr>
<td>30.</td>
<td>Relief on Account of Natural Calamities</td>
<td>Revenue 4105</td>
<td>-----</td>
<td>4105</td>
</tr>
<tr>
<td>31.</td>
<td>Other Social Service (Ecclesiastical)</td>
<td>Revenue 25610</td>
<td>-----</td>
<td>25610</td>
</tr>
<tr>
<td>32.</td>
<td>Secretariat Social Services</td>
<td>Revenue 60270</td>
<td>-----</td>
<td>60270</td>
</tr>
<tr>
<td>33.</td>
<td>Agriculture</td>
<td>Revenue 5206</td>
<td>-----</td>
<td>5206</td>
</tr>
<tr>
<td>34.</td>
<td>Soil and Water Conservation</td>
<td>Revenue 2030</td>
<td>-----</td>
<td>2030</td>
</tr>
<tr>
<td>35.</td>
<td>Animal Husbandry</td>
<td>Revenue 122243</td>
<td>-----</td>
<td>122243</td>
</tr>
<tr>
<td>36.</td>
<td>Dairy Development</td>
<td>Revenue 2750</td>
<td>-----</td>
<td>2750</td>
</tr>
<tr>
<td>37.</td>
<td>Fisheries</td>
<td>Revenue 29350</td>
<td>-----</td>
<td>29350</td>
</tr>
<tr>
<td>38.</td>
<td>Forestry and Wildlife</td>
<td>Revenue 55771</td>
<td>-----</td>
<td>55771</td>
</tr>
<tr>
<td>39.</td>
<td>Other Agriculture Programme</td>
<td>Revenue 3600</td>
<td>-----</td>
<td>3600</td>
</tr>
<tr>
<td>40.</td>
<td></td>
<td>Revenue 29100</td>
<td>-----</td>
<td>29100</td>
</tr>
<tr>
<td>41.</td>
<td>Food, Storage and Welfare Warehousing</td>
<td>Revenue</td>
<td>10525</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capita</td>
<td>2600</td>
<td>---</td>
</tr>
<tr>
<td>42.</td>
<td>Co-operation</td>
<td>Revenue</td>
<td>16504</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capita</td>
<td>23679</td>
<td>---</td>
</tr>
<tr>
<td>43.</td>
<td>Rural Development</td>
<td>Revenue</td>
<td>103070</td>
<td>---</td>
</tr>
<tr>
<td>44.</td>
<td>Irrigation and Food Control</td>
<td>Revenue</td>
<td>35900</td>
<td>---</td>
</tr>
<tr>
<td>45.</td>
<td>Power</td>
<td>Revenue</td>
<td>110210</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capita</td>
<td>255100</td>
<td>---</td>
</tr>
<tr>
<td>46.</td>
<td>Mines and Geology</td>
<td>Revenue</td>
<td>33025</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capita</td>
<td>155700</td>
<td>---</td>
</tr>
<tr>
<td>48.</td>
<td>Road and Bridges</td>
<td>Revenue</td>
<td>4690</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capita</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>49.</td>
<td>Road Transport Services</td>
<td>Revenue</td>
<td>158680</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capita</td>
<td>240800</td>
<td>---</td>
</tr>
<tr>
<td>50.</td>
<td>Other Scientific Research</td>
<td>Revenue</td>
<td>134620</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capita</td>
<td>18200</td>
<td>---</td>
</tr>
<tr>
<td>51.</td>
<td>Secretariat Economic Services</td>
<td>Revenue</td>
<td>11601</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capita</td>
<td>31845</td>
<td>---</td>
</tr>
<tr>
<td>52.</td>
<td>Tourism</td>
<td>Revenue</td>
<td>5</td>
<td>---</td>
</tr>
<tr>
<td>53.</td>
<td>Aid Material and Equipments</td>
<td>Revenue</td>
<td>93026</td>
<td>---</td>
</tr>
<tr>
<td></td>
<td>Public Debt</td>
<td>Capita</td>
<td>4610</td>
<td>---</td>
</tr>
</tbody>
</table>

**Total:** 643115  412063  684317

**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 charge on the Consolidated Fund of the State of Sikkim and the grant made by the Legislative Assembly for the expenditure of the Government of Sikkim for the Financial Year 1995-96.

P.T. LEPCHA  
Minister-in-Charge Finance.

By Order,

B.P.S. BUSNETT  
Secretary,  
Sikkim Legislative Assembly.
NOTIFICATION

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

THE SIKKIM MINICIPALITES BILL, 1995
(BILL NO. 5 OF 1995)

A BILL

to provide for the Constitution of Municipalities of function as institution of Self Government in Urban areas, which include transitional areas, that is to say, an area in transition from a rural area to urban area, in Sikkim, in accordance with the provisions of part IX-A of the Constitution as inserted by the Constitution (Seventy-fourth Amendment) Act, 1992 and for matters connected therewith and incidental thereto.

BE it enacted by the legislative of Sikkim in the Forty-sixth Year of the Republic of India as follows:-

CHAPTER-I

PRELIMINARY

1. (1) This Act may be called the Sikkim Municipalities Act, 1995.

(2) It extends to the whole of Sikkim.

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

Definitions

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

(i) “building” means a house, hut, shed of other roofed structure, for whatsoever purpose and of whatsoever purpose and of whatsoever material constructed, and every part thereof, but does not include a tent or other merely temporary shelter including any kind of temporary shed erected on ceremonial or festive occasions;

(ii) “carriage” means any wheeled vehicle with springs or other appliances acting as springs
of a kind ordinarily used for conveyance of human being and includes jin-rickshaws, Cycle-
Central rickshaws, bicycles and tricycles but does not include any motor vehicle as defined in the Motor
(iii) “cart” means any cart, hackney, or whelmed vehicle with or without springs, which is not
a carriage as defined in clause (ii);
(iv) “Chairperson” means he Chairperson of a Municipality;
(v) “compound” means land, whether enclosed or not appurtenant to a building or the
common appurtenance of several building;
(vi) “conservancy” means removal and disposal of sewage, offensive matter and rubbish;
(vii) “Constitution” means the Constitution of India;
(viii) “District Magistrate” or “District Collector” means the District Magistrate or the District
Collector having jurisdiction over the district and includes Additional District Magistrate or
Additional District Collector;
(ix) “drain” means a sewer, a house-drain of any other description, a tunnel, a
culvert, a ditch, a channel and any other device for carrying off sullage, offensive matter,
pollution water, rain water or sub-soil water;
(x) “Executive Officer” means the Executive Officer appointed under section 30;
(xi) “food”, notwithstanding anything contained in the Prevention of Food Adulteration Act,
1954, includes every article used for food or drink by man other than drugs or water and any
article Act 37 of Central which ordinarily enters into or used in the composition or preparation of
human food, and also 1954. includes confectionary, flavouring and colouring matter, spices and
condiments;
(xii) “holding” means land held under a title or agreement and surrounded by one set of
boundaries:
Provided that where two or more adjoining holdings form part and parcel of the site or premises
of a dwelling house, manufactory, warehouse or place of trade or business, such holdings shall be
deemed to be one holding for the purpose of this Act;
Explanation
I. Holding separated by a road or other means of communication shall be deemed to be
adjoining within the meaning of the proviso;
Explanation
II. Any plot of land having clear boundaries and lying entirely vacant, it fit for building
purpose or it yielding any income shall, when not pertaining to agricultural purpose, be regarded as a
“holding”;
(xiii) “house” means any hut, shop, warehouse, workshop, a masonry or framed building;
(xiv) “hut” means any building, which is constructed principally of wood, bamboo, mud,
leaves, grass or thatch and includes any temporary structure of whatever size, or any small
building of whatever material made;
(xv) “inhabitant” used with reference to a local means any person ordinarily residing or
carrying on business or owning or occupying immovable property therein;
(xvi) “land” includes benefits arising out of land, houses and things attached to the earth, or
permanently fastened to anything attached to the earth and also land covered by water;
(xvii) “Magistrate” means-
(a) in the case of Municipality in a sub-division, the Sub-Divisional Magistrate;
(b) in other cases, the District Magistrate;
(xviii) “market” means any place where persons assemble for the sale of article intended for
food or drink or a livestock or other merchandise;
(xix) “Municipality” means a Municipality constituted under section 6;
(xx) “notification” means a notification published in the Official Gazette;
(xxi) “nuisance” includes any act or illegal place or thing which causes or is likely to cause
injury, obstruction, danger, annoyance or offence to the senses of sight, smelling or hearing or
which is or may be dangerous to life or injurious to health or property of person in general;
(xxii) “occupier” means the person for the time being in actual occupation of, or paying, or liable
to pay to the owner, the rent of any portion of the rent of the land or building in respect of which the
word is used, and includes a person occupying a holding or part of a holding rent free and an
owner hiving in his own house;
(xxiii) “offensive matter” includes animal carcasses, dung, dirt or putrid or putrefying sub-
stances and filth or any kind;
(xxiv) “platform” means any structure which is placed on, or covers, or projects over, any public
road or any open drain, sewer or aqueduct;
(xxv) “prescribed” means prescribed by rules made under this Act;
(xxvi) “prescribed authority” means an authority appointed by the State Government, by notification, for the purpose of this Act;
(xxvii) “public place” means a space, not being private property, which is open to the use or enjoyment of the public whether such space is vested in a Municipality or not;
(xxviii) “public road” means any street, road, square, court, alley, passage or pathway, over which the public have a right of way, whether a thoroughfare or not, and includes-
(a) the roadway over any public bridge or cause-way,
(b) the footway attached to any such road, public bridge or cause-way, and
(c) the drains attached to any such road, public bridge or cause-way and the land, whether covered or not, by any pavement, verandah or other structure, which lies on either side of the road way up to the foundries of the adjacent property whether that property is private property or Government property;
(xxix) “private road” means any street, road, square, court, alley or passage which is not a public road and includes a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises;
(xxx) “rubbish” means broken brick, mortar, broken glass, or refuse of any kind whatsoever not included in the term “offensive matter”;
(xxxi) “Secretary” means the Secretary to the State Government in the Urban Development and Housing Department and includes any other officer for the time being holding the charge of the Secretary of the said Department;
(xxxii) “section” means the section of this Act;
(xxxiii) “sewage” means night-soil and other contents of private, latrines, cess-pools and drains, and includes polluted water from sinks, bath-rooms, stables, cattlesheds and other like place and also discharges from manufactories of all kinds;
(xxxiv) “State Government” means the Government of the State of Sikkim;
(xxxv) “tax” includes any toll, rate, cess, fee, charge or other important leviable under this Act;
(xxxvi) “Vice-Chairperson” means the Vice-Chairperson of a Municipality;

2. The words and expression used in this Act and not defined but defined in the Constitution (Seventy-Forth Amendment) Act, 1992, shall have the meanings respectively assigned to them in that Act.

CHAPTER-II
CONSTITUTION AND INCORPORATION OF MUNICIPALITES

3. (1) The Governor may, by notification-
(a) declare any local area to be a Municipal area; or
(b) include any local area in the Municipal area; or
(c) exclude any local area from a Municipal area; or
(d) withdraw the whole area comprising any Municipality from being a Municipal area from such date to be specified in such notification.
(2) Every notification under sub-section (1) shall clearly define the local limits of the area to be included or, as the case may be, excluded from a Municipal area.

4. When a local area is included in a Municipal area under clause (b) of sub-section (1) of section
3, all the provision of this Act and rules and bye-laws made, orders, notifications and directions issued, thereunder shall apply to such area from the date of such notification.

5. When a local area is excluded from a Municipal area under clause (c) of sub-section (1) of section 3 by a notification under sub-section (2) of section.
(a) the provisions of this Act, all rules and bye-laws which may be made, orders, direction (1) and notification which may be issued and all powers conferred under this Act, shall cease to apply to such area; and
(b) the State Government shall frame a scheme determining what portion of the balance of the Municipal fund and other property vested in the Municipality shall on such exclusion vest-

(i) when such area in included within the limits of any other local authority in such authority, and

(ii) in any other case, in the State Government and in what manner the liability of the Municipality shall be apportioned between the Municipality and any such local authority or the State Government, as the case may be, and on the publication of such scheme in the Official Gazette, such property and liability shall vest in and be apportioned accordingly;

Provided that before framing of any such scheme, the State Government shall consult the Municipality and where the area is included within the limits of any local authority, such authority also.

(2) Notwithstanding anything contained in sub-section (1), all moneys due to the Municipality, immediately before the dated of such exclusion, on account of tax, toll, fee, rate or otherwise may, in respect of the area so excluded, be recovered by the Municipality as if such area has not been excluded.

(3) When the whole area comprising any Municipality is withdrawn under clause (a) of sub-section (1) of section 3 by notification under sub-section (2) of section 3, the balance of Municipal fund and all other property at the time of notification vested in the Municipality shall vest in the State Government and the liabilities of the Municipality shall be transferred to the State Government.

6. (1) The State Government shall, as soon as may be after, but not later than ninety days from, the date of declaration of a local are as a Municipal area, constitute in every such area a Municipality (by whatever name called) in accordance with the provisions of Part IX A of the Constitution and this Act.

(2) For the purpose of sub-section (1), each Municipal area shall be divided into wards in such manner as the State Government may, by notification, determine;

Provided that the number of members to be elected in each ward shall, as far as practicable, be in the same proportion to the total number of persons to be elected for the Municipality as the population of such ward bear to the total population of the Municipal area.

(3) Every Municipality concession under sub-section (1) shall be a body corporation by its name, having perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract and shall, by that name, sue and be said:

Provided that in the case of acquisition or disposal of immovable property, the Municipality shall obtain previous approval of the State Government.

(7) A Municipal shall, subject to the provisions of sub-section (5), (6) and(7) consist of the following members, namely:

(a) directly elected members not less than three and not more than nine, as the State Government may, by general order in regard to the allocation of numbers of the Legislative Assembly of the State representing the constituency which comprise wholly or partly the Municipal area;

(c) one member having special knowledge or experience in Municipal administration to be nominated by the State Government.

(2) The members to be elected directly under clause (a) of sub-section (1) shall be chosen by direct election from the territorial constituencies in the Municipal area through secret ballot by person whose names are included in the electoral roll of the Sikkim Legislative Assembly for the time being in force pertaining to the territorial constituencies comprised in the Municipal area.

(3) Election to the Municipality shall be held in such manner as may be prescribed.

(4) The term of office of the members of Municipality shall, subject to the provisions of section 8, be co-terminus with the term of the Municipality.

(5) The State Government shall, by notification, reserve seats for the Scheduled Cast and the Schedule Tribes in every Municipality and the number of seats so reserved shall been as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Schedule Caste in the Municipal area or of the
Schedule Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different wards in a Municipality in the manner as may be specified in such notification.

(6) Not less than one-third of the total number of seats reserved under sub-section (5) shall be reserved for women belonging to the Scheduled Castes, or as the case may be, the Scheduled tribes.

(7) Not less than one-third (including the number of seats reserved for women belonging in the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different wards in a Municipality in the manner as may be specified in the Notification issued under sub-section (5).

8. (1) Every Municipality, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer:

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) An election to constitute a Municipality shall be completed:

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution;

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting a Municipality for such period.

(3) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the reminder of the period for which the dissolved Municipality would have continued under sub-section (1) had it not been so dissolved.

9. A person shall be disqualified for being chosen as, and for being, a member of a Municipality:

(a) if he is so disqualified be or under any law for the purpose of election to the Legislative Assembly of Sikkim;

Provided that no person shall be disqualified no the ground that he is less than twenty five years of age, if he has attained the age of twenty one years; or

(b) if he is a member of a Gram Panchayat of Zilla Panchayat elected under the Sikkim Panchayat Act, 1993; or

(c) if he holds any office of profit under any local authority or a Co-operative Society or a Government company or a Corporation owned or controlled by the Central or the State Government;

or

(d) has been dismissed from the service of a State Government of a Central Government or a local authority or a Co-operation Society or a Government Company or a Corporation owned or controlled by the Central or a State Government for misconduct; or

(e) if he is of unsound mind and stands so declared by a competent court; or

(f) if he is undischarged insolvent; or

(g) if he is suffering from a variety of leprosy which is infections; or

(h) if he is convicted of an election offence; or

(i) if he has been convicted by a court of an offence involving moral turpitude and sentenced to imprisonment for a term exceeding under the Sikkim Panchayat Act, 1993 or the State Government;

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

(k) if he has directly or indirectly by himself or by his partner or employer or an employee hold any share or interest in any contract with, by or on behalf of the Municipality/Provided that a person shall not be deemed to have incurred disqualification by reason of his having a share or interest in any public company or registered Co-operative Society which has a contract with or is employed by a Municipality.
ELECTION OF CHAIRPERSON, VICE-CHAIRPERSON AND CONDUCT OF BUSINESS

Section 10. (1) Every Municipality shall, at its first meeting at which the quorum is present, elect in such manner as may be prescribed, one of its members to be Chairman and another as Vice-Chairman in the case of Municipal Council and Sabhapati and Up-Sabhapati in the case of Nagar Panchayat, (hereinafter referred to as the Chairperson or as the case may be, the Vice-Chairperson respectively):

Provided that the members referred to in clause (b) and (c) of sub-section (1) of section 7 shall not be eligible for such election:

Provided further that the members referred to in clause (c) of sub-section (1) of section 7 shall not have the right to vote in the meetings of the Municipality.

(2) There shall be reserved from among the members representing the seats reserved under sub-section (5), (6) and (7) of section 7, such number of offices of the Chairperson and the Vice-Chairperson in the Municipalities for them which shall be proportionate to the total population of each category of persons and such offices shall be allotted by rotation from Municipality to Municipality and for different durations.

Explanation- In this sub-section, “duration” means the period of five years form which a Municipality is constituted.

Section 11. Every election or nomination of member and election of Chairperson and Vice-Chairpersons of the Municipality shall be published by the State Government in the Official Gazette and such persons shall enter upon their respective offices from the date of such publication.

Section 12. The Secretary shall, as soon as may be, but not later than thirty days from the date of announcement of the result of the election, convene the first meeting of the Municipality in which the members shall before taking their seats make and subscribe before the Secretary an oath or affirmation in the form set out in the Schedule appended to this Act.

Section 13. There shall be held at least one meeting of the Municipality for transaction of its business in every three months at the office of the Municipality or at such other places within the local limits of the Municipality convened and at such date and time as the Chairperson may fix.

(2) The chairperson or in his absence, the Vice-Chairperson may, whenever he thinks fit in the public interest and shall, on a written requisition or not less than one half of the total number of members, call a special meeting within a period of ten days from the date of receipt of the requisition.

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

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

(4) The chairperson or in his absence, the Vice-Chairperson, shall preside at the meeting of the Municipality and in the absence of both, the members present shall elect one members from amongst themselves to preside at the meeting.

(5) All question coming before a Municipality shall, unless otherwise specifically provided under this Act, be decided by a majority of votes of the members present and voting;

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

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

(7) If it appears to any member present at a meeting that the person presiding at the meeting has any such pecuniary interest in any matter before the meeting for discussion or any question coming up for consideration as referred to in sub-section (6) and a motion brought by him to that effect is carried, such a person shall not preside at such meeting and shall not take part therein, and for the purpose of sub-section (4), such person shall be deemed to be absent during the
Reconsideration of question disposed of by Municipality. 14. No subject once finally disposed of by the Municipality shall be reconsidered by it within six months unless the recorded consent of not less than one half of members has been obtained therefor.

List of business to be transacted at a meeting. 15. (1) A list business to be transacted at every meeting of a Municipality except at an adjourned meeting, shall be sent to each member of the Municipality at least seven days before the time fixed for such meeting and no business shall be brought before or transacted at any meeting other than the business of which notice has been so given except with the approval of the majority of the members present at such meeting;

Provided that no receipt of a notice by a member shall not vitiate the proceedings of a meeting;

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

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

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

Powers and duties of Chairperson. 16. The Chairperson shall-

(a) regulate the meeting of the Municipality;
(b) be responsible for the maintenance of record and registers of the Municipality;
(c) exercise supervision and control the act done and action taken by the members of the Municipality and such officers and such other employees whose services may be placed at the disposal of the Municipality by the State Government;
(d) operate jointly with the Executive Officer of the Municipality the fund of the Municipality including the authorisation of payments and reports required by or under this Act;
(e) cause to issue receipts under his signature or signature of the Executive Officer for sums of money received by him for and on behalf of the Municipality;
(f) cause preparation of all statement and reports required by or under this Act;
(g) exercise such other powers, perform such other functions and discharge such other duties as the Municipality may, by general or special resolution, direct or as the State Government may, by order, specify;  
Provided that the Chairperson shall not exercise such powers, perform such function or discharge such duties as may required by the rules under this Act to be exercised, performed or discharge by the Municipality at a meeting.

Powers and duties of Vice-Chairperson. 17. The Chairperson shall-

(a) in the absence of the Chairperson, preside over and regulate the meeting of the Municipality;
(b) exercise such of the powers, perform such of the functions and discharge such of the duties of the Chairperson from time to time, delegated to him by order in writing;  
Provided that the Chairperson may at any time withdraw all or any of the powers, functions and duties so delegated to the Vice-Chairperson;
(c) during the absence of the Chairperson, exercise all the powers, perform all the functions and discharge all the duties of the Chairperson.

Right of individual members. 18. At a meeting of a Municipality, a member may move any resolution and put question to the Chairperson or the Vice-Chairperson, as the case may be, on matters connected with the administration of Municipality or execution of urban works or scheme entrusted to or undertaken.
by such Municipality.

**Resignation of Chairperson or Vice-Chairperson or a member.**

19. (1) A Chairperson or a Vice-Chairperson or a member of a Municipality may resign his office by notifying in writing his intention to do so to the State Government and on such resignation being accepted the Chairperson or the Vice-Chairperson or the member shall vacate his office and such vacancy shall be deemed to have occurred in such office;

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

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

**Removal of Chairperson and Vice-Chairperson.**

20. A Chairperson or a Vice-Chairperson may, at any time, be removed from office by resolution of the Municipality passed by the majority of the members of the Municipality present and voting at a meeting specially convened for the purpose, Notice of such meeting shall be given to the prescribed authority:

Provided that the such meeting while passing any resolution for the removal of-

(i) the Chairperson from his office is under consideration; or

(ii) the Vice-Chairperson from his office is under consideration, he shall not, though he is present, preside at such meeting and the provisions of sub-section (4) of section 13 shall apply in relation to every such meeting as they apply in relation to a meeting from which the Chairperson or, as the case may be, the Vice-Chairperson in absent.

**Filling up of casual vacancy in the office of Chairperson or Vice-Chairperson.**

21. In the event of removal of a Chairperson or a Vice-Chairperson under section 20 or when a vacancy occurs in the office of the Chairperson or Vice-Chairperson by resignation, death or otherwise, the Municipality shall elect another Chairperson or Vice-Chairperson, as the case may be. The person so elected shall take office forthwith and shall hold office for the unexpired term of office of his predecessor.

**Removal of member of Municipality.**

22. (1) The Secretary may, after giving an opportunity to a member of a Municipality other than a member specified under clause (b) of this section to show cause against the action proposed to be taken against him, by order, remove him from office if-

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

(b) he was disqualified to be a member of the Municipality at the time of his election, or

(c) he incurs any of the disqualified specified in section 9 after his election as a member of the Municipality; or

(d) he is absent from three consecutive meetings of the Municipality without the leave of the Municipality provided he is not an ex-officio member of the Municipality under clause (b) of sub-section (1) of section 7.

(2) Any member of a Municipality who is removed from his office by the Secretary under sub-section (1) may, within thirty days from the date of the order, appeal to the State Government who may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the Secretary and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.

Explanation- For the purpose of this sub-section, the term Secretary will mean only the Secretary.

(3) The order passed by the State Government on such appeal shall be final.

(4) If a member of a Municipality referred to in clause (b) of sub-section (1) of section 7 ceases to be the member of the Parliament or as the case may be, member of the Legislative Assembly of the State, he shall cease to be the member of the Municipality and the newly elected person shall become the member of the Municipality.
23. (1) If the office of a member of a Municipality become vacant by reason of his death, resignation, removal or otherwise, such vacancy shall be filled in by election of another person under this Act. The person so elected shall take office forthwith and shall hold such office for the unexpired term of office of his predecessor; Provided that no election for filling in of a casual vacancy shall be held if the vacancy occurs within a period of six months preceding on which the term of office of the person concerned expires.

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

24. (1) The minutes of the proceeding of each meeting of a Municipality shall be recorded in a book in such form and kept for the purpose in such manner as may be prescribed and shall be signed by the person who presided over the meeting.

(2) The minutes of the meetings of a Municipality shall, at all reasonable times and without charge, be open to inspection of the tax-payers.

(3) A copy of the minutes of the proceedings of all meetings of the Municipality shall forthwith be forwarded to the State Government by the Chairperson.

25. No resolution of a Municipality shall be modified or cancelled except by a resolution shall be given setting forth fully the proposed resolution to modify or cancel at such meeting and the motion or proposition for modification or cancellation of such resolution.

26. (1) Every Chairperson, Vice-Chairperson, officer or servant of a Municipality, including a Government servant whose services are lent to the Municipality, shall be liable for the loss, wasted or misapplication of any money or other property owned by or vested in the Municipality, if such loss, waste or misapplication is a direct consequence of any illegal act, omission, neglect or misconduct on his part, and a suit for compensation may be instituted against him in any court of competent jurisdiction by the Municipality.

(2) Every such suit shall be instituted within one year after the date on which cause of action arose.

27. No members of a Municipality shall have, without the written permission of the State Government, directly or indirectly, any share or interest in any contract, leases, sale or purchase of land or any agreement for the same of any kind whatsoever to which the Municipality is a party, or shall hold any office of profit under it, and if any member shall have such share or interest or shall hold such any office he shall thereby become disqualified to continue in office as member: Provided that a member shall not be so disqualified or liable by reason-

(a) of having a share or interest in-

(i) a contract entered into between the Municipality and any incorporated or registered company or any registered Co-operative Society of which such member is a member or shareholders; or

(ii) any agreement for the loan of money; or

(iii) any newspaper in which any advertisement relating to the affairs of the Municipality is inserted; or

(d) of his being professionally engaged on behalf of the Municipality as a legal or medical practitioner and receiving a fee for service rendered in his professional capacity.

28. (1) Subject to the provision of section 26-

(a) any member who, knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of a Municipality of which he is a member, and

(b) any Municipal officer or employee who, knowingly acquires, directly or indirectly, any share or interest in any contract or, except in so far as concerns his own employment as Municipal Officer or in any employment with, under, by or on behalf of a Municipality of which he is an officer.
or employee, shall be punishable with fine which may extend to five thousand rupees.

Disqualification for voting. 29. No member of a Municipality shall vote or take part in the discussion of any question at a meeting of the Municipality if the question in one in which he has any direct or indirect pecuniary interest other than an interst as a member of the public.

CHAPTER-IV
MINICIPAL ESTABLISHMENT

Appointment of Executive Officer. 30. (1) There shall be an Executive Officer in every Municipality to be appointed by the State Government, by order, who shall function as the Secretary to the Municipality and all other officers and employees of the Municipality shall be subordinate to him;
Provided that the State Government may, by order, depute an officer of the State Government to function as the Executive Officer of a Municipality for such period and under such terms and conditions as may be specified in such order.

(2) A Municipality may, with the approval of the State Government, appoint such officers and employees to assist the Executive Officer, as it may deem necessary for performing the functions entrusted to it under this Act:
Provided that the State Government may on the request of the deemed Municipality concerned by order, depute such officer or employees to work under the Municipality under such term and condition and for such as may be specified in such order.

(3) The Executive Officer, and other officers and employees appointed under sub-section (1) and (2) shall be paid such salary and other allowances as the Municipality, with the approval of the State Government, may determine by special resolution passed in this behalf.

Function of the Executive Officer. 31. The Executive Officer shall-
(a) subject to the general control of the Chairperson, watch over the financial and executive administration of the Municipality and perform all duties and executive and exercise all the powers imposed or conferred upon him by, or delegated to him under this Act and rules and bye-laws framed thereunder; and
(b) give effect to the decision taken by the Municipality and submit periodical reports regarding the progress made in respect thereof to the State Government.

Appointment of Health Officer, Revenue Officer and Engineer. 32. (1) A Municipality may required the State Government to keep at its disposal, the services of a Health Officer, a Revenue Officer and an Engineer for the purpose of efficient discharge of its duties and function under Act.

Expenses to be borne out of Municipality fund. 33. All expenses incurred for payment of salaries and allowances to the officers and employees if the Municipality and also all other costs of establishment shall be paid and defrayed out of the Municipality fund.

Disciplinary action against employee of the Municipality, condition of their service, etc. 34. (1) An employee of a Municipality who is aggrieved by an order of the Chairperson in a disciplinary proceeding against him shall have right of appeal to the Municipality within thirty days from the date of service of such order on him
(2) An employee who is aggrieved by an order of the Municipality may prefer an appeal to the State Government against such an order within sixty days from the date of service of such order:
Provided that no appeal against an order other than an order for removal or dismissal shall lie to the State Government.
35. The manner of appointment, other condition of service of the employees, powers and function of other officers and employees, and disciplinary actions to be taken against the Executive Officer, other officers and employees of the Municipality shall be such as may be prescribed.

CHAPTER-V
MINICIPAL PROPERTY, FINANCE AND CONTRACTS

36. (1) Subject to any reservation that may be made by the State Government, all property within the Municipality and of the nature hereinafter specified in this section other than private property or property maintained by any Government or other local authority shall vest in the Municipality and shall, with all other property of whatever nature or kind which may become vested in the Municipality be under its direction, management and control, namely-
(a) all public roads including the soil, the pavements, stones and other materials thereof, and all drains, bridges, trees, erection materials, implements and other things provided for such roads;
(b) all public streams, channels, watercourses, springs, tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes and other water works, whether made, laid or created at the cost of the Municipality or otherwise and bridge, building, engines, works, materials and things connected therewith or appertaining thereto and also any adjacent land, not being private property, appertaining to any public tanks;
(c) all public sewers and drains, and all works, material and things appertaining thereto and other conservancy works;
(d) all sewage, rubbish and offensive matter collected by the Municipality from roads, latrines, sewers, cess-pools and other places;
(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto and all public gates, markets, slaughter houses and public buildings of every description which have been constructed or are maintained out of the Municipal fund; and
(f) all lands or other property transferred to the Municipality by the Government or acquired by the Municipality by gift, purchase or otherwise for local public purposes.
(2) The State Government may, by notification, direct that any property which has vested in the Municipality shall cease to be so vested, and thereupon the property specified in the notification shall cease to be so vested and the State Government may pass such orders as it may deem fit regarding the disposal and management of such property.
(3) The State Government may resume any immovable property transferred to the Municipality by itself or any other local authority for a public purpose on payment of the amount paid by the Municipality for such transfer and the market value at the date of resumption of any building or works subsequently erected or executed thereon the Municipality:
Provided that compensation need not be paid for building or works constructed or erected in contravention of the terms of the transfer.

37. Notwithstanding anything contained in section 6, no Municipality shall transfer any immovable property except in pursuance of a resolution passed at a meeting thereof by a majority of not less than two-third of its members and except when it is not required for local public purpose:
Provided that in the case of property which has been transferred to it by the State Government, the transfer under this section shall be subject to the previous sanction of the State Government:
Provided further that nothing in this section to the apply to leases of immovable property for a term not exceeding two years in total.

38. (1) A Municipality may enter into and perform any contract necessary for the purpose of this Act.
(2) Every contract made by or on behalf of a Municipality in respect of any such exceeding.
ten thousand rupees, or which shall involve, a value exceeding ten thousand rupees, shall be sanctioned by the Municipality at a meeting and shall be in writing, and shall be signed by the Chairperson or the Vice-Chairperson and the Executive Officer and shall be sealed with the common seal of the Municipality.

Transfer of private property, etc. 39. The Municipality at a meeting may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain has been transferred to the Municipality. Thereupon, the property therein or the control thereof, as the case may be, shall vest in the Municipality and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the Municipality fund.

Acquisition of property and custody of Municipal fund 40. When any land, whether within the limits of a Municipality is required by the Municipality for Central public purposes, the State Government may, at the request of the Municipality proceed to acquire it under the provision of the Land Acquisition Act, 1894 and on payment by the Municipality of the compensation awarded under that Act, and of any other charge incurred in acquiring the land, the land shall vest in the Municipality.

Formation and credit of mon- 41. (1) There shall be each Municipality a fund to be called the “Municipality Fund” and it shall held by the Municipality for the purpose of this Act in the manner hereinafter appearing. (2) The Municipality Fund shall vest in the Municipality.

eyes to the Mu- 42. (1) There shall be credited to the Municipality Fund-
unicipal Fund.
(a) All sums received as grants-in-aid from the consolidated fund of the State;
(b) all sums received by or on behalf of the Municipality under the provi
(c) the balance, if any, standing at the commencement of this Act;
(d) all proceeds of the disposal of property by or on behalf of the Municipality;
(e) all rents accruing from any property of the Municipality;
(f) all moneys raised by any tax levied for the purpose of this Act;
(g) all fees payable and levied under this Act;
(h) all moneys realised by the Municipality by way of compensation or for compounding offences under the provisions of this Act;
(i) all moneys received by or on behalf of the Municipality from private individuals by way of grants, contribution, gift or deposits; and
(j) all interest and profits arising from any investment of, or from any transaction in connection with any money belonging to the Municipality.

Powers of the Municipality to borrow money. 43. (1) A Municipality may, with the previous sanction of the State Government and subject to such condition as may be prescribed by the State Government or from any financial institution, borrow any sum of money required for constructing any work of a permanent nature which it is required or empowered to undertake under the provision of this Act.

Application of property and fund. 44. (1) All property vested in a Municipality under this Act, all funds received by it in accordance with the provisions of this Act and all sums accruing to under the provision of any law for the time being in force shall, subject to the provisions of this Act, be applied for the purpose of this Act within
the limits of the Municipality.
(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for a Municipality-
(a) to incur expenditure beyond the Municipal limits on the acquisition of land, or on the
construction, maintenance or repair of works, for the propose of obtaining a supply of water required
for the inhabitants of the Municipality or on establishing slaughter house or places for the disposal
of night – soil or sewage or carcasses of animals or for drainage works, or for the purpose of
providing mechanically propelled transport facilities for the conveyance of the public or for the
purpose of setting up of dairies or farms for the supply, distribution and procuring of milk or milk
products for the benefit of the inhabitants of the Municipality or for any other purpose calculated to
promote the health, safety or convenience of the inhabitants of the Municipality; or
(b) to make a contribution towards expenditure incurred by any other local authority out of
any public fund for measure affecting the health, safety or convenience of public calculated to
benefit the residents within the limits of the contributing Municipality; or
(c) to create scholarship tenable outside the limits of Municipality; or
(d) to utilise the Municipality fire-brigade and other mechanical appliance beyond the Munici-
pal limits; or
(e) to make with the previous sanction of the State Government any other kind of
contribution as may be deemed necessary by the Municipality :
Provided that nothing in this section or in any other provision of this Act shall be deemed to
make it unlawful for a Municipality when it has constructed works beyond the limits of the Municipality
for the supply of water or electrical energy or for drainage as aforesaid-
(a) to supply or extend to or for the benefit of any person or building or lands in any place
whether such place is or is not within the limits of the said Municipality, any quantity of water or
electrical energy not required for the purpose of this Act within the said Municipality or the
advantage afforded by the system of drainage works, on such terms and conditions with regard to
payment and to the continuance of such supply or advantage as shall be settled by agreement
between the Municipality and such person or the occupier or owner of such building or land; or
(b) to incur any expenditure on such terms with regard to payment as may be settled as
aforesaid for the construction, maintenance, repair or charge of any connection pipe or any electric
supply lines or other works necessary for the purpose of such or for the extension of such
supply or for the extension of such advantages.

Budget.

45. (1) A Municipality, at a meeting specially convened for the purpose at least two months
before the close of the financial year, shall prepare in such form and manner, as may be prescribed,
a budget showing inter-alia the probable receipts and expenditure during the ensuring year and
after such revision as may appear necessary, it shall pass the budget and such budget shall be
submitted to the State Government for approval in not intimated within one month,
it shall be taken that the budget is passed.

(2) The Municipality may, from time to time, revise any estimates of expenditure with a view
to providing for any modification which it may deem fit or advisable to make in the appropriation of
the amount at its disposal, and such revised budget shall be passed in the manner specified in such
section (1).

(3) When the budget has been passed, the Municipality shall not incur any expenditure
under any of the heads of the budget in excess of the amount sanctioned under that head without
making a provision for such excess by a revision of the budget in the manner specified in sub-
section (2).

Keeping of account.

46. Every Municipality shall maintain proper records of all receipt and expenditure of the
Municipality in such manner and in such forms and register as may be prescribed.

Transmission of accounts to State Government.

47. Every Municipality shall, as soon as the accounts of the previous year is finally passed by it,
transmit to the State Government as accounts in such form as may be prescribed.

Annual Administration report and j

48. (1) Every Municipality shall, as soon as may be after the 1\textsuperscript{st} day of April in each year, cause
to be prepared a detailed report of the Municipal administration of the town during the previous year,
共同 with a statement showing the accounts of the receipts and disbursements, respectively
statement of credited and debited to the Municipality Fund during the previous year, and the balance at the credit of the said Fund at the close of the said year.

Municipality. (2) The Executive Officer of the Municipality shall place the said report and statement before the meeting of the Municipality for consideration and forward a copy thereof to the State Government.

Monthly abstract. 49. (1) The Executive Officer shall prepare monthly abstract of the receipts and expenditure of the month last preceding and place such abstract before the meeting of the Municipality for consideration and approval.

(2) For the purpose the meeting shall access to all the Municipality accounts and to all records and correspondence relating thereto and the Executive Officer shall forewith furnish before the meeting any expenditure concerning receipts and disbursement which it may call for.

Appointment of auditor. 50. An officer not below the rank of the Chief Accounts Officer of the Sikkim State Finance and Accounts Service appointed by the State Government shall audit the accounts of the Municipalities as soon as may be after the end of each financial year.

Submission of accounts to auditor. 51. An officer not below the rank of the Chief Accounts Officer of the Sikkim State Finance and Accounts Service appointed the State Government shall audit the accounts of the Municipalities as soon as may be after the end of each financial year.

Powers of auditors. 52. For the purpose of an audit under this Act an auditor may-

(a) required in writing the production before him of any document or the supply of any information which he considers to be necessary for the proper conduct of the audit;

(b) required in writing the person appearance before him of any person accountable for, or having the custody or control of, any such document, or having, directly or indirectly, whether by himself or his partner, any share or interest in any contract made with, by or on behalf of, the members of the Municipality concerned;

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

Penalty. 53. Any person neglects or refuses to comply with the requisition made by the auditor under section 52 within such time as may be specified, shall, on conviction by a court, be punishable with a fine which may extend to two hundred rupees in respect of each item included in the requisition.

Audit Report. 54. (1) Within two months from the date on which an audit under this Act is completed the auditor shall prepare a report and send a copy of the report to the Chairperson of the Municipality and to the State Government.

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

(a) the grants-in-aid received by the Municipality and the expenditure incurred therefrom

(b) any material impropriety or irregularity which he observe in the expenditure or in the recovery of money due to the Municipality or in the accounts of the Municipal Fund;

(c) any loss or wastage or money or other property owned by or vested in the Municipal

Action on audit report. 55. (1) Within two months from the date of receipt of the report referred to in section 54, the Municipality concerned shall, at a meeting, remove or cause to be remove any defect or irregularity pointed out in the report and shall, also inform the auditor of the action taken by it. The Municipality concerned shall give reasons or explanations if any defect or irregularity is not removed.

(2) If, within the period referred to in sub-section (1), no information is received by the auditor from the Municipality concerned or the reasons or explanations given by it for not removing any defect or irregularity pointed out in the report is not considered sufficient by the auditor, the auditor shall, if he has not already exercised or does not propose to exercise the powers conferred upon him by section 56, refer the matter to the State Government within such time and in such manner as the State Government may fix.

(3) On receipt of the report under sub-section (2), it shall be competent for the State
Government to pass such orders thereon as it may think fit. The orders of the State Government shall, save as provided in section 56 and 57 be final the Municipality concerned shall take action in accordance with such orders.

(4) If the Municipality concerned fails to comply with the order within the period specified therein, the State Government may empower any officer of the State Government to carry out the order.

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

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

Provided that the authority may in his discretion waive the surcharge or charge in cases where the amounts involved does not exceed fifty rupees.

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

(3) The auditor Government may, of its own motion and within one year from the receipt by charge made under sub-section (1) and shall, in such manner as may be prescribed send a certificate of the amount due and a copy of the reasons for his decision to the person in respect of whom the certificate is made, and shall also furnish copies thereof to the Chairperson of the Municipality concerned and the State Government.

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

57. (1) Any person from whom any sum has been certified by the auditor to be due under section 56 may, within thirty days of the receipt by him of the certificate, appeal to the State Government to set aside or modify the disallowance, surcharge or charge in respect of which the certificate was made and the State Government may pass thereon such orders as it thinks fit, and such orders shall be final.

(2) Where a person referred to in sub-section (2) of section 56 who has been surcharged as authorising an illegal expenditure, appeals to the State Government under this section, the State Government shall set aside such surcharge if it is provided to its satisfaction that such person voted for the resolution in good faith.

58. (1) The sum certified by the auditor to be due from any person under section 56 or when an appeal is made under sub-section (1) of section 57, such sum as may be ordered by the State Government to be due from such person shall, within two months of the date of certificate, or order, as the case may be, be paid by such person to the Municipality concerned which shall credit the sum to the fund of the concerned Municipality.

(2) Any sum not paid in accordance with the provisions of sub-section (1) shall be recoverable as public demand under the provision of the Sikkim Public Demands Recovery Act, 1 of 1988 if the Municipality passed a resolution to that effect and communicates it to Certificate Officer 1988 appointed under the said Act.

(3) The Certificate Officer on receipt of such communication under sub-section (2) shall be being satisfied with the demand, shall proceed to recover it as soon as may be and the sum so recovered by him shall be sent to the Municipality concerned and the same shall be credited to the fund of the concerned Municipality.
Certain costs and expenses payable out of fund.  

59. (1) All expenses incurred by the Municipality concerned in complying with any requisition of the auditor under section 52 and in prosecuting an offender under section 53 shall be paid from the fund of the Municipality concerned.

(2) All expenses incurred by the Certificate Officer in concerned with the proceedings for recovery of any sum under sub-section (3) of section 58 from a person, if not recovered form the person, shall be paid from the fund of the Municipality concerned.

CHAPER-IV

MUNICIPAL TAXATION

Taxes which may be imposed.  

60. (1) Subject to the provisions of this Chapter and with the previous approval of the State Government, a Municipality may, from time to time, impose in the whole or in any part of a Municipality and of the following taxes, fees and tolls for the purpose of this Act, namely:-

(a) a tax on holding situated within the Municipality assessed on their annual value payable by the owner of the building or land or both;

(b) a tax on all or any of the vehicles, other than those imposed under the Sikkim Motor Vehicles Taxation Act, 1982 or animals used for riding, driving, draught or burden and used within the limits of the Municipality whether they are actually kept within or outside the said limits;

(c) an octroi on goods brought within the limits of the Municipality for sale, consumption or use within such limits;

(d) a lighting-tax, payable by the owner or occupiers for collection, removal and disposal of excremenations of offensive matter from latrines, private, urinals, cesspools or compounds by the municipal agency;

(e) a lighting-tax, where the lighting arrangement is made by the Municipality;

(f) a drainage-tax, where a system of drainage has been introduced by the Municipality;

(g) a tax on deeds of transfer of immovable property situated within the limits of the Municipality;

(h) a tax on advertisements made within the limits of the Municipality other than non-commercial undertaking advertisement published in newspapers;

(i) a water-tax where water is supplied by the Municipality;

(j) market fees on person exposing goods for sale in any market or in any place belonging to or under the control of the State Government or of the Municipality;

(k) a betterment charge on properties the value of which may be increased as a result of town planning scheme implemented by the Municipality;

(l) a tax on theatrics, theatrical performance and other shows for public amusement;

(m) a duty on the transfer of property;

(n) a tax on profession, trades and callings;

(o) a tax on dogs kept within the Municipal area;

(p) a toll on vehicles and animals entering the Municipal area but not liable to taxation under clause (b);

(q) a tax on pilgrims resorting periodically to a shrine within the limits of the Municipality;

(r) a tax on passangers and goods carried by road;

(s) any other tax, toll, rate, charge or fee.

(2) All taxes, rates, fees, tolls, duties or charges leviable under sub-section (1) shall be levied at such rates and in such manner as may be prescribed;

(3) With the previous sanction of the State Government a Municipality may, from time to time, charge a fee in respects sanction of the issue and the renewal of any licence which may be granted the Municipality under the this Act and in respect of which no fee is leviable under sub-section (1).

(4) Nothing in this section shall authorise the imposition of any tax, fee, toll, charge or rate which the State Legislative has no power to impose in the State under the Constitution of India.
62. The State Government shall have the power to exempt by an order published in the Official Gazette any class of building or holding from levying any tax under Act.

63. When it has been decided to impose any tax on the annual value of holding, the assessor after making such inquiries as may be necessary, shall determine the valuation of all holding within the Municipality as hereinafter provided, and shall enter the same in the list called the valuation list, which shall be in the prescribed form:

Provided that valuation other than general valuation may be made by the Municipality through such person as may be authority by the Municipality in this behalf.

64. The assessor, in order to prepare the valuation list may, whenever he thinks fit be notice, require the owner or occupier of all holdings to furnish him, within fifteen days from the date of receipt of notice with returns of the rent or annual value thereof and a description of the holdings in such detail as the Municipality may direct, and the assessor, at any time between sunrise and sunset, may enter, inspect and measure any such holdings:

Provided that at least forty-eight hours’ previous notice of the intention be inter, inspect and measure any holding shall be given to the owner or occupier thereof, unless he waives his right to such notice.

65. (1) Whoever refuses or fails to furnish any return within the period stipulated in section 64, or knowingly furnish a false or incorrect return or description, shall be punishable with fine not exceeding fifty rupees, and with further fine not exceeding ten rupees of each day during which he omits to furnish a true and correct return.

(2) Whoever obstructs, hinders or prevents the assessors appointed by the Municipality from entering or inspecting or measuring any such holding shall be punishable with fine not exceeding two hundred rupees.

66. Annual value means-

(a) in the case of hotels, colleges, schools, hospitals, factories and other such buildings, a proportion not exceeding five per centum, to be of the sum fixed by the rule made in this behalf obtained by adding the estimated value of the land appurtenant thereto; and

(b) in the case of a building or land not failing within the provisions of clause (a), the gross annual rent for which such buildings exclusive of furniture of machinery therein or such land is actually let, or where the building or land is not let or in the opinion of the Municipality is let for a sum less than its fair letting value, might reasonably be expected to let from year to year:

Provided that where the annual value of any building would, by reason of exceptional circumstances, in the opinion of the Municipality be excessive if calculated in the aforesaid manner, it may fix the annual value at any less amount which appears to it suitable:

Provided further that the rules framed in this behalf shall be subject to the prior approval of the State Government.

67. The mode or procedure and the rate of levy of tax on the land holdings will be such as may be prescribed in this behalf.

68. As soon as possible after percentage at which the tax is to be levied shall have been determined under the preceding section, the Municipality shall cause to be prepared as assessment register which shall contain the following particulars, and any other matters which the Municipality may think proper to include-

(a) number of the holding on the register with the name of the road, if any, in which the holding is situated;

(b) annual value of the holding (as stated in the valuation list);
(c) names of owner and occupier;
(d) amount of tax payable for the financial year;
(e) amount to taxes payable separately under clauses (a), (d), (e) or (i) of sub-section (1) of section 61;
(f) amount of quarter instalments; and
(g) if the holding is exempted from assessment, a note to the effect.

Power to assess consolidated tax for building and land on which it stands.

69. (1) If any building belong to one owner and the land on which it stands and any adjacent land which is usually occupied therewith belongs to another, the Municipality may value such building and land together, and may impose thereon one consolidated tax.

(2) The total amount of the tax shall be payable by the owner of the building who shall there after be entitled to deduct from the rent which he pays for the land such proportion of the tax so paid him as is equal to the proportion which such rent bears to the annual value of the holding.

(3) In case of disputes, the Municipality shall determine what amount the owners of the building and of the land shall pay respectively.

Reduction of valuation, revision of valuation and assessment register.

70. (1) The Municipality may, at any time direct an alteration in, or amendment of, the valuation, revision of valuation and assessment register-

(a) by entering therein the name of any person any property which in its opinion ought to have been entered, or any property which has been become liable to taxation after the preparation of the assessment register; or

(b) by substituting therein with effect from the date of succession or transfer, as the case may be, for the name of the owner of any holding, the name of any other person who has succeeded by transfer or otherwise to the ownership of the holding;

(c) by altering the valuation of or assessment on any holding which in its opinion has been incorrectly valued or assessed;

(d) by re-valuing or re-assessing any holding the value or which has been increased by additions or alterations to buildings;

(e) by reducing upon the application of the owner, the valuation of any holding which has been wholly or partly demolished or destroyed, or the value of which has diminished from any cause beyond the control of the owner;

(f) by correcting any clerical or arithmetical error.

(2) The Municipality shall give at least one month’s notice to any person interested in any alteration which the Municipality propose to make under clause (a), (b), (c), or (d) of sub-section (1) and of the date on which the alteration will be made.

(3) Every alteration made under sub-section (1) in the assessment register shall be signed by the Executive Officer.

Notice to be given of Municipality of title of person liable to payment of tax.

71. (1) Whenever the title to any holding is transferred, both the transferor and the transferee shall, for the purpose of clause (b) of sub-section (1) of section 70 within three months after the execution of the instrument of transfer, on if no such instrument is executed, within three months after the transfer is effected, give notice in writing of such transfer to the Municipality.

(2) In the event of the death of the person in whom such title vests the person to whom as heir or otherwise the title of the deceased is transferred by descent or device shall within one year from the death of the deceased, give notice in writing of such succession to the Municipality.

(3) Every person liable for the payment of taxes on any holding, who transfers hiss title to or over such property without giving notice of such transfers to the Municipality as aforesaid shall, unless the Municipality on the ground of hardship arising out of special circumstances otherwise directs, continue to be liable for the payment of all such taxes from time to time payable in respect of the said property until he gives such notice, or until the transfer shall have been recorded in the Municipality books.

(4) The Municipality may levy a fee not exceeding five rupees for every such transfer of title to a holding in addition to the tax provided for in clause (g) of sub-section (1) of section 60.

Revision of valuation list.

72. (1) A new valuation list shall, unless otherwise ordered by the State Government by prepared in the same manner as the original list, once in every five years.
Subject to any alteration or amendment made under section 70 and to the result of any application made under section 71, every valuation list or the assessment register shall be valid from the date on which the list or register takes effect in the Municipality.

Application of assessor and power of State Government to direct the appointment of assessor.

73. (1) The Municipality, for the purpose of general valuation may, with the concurrence of the State Government, appointment an assessor who is neither an employee nor a member of the Municipality on such pay and with such establishment as it determine.

(2) Notwithstanding anything contained in section 72, if at any time it appears to the State Government that the valuation in any Municipality is insufficient, excessive or inequitable, the State Government may, by an order in writing, require the Municipality to revise the valuation or to show cause against revision with a specified time, and if the Municipality fails to comply with the order or in the opinion of the State Government the cause shown is inadequate, the State Government by an order in writing, require the Municipality to appoint with the approval of the State Government an assessor for the Municipality within a time and for a period to be specified in the order. The order shall fix the pay of the assessor and the cost of his establishment and the pay and cost shall be paid monthly by the Municipality.

Revision of assessment register.

74. Whenever the valuation list is revised or altered wholly or in part or a new percentage is fixed under section 71, the assessment register also shall be revised and all consequential charges made therein.

Effect of revision of assessment register.

75. The first assessment register prepare for any Municipality under the Act and any revision thereof or alteration therein made under the foregoing section shall, subject to the provision of section 70 and 80, take effect from the beginning of the quarter following the publication of the notice mentioned in section 78.

Exemption and remission.

76. (1) The taxes mentioned in clause (a), (b) and (c) of section 60 shall not be assessed or levied on any building or holding which is used exclusively as a place of public worship, or on any holding which is duly registered as a public burial or burning ground under this Act.

(2) The Municipality may exempt from assessment to the tax mentioned in clause (1) of sub-section (1) of section 60 at a meeting on any holding used for the purpose of a public charity.

(3) The Municipality may reduce the amount payable on account of any of the taxes mentioned in clause (a), (d), (e) and (i) of sub-section (1) of section 60 or remit the same on the ground of excessive hardship to the person liable to pay the same:

Provided that such reduction to remission shall not, unless renewed by the Municipality, have effect for more than one financial year.

Power of assessor.

77. An assessor appointed by the Municipality under section 73 shall exercise all such powers of valuation as may be vested in him by the Municipality as may be prescribed.

Publication of notice of assessment.

78. When the valuation list mentioned in section 63 and the assessment register mentioned in section 68 shall have been prepared or revised, the Chairperson shall sign the same and shall cause them to be deposited in the office of the Municipality and shall cause a notice to be published in such form and manner as may be prescribed.

(2) In all cases in which any property is for the first time assessed or the assessment is increased, the Executive Officer shall also give notice thereof to the owner or occupier of the property.

Application for review.

79. (1) Any person who is dissatisfied with the amount assessed upon him or with the valuation or assessment of any holding or who disputes his occupation of any holding or his liability to be assessed, may apply to the Municipality to review the amount of assessment or valuation or to exempt him from the assessment of tax:

Provided that no application shall be entertained unless the applicant has paid all arrears of dues to the Municipality accrued up-to the date of such application other than the sum which has been enhanced the valuation or assessment against which the review application has been filed.
(2) When an assessor has been appointed under section 73, notice of every such application shall be given by the Municipality to the assessor.

Procedure for review. 80. (1) Every application presented under section 79 shall be heard and determined by a committee consisting of not more than five members.

(2) The Chairperson or the Vice-Chairperson shall be one of the members of such Committee ex-officio and the other members shall be appointed from among the members by the Municipality:

Provided that no members so appointed shall take part in hearing or determining any application from the ward in which he resides, or in the case of an elected member, the ward which he represents, but nothing in this proviso shall prevent any such member from giving evidence with regard to the matter under enquiry.

(3) No such application shall be heard or determined by the Committee unless at least three members including the Chairperson or the Vice-Chairperson are present.

(4) The Committee shall give notice to the applicant of the time and place at which application will be heard and after taking such evidence and making such enquiries as may be deemed necessary in the presence of the objector or his agent, if he appears, the Committee shall pass such orders as it may deem fit in respect of such application.

(5) If the Committee orders that any valuation to which the application relates shall be reduced, brief reasons for such reduction shall be recorded.

(6) The decision of the Committee or of a majority of the members thereof in respect of any application referred to in this section shall be final.

Limitation of time for application for review. 81. Unless good cause shall be shown to the satisfaction of the aforesaid committee for extending the time allowed, and save as is otherwise expressly provided in this Act, no such application shall be received after the expiry of one month from the date of the publication of the notice required by section 78 relating to the list or register containing the assessment in respect of which the application is made, or after the expiry of fifteen days from the date of service of the first notice of demand for payment at the rate in respect of which the application is made, whichever period shall last expire:

Provided that if the Municipality has served a notice under section 78 on any person, no such application shall be received from him after the expiry of fifteen days from the date of such service.

Assessment to be questioned only under the Act. 82. No objection shall be taken to any assessment or valuation in any other manner except as provided in this Act.

Tax not invalid for defect in form. 83. No assessment of tax on property and no charge or demand of any tax made under authority of this Act shall be invalid for error or defect in form in form, and it shall be enough in any valuation or assessment for the purpose if the property so valued or assessed is so described as to be generally known and it shall not be necessary to name the owner or occupier thereof.

CHAPTER-VII
FUNCTIONS OF MUNICIPALITIES

Function of Municipality. 84. Every Municipality shall perform the following function within its respective jurisdiction, namely-

(a) Urban planning including town planning.
(b) Regulation of and use and construction of buildings.
(c) Planning for economic and social development.
(d) Roads and bridges.
(e) Water supply for domestic, industrial and commercial purposes.
(f) Public health, sanitation, conservancy and solid waste management.
(g) Fire services.
(h) Urban forestry, protection of the environment and promotion of ecological aspects.
(i) Safeguarding the interest of weaker section of society, including the handicapped and mentally retarded.
(j) Slum improvement and upgradation.
(k) Urban poverty alleviation.
(l) Provision of urban amenities and facilities such as parks, gardens, playgrounds.
(m) Promotion of cultural, educational and aesthetic aspects.
(n) Burials and burial grounds, cremations, cremation grounds and electric crematoriums.
(o) Cattle ponds, prevention of cruelty to animals.
(p) Vital statistics including registration of births and deaths.
(q) Public amenities including street lighting, parking lots, bus stops and public conveniences.
(r) Regulation of slaughter houses and tanneries.

CHAPTER-VIII

RECOVERY OF MUNICIPAL CLAIMS

Recovery from occupier of tax due from non-resident owner.

85. If any tax payable under this Act by the owner of any holding remains unpaid after the notice of demand has been duly served, and if such owner is not resident within the Municipality, or the place of abode of such owner is unknown, the tax may be recovered from the occupier for the time being of such holding, who may deduct, from the next and following payment of the rent the amount of which may be so paid by or recovered from him.

Provided that if any such holding is occupied more than one person, the sum to be recovered from any one of such person shall be proportionate to the value of the holding in the respective occupation of such person.

Recovery from owner of occupier’s tax in

86. If any holding is occupied by more than one tenant holding severally, it shall be lawful for the Municipality to recover from the owner of such holding any taxes payable under this Act by the occupier of the holding.

Recovery from owner of occupier’s tax in

87. Whenever any tax shall be recovered from any owner of any holding under the provision of the preceding section, it shall be lawful for such owner if there shall be but one occupying tenant of such entire holding, to recover from such tenant the entire amount of the tax which shall have been so paid by such owner, and, if there shall be one occupying tenant of a part of such holding or more than one occupying tenant of such holding, then to recover from each tenant such sum as shall bear to the entire amount of tax which may have been so recovered from such owner at the same proportion as the value of such holding in the occupation of such tenant bears to the entire value of such holding, subject, however, to the provisions of section 92.

Method of recovery by owner.

88. Every owner who, under the provisions of the preceding section, may be entitled to recover any sum from any occupying tenant of any holding or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such holding as may be in the occupation of such tenant.

Rents, tolls and fees in receipt of

89. (1) A Municipality may use its own land or building, or purchase, take on lease or otherwise acquire any land or building for the purpose of establishing Municipal markets or improving any existing Municipal market.

(2) A Municipality may levy rents, tolls and fees at such rates as it may think proper for the right to expose goods for sale in a Municipal market and for use of shops and stalls standing therein and may also regulate such rates in respect of private markets or place used or declared by such Municipality as a market place by a public notice in the locality.

(3) A Municipality may grant lease under this section for period not exceeding three years for the collection of rents, tolls and fees in Municipal markets at the rates fixed by the Municipality.
(4) A lease of a Municipal market appointed under sub-section (3) may refuse to allow any person to expose goods for sale in the market or to use shops and stalls standing therein until the proper rent, tolls and fees have been paid.

(5) Whoever, having rendered himself liable to the payment of rents, tolls or fees, refuses to pay the same be punishable with fine which may extend to one hundred rupees.

(6) When resistance is offered to any person authorised to collect rents, tolls or fees, any police officer shall, for the purpose, have the same powers as he has in the exercise of his ordinary police duties.

Recovery of taxes as arrears of public demand.

90. (1) Where any sum is due on account of a tax, other than octroi or toll or any similar tax payable upon immediate demand from a person to a Municipality, the Municipality may, without prejudice to any other mode of recovery provided in this Act, apply to the Certificate Officer to recover such sum together with costs of proceedings incurred in that behalf in accordance with the provisions of the Sikkim Public Demands Recovery Act, 1988.

(2) The Certificate Officer, on being satisfied that the sum mentioned in the application under sub-section (1) is due, shall proceed to recover it as soon as may be thereafter, as public demand.

Power to sell unclaimed holding for money due.

91. (1) If any be due under this Act in respect of any holding from the owner thereof on account of any tax, expenses or charge recoverable under this Act, if the owner of such holding or his whereabouts are unknown or the ownership thereof is disputed, or when the owner lives outside the Municipality and has failed to pay inspite of service of demand notices twice, the Municipality may publish twice, at an interval of three months, a notification of sale of such holding and after the expiry of not less than three months from the date of the last publication, unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall, at the time of sale, deposit forthwith twenty-five percent of the purchase money and the balance shall be paid within fifteen days of the date of sale, in default of the money, if any, so deposited shall be forfeited and the holding shall be resold. After deducting of the amount due to the Municipalities as aforesaid the surplus sale proceeds, if any, shall be credited to the Municipal fund and may be paid on demand to any person who establishes his right the satisfaction of such Municipality or in court or competent jurisdiction.

(2) Any person may pay the amount due at any time before the completion of the sale and may recover such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such property.

Writing off of irrecoverable sums due to the Municipality.

92. The irrecoverable sum due to a Municipality may be written off in such manner and by such authority as may be prescribed.

CHAPTER-IX
MUNICIPAL POWER AND OFFENCES

Powers in respect of road.

93. (1) A Municipality may-

(a) lay out or make new public road; or
(b) widen, open, enlarge or otherwise improve any public road and construct tunnels and other works subsidiary to such road; or
(c) divert, discontinue or close permanently any public road; or
(d) sell or lease the land forming such road or any part thereof acquired for the purpose of such road or for any other purpose of this Act:

Provided that no such public road shall be discontinued, permanently closed or used for any other purpose without the previous sanction of the State Government.

(2) In laying out, making, turning, diverting, widening, opening, enlarging or otherwise improving any public road, the Municipality may, in accordance with the provisions or this Act.
acquire land for the carriage-way, footways and drains thereof.

Powers to repair, etc. of private road, drains etc. 94. (1) Where a Municipality considers that in any road not being a public road or in any part of such road within the Municipality, it is necessary, for the public health, convenience or safety that any work should be done for the leveling, paving, metalling, flagging, channeling, draining, lighting or cleaning thereof, the Municipality may, by written notice, require the owner or owners of the road and the owners of the several lands or buildings, facing or adjoining the said road or abutting thereon to carry out such works in such manner and within such time as may be specified in such notice.

(2) If the notice under sub-section (1) is not complied with, such work may be executed by the Municipality, the expenses thereby incurred shall be apportioned by the Municipality between such owners and in such manner as it may think fit, regard being had to the amount and value of any work already done by the owners or occupiers of such lands and buildings.

(3) After such has been carried out by the owner or by the owners or on the failure of the owner to do so, by the Municipality at the expenses of such owners, the road or part thereof in which such work has been done may, and on the joint requisition of a majority of the said owners shall be declared by public notice affixed at a conspicuous place therein by the Municipality, to be a public road.

Prohibition of use of public roads by clause of animals, carts or vehicles. 95. (1) The Municipality may, by public notice, prohibits or regulate the driving, riding or leading of animals or vehicles of any particular kind along any public road or part of any such road.

(2) Any person who disobeys an order passed by the Municipality under the provision of sub-section (1) shall be punishable with fine not exceeding one hundred rupees.

Penalty for encroachment on public road, etc. 96. Any person, who without the permission of the Municipality-

(a) Encroaches upon any public road or house, gully or upon any public drain, sewer, aqueduct, water-course by making any excavation or by erecting any wall, fence, rail, post, projections or other obstructions, or by depositing any movable property thereon, or

(b) taken up or alters the pavements or other materials, fences or posts on any public road, shall for every such offence, be punishable with fine not exceeding twenty-five rupees for every day during which the encroachment continues after the first conviction.

Use of public road or place by vendors and other persons and penalty thereof. 97. (1) Subject to the provision of this Act and the rules and bye-laws made thereunder, no itinerant vendor, or any other person shall use or occupy any public road or place for the sale of articles or for the exercise of any calling or for the setting up any booth-stall without the permission of the Municipality.

(2) Whoever violates the provision of sub-section (1) shall be punishable with fine which may extend to five hundred rupees, and with a further fine which may extend to twenty-five rupees for every subsequent offence after the first conviction.

Powers to remove obstructions, encroachments, and projections in or on public road, etc. 98. A Municipality may, notwithstanding any proceeding which may have been started against him under this act, issue a notice requiring any person to remove any building which he may have built or any fence, rail, post or other obstructions or encroachments which he may have erected or stacked, on any part of a public road, house, gully, public drain, sewer, aqueduct, water-course, ghat or any land vested in the Municipality, and if such person fails to comply with such requisition within forty-eight hours of the receipt of the same, the Magistrate may, on the application of the Municipality, order that such obstructions or encroachment be removed, and thereupon the Municipality may remove any such obstructions or encroachments and the expenses thereby incurred shall be paid by the person who erected or stacked the same.

Procedure when person to erected obstructions cannot be found. 99. (1) If the person who built, erected or stacked the said building, fence, rail, post or other obstruction or encroachments referred to in the preceding section is not known or can not be found, the Municipality may cause a notice to be pasted in the neighborhood of the said buildings, fence, rail, post or other obstructions for encroachments, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition.

(2) If the said building fence, rail, post or other obstructions or encroachments be not.
removed in compliance with the requisition contained in such notice within forty-eight hours of the pasting of the same, the Magistrate may, on the application of the Municipality, order that such obstructions or encroachments be removed, and thereupon the Municipality may removed nay such obstructions or encroachments and may recover the cost of such removal by sale of the materials so removed.

(3) The surplus sale-proceeds, if any, shall be credited to the Municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Municipality or in a court of competent jurisdiction.

Projection from buildings to be removed.

100. (1) A Municipality may issue a notice requiring the owner or occupier of any building to remove or alter any projection, obstruction or encroachment erected or placed against or in front of such building, if the same overhangs the public road or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public road or house-gully, or obstructs or projects or encroaches into or upon any drain, sewer, or aqueduct in any public road or into or upon any public water-course or ghat or any land vested in the Municipality.

(2) If such owner or occupier fails to comply with such requisition within forty-eight hours of the receipt of the notice or within such further time as the Municipality may allow, the Magistrate may, on the application of the Municipality order that such projection, obstruction or encroachment be removed or altered, and thereupon the Municipality may remove or alter such projection, obstruction or encroachment and any reasonable expenses incurred for the purpose of such removal or alteration shall be paid by the defaulting owner or occupier.

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

Power to the District Magistrate and Sub-Divisional Magistrate to remove encroachments summarily on requisition by the State Government.

101. Notwithstanding anything contained in section 98 and 100, a District Magistrate or a Sub-Divisional Magistrate shall, on being so required by the State Government, order nay person responsible for any obstruction or encroachment or projection as specified in section 98 and 100 to remove or alter such obstruction or encroachment or projection within a period of not less than forty-eight hours and on non-compliance of such order, may take steps to remove such obstruction or encroachment or projection and realise the expenses thereby incurred from the person concerned as fine in a Criminal Court:

Provided that in case the person responsible for such obstruction, encroachment or projection are not known or cannot be found the procedure laid down in section 98 shall be followed.

Effect of order

102. Every order made by a Magistrate under section 96, 97, 98, 99, 100 or 101 shall be deemed to be an order made by him in the discharge of his judicial duty and the Municipality shall be deemed to be persons bound to execute such order within the meaning of the Judicial Officers (Protection) Act, 1850.

Municipality may require

103. A Municipality may require the owner or occupier of any land within three days to him may require to remove or prune the hedges thereon on any public road or drain and to cut and time any trees or bamboos thereon overhanging any public road, drain or tank, or any well used for drinking purpose, or obstructing any public road or drain or any property of the Municipality or likely to cause damage to person using any public road, or fouling or likely to foul the water of any well or tank.

Penalty for disobeying requisition under section

104. Whoever, being the owner or occupier of any house or land within a Municipality, fails to comply with a requisition issued under the provisions of section 98, 99, 100 or 101 shall be punishable with fine not exceeding five hundred rupees and with a further fine not exceeding twenty-five rupees for every day during which the default is continued after the first conviction.

101.
Name of public roads and numbers of building.

105. (1) A Municipality may cause a name to be given to any public road and to be fixed such place as it may think fit, and may also cause a number to be affixed to every building and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Any person who destroys, pulls down, defaces or alters any name or number put up by the Municipality under sub-section (1) shall, for every such offence, be punishable with fine which may extend to twenty-five rupees.

BUILDING

Erection of building without sanction.

106. (1) No person shall erect, materially alter, or re-erect any building without sanction of the Municipality.

(2) Every person who intends to erect, materially alter or re-erect any building shall give notice in writing to the Municipality of such intention in such form and manner as may be prescribed.

(3) An alteration in a building for the purpose of this section be deemed to be material if it-

(a) affects or is likely to affect prejudicially the stability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene;

(b) increases or diminishes the height or area covered by, or the cubical capacity of the building, or of any room in the building.

Powers of Municipality to sanction or refusal.

107. (1) Within one month after the receipt of the notice required by sub-section (2) of section 106, the Municipality may refuse to sanction the building or may sanction it either absolutely or subject to such modification as it may deem fit and on payment of such fee or charges as may be prescribed in respect of all or any of the matters specified in bye-laws and the person erecting, materially altering or re-erecting any such building as aforesaid shall comply with the sanction of the Municipality as granted in every particular case.

(2) Should the Municipality neglect or omit for three months after the receipt of a valid notice to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

(3) The Municipality may refuse to sanction the erection, material alteration or re-erection of any building either on the grounds affecting the particular building or in pursuance of a general scheme adopted by the Municipality at a meeting restricting the erection or re-erection of building or any class of building within specified limits for the prevention of over-crowding, or in the interest of the residents within such limits or for any other public purposes. Permission may also be refused in any case on which it is proposed to erect the building until such dispute is decided.

Lapse of sanction.

108. A permission to erect, materially alter or re-erect a building granted under this Chapter shall, unless it is renewed on an application made to the Municipality for this purpose, continue only for one year after the date on which it is granted, unless the work has been commenced within that period and in any case shall not continue for a period longer than two years from the date unless it is so renewed.

Penalty of sanction.

109. Whoever erects, materially alter or re-erects or commences to erect, materially alter or re-erects or commences to erect any building without the previous sanction of the Municipality, or in contravention of any directions given by the Municipality sanction under section 107, shall be liable to a fine not exceeding five thousand rupees for every such offence, and to a further fine not exceeding fifty rupees for each day during which the offence is continued after his first conviction.

Power of the Municipality in case of disobedience.

110. (1) If the construction of a building is started or if a building is materially altered or erected-

(a) without sanction as required by sub-section (1) of section 107; or

(b) without notice as required by section 108; or

(c) when sanction has been refused; or

(d) in contravention of the terms of sanction granted; or

(e) when the sanction has lapsed; or
the Municipality may, by notice to be delivered within a reasonable time, require the building to be altered or demolished as it may deem necessary, within the period of thirty days from the date of the service of such notice:

Provided that the Municipality may, instead of requiring the alteration or demolition of any such building, accept by way of composition such sum as it may deem reasonable.

(2) Any person who fails to comply with a requisition issued by the Municipality under the provisions of sub-section (1) shall be liable to a fine not exceeding five hundred rupees and to a further fine not exceeding twenty five rupees for every day during which the person continues to make such default after service on him of such requisition.

Roofs and external walls not to be made of inflammable materials.

111. The Municipality may, by written notice, require any person who has made any external roof wall with thatch, mats, leaves or other inflammable materials and in contravention of bye-laws made under this Act to remove or alter such roof wall within a period to be specified in the notice.

Powers to attach brackets of lamps.

112. The Municipality may attach or cause to be attached to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Building unfit for human habitation.

113. (1) If a building, or a room in the building, is, in the opinion of the Municipality, unfit for human habitation in consequence of the want of proper means of drainage or ventilation or otherwise, the Municipality may, by notice, prohibit the owner or occupier thereof from using the building or room for human habitation or offering it to be so used whether absolutely or unless within a time to be specified in the notice, he effects such alteration therein as is specified in the notice.

(2) Upon failure of a person to whom notice is issued under sub-section (1) to comply therewith, the Municipality may require by further notice the demolition of the building or room.

(3) Any person who uses a building or room or offers it to be used contrary to the provisions of sub-section (1) shall be punishable with fine not exceeding two thousand rupees, and with a further fine not exceeding twenty five rupees for every day during which the offence continued after the first conviction.

Fencing of building in a dangerous state.

114. (1) A Municipality may require, by notice, the owner or occupier of any land or building-(a) to demolish, secure or repair within eight days from the date of service of the notice, in such manner as it deems necessary, any building, portion of a building, wall or other structure or anything affixed thereto which appears to it to be in a ruinous condition or dangerous to inmates or any passer-by or other property, or (b) to repair, secure or enclose, within eight days from the date of service of the notice, in such manner as it deems necessary any tank, well or excavation belonging to such owner or in the possession of such occupier which appears to the Municipality to be dangerous to person by reason of its situation, want of repair or other such circumstances.

(2) Where it appears to the Municipality that immediate action is necessary for the purpose of preventing immediate danger to any person or property, it shall be the duty of the Municipality to take immediate action and recover the expenses so incurred from the owner or occupier of the building or the owner or occupier of the land to which such building or other structure or anything is affixed.

Municipality may require owners to pull down rains.

115. Whenever it appears to a Municipality that any building by reason of abandonment or disputed ownership or other cause is untenanted or unoccupied, or by reason or having fallen into ruins, affords facilities for the commission of a nuisance by disorderly person or for the harbouning of snakes or other noxious animals, the Municipality may require the owner of such building or the land to which such building is attached, to property secure the same or to remove or level such ruins, as the case may require.

Penalty for disobeying requisition

116. Any owner or occupier of a house or land who fails to comply with a requisition issued by the Municipality under the provision of section 114 and 115, shall be liable, for every such default, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding
under section 114 and 115. twenty-five rupees for every day during which the default is continued after the expiry of fifteen days from the date of service on him of such requisition.

Claim for compensation not to lie in certain cases. 117. Subject to any other provision in this Act as regards compensations, no compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of the erection of any building.

POWERS CONNECTED WITH DRAINS

power to require owners to clear noxious vegetation. 118. A Municipality may, by notice, require the owner or occupier of any land within such time as it may fix, to cut and remove any trees or bamboos or branches thereof, or eradicate and destroy vegetation or undergrowth which may appear to the Municipality to be insanitary, injurious to health or offensive to the neighborhood or to be causing or likely to cause damage or destruction to any crop growing or to be grown, or to be obstructing or likely to obstruct the free passage of men or animals along a public road.

Powers to require owner to improve bad drainage. 119. Whenever any land, being private property, or within any private enclosure, appears to the Municipality by want of drainage to be in a state injurious to health or offensive to the neighborhood, or by reason of inequalities of a surface to afford facilities for the commission of the nuisance, the Municipality may require the owner or the occupier of such land, within fifteen days, to drain such land or level such surface:

Provided that, if for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is require to drain his land, or to pay compensation to any other person, the Municipality shall provided such land and pay such compensation.

Power to require unwholesome tanks or private premises to be cleansed or drained. 120.(1) The Municipality may require the owner or occupier of any land within eight days or such longer period as the Municipality may fix, either or re-excavate or at his option fill up with suitable material or to cleanse any water-course and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighborhood:

Provided that, if for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is require to drain his land or to pay compensation to any other person, the Municipality shall provided such land and pay such compensation.

(2) If under the provision of this Act the Municipality executes the work of such re-excavation or filling up with suitable material it may take possession of the site and retain such possession and turn the same to profitable account until the expenses thereby incurred shall have been realised.

Penalty for disobeying requisition under section 118, 119 or 120. 121. Any owner or occupier of a house or land who fails to comply with a requisition issued by the Municipality under the provision of section 118, 119 or 120 shall be liable to a penalty not exceeding one hundred rupees, and with a further penalty of not exceeding twenty rupees for every day during which the default is continued after the expiry of eight days from the date of service on him of such requisition.

Power of State Government to prohibit cultivation, use of manure or irrigation injurious to health. 122. If the Director of Health and Family Welfare, Health Officer of the State Government or Health Officer of the Municipality or such other Medical Officer or Health and Family Welfare Department of the State Government, as may be specified in this behalf, certifies that the cultivation, use of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner is injurious to health.

(a) in any place within the limit of the Municipality is injurious, or facilitates practices which are injurious to the health or person dwelling in the neighborhood; or

(b) in any place within or without the limit of the Municipality, is likely to contaminate the water supply of the Municipality or otherwise renders it unfit for drinking purpose;
the State Government may, on receipt of an application from the Municipality, by public notice, prohibit the cultivation of such crop, the use of such manure, or the use of the method of irrigation so certified to be injurious, or impose such condition with respect thereto as may prevent the injury.

**Public latrines and urinals.**

123. The Municipality may provide and maintain in sufficient number and in proper situation, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleaned.

**Power to demolish unauthorised drain leading into public sewer.**

124. (1) If any person, without the written permission of the Municipality first obtained, makes or causes to be altered any drain leading into any sewer, drain, water-course, road or land vested in the Municipality, the Municipality may cause such branch drain to be demolished, altered, made or otherwise dealt with as it may deem fit, and the expenses thereby incurred shall be paid by such person making or altering such branch drain.

(2) The person so making or altering such branch drain shall be liable for every such offence to a fine not exceeding one hundred rupees.

**Penalty of allowing water or any other offensive matter to run on any public road.**

125. Whoever causes or allows the water of any sink, sewer, latrine, urinal, cess-pool, or any other offensive matter belonging to him or being on his land, to run, drain or be thrown or put upon any public road, or causes or allows any offensive matter to run, drain or be thrown into a surface drain near any public road, shall be liable to a fine not exceeding five rupees during which the offence is continued.

**Power to require owner to drain land.**

126. If any land, a sewer, drain or other outlet into which such land may, in the opinion of the Municipality, be drained, is not drained to the satisfaction of the Municipality, the Municipality may require the owner within one month to drain the said land into such sewer, drain or outlet.

**Penalty for disobeying requisition under section 126.**

127. Any person who fails to comply with a requisition issued by the Municipality under the provisions of section 126 shall be liable, for every such offence, to a fine not exceeding twenty-five rupees and further fine not exceeding five rupees for every day during which he shall continue to make such default after service on him of such requisition.

**Removal of offensive matters.**

**Establishments for removal of sewage, rubbish and offensive matter.**

128. The Municipality shall provide for the removal-

(a) of sewage, rubbish and offensive matter from all public latrines, urinals and drains and from all public roads and all other property vested in the Municipality; and

(b) in any Municipality wherein a latrine-tax has been imposed under sub-section (1) of section 60, of sewage and offensive matter from all private latrines, privies, urinals and cess-pools and compounds.

**Sewerage Scheme.**

129. A Municipality may also introduce a sewerage scheme for removal of sewage by fishing with water through underground closed sewers and where a Municipality introduces such a scheme in its area the Municipality may, where it is felt necessary, with the approval of the State Government, levy additional latrine and water-taxes to meet the cost and maintenance of such scheme.

**Removal of sewage, of offensive material and rubbish.**

130. (1) A Municipality at a meeting may, from time to time, by an order published in the prescribed manner, appoint the hours within which sewage and offensive matter may be moved, the manner in which the same shall be moved, as also the hours within only every occupier of any house or land may place rubbish in a receptacle provided by the Municipality on or by the side of the public road.

(2) A Municipality may provide place convenient for the deposit of sewage and offensive matter and may require the occupiers of houses to cause the same to be deposited daily or at other stated intervals in such places, and may remove the same at the expense of the occupier from any house if the occupier thereof fails to do so.
29

Penalty for contravention of section 130. 131. Any person who places or allows to place rubbish on a public road or in a receptacle provided by the Municipality at a time other than the time appointed by the Municipality under subsection (1) of section 132 shall, for every such offence, be punishable with fine not exceeding fifty rupees.

Penalty on occupier for not removing filth, etc. 132. Any occupier of a hose on or near a public road who keeps or allows to be kept, for more than twenty-four hours or for more than such shorter time as may be appointed by the Municipality otherwise than in some proper receptacle, any bones, ashes, sewage or any noxious or offensive matter in or upon such house, or in any outhouse, yard or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same shall be punishable with fine not exceeding two hundred rupees.

Penalty for throwing offensive matter on public road, etc. 133. Any person who, without the permission of the Municipality, throws or puts, permits his servants to throw or put, any sewage or offensive matter on any public road, or who throws or puts, or permits his servants to throw or put, any earth, rubbish, sewage or offensive matter into any drain communicating therewith, shall be punishable with fine not exceeding one hundred rupees.

Powers of servants of the Municipality. 134. All servants of the Municipality may, within such house as may be fixed by the Municipality, enter any premises, of which the occupier or owner is liable to pay latrine-tax and do all things necessary for the performance of their duties.

Water supply and drainage systems

Supply of drinking water. 135. (1) Every Municipality shall provide or arrange for the provision of sufficient supply or drinking water for the inhabitants of the areas within its jurisdiction.

(2) Every Municipality may, by notice, require an owner or occupier on whose land a drain, privy, latrine, urinal, cess-pool or their receptacle for filth or refuse exists as is likely to endanger the purity of water of a spring, well, tank, reservoir or other source from which water is, or may be derived for public use, to remove or close the same within one week from the service of such notice.

Removal of water supply. 136. The Municipality may by notice, require an owner or occupier on whose land a drain, privy, latrine, urinal, cess-pool or their receptacle for filth or refuse exists as is likely to endanger the purity of water of a spring, well, tank, reservoir or other source from which water is, or may be derived for public use, to remove or close the same within one week from the service of such notice.

Municipality to disinfect wells, tanks, etc. 137. In the event of a Municipality, or any part thereof, being visited with an outbreak or cholera or other infectious disease notified in this behalf, it may, during the continuance of the epidemic, without notice and at any time inspect and disinfect any well, tank or other place from which water is or is likely to be taken for the purpose of drinking and may further take such steps as it deems fit to prevent the removal of water therefrom.

Unauthorised construction or plantation of trees over drain or water-works. 138. (1) Where any road or way has been made or any building, wall or other structure has been erected or any tree has been planted over a public drain, culvert or a water-work vested in the Municipality without the permission in writing of the Municipality, the Municipality may, without prejudice to the generality of the other provision of this Act-

(a) by notice, require the person who has made the tree, or the owner or occupier of the land on which the road has been made, structure erected or tree planted to remove or deal in any other way as the Municipality thinks fit with the road, structure or trees; or

(b) itself remove or deal in any other way as it thinks fit with the road, structure or tree.

(2) Any expenses incurred by a Municipality for action taken under clause (b) of sub-section (1) shall be recoverable from the person by whom the road or way was made, structure erected or tree planted.

Power in re-
(2) The Municipality may, by public notice, order any burial or burning ground situated within the Municipality limits or any Municipality burial or burning ground outside such limits which is certified by the Director of Health and Family Welfare or a Health Officer of the State Government or the Health Officer of the Municipality to be dangerous to the health of person living in the neighborhood, to be closed, from a date to be specified in the notice, and shall, in such a case if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(3) If any person, without the permission of the Municipality, buries or burning or causes or permits, to be buried or burnt, any corpse at any place which is not any burial or burning ground or in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to one hundred rupees.

(4) Private burial places may be exempt from the order subject to such conditions as the Municipality may impose in this behalf:

(5) No private burial or burning ground shall be made or formed within the Municipality after the commencement of this Act, without the permission in writing of the Municipality.

Burial of paupers and unclaimed dead bodies.

140. A Municipality may, from time to time, out of the Municipal fund, provide for the burial or burning of paupers, and unclaimed dead bodies, free of charge, within the limits of the Municipality or otherwise arrange to dispose of as it thinks fit.

Powers to cause corpses to be burnt or buried according to the religious tenets of the deceased.

141. After the expiration of not less than twenty four hours from the death of any person, the Municipality may cause the corpse of such person to be burnt or buried, and the expenses thereby incurred shall be recoverable as a debt due from the estate of such person. In every such case, the corpse shall be disposed of, so far as may be possible, in the manner consistent with the religious tenets of the deceased.

CHAPTER-X
OTHER POWERS AND PENALTIES
Markets and Slaughter Houses

Establishment of markets.

142. A Municipality may establish and maintain markets at suitable place of the Municipality for the convenience of the people.

Power to remove person from Municipal markets.

143. If any officer specially empowered in this behalf by the Municipality is satisfied that any person occupying any stall or space in any Municipality market is in unauthorised occupation of the stall or space or continues to occupy the stall or space after authority to occupy has ceased, he may, with the previous sanction of the Municipality, require such person to vacant the stall or space within such time as may be mentioned in the requisition and such person may, in addition to any person to which he may be liable under Act, be summarily removed from the stall or space.

Place for slaughter of animals for sale.

144. (1) A Municipality may, and when require by the State Government, shall fix place with the approval of the State Government, shall fix place with the approval of the State Government for slaughter of animals for sale, and the Municipality may grant withdrawal licence for the use of such premises, or if they vest in the Municipality, may charge rent or fees for the use of such place.

(2) When any such premises have been fixed, no person shall slaughter any such animals for sale within the Municipal area at any other place.

(3) Any person who slaughter for sale any animal at any place within the Municipal area other than the one fixed by the Municipality under this section shall be punishable with fine which may extend to one hundred rupees.
145. A Municipality shall arrange for inspection of the animal by a Veterinary Surgeon or competent person before the animal is killed and may also arrange for inspection of the meat and organs for the purpose of certification, as may be laid down by bye-laws, of the meat for use as food.

146. No person shall carry on the profession of a butcher except under a licence from the Municipality.

### Nuisances from certain trades, professions etc.

147. (1) If it is shown to the satisfaction of a Municipality that any building or place within the limits of the Municipality which any person uses or intends to use as a factory or other place of business for the manufacture, storage, treatment or disposal of any article, by reason of such use, or by reason of such intended use, occasions or likely to cause a public nuisance, the Municipality may, at its option, require, by notice, the owner or occupier of the building or place:

- (a) to desist or refrain, as the case may be, from using or allowing to be used, the building or place for such purpose;
- (b) only to use, or allow to be used, the building or place for such purpose under such conditions or after such structural alterations as the Municipality impose or prescribes in the notice with the object or rendering the use of the building or place for such purpose free from objection.

(2) Whoever, after receiving a notice given under sub-section (1), uses or allows to be used any building or place in contravention of the notice shall be punishable with fine which may extend to two hundred rupees and a further fine of fifty rupees and for every day on which he so uses or allows to be used the place or building after the date of first conviction.

148. (1) Within such local limits as may be fixed by the Municipality, no place shall be used without a licence from the Municipality which shall be renewable annually, for any of the following purpose, namely:

- (a) melting tallow;
- (b) boiling offal or blood;
- (c) skinning or disemboweling animal;
- (d) the manufacture or bricks, pottery, tiles or lime in a kiln or bhatti or by any other similar method;
- (e) as a soap-house, oil-boiling house, dyeing house;
- (f) as tannery, slaughter-house;
- (g) as a manufactory or place of business from which offensive or unwholesome odour may arise;
- (h) as a yard or depot for hay, straw, bamboo, thatching grass, jute or other dangerously inflammable material for the purpose of any trade;
- (i) any store-house for kerosene, petroleum, naphtha, coal-tar or any inflammable oil or spirit or wholesale stock or matches exceeding one hundred gross;
- (j) as a shop for the sale of meat;
- (k) as a place for the storage of rage or bones, or both;
- (l) tea stall;
- (m) sweetmeat stall;
- (n) hotel or eating house;
- (o) manufactory or sale including biscuit factory;
- (p) bakery, confectionary including factory.

(2) Such licence shall not be withheld unless the Municipality has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the neighbourhood.

(3) A Municipality may, subject to such restriction, if any, as it may impose, extend the provisions of this section to yards or depots for trade in coal, coke, timber or wood.

(4) The grant of a licence for the purpose mentioned in clause (i) of sub-section (1) shall be consistent with the provisions of the Petroleum Act, 1934 and no such licence shall be granted unless the provisions have been complied with by the applicant for the licence.
32

Fairs and Melas.

Powers of Municipality to grant licence for fairs and melas.

Powers of a Municipality shall require the owner or lessee of a fair or mela or an owner or a lessee of land intending to hold a fair or mela thereon, to obtain a licence in this behalf from the Municipality on such terms and conditions and on payment of such fee as may be prescribed.

Infectious or Contagious diseases.

Powers to close market, tea-stall etc.

(1) A Municipality may, with a view to preventing the spread of any infectious or contagious disease, order that for a specified time, any market, tea-stall or restaurant, hotel or lodging-house within the Municipality shall be closed, or forbid any person to attend any such market, tea-stall or restaurant, hotel or lodging-house.

(2) Such order shall be notified in such manner and at such place as the Municipality may direct, and notice thereof shall be served on the owner, occupier or farmer of the market or the keeper of the hotel or lodging-house, tea-stall or restaurant.

(3) After complying with the notice the owner, occupier or farmer of the market or the keeper of the hotel or lodging-house, tea-stall or restaurant shall be final.

(4) When an order has been notified under sub-section (2) and has not been set aside under sub-section (3), any owner, occupier or farmer of a market or the keeper of hotel or lodging-house, tea stall or restaurant shall be liable to a fine which may extend to five hundred rupees, and any person who attends such market, hotel or lodging-house, tea-stall or restaurant in contravention of the terms of the order shall be liable to a fine which may extend to one hundred rupees.

Penalty for failure to give information of cholera, small-pox etc.

Whoever –

(a) being a medical practitioner and in the course of such practice becoming cognizant of the existence of cholera, plague, small-pox or other infectious disease that may be notified in this behalf by the State Government, in any dwelling house other than a public hospital in the Municipality; or

(b) being the owner or occupier of such dwelling house and being cognizant of the existence of any such infectious disease therein; or

(c) being the person in charge of, or in attendance on a person suffering from any such infectious disease in such dwelling house, and being cognizant of the existence of the disease therein;

fails to give information to such officer as the Municipality may appoint or gives false information to such officer as the Municipality may appoint in this behalf in respect of the existence of such disease, shall be punishable with fine which may extend to one hundred rupees.

Disinfection of building and articles.

If a Municipality is of the opinion that the cleaning or disinfecting of a building or any part thereof or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, it may, by notice, require the owner or occupier to cleanse or disinfect the same in the manner and within the time prescribed in such notice.

(2) If –

(a) within the time specified as aforesaid from the receipt of the notice the person on whom the notice fails to have the building or part thereof or the article cleansed or disinfected; or

(b) the occupier or the owner, as the case may be gives his consent, the Municipality may, at the cost of such owner or occupier, cause the building or part thereof and articles to be cleansed and disinfected;

Provided that the Municipality may in its discretion pay the whole or any part of such cost.

Penalty for letting infected house.

Every person knowingly letting a house or other building or part of a house or building in which any person suffering from an infectious or contagious disease had lived without having such house or other building or part thereof and all article therein liable to retain infection disinfected thereafter to the satisfaction of the Municipality shall be punishable with fine not exceeding two hundred rupees.
Explanation: For the purpose of this section a hotel or lodging-house keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging house.

Power of entry

154. A Municipality may authorise any officer to enter, at any time between sunrise and sunset, after three hours’ notice into any building or premises in which any infectious or contagious disease is reported or suspected to exist, for the purpose of inspecting such building or premises, and on report of the officer, the Municipality shall declare that a person is suffering from contagious disease and that house is infected.

Removal to hospital of patients suffering from infection disease.

155. In any Municipality when any person suffering from any infectious or contagious disease is found to be –

(a) without proper lodging or accommodation; or

(b) living in a dharamsala or other public hostel, or

(c) living in a room or house which neither he nor any one, of whom he is a dependent, either owns or pays rent for,

the Municipality, by any person authorised by it in this behalf, on the advice of Health Officer, remove the patient to any hospital or place at which person suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

CHAPTER-XI
PROCEDURE

Service of notice.

156. (1) Every notice, bill, from, summons or notice of demand under this Act may –

(a) be served personally on or presented to the person to whom the same is addressed;

or

(b) if, it cannot be so served, presented or delivered, be affixed on some conspicuous part of his place of abode, or of the land, building or other thing in respect of which the notice, form, summons or notice or demand is intended to be served; or

(c) be sent by post in a registered cover with acknowledgement due.

(2) Every such notice, bill, form, summons or notice of demand shall be signed by or bear a facsimile signature of the Executive Officer or any other officer authorised by the Chair-person in this behalf.

Reasonable time to be fixed.

157. When any notice under this Act requires any act to be done for which no time is fixed by this Act, the Municipality shall fix a reasonable time for doing the same.

Service of notice on owner or occupier of land.

158. When any notice is required to be given to the owner or to the occupier, of any land, or both, such notice, addressed to the owner or occupier of both as the case may require, may be served on the occupier of such land, or otherwise in the manner mentioned in section 156:

Provided that when the owner and his place of abode are known to the Municipality or other authorities issuing the notice, they shall, if such place of abode be with the limits of the authority, cause such notice to be served on such owner, or left with some adult member or servant of his family; and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover with acknowledgement due addressed to his place of abode, and such service shall be deemed to be good service of the notice.

Provided further than when the name of the owner or occupier or of both is known, it shall be sufficient be designate him or them as the owner or the occupier of the land in respect of which the notice served.

Procedure whenever owners or occupiers are require

159. (1) Whenever it is provided in this Act that the Municipality may require the owner or the occupiers of any land or both to execute any work or to do anything, such requisition shall be made, as far as possible, by a notice to be served as provided in section 156 and 158 on every owner,
occupier who is required to execute such work or to do such thing; but if there be any doubts as to the persons who are owners or occupiers, such requisition may be made by a notice to be affixed or pasted upon or near the spot at which the work is required to be executed or the thing done, requiring the owners or the occupiers of any land or both to execute such work or to do such thing within a specified time, and in such notice it shall not be necessary to name the owners or occupiers.

(2) Every such requisition shall give notice to the person to whom it is addressed that if they fail to comply with the requisition or to prefer an objection against such requisition as provided hereinafter in section 160, the Municipality or any other officer authorised by it in that behalf, may enter upon the land and cause the required work to be executed or the required thing to be done; and that in such case the expenses incurred thereby will be recovered from the person who are required in such requisition to execute such work or do such thing.

Person required to execute any work may prefer objection to the requisition

160. Any person who is required by such requisition to execute any work or to do anything may, instead of executing the work or doing the thing required, prefer an objection in writing to the Municipality against such requisition within fifteen days of the service of the notice or posting up of the notification containing the requisition, or, if the time within he is required to comply with the requisition be less than fifteen days, then within such less time.

Procedure if person objecting alleges that work will cost more than one thousand rupees

161. If the objector alleges that the cost of executing the work or of doing the thing required may exceed one thousand rupees, such objection shall be heard and disposed of by the Municipality at a meeting; unless the Chairperson or Vice-Chairperson shall certify that such cost may not exceed one thousand rupees, in which case the objection shall be heard and disposed of by the Chairperson or Vice-Chairperson:

Provided that in any case in which the Chairperson or Vice-Chairperson shall have certified his opinion as aforesaid and the objection shall in consequence thereof have been heard and disposed of by the Chairperson or Vice-Chairperson, the person making objection may, if the requisition made upon him is not withdrawn on the hearing of his objection, pay the said sum of one thousand rupees to the Municipality as the hearing of his objection, pay the said sum required, whereupon such person shall be relieved of all further liability and obligation in respect of executing the work or doing the things required and in respect of paying the expenses thereof and the Municipality itself shall execute such work or do such thing, and shall exercise all powers necessary thereof.

Chairperson

162. The Chairperson or Vice-Chairperson, as the case may be, shall, after hearing the objection and making any inquiry which they may deem necessary, record or order withdrawing, modifying, or making absolute the requisition against which the objection is preferred; and if such order does not withdraw the requisition it shall specify the time within which the requisition shall be carried out, which shall not be less than the shortest which might have been mentioned in the original requisition under this Act.

Power of Municipality on failure or person to execute work

163. If the person or persons required to execute the work or to do the thing fail, within the time specified in any requisition as aforesaid, to begin to execute such work or to do such thing, and thereafter diligently to execute the same to the satisfaction of the Municipality until it is completed, the Municipality or any person authorised by it in that behalf, may, after giving forty-eight hours’ notice of its intention, to be affixed or pasted upon or near the post, enter upon the land and perform all necessary acts for the execution of the work or doing of the thing required, and was expenses thereby incurred shall be paid by the owners or by the occupiers if such requisition was addressed to the owners or to the occupiers, as the case may be, and by the owners and the occupiers it such requisition was addressed to the owners and the occupiers.

Power to apportion expenses among owners and occupiers

164. (1) Whenever any expenses incurred by the Municipality to be paid by the owners of any land as provided in the preceding section, the Municipality may, if there be more than one owner, apportion the said expenses among such of the owners as are known in such manner as the Municipality may deem fit.

(2) Whenever any such expenses are to be paid by the occupiers of any land as provided
in the preceding section, the Municipality may, if there is more than one apportion the said expenses among such of the occupiers as are known in such manner as the Municipality may deem fit.

**Apportionment among owners and occupiers.**

165. Whenever any expenses incurred by the Municipality are to be paid by the owners and occupiers of any land, as provided in section 163, the Municipality may apportion the said expenses among the said owners and occupiers or such of them as are known in such manner as the Municipality may deem fit.

**Occuper may recover cost of the works executed at his expense from owner.**

166. Whenever any works or alterations and improvements which the Municipality is authorised by this Act to require and execute, are executed by the occupier on the requisition of the Municipality or are executed by the Municipality and the cost thereof is recovered from the occupier, the cost thereof may, if the Municipality certify that such cost ought to be borne by the owner, be deducted by such occupier from the next and following payments of his due or becoming due to such owner, or may be recovered by him in any court of competent jurisdiction.

**Power to enter upon possession of house so repaired.**

167. If the Municipality, under the provision of this Act shall have caused any repair to be made to any house or other structure, and if such house or other structure be unoccupied, the Municipality may enter into possession of the same, and may retain possession thereof until the sum expended by it on the repair be paid to it.

**Sale of materials of house etc. pulled down.**

168. The materials of anything which shall have been pulled down or removed under the provisions of section 159 may be sold by the Municipality, and the proceeds of such sale shall be adjusted to the payment of the expenses incurred.

(2) The surplus sale proceeds, if any shall be credited to the Municipality fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Municipality or in a court of competent jurisdiction.

**Cognizance.**

169. (1) Unless otherwise expressly provided in this Act, no court shall take cognizance of any offence under this Act or under any rules or bye-laws made thereunder except on the complaint of the Municipality or of such officer as may be authorised by the Municipality by general or special order in this behalf.

(2) No court inferior to that of a Magistrate of the First Class shall try of the offences specified in sub-section (1).

**Offences under the Act compoundable.**

170. (1) The offences under this Act shall be compoundable: Provided that no offences, arising from the failure to comply with a written notice given by or on behalf of the Municipality, shall be compoundable unless the notice has been complied with.

(2) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

**Powers and duties of Police in respect of offences.**

171. Every police officer having jurisdiction shall give immediate information to the Municipality of an offence coming to his knowledge which has been committed against the provisions of this Act or against any rules or bye-laws made thereunder, and shall be bound to assist all members, officers and employees of the Municipality in the exercise of their lawful duties.

**Appeals from order refusing licences.**

172. Any person aggrieved by an order of a Municipality refusing, revoking or suspending licence or permission required under this Act may, notwithstanding anything contained elsewhere in this Act, within thirty days from the date of refusal, revocation or suspension, appeal to the Secretary whose decision shall be final and shall not be questioned in any court.

**Appeals from orders in other taxes.**

173. (1) Any person aggrieved –

(a) by the refusal of the Municipality under section 107 to sanction the erection, re-erection or material alteration of any building, or

(b) by a notice from the Municipality under section 94 requiring a road to be drained, leveled,
paved, flagged, metalled or provided with proper means of lighting, or under section 101 requiring the alteration or demolition of a building, or
  (c) by an order of the Municipality under the powers conferred upon it by section 114, may within thirty-days from the date of such refusal, notice or order appeal to the Secretary.
(2) No such refusal, notice or order shall be questioned otherwise than by such an appeal.
(3) The decision of the Secretary shall be final:
Provided that, if an appeal is preferred to the State Government and the State Government think it a fit case for appeal, the State Government may hear and decide such cases.

Appeal not to be dismissed without giving reasonable opportunity. 174. No appeal under sections 172 or 173 shall be dismissed or allowed partly or wholly unless reasonable opportunity of showing cause or being heard has and been given to the parties.

Dispute as to compensation payable by Municipality. 175. (1) Should a dispute arise touching the amount of compensation which the Municipality is required by this Act to pay, it shall be settled in such manner as the parties may agree, and in default of agreement by the Secretary upon application made to him by the Municipality or the person claiming compensation.
(2) If the Municipality or the person claiming compensation is not satisfied by the decision of the Secretary, it or he shall have a right to require the Secretary to make a reference to the District Judge, having jurisdiction, in accordance with the procedure set forth in section 18 of the Land Acquisition Act, 1894.

Lademnity. 176. No suit shall be maintainable against a Municipality or any of its members, or any officer or employee, or any person acting under or in accordance with the direction of the Municipality or any Municipality Officer or servant, in respect of anything in good faith done or intended to be done under this Act or under any rules or bye-laws made thereunder.

Bar of suit in absence of notice. 177. (1) No suit or other legal proceeding not being a criminal proceeding shall be instituted against any Municipality, or any of its officers in respect of any act purporting to be done by such officer in his official capacity, or any person acting under its direction until the expiry of sixty days next after notice in writing has been delivered to, or left at the office of
(a) in the case of a suit against the Municipality, the Executive Officer;
(b) in the case of an officer, the officer against whom the suit or proceeding is instituted; or
(c) in the case of any person acting under the direction of the Municipality, at his place of residence or business,
    stating the cause of action, the name, description and place of residence of the plaintiff or the petitioner and the relief which he claims,
and the plaint or the petition shall contain a statement that such notice has been so delivered or left.
Explanation: Officer” in this section includes the Chairperson or the Vice-Chairperson, as the case may be.
(2) Every such action shall be commenced within six months next after the accrual of the cause of action and not afterwards.

CHAPTER-XII
ADMINISTRATIVE CONTROL OVER MUNICIPALITIES

Control by Secretary. 178. The Secretary or any other officer specially empowered by the State Government to exercise the powers of the Secretary may, at any time –
(a) enter into and inspect, or cause any other person to enter into or inspect-
(i) any immovable property in the occupation of or;
(ii) any work in progress under; or
(iii) any institution under;
the control and administration of the Municipality; and
(b) call for and inspect any book or document which may be, for the purpose of this Act in the possession or under the control of the Municipality.

Power to suspend action under the Act.

179. (1) The State Government or the Secretary may, by order in writing, suspend the execution of any resolution or order of the Municipality or prohibit the doing of any act which is about to be done or is being done, in pursuance of, or under cover of, this Act, or in pursuance of any sanction or permission granted by the Municipality in the exercise of their powers under Act, if in its or his opinion, the resolution, order or act is contrary to the public interest or is in excess of the powers conferred by law, or the execution of the resolution or the order, or the doing of the act, is likely to lead to a serious injury or annoyance to the public, or to any class or body of person.

(2) When the Secretary makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it to the State Government, which may thereupon rescind the order or direct that it continues to be in force with or without modification, permanently or for such period as it may deem fit:

Provided that the State Government or as the case may be, the Secretary shall before taking any action under this section, given the Municipality concerned an opportunity of being heard against the proposed action.

Powers of State Government in case or default and of Secretary in case of emergency etc.

180. (1) If at any time, on receipt of a complaint or information or otherwise it appears to the State Government that the Municipality have made default in performing any duty imposed on it by or under this Act or any other Act, the State Government may, by an order in writing, call upon the Municipality to perform the duty within such time as may be appointed by such order.

(2) If such duty is not performed within such period, the State Government may, after considering any representation which the Municipality may submit, either revoke or modify the order or appoint some fit and proper person to perform the duty.

(3) If in any case of emergency, the Secretary, upon the recommendation of the concerning technical adviser immediately available, is of opinion that the immediate execution of any work or the immediate doing of any act which the Municipality, whether at a meeting or otherwise, are empowered to execute or do, is necessary for the health or safety of the public, he may call upon the Municipality to execute the work within such time as he may appoint. If such work is not executed within such period he may appoint some fit and proper person to execute the work or do the act immediately.

(4) The Secretary shall forthwith report to the State Government every cases in which he uses the powers conferred on him by sub-section (3) whereupon the State Government may pass such orders as it deems fit.

(5) Where any person is appointed under sub-section (2) or sub-section (3), the Secretary may direct that the expense of performing the duty, executing the work or doing the act, together with reasonable remuneration, if any to the person so appointed, shall forthwith be paid by the Municipality.

(6) Where such expense and remuneration are not so paid, the Secretary may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense and remuneration or so much thereof as is possible from the balance in priority to any other charges and such person shall make payment accordingly.

Power to supersede or suspend or dissolve Municipality in case of incompetence, default or abuse or powers.

181. If in the opinion of the State Government a Municipality is not competent to perform, or persistently make default in the performance of the duties imposed upon it by or under this Act or otherwise by law, or exceeds or abuses its powers the State Government may by notification, stating the reason for so doing, declare such Municipality to be incompetent or in default or to have exceeded or abused its power, as the case may be, and supersede or suspend it for a period not exceeding two months at a time or dissolve the Municipality and order a fresh election as soon as possible but before the expiration of a period of six months from the date of dissolution:

Provided that the period of supersession and suspension shall not exceed a period of six months in total in any case.
Consequences of suspension, supersession, and dissolution.

182.(1) When an order of suspension, supersession or dissolution is passed under section 181, the following consequences shall ensure, namely:

(a) all the members of the Municipality shall, as from the date of the order, vacant their offices as such members;

(b) all the powers and duties which under this Act may be exercised and performed by the Municipality whether at a meeting or otherwise shall, during the period of suspension, supersession or dissolution be exercised and perform by such person or persons as the State Government may appoint;

(c) all properties vested in such Municipality shall, during the period of suspension, supersession or dissolution, vest in the State Government.

(2) On the expiry of the period of suspension or supersession specified in the order, the State Government may-

(a) extend the period of suspension or supersession for a term as provided in section 181 and the proviso thereunder; or

(b) reconstitute the Municipality by a fresh general election and the persons who vacated their offices under clause (a) of sub-section (1) shall not be deemed to be disqualified for fresh election.

Decision on disputes between local authorities.

183.(1) Should a dispute arise between a Municipality and any other local authority on any matter in which they are jointly interested, such dispute shall be referred to State Government whose decision shall be final.

(2) The State Government may regulate by rules made under this Act the relation to be observed between a Municipality and other local authorities in any matter in which they are jointly interested.

CHAPTER-XIII
DISTRICT PALANNING COMMITTEE

Constitution of District Planning Committee.

184.(1) The State Government shall, by notification, constitute in every district a District Planning Committee.

(2) The District Planning Committee shall consist of –

(a) the member of the House of People;

(b) the member of Council of State;

(c) Adhyaksha of Zilla Panchayat;

(d) Chairperson of Municipalities having jurisdiction over the headquarters of the district,

(e) such number of person, not less than four-fifth of the total number of members of the committee as may be specified by the State Government, elected in the prescribed manner from amongst the elected members of Municipalities and Zilla Panchayat in the district in proportion to the ratio between the population of the rural areas and of the urban area in the district.

(3) The following persons shall be the permanent invitees of the District Planning Committee namely :

(a) all the members of the Legislative Assembly whose constituencies lie within the district and who are electors in the district;

(b) the District Collector of the district; and

(c) the District Development Officer-cum-Panchayat Officer of the district who shall be the Member Secretary of the Committee.

(4) The Adhyaksha of the Zilla Panchayat of the District shall be the Chairman of the District Planning Committee.

(5) The District Planning Committee shall consolidate the plans prepared by the Zilla Panchayats, Gram Panchayat and the Municipalities in the district and prepare a draft development plan for the district as a whole.

(6) Every District Planning Committee shall, in preparing the draft development plan,

(a) have regard to-

(i) matters of common interest between the Panchayat and Municipalities including...
spatial planning or water and other physical and natural resources, the integrated
development of infrastructure and environment conservation.

(ii) the extent and type of available resources whether financial or otherwise;
(b) consult such institutions and organisation as the Government may, by order, specify
(7) The Chairman of every District Planning Committee shall forward the development plan,
as recommended by the District Planning Committee, to the State Government for consideration,
approval and implementation.

CHAPTER –XIV
MISCELLANEOUS

State Finance Commission. 185.(1) The State Finance Committee constituted under article 243-I of the Constitution read
with section 97 of the Sikkim Panchayat Act, 1993 shall also review the financial position of the 1993 Municipalities and make recommendation to the Government as to –
(a) the principles which should govern-
(i) the distribution between the State and the Municipalities of the net proceeds of the taxes,
duties, tolls and fees leviable by the State, which may be divided between them under Part IXA of
the Constitution and this Act and the allocation between the Municipalities at all levels of their
respective shares of such proceeds;
(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or
appropriated by the Municipalities;
(iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;
(b) the measures needed to improve the financial position of the Municipalities;
( c) any other matter referred to the Financial Commission by the Governor in the interest of
sound finance of the Municipalities.
(2) The Governor shall cause every recommendation made by the Commission under this
section together with an explanatory memorandum as to the action taken thereon to be laid before
the Legislative Assembly of Sikkim.

State Election Commission

186. The superintendence, directions and control of the preparation of electoral rolls for and
the conduct of, all elections to the Municipalities shall be vested in the State Election Commission
constituted by the Governor under article 243-K of the Constitution read with section 103 of the

Powers relating to parks, play grounds and open space.

187. A Municipality may provide open space, parks, playgrounds, common swimming pools
and amenities for the use and enjoyment of the people and may frame bye-laws regulating their
use.

Powers relating to pounds.

188. Every Municipality shall, in regard to the establishment, maintenance and management
of pounds, perform such function as may be transferred to it by notification under section 31 of the
Cattle Trespass Act, 1871 and lease out pounds, when so transferred in such manner as may be
prescribed.

Registration of births and deaths.

189. A Municipality, when required by the State Government, shall provided for the registration
of births and deaths within its limits in accordance with the provision of the Registration of Births
and Deaths Act, 1969.

Establishment and maintenance of fire bridge.

190.(1) For the prevention and extinction of fire, the Municipality at a meeting may resolve to
establish and maintain a fire-brigade and to provide any implements, machinery, or means of
communicating intelligence which the Municipality may think necessary for the efficient discharge
of their duties by the brigade.
(2) The Municipality at a meeting may recognise and aid a volunteer fire-brigade and provide
Powers of Magistrate, member or Municipality, and other person for suppression of fires.

191.(1) On the occasion of a fire in a Municipality, any Magistrate, or any member of a Municipality or the person in charge of a fire-brigade maintained by the Municipality, and directing the operation in connection with the fire, or any police officer above the rank of constable, when so directed by the Magistrate or a member, may –

(a) remove or order the removal of any person who by this presence interferes with or impedes the operations for extinguishing the fire, or for saving life or property;

(b) close any street or passage in or near which any fire is burning;

or cause to be broken into or pulled down any premises or use for the passage of any house or other appliance for that purpose;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in the place where the fire has occurred;

(e) call on the persons in charge of any fire engine to render such assistance as may be possible;

(f) generally take such measures as may appear necessary for the protection of life or property.

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) of this section in good faith.

Validity of acts and proceedings.

192.(1) No act of the Municipality shall deemed to be invalid by reason of any vacancy in the Membership thereof.

(2) Any proceeding of a meeting of the Municipality shall be valid notwithstanding that it is subsequently discovered that some persons who was not entitled so to do, voted or otherwise took part in the proceedings.

Effect of election of a member of a Municipality to the House if Parliament and Legislative Assembly.

193. If a Chairperson, Vice-Chairperson or a member of a Municipality becomes a member of either House of Parliament or Member of Legislative Assembly, he shall be deemed to have vacated his office as such Chairperson, Vice-Chairperson or, as the case may be, the member of the Municipality with effect from the date of his becoming such member and a casual vacancy shall be deemed to have occurred in such office.

Electoral Offences.

194. Any act of commission or omission which is an electoral offence in relation to elections to the Legislative Assembly under Chapter VII of the Representation of the Peoples Act, 1951 or under any law for the time being in force shall be deemed to be an electoral offence in relation to the election to the Municipalities under this Act.

195.(1) The election of a person as a member of a Municipality shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the ground that –

(a) the election has been a free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election; or

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

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

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

(2) The following shall be deemed to be corrupt practices of bribery or under influence for the purpose of this Act, namely:

(1) Bribery, that is to say –

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

(a) a person to stand or not to stand as or to withdraw from being a candidate at any election or
(b) an elector to vote or refrain from voting at an election; or as a reward to –
(i) a person for having stood or not stood or having withdrawn his candidature, or
(ii) an elector for having voted or refrained from voting.

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

Provided that without prejudice to the generality of the provisions of this clause, any person as referred to therein who –
(i) threatens any candidate, or any elector or any person in whom a candidate or any elector is interested, with injury of any kind including social ostracism or excommunication or expulsion from any caste or community; or
(ii) induces or attempts to induce a candidate or an elector to believe that he or any elector in whom he is interested will become or will be rendered subject of divine displeasure or spiritual censure;

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

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

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

(4) The authority to whom the application under sub-section (1) is made shall, in the manner of:
(a) hearing of application and the procedure to be followed at such hearing;
(b) setting aside the election or declaring the election to be void or declaring the applicant to be duly elected or any other relief that may be granted to the petitioner,
(5) The order passed by the authority upon an application under sub-section (1) shall be final and conclusive and shall not be questioned in any civil court.

(6) Notwithstanding anything in this Act, the validity of any law relating to the delimitation of wards in a Municipality made or purporting to be made shall not be questioned in any court.

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

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

Bar of jurisdiction of Civil Courts in election matters.

197. No Civil Court shall have jurisdiction to question the legality of any action taken or any decision given by an officer or authority appointed under this Act in connection with the conduct of election thereunder.

Overriding effect of provisions of this Act.

198. The provision of this Act, rules and bye-laws, the orders made and directions issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect virtue of any such law.

Public servant.

199. Every member and every officer or servant of the municipality and every contractor or agent appointed by it for the collection of any tax or every person employed by such contractor or agent for collection of such tax shall be deemed to be a public servant within the meaning or section 21 or the India Penal Code.

Power to make Rules.

200.(1) The State Government may, by notification, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely :-
(a) manner of holding elections to the Municipalities under sub-section (3) or section 7;
(b) manner or conducting the election of the Chairperson and Vice-Chairperson under section 10;
(c) prescribing the form or register and the manner in which the minutes of the proceedings of a meeting of a Municipality shall be recorded and kept, under sub-section (1) of section 24;
(d) the manner of appointment, other conditions of service of the employees power, duties and functions of the Executive Officer and other officers and employees and disciplinary action to be taken against them under section 35;
(e) prescribing the form and the manner in which annual budget of the Municipality shall be prepared under section 45;
(f) prescribing the form of register and the manner of keeping accounts or receipts and expenditure under section 46;
(g) prescribing the form in which the accounts of the previous year of a Municipality is to be transmitted to the State Government under section 47;
(h) prescribing the manner of sending certificate of the amount due to the person by the auditor under sub-section (3) of section 56;
(i) prescribing the rates and manner in which taxes, rates, fees, tolls, duties or charges may be levied by a Municipality under sub-section (2) of section 60;
(j) prescribing the mode of procedure and system of levy of tax on the land-holdings under section 67;
(k) the manner of assessing the valuation of holdings for imposition of tax, its collection and refund by a Municipality;
(l) the manner of publication of notice of assessment under sub-section (i) of section 78;
(m) the manner of writing off the irrecoverable sum due to a Municipality under section 92;
(n) prescribing the manner of publication of order under sub-section (1) of section 130;
(o) manner, in which, time within and the authority to whom, application for questioning the election shall be presented under section 195;
(p) any other matters which are to bee and may be prescribed.

(3) Every rule made under this section shall, immediately after it is made, be laid before the State Legislative if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or in the annulment of the rule the rule shall, thereafter, have effect only in such modification form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

201. (1) A Municipality may, with the previous approval of the State Government frame bye-laws consistent with the provisions of this Act and rules made under section 200 for carrying out the provisions of this Act.

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

(i) regulating traffic, and preventing obstructions and encroachments and nuisances on or near public roads, or on or near pontoon bridge, ghat, landing places, river banks or other places of public resort or on place near water works for the supply of drinking water;

(ii) prescribing a minimum width f wheel tyres of a minimum diameter and the maximum wheel-tracks or wheel for different classes of carts of carts and carriage kept of used within the Municipality;

(iii) prescribing the manner in which notice of the intention to erect, re-erect or materially alter a building shall be given to the Municipality;

(iv) requiring that with every such notice shall be furnished a site plan of the land on which it is intended to erect, re-erect or materially alter such building and a blue print plan and specification, and in the case of erection or re-erection of a building, estimate also of the cost of construction (excluding cost of land its improvement) of the building, with all such character and with such details as the bye-laws require in respect of all or any of the following matters,
namely:

(a) free passage or way in front of the building;
(b) space to be left about the building to secure free circulation of air and light and facilities for scavenging and for the prevention of fire;
(c) provision and position of latrines, privies, urinals, cess-pools or drains;
(d) level and width of foundation, level of the lowest floor and the stability of the structure; and
(e) the line of frontage with neighbouring building, if the building abuts on a public road;
(f) regulation, in respect of the erection, re-erection or material alteration of any building within the Municipality or part thereof –
(a) the materials and method of construction to be used for external and partition walls, roofs and floors.
(b) the materials and method of construction and position of fire place, chimneys, latrines, privies, urinals, cess-pools, and drains;
(c) the height and slope for the roof above the upper-most floor upon which human beings are to live or cooking operations are to be carriage on;
(d) the space to be left about the building to secure the free circulation of air and light and for the prevention of fire;
(e) the line of frontage where the building abuts on a public road;
(f) the numbers and height of the storeys of which the building may consist;
(g) the means to be provided for egress from the building in case of fire;
(h) any other matter affecting the ventilations or sanitation of the buildings; and
(i) matter concerning sanitary conditions and water pollution or the area;
(j) preventing the erection or buildings without and water adequate provisions being made for the laying out and location of roads;
(k) regulating the level, means of drainage alignment and width of roads constructed by private persons;
(l) regulating the use of, and prevention of nuisance in regard to public water supply, bathing and washing places, streams, channels, tanks and wells;
(m) regulating either by granting Licences necessary or otherwise, the washing of clothes by professional washerman and fixing the places in which clothes may be so washed or in which they may not be so washed;
(n) prescribing the measures to be taken for the prevention of the breeding of mosquitoes in wells, tanks, pools, excavations, cisterns or other places or vessels containing or capable of containing water;
(o) regulating the cutting of trees and bamboos within the Municipality;
(p) regulating the disposal or sewage, offensive matter, carcasses of animals and rubbish, and the construction and maintenance of latrines, privies, urinals, cesspools, drains and sewers;
(q) providing for the inspection and regulation of markets and for the preparation and exhibition of a price list thereat;
(r) regulating the hours and manner or transport within the Municipality of any specified exhibition of food or drink;
(s) fixing the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale and regulating the sale of foodstuff unfit for human consumption;
(t) regulating, either by granting Licences necessary or otherwise or prohibiting for the purpose of preventing danger to the public health, the stalling or herding or horses, dogs, cattle, swine, donkeys, sheep or goats, geese, ducks and fowls;
(u) providing of the inspection of milch cattle, and prescribing the measure to be taken on the occurrence among them of infectious or contagious disease, and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-shade in the occupation of persons carrying on the trade of dairymen or milk-sellers;
(v) providing for the inspection and proper regulation of encamping grounds, pounds, dharmasalas, bakeries and aerated water factories, ice-factories, flour mills, oil mills, sweetmeat shops, factories, and other places in which mechanical or electrical power is employed, and slaughter-houses;
(w) preventing nuisances affecting the public health, safety, or convenience in places of
public resort purpose of recreation or amusement;

(xx) controlling and regulating the use and management of burial and burning grounds and the disposal of corpses;

(xxi) providing for the holding fairs, melas and industrial exhibitions within the Municipality or under the control of the Municipality and for fixing and collecting the fees to be levied thereat;

(xxii) fixing the conditions on the Licences under this Act which are to be granted and may be suspended or revoked;

(xxiii) preventing and removing any encroachment on any Municipal land including markets, drains and roads;

(xxiv) distribution of works among the officers and member of the Municipality.

(3) A Municipality may, by any bye-laws framed under this section, declare that any person committing a breach of any such bye-laws, or failing to comply with any notice issued thereunder, shall be liable to a fine which may extend to one hundred rupees and to a further fine which may extend to twenty-five rupees for each day after conviction during which the offence is continued.

Power to remove difficulties. 202. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps to issue such orders not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for the purpose of removing such difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the 10 of date of commencement of this Act.

Certain Acts. 203. (1) Subject to the provisions of sub-section (2),

(i) the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985; and

(ii) the Sikkim Allotment of House Sites and Construction of Buildings (Regulation and Control) Act, 1985,

shall cease to apply to such Municipality and all assets and liabilities of the Urban Development and Housing Department pertaining to the areas comprised within such Municipality shall stand transferred to and such vest in Municipality:

Provided that such ceasure shall not affect-

(a) the previous operation of the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985

and

(b) any right, privilege, obligation or liability, acquired accrued or incurred under the aforesaid said Acts, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the aforesaid Acts;

or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; or

(e) any such investigation, legal proceeding or remedy that may be instituted continued or enforced and any such penalty, forfeiture or punishment that may be imposed as if this Act had been passed.

(2) Anything done or any action taken including any appointment or delegation made, notification, notice, order, instructions or directions issued, rules, regulations, forms or schemes framed, certificate obtained, permit or licence granted, tax imposed or fees or rates levied under the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985 and the Sikkim Allotment of House Sites and Construction of Buildings (Regulation and Control) Act, 1985 shall, in so far as they were in force in any local area immediately before the constitution of any Municipality in such local area under this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

Transfer of records. 204. As soon as may be after the constitution of Municipalities under this Act, all records, files, paper and documents which are necessary for a Municipality for effectively and efficiently
performing the functions and duties entrusted to such Municipality under this Act shall be transferred and handed over to such Municipality by the Urban Development and Housing Department.

THE SCHEDULE

(See section 12)

Form of oath or affirmation to be made by a member of a Municipality.
I,.................., having been elected a member of ........ Municipality do swear in the name of God or solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I shall faithfully discharge the duties upon which I am about to enter.
In Sikkim there were no local bodies in Urban areas after the dissolution of the Gangtok Municipal Corporation and the Bazar Committees by the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985 (10 of 1985) in 1985. By the Constitution (Seventy-fourth Amendment) Act, 1992, provisions have been made in the Constitution of constitute Urban local bodies to be called the Municipal Corporation, Municipalities, Municipal Councils, Nagar Panchayats, etc. depending upon the area and population of the Urban/town area in a State. The Municipalities (by whatever name called) to be constituted are to be the Local Urban bodies to be directly elected by the electorates residing in such areas whose names are recorded in the Electoral Roll for the purpose of election to the Legislative Assembly. Such areas are to be notified, demarcated and divided by the Government into wards and from each ward a member or members are to be elected. In order to fulfill the above Constitutional requirement a law is to be enacted by the State Legislative. With the above objects in view the Sikkim Municipalities Bill, 1995 has been framed to fulfill the constitutional requirements.

(TULSHI P. PRADHAN)
MINISTER-IN-CHARGE.
FINANCIAL MEMORANDUM

After the enactment of this Bill, election to the Municipalities in some of the main towns of the State are to be held. Initially it is proposed to constitute Municipalities/ Nagar Panchayats in main towns. We expect an expenditure of around twenty lakhs for the purpose of election. After constitution of the Municipalities, State Government has to give some grants-in-aid to these bodies to start their functions. The exact amounts of grants-in-aid cannot be spelled out at present but we can roughly put the figure above twenty five lakhs. Besides, the revenue which the State Government was hitherto collecting directly in the shape of toll-tax, ground-rent, site salami etc., may go to the fund of the Municipalities with certain amount to the State Government as its share as may be recommended by the State Finance Commission. The exact amount of the revenue that may go to these municipal bodies also cannot be worked out at this juncture as the same will depend upon the recommendation of the State Finance Commission.
1. Clause 3 of the Bill empowers the State Government to declare by notification any local area to be a Municipality and include any local area in or from a Municipality.
2. Clause 6 of the Bill empowers the State Government to constitute Municipality and divided the Municipal area into wards for the purpose of election.
3. Clause 7 (5) and (7) of the Bill empowers the State Government to reserve Seats for the Scheduled Castes, Scheduled Tribes and Women in the Municipality.
4. Clause 10 of the Bill empowers the State Government to prescribe the manner of election of Chair-person and Vice-Chairperson and reservation of office of the Chairperson and Vice-Chairperson to the Schedule Castes, the Schedule Tribes and Women.
5. Clause 24 empowers the State Government to prescribe the manner of keeping records of minutes of the meeting and the Form in which such records are to be kept.
6. Clause 30 empowers the State Government to appoint the Executive Officer of a Municipality.
7. Clause 35 empowers the State Government to prescribe the manner of appointment, conditions of service, their powers and functions of employees of the Municipality.
8. Clause 46 of the Bill empowers the State Government to prescribe the manner of keeping accounts of the Municipality.
9. Clause 47 empowers the State Government to prescribe the form for transmitting the accounts of the Municipality to the State Government.
10. Clause 60 empowers a Municipality to impose taxes, fees and tolls with the previous approval of the Government.
11. Clause 63 empowers a Municipality to determine the valuation of all holdings and prepare valuation list.
12. Clause 67 empowers the Municipality to prescribe mode or procedure and the rate of levy of tax on the holdings.
13. Clause 78 (1) empowers the Municipality to prescribe the Form and manner of publication of notice of valuation.
14. Clause 92 empowers the State Government to prescribe the manner of writing off of the irrecoverable sum due to Municipality.
15. Clause 130 empowers a Municipality to prescribe the manner of publication of the order for appointment of time and hours for removal of sewage and offensive matter from the premises of any house or land place the same in the receptacle.
16. Clause 184 empowers the State Government to constitute District Planning Committee.
17. Clause 188 empowers the State Government to prescribe the manner of leasing out of pounds transferred to a Municipality.
18. Clause 195(3) empowers the State Government to prescribe particulars of application for questioning the election of a person as a member of the Municipality.
20. Clause 201 empowers the Municipality to frame bye-laws with the previous approval of the State Government for carrying out the various provisions of the Act.

The powers delegated as above are, therefore, of normal character.
Gangtok Tuesday, 21st March, 1995

NOTIFICATION

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

THE SIKKIM OFFICIAL LANGUAGES (AMENMENT) BILL, 1995
BILL NO. 6 OF 1995

A BILL
to amend the Sikkim Official Languages Act, 1977 (5 of 1977).

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

1. This Act may be called the Sikkim Official Languages (Amendment) Act, 1995.

2. In the Sikkim Official Languages Act, 1977 (5 of 1977), in the long title, the preamble and section 2 for the words, “the Nepali, the Bhutia, the Lepcha and the Limbu” the words “the Nepali, the Bhutia, the Lepcha, the Limbu, the Newari, the Rai, the Gurung, the Mangar, the Sherpa and the Tamang” shall be substituted.

STATEMENT OF OBJECTS AND RASONS

It has been deemed expedient to include the Newari, the Rai, the Gurung, the Mangar the Sherpa and the Tamang Language also as Official Languages of the State along with the Nepali, the Bhutia, the Lepcha and the Limbu Languages as provided in the Sikkim Official Languages Act, 1977 (5 of 1977) and to amend the said Act accordingly.

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

PAWAN KUMAR CHAMLING
Chief Minister

MEMORANDUM REGARDING DELEGATED LEGISLATION
Nil

FINANCIAL MEMORANDUM
Nil

By Order,

B.P.S. BUSNET
Secretary
Sikkim Legislative Assembly

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
DEPARTMENT OF INDUSTRIES
GOVERNMENT OF SIKKIM
GANGTOK

Ref. No 5/PSU/82(B)/DI/93-94/2507

NOTIFICATION

In exercise of the powers conferred by Section 3 of the Sikkim Khadi & Village Industries Board Act, 1978, the State Government hereby appoints the following as the members of the Board with immediate effect:-

1. Shri Ram Prasad Upreti of Rumtek, East Sikkim
2. Shri K.C. Rai of Boomtar, South Sikkim
3. Shri G.R. Gautam of Pipalay, West Sikkim
4. Shri M.L. Rai of Tikpur Busty, West Sikkim
5. Shri Dupden Lama of Phodong, North Sikkim
6. Shri Shanta Ghatanay of Namchi, South Sikkim

Shri I. B. Rai and Shri L. N. Khatiwada have already been appointed as Chairman and Member-Secretary of the Board respectively Vide Home Department letter No 2 (1) Home/77/II/148 dated 30.12.1994.
This supersedes the Notification No. 5/PSU/82/DI/1277 dated 27th August, 1993.

BY ORDER.

P.T. GYAMTSO
SECRETARY- INDUSTRIES.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In order to implement the National Nutrition Policy in the State to tackle problems of Mal-nutrition, the Governor of Sikkim is pleased to constitute the following bodies in the State:-

A. APEX STATE LEVEL NUTRITION COUNCIL :
   1. Chief Minister : Chairman
   2. Minister Health & Family Welfare : Member
   3. Minister Welfare : Member
   4. Minister Agriculture : Member
   5. Minister Food : Member
   6. Minister R.D.D. : Member
   7. Minister I.P.R. : Member
   8. Minister Education : Member
   9. Minister Animal Husbandry : Member
   10. Representation of leading NGO : Member
   11. Representation of Professional Expert : Member
   12. Secretary Health & Family Welfare : Member Secretary

B. INTER DEPARTMENTAL CO-ORDINATION COMMITTEE :
   1. Chief Secretary : Chairman
   2. Secretary Food & Civil Supplies : Member
   3. Secretary Agriculture : Member
   4. Secretary Animal Husbandry : Member
   5. Secretary I.P.R. : Member
   6. Secretary R.D.D. : Member
   7. Secretary Industries : Member
   8. Secretary Water & Sanitation (PHE) : Member
   9. Secretary Education : Member
   10. Secretary Welfare : Member
   11. Representative of Krishi Vegyan Kendra ICAR. : Member
   12. Secretary Health & Family Welfare : Member Secretary

This committee will be directly responsible for co-ordinating, overseeing and monitoring the implementation of the policy in the State and focus on the State level target for various nutrition related indications,
C. SPECIAL WORKING GROUP - STANDING COMMITTEE:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Director of Health Services</td>
<td>Chairman</td>
</tr>
<tr>
<td>2.</td>
<td>Director Agriculture</td>
<td>Member</td>
</tr>
<tr>
<td>3.</td>
<td>Director Animal Husbandry</td>
<td>Member</td>
</tr>
<tr>
<td>4.</td>
<td>Joint Secretary, R.D.D.</td>
<td>Member</td>
</tr>
<tr>
<td>5.</td>
<td>Joint Secretary, Education</td>
<td>Member</td>
</tr>
<tr>
<td>6.</td>
<td>Joint Secretary, Food &amp; Civil Supplies</td>
<td>Member</td>
</tr>
<tr>
<td>7.</td>
<td>Joint Secretary, Welfare</td>
<td>Member</td>
</tr>
<tr>
<td>8.</td>
<td>Joint Secretary, I.P.R.</td>
<td>Member</td>
</tr>
<tr>
<td>9.</td>
<td>Demonstration Officer, Community of Food &amp; Nutrition Extension Unit, Govt. of India, Gangtok</td>
<td>Member</td>
</tr>
<tr>
<td>10.</td>
<td>Joint Director (Nutrition)</td>
<td>Member</td>
</tr>
<tr>
<td>11.</td>
<td>Nutrition Officer</td>
<td>Member</td>
</tr>
</tbody>
</table>

Special working group will be responsible for implementing the Nutrition related programme in the State for which Health & Nutrition Department has the nodal responsibility.

T.W. BARPHUNGPA, IAS
SECRETARY TO THE GOVT. OF SIKKIM
(F. NO.; 52/NUT. (2236) 94-95)
GOVERNMENT OF SIKKIM
DEPARTMENT OF LABOUR
GANGTOK


The Government of Sikkim has been pleased to revise the rates of daily wages of workers borne on muster roll as specified below with effect from the 1st day of April, 1995.

<table>
<thead>
<tr>
<th>SI. No.</th>
<th>Categories of workers</th>
<th>Revised daily rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Supervisor</td>
<td>Rs.41.00</td>
</tr>
<tr>
<td>2.</td>
<td>Carpenter Class I</td>
<td>Rs.50.00</td>
</tr>
<tr>
<td>3.</td>
<td>Carpenter Class II</td>
<td>Rs.47.00</td>
</tr>
<tr>
<td>4.</td>
<td>Carpenter Class III</td>
<td>Rs.44.00</td>
</tr>
<tr>
<td>5.</td>
<td>Mason Class I</td>
<td>Rs.47.00</td>
</tr>
<tr>
<td>6.</td>
<td>Mason Class II</td>
<td>Rs.44.00</td>
</tr>
<tr>
<td>7.</td>
<td>Mason Class III</td>
<td>Rs.42.00</td>
</tr>
<tr>
<td>8.</td>
<td>Painter Class I</td>
<td>Rs.44.00</td>
</tr>
<tr>
<td>9.</td>
<td>Painter Class II</td>
<td>Rs.42.00</td>
</tr>
<tr>
<td>10.</td>
<td>Painter Class III</td>
<td>Rs.41.00</td>
</tr>
<tr>
<td>11.</td>
<td>Ordinary Grade III</td>
<td>Rs.40.00</td>
</tr>
<tr>
<td>12.</td>
<td>Fitter Grade I</td>
<td>Rs.46.00</td>
</tr>
<tr>
<td>13.</td>
<td>Fitter Grade II</td>
<td>Rs.44.00</td>
</tr>
<tr>
<td>14.</td>
<td>Welder-cum-Denter</td>
<td>Rs.47.00</td>
</tr>
<tr>
<td>15.</td>
<td>Electrician</td>
<td>Rs.46.00</td>
</tr>
<tr>
<td>16.</td>
<td>Buldozer Operator</td>
<td>Rs.49.00</td>
</tr>
<tr>
<td>17.</td>
<td>Roller Driver</td>
<td>Rs.46.00</td>
</tr>
<tr>
<td>18.</td>
<td>Compressor Operator</td>
<td>Rs.43.00</td>
</tr>
<tr>
<td>19.</td>
<td>Mixer Operator</td>
<td>Rs.41.00</td>
</tr>
<tr>
<td>20.</td>
<td>Stone Crusher Operator</td>
<td>Rs.43.00</td>
</tr>
<tr>
<td>21.</td>
<td>Tractor Helper</td>
<td>Rs.41.00</td>
</tr>
<tr>
<td>22.</td>
<td>Helper (Other machineries)</td>
<td>Rs.40.00</td>
</tr>
<tr>
<td>23.</td>
<td>Vibrator Operator</td>
<td>Rs.40.00</td>
</tr>
<tr>
<td>24.</td>
<td>Pipe Fitter Class I</td>
<td>Rs.41.00</td>
</tr>
<tr>
<td>25.</td>
<td>Pipe Fitter Class II</td>
<td>Rs.41.00</td>
</tr>
<tr>
<td>26.</td>
<td>Assistant to Filter Operator</td>
<td>Rs.40.00</td>
</tr>
<tr>
<td>27.</td>
<td>Filter Operator</td>
<td>Rs.43.00</td>
</tr>
<tr>
<td>28.</td>
<td>Helper to Filter Operator</td>
<td>Rs.41.00</td>
</tr>
<tr>
<td>29.</td>
<td>Metre Reader-cum-Bill Clerk</td>
<td>Rs.41.00</td>
</tr>
<tr>
<td>30.</td>
<td>Senior Pipe Fitter</td>
<td>Rs.44.00</td>
</tr>
<tr>
<td>31.</td>
<td>Light Vehicle Driver</td>
<td>Rs.49.00</td>
</tr>
<tr>
<td>32.</td>
<td>Heavy Vehicle Driver</td>
<td>Rs.55.00</td>
</tr>
</tbody>
</table>
33. Night Chowkidar  Rs.40.00
34. Field worker  Rs.40.00
35. Watchman/Chowkidar  Rs.40.00
36. Room Attendant  Rs.40.00
37. Helpers  Rs.40.00
38. Field Assistant  Rs.42.00
39. Egg Recorder  Rs.41.00
40. Dog Catcher  Rs.41.00
41. Grass Cutter  Rs.40.00
42. Milk Carrier  Rs.40.00
43. Mali  Rs.40.00
44. Peon and Messenger  Rs.40.00
45. Laboratory Assistant  Rs.44.00
46. Laboratory Boy  Rs.40.00
47. Lower Division Clerk  Rs.47.00
48. Librarian  Rs.43.00
49. Sweeper  Rs.40.00
50. Cook  Rs.40.00
51. Sikkim Herald Packer and Distributer  Rs.40.00
52. Assistant Machineman  Rs.53.00
53. Assistant Compositor  Rs.53.00
54. Assistant Binder  Rs.53.00
55. Fodder Belder  Rs.42.00
56. Field Enumerator  Rs.42.00
57. Dresser  Rs.40.00
58. Poultry Caretaker  Rs.40.00
59. Bull Caretaker  Rs.40.00
60. Boar Caretaker  Rs.40.00
61. Dairy Caretaker  Rs.40.00
62. Horse Attendant  Rs.40.00
63. Yak Attendant  Rs.40.00
64. Hospital/Dispensary Attendant  Rs.40.00
65. Underground Workers (Mines)  Rs.43.00
66. Dancer/Singer/Musician  Rs.47.00
67. Tailor/Dhobi/Cobbler/ Barber  Rs.41.00

(i) The rates of daily wages of workers at various altitudes shall be as under :-
(a) Upto 8000’ altitude - Workers shall be paid normal wages.
(b) From 8001’ to 12000’ altitude - Workers shall be paid 50% more than the normal wages.
(c) From 12001’ to 16000’ altitude - Workers shall be paid 75% more than the normal wages.
(d) From 16001’ & above altitude - Workers shall be paid double the normal wages.

(ii) If a workers without being absent during the working period of 6 (six) days consecutively in a week, he/she shall be given one period holiday on either Sunday or any other Hat day.

(iii) Normal working hours of the workers shall be 8(eight) hours a day.
(iv) No person below the age of 14 (fourteen) years shall be employed in any work.
(v) All the Muster Roll Workers should be permanent residents of Sikkim either holding Sikkim Subject Certificates or documents of land holdings or Electoral Identify Cards.
(vi) Photo Identity Cards shall be issued to the Muster Roll workers after verification of the requisite documents and ascertaining the physical presence of workers by the Labour Department.
(vii) No Photo Identity Cards will be issued to persons who fail to show any of the above Documents.
(viii) These rates will be applicable only to Government and Semi-Government Undertakings.

This Notification shall supersede the previous Notification No. 1 / DL dated the 15th April, 1994.

By Order.

P.T. GYAMTSO IAS
Secretary Labour
Government of Sikkim
(F. NO. DL-97-90-91)
GOVERNMENT OF SIKKIM
MOTOR VEHICLE DEPARTMENT
GANGTOK
No. 158/MV

NOTIFICATION

The following draft of certain rules which the State Government proposes to make in exercise of the powers conferred by section 28, 38, 65, 95, 96, 107, 111, 138 and 176 read with section 211 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), is hereby published as required by sub-section (1) of section 212 of the said Act for information of all persons likely to be affected thereby and notice is hereby given that the said draft would be taken into consideration after the expiry of a period of 45 days from the date on which the copies of the notification as published in the Official Gazette are made available to the public.

Any objections or suggestions which may be received from any person with respect to the said draft rules before the expiry of the period so specified will be considered by the State Government.

DRAFT RULES

L
1. These rules may be called the Sikkim Motor Vehicles (Amendment) Rules, 1995.
2. In the Sikkim Motor Vehicles Rules, 1991 (hereinafter referred to as the said rules), in rule 3, after the words “State of Sikkim”, the words “and the Regional Transport Officer in their respective regions”, shall be inserted.
3. In rule 10 of the said rules, in sub-rule (2), for the words “eight rupees”, the words “fifteen rupees” shall be substituted.
4. In rule 11 of the said rules, in sub-rule (I), for the words and figures “its size shall not more than 6.35 centimeters by 6.3. centimeters”, the words “it shall be of passport size” shall be substituted.
5. In rule 16 of the said rules, sub-rule (1), the following sub-rule shall be substituted, namely :-
   “(1) When the holder of the driving licence has submitted the driving licence to a licencing authority for renewal and has deposited the prescribed fee, or when a Police Officer or any Court or any other competent authority has taken temporary possession of a driving licence for any purpose including the mentioned in sub-section (2) of section 206 of the Act and the licence has not been suspended or cancelled the licencing or other authority or the Police Officer or the Court, as the case may be, shall grant him a receipt for the licence and a temporary authorisation to drive in Form SKV-4”
6. In rule 24 of the said rules, after the words “whole of the State”, the words “and the Regional Transport Officer in their respective regions” shall be inserted.
7. In rules 29 of the said rules, in sub-rule (I), for the words and figures “size not more than 5.08 cms. by 6.35 cms”, the words “passport size” shall be substituted.
8. In rule 35 of the said, in clauses (iv) and (v) for the word “Custom” the words “Customers” shall be substituted.
9. In rule 59 of the said rules, in sub-rule (I), for the figure “39”, the figure “41” shall be substituted.
10. In rule 69 of the rules, in the sub-rule-heading, after the words “Private Service”, the words “Vehicle” shall be inserted.
11. In rule 73 of the said rules, for the words “person”, the words “reason” shall be substituted.
12. In rule 81 of the said rules, in sub-rule (I), for clause (j), the following clause shall be substituted, namely:
   “(j) 57m medicine glass”.
13. In rule 88 of the said rules, after the words “public place”, the words “except in a vehicle specially meant for carrying the cattle” shall be added.
14. In rule 93 of the said rules,
   (a) for sub-rule (2), the following sub-rule shall be as follows:
   “(2) The fees payable for various types of permits shall be as follows:-
   (a) fees in respect of application for the grant of or renewal of or countersignature or a permit for vehicles registered in Sikkim shall be –

   | (i) | Goods carriage | Rs. 100/-per quarter |
   | (ii) | Contract Carriage other than motor cab and maxi cab | Rs. 100/- |
   | (iii) | Contract Carriage (Motor Cab and Maxi Cab) | Rs. 50/- |
   | (iv) | Stage Carriages | Rs. 100/- |
   (b) Grant of Countersignature permit for vehicle coming from outside Sikkim shall be –
   | (i) | Goods Carriage | Rs. 1000/-for 5 years (Section 81 of the Act) |
   | (ii) | Stage Carriage | Rs. 1000/-for 5 years (Section 81 of the Act) |
   | (iii) | Contract Carriage other motor cab and maxi cab | Rs. 1000/-for 5 years (Section 81 of the Act) |
   | (iv) | Contract Carriage (Motor Cab/ Maxi cab) | Rs. 1000/-for 5 years (Section 81 of the Act) |
   (c) Grant of recommendation for vehicles in Sikkim for plying outside Sikkim –
   | (i) | Goods Carriage | Rs. 150/-for annum|
   | (ii) | Stage Carriage | Rs. 150/-for annum|
   | (iii) | Contract Carriage other than Motor cab and maxi cab | Rs. 150/-for annum|
   | (iv) | Contract Carriage (Motor Cab/ Maxi cab) | Rs. 150/-for annum|

   (d) for sub-rule (3), the following sub-rule shall be substituted, namely:
   “(3) The fee for an application for grant of temporary permit or a special permit shall be as follows:-
   (i) Goods Carriage | Rs. 100/- per trip |
   (ii) Stage Carriage | Rs. 100/- per week |
   (iii) Contract carriage other than Motor Cab and Maxi cab. | Rs. 100/- per week |
   (iv) Contract Carriage (Motor cab/Maxi cab) | Rs. 50/- per week.”
   (e) after sub-rule (3), the following sub-rule shall be inserted, namely:
   “(3a) the cost of application forms prescribed under Motor Vehicles Act 1988, Central Motor Vehicles Rules, 1989 and the Sikkim Motor Vehicles Rules, 1991 shall be five rupees only.”
15. In rule 99 of the said rules, for the words “West Bengal” wherever they occur, the words “other reciprocating State” shall be substituted.
16. In rule of the said rules, in clause (d), for the word “submit” the words “adhere” shall be substituted.

17. For rule 110 of the said rules, the following rules shall be substituted, namely: -

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>110.</td>
<td>Transfer of permit: (1) Where the holder of a permit desires to transfer the permit to some other person under sub-section (I) of section 82, he shall got ther with the person to whom he desires to make the transfer, make a joint application in writing to the Transport Authority by which the permit was issued, setting forth the reason for the proposed transfer accompanied by Bank Receipt for the transfer fee at the following rates:</td>
</tr>
</tbody>
</table>

(i) Goods carriage, stage carriage and contract carriage other than motor cabs and Maxi cabs - Rs. 300/-

(ii) Contract carriages Motor cabs and Maxi cabs - Rs. 150/-

(2) On receipt of an application under sub-rule (I), the Transport Authority may require the holder and the other party to state it, writing whether any premium, payment or other consideration arising out of the transfer, is to pass or has passed between them and the nature and amount of any such premium, payment or other consideration.

(3) Without prejudice to any other penalties to which the parties may be liable the Transfer Authority may declare void any transfer of a permit made upon such application and there upon such transfer shall be void and of no effect, if after such enquiry as it thinks fit, the Transport Authority is satisfied that any matter state to it in sub-rule (2) of any material particular in the application, was false.

(4) The Transport Authority may, summon both the parties to the application to appear before it and may, deal with the application as if it were an application for a permit.

(5) If the Transport Authority is satisfied that the transfer of a permit may be made it shall call upon the holder of the permit in writing to surrender the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred and to surrender other permits, if any, held by him.

(6) On receipt of the permit and payment of prescribed fee, the Transport Authority shall make the necessary amendments therein and issued a new permit to the transferee.

(7) The Transport Authority while making a transfer shall endorse therein the words “Transfer of permit valid for.................................” inserting the name of the authority by which the permit has been countersigned with effect from the date of transfer.

(8) Unless the permit have been endorsed as provided in sub-rule (7) the countersignature shall be of no effect after the date of transfer.

(9) The provisions of this rule shall also apply in respect of transfer of contract carriage permit issued for motor cabs and maxi cabs.”

18. Rules 170 of the said rules shall be numbered as sub-rule (I), and after sub-rule (I) as so numbered, the following sub-rules shall be inserted namely: -

<table>
<thead>
<tr>
<th>Rule</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>170.</td>
<td>(2) Notwithstanding anything contained in sub-rule (I), the smoke density of a Motor Vehicles in the State of Sikkim shall not exceed the levels laid down below:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of vehicles</th>
<th>Produced for registration for the first time</th>
<th>already used upon road.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Two wheelers and three wheelers with engine displacement of less than 50 cm.</td>
<td>5%</td>
<td>5%</td>
</tr>
</tbody>
</table>
(ii) Two wheelers and three wheelers other than those mentioned in (I) above

(i) Four wheelers

(2) Every motor vehicles shall obtain a “pollution under control” certificate showing that the smoke emission level from that vehicle is within the limit prescribed from the State Transport Authority Regional Transport Officers or Inspecting Authority as the case may be.

(3) The vehicle registered for the first time, shall be issued “pollution under Control” certificate for a period of one year. The validity of certificate of the vehicle already used upon road shall be for a period of three months.

(4) Notwithstanding the provision contained in sub-rule (4) the authority if it so thinks fit may direct a vehicle to be tested inspite of having a valid “pollution under Control Certificate”.

(5) The fee for testing the level of emission of gas and smoke from Motor Vehicles shall be as under :-

(i) Heavy and Medium vehicle - Rs. 30/- per test
(ii) Light Motor Vehicles - Rs. 20/- per test
(iii) Two wheelers - Rs. 10/- per test

19. For rule 176 of the said rules, the following rule shall be substituted, namely :-

“The registered owner of a heavy or a medium motor vehicles which ordinarily plies for hire or reward including maxi cab and motor cab for the conveyance of passengers and carriage of goods in the State of Sikkim, shall cause such vehicles to be produced before the Regional Transport Officer of the respective regions at an interval set out below for periodical fitness inspection :-

New vehicle - For two years
After two years till the vehicles is four years old - Every one year
After four years till the vehicles eight years old - Every six months
After eight years - Every three months”.

20. In rule 181 of the said rules in sub-rule (I), the words figure “and by 68 in case of simple decked vehicles” shall be omitted.

21. After Chapter VIII of the said rules, the following Chapter shall be inserted, namely :-

CHAPTER IX
MISCELLANEOUS

277. Powers of superior officers of the Motor Vehicles Department.- Notwithstanding anything contained in these rules-

(a) the Secretary may at any time perform any of the functions of a Regional transport Officer, or Inspector of Motor Vehicles under these rules ;
(b) a Regional Transport Officer may at any time perform the function of an Inspector of Motor Vehicles under these rules.

278. Officers authority to seize and detain vehicle,- Police Officer not below the rank of a Sub-Inspector of Police, and any officer of the Motor Vehicles Department not below the rank of an Inspector of Motor Vehicles may, if he has reason to believe that a Motor Vehicles has been or is being used in contravention of the provisions of section 39 of the Act or without the permit require by sub-section (I) f section 66 of the Act and in contravention of any cognition of such permit relation to the route in which or the route in which or the purpose for which the vehicle may be used, seize and detain the vehicle and for this purpose take or cause to be taken any steps he may consider proper for the temporary safe custody of the vehicles.

279. Uniform. (I) The uniform of the Motor Vehicle Inspector shall be as follows :-
(i) Nevy Blue forage or peaked cap with following monogram :-

GOVERNMENT CREST

and shoulder badges with SKT letters;

(ii) Blue shirt with nevy blue tie,

(iii) Black pant,

(iv) Whistle cord of black colour,

(v) Whistle and Nevy blue bottomos,

(vi) Shoes (Black),

(vii) Nevy blue socks,

(viii) Rain coat in rainy season and nevy blue wollen pullover or black jacket in winter,

(2) Motor Vehicles Inspector shall wear two stars on both shoulders. The stars shall be pointed star (25.4mm broach). The stars should be slightly frosted but without any designs in the centers. Shoulder badges with letters SKT shall be worned at the base of the shoulder strap. The stars and the letters shall be of white metal.

(3) Motor Vehicle Inspector with more than ten years of service as Inspector of Motor Vehicles shall the three stars.

(4) The Motor Vehicle Inspector for whom Uniform has been prescribed under these rules shall also wear on the pocket of left side of the shirt the plastic name plate of the size of 9cm X 2cm with their name and initials carved in English. The colors of the name plates shall be black with white letters.

(5) The Motor Vehicles Inspector who shall wear uniform as provided under these rules shall always be in uniform while on duty”.

( D. DADUL )
Commissioner-Cum-Secretary
Motor Vehicle Department.
F. NO. I (26) 75-76.
GOVERNMENT OF SIKKIM
MOTOR VEHICLES DEPARTMENT GANGTOK.

No. 3/MV. Dated Gangtok, the 21/2/1995.

NOTIFICATION

In slight modification of Notification No. 761/90/91/MV dated Gangtok the 7th August, 1990 and in exercise of the powers conferred by section 115 and 117 of the Motor Vehicle Act, 1988 (Central Act 59 of 1988), the State Government has been pleased to amend para 4 (i) (a) (b), 4 (ii) and para 5 of the Notification as follows :-

4. RESTRICTION ON MOVEMENT OF VEHICLES ON SPECIFIED ROADS.

(i) (a) Vehicles traffic on Kazi Road and Tibet Road shall remain restricted daily for up-coming vehicles between :-
8.00 A.M. to 11.00 A.M. and
3.00 P.M. to 5.00 P.M.
(b) No heavy/ Medium vehicles will be permitted on M.G. Marg between 8.00 A.M. to 6.00 P.M. daily.

(ii) No Medium Goods Vehicles belonging to Army, GREF and those owned by private individuals excepting School Buses belonging to School and Army of GREF and SNT buses shall be allowed to enter the following points between 8.30 A.M. to 10.30 A.M. and 3.30 P.M. to 5.00 P.M. daily

(a) SNOD petrol pump to White Hall
(b) Deorali to Gongtok via Nam Nam
(c) Jiwan Theeng Marg
(d) Paljor Stadium Road from Fisheries Office”.

5. LOADING AND UNLOADING OF GOODS FROM GOODS VEHICLES (TRUCK)

All Goods Vehicles (trucks) which are required to enter the M.G. Marg for loading and unloading of goods shall do so between 6.00 A.M. and 8.00 A.M. daily in the morning and from 6.30 P.M. onwards in the evening. These goods carriage shall however not remain on M.G. Marg, Gangtok after completion of loading and unloading of goods within specified time as above”.

II. Picking up and setting down of passengers shall be allowed on National Highway from Guru Lakhan to ‘0’ Point except on determined parking places.

III. This Notification shall come into force with immediate effect.

By Order.

D. DADUL
COMMISSIONER-CUM-SECRETARY
MOTOR VEHICLE DEPARTMENT.

NOTICE UNDER SECTION 4(I) OF LAND ACQUISITION ACT, 1894

Whereas the function of 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 10.1.1978 issued by the Government of India under Clause (1) of Article 258 of Constitution of India.

And whereas it appears to the Governor that land is likely to be needed for a public purpose being a purpose of the union, namely for the construction of bridge on Singtam-Makha-Dikchu Road by 46 Border Roads Task Force (GREF) in the block of Sirwani, Patuk, Tumin, Tintek and Rakdong, East Sikkim it is hereby notified that nine pieces of land bearing plot Nos noted under the Schedule of properties below and measuring more or less 0.1240 hectares is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid blocks of Sirwani, Patuk, Tumin, Tintek, and Rakdong.

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

A plan of the land may be inspected in the office of the District Collector, East District, Gangtok.

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

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

SCHEDULE OF PROPERTIES:

Sirwani block
Plot No 25

SCHEDULE OF PROPERTIES:

Patuk Block
740, 653 & 718
1249

Tumin block
1336

Tintek block

31, 21 & 26

Rakdong block

579

T. W. BARPHUNGPA,
Commissioner-cum-Secretary,
Land Revenue Department
The following Act of the Parliament having received the assent of the President on 27th August, 1993 and published in the Gazette of India Extraordinary, Part II, Section I dated 27th August, 1993 is hereby republished for general information:-

THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ACT, 1993 ACT NO. 52 OF 1993

AN ACT

further to amend the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.

Be it enacted by Parliament in the forty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Act, 1993.

2. In the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (hereinafter referred to as the principal Act), in section 9, in sub-section (1), for the figures, letters and words “31st day of July, 1993”, the figures, letters, words “31st day of July, 1996” shall be substituted.


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

SHANKER DAYAL SHARMA
President

K.L. MOHANPURIA
Secretary to the Govt. of India

B.R. PRADHAN
Secretary to the Govt. of Sikkim
Law Department
F. No 11 (256) LD/81-94
NOTIFICATION

In partial modification of all earlier Notification relating to toll fees it is hereby notified for information of the public that the toll fees (‘Bazar Sayar’) in respect of agriculture and allied products like, vegetables, butter, ghee, eggs, fowl (including hen), duck, parrots, chicken and pigeon brought the Bazar for sale by farmers/growers from villages are exempted with effect from 1st April, 1995.

By Order.

L.B. Chettri
Secretary
Urban Development & Housing Department
Government of Sikkim
NOTIFICATION

The following Act of the Parliament having received the assent of the President on 27th August, 1993 and published in the Gazette of India Extraordinary, Part II Section I dated 27th August, 1993 is hereby republished for general information: -

THE PREVENTION OF ILLICIT TRAFFIC IN NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES (AMENDMENT) ACT, 1993.

(Act No. 53 of 1993)

AN ACT further to amend the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substance (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 30th day of June, 1993.

2. In the Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 (hereinafter referred to as the principal Act) in section 10, in sub-section (1), for the figures letters and words “31st day of July, 1993”, the figures, letters and words “31st day of July, 1996” shall be substituted.

3. (1) The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Amendment) Ordinance, 1993, is hereby repealed.

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

SHANKER DAYAL SHARMA
President

K. L. MOHANPURIA
Secretary to the Govt. of India

B. R. PRADHAN
Secretary to the Govt. of Sikkim
Law Department.

F. No. 11 (256) LD/81-94

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim is pleased further to amend the Sikkim State Civil Service Rules, 1977, as follows, namely :-

1. (1) These rules may be called the Sikkim State Civil Service (Amendment) Rules 1995.
   (2) They shall come into force at once.

2. In the Sikkim State Civil Service Rules 1977 (hereinafter referred to as “the said rules”), in rule 2, after clause (b) the following clause shall be inserted, namely :-
   “(bb) Cadre Post’ means any of the posts specified under item 1 of Schedule I.”

3. In the said rules, in rule 4 the following shall be substituted, namely :-
   “4. Method of Recruitment to the service :-
   (1) Recruitment to the Service shall, with effect from the date of publication of these rules, by the following method, namely :-
      (a) Competitive Examination to be held be the Commission.
      (b) Promotion from among person holding substantive appointment in Grade I mentioned in Schedule II of the Subordinate (Ministerial & Executive) Service Rules 1984.
   (2) The proportion of vacancies to be filled in any year in accordance with clause (a) and (b) of sub-rule (1) shall be 40:60 respectively.
      Provided that the number of person recruited under clause (b) of sub-rule (1) shall not at any time exceed 60 percent of the total strength of the Service.
   (3) The recruitment to the Service through the methods prescribed under sub-rule (1) shall be in the cadre posts in the junior grade of the Service.
   (4) Notwithstanding anything contained in sub-rule (2), if in the opinion of the Government, the exigencies of the Service so require, it may, after consultation with the Commission, adopt such method of induction to the Service other than specified in the said sub-rules as it may by notification in this behalf be prescribed.”

4. In the said rules, in rule 23, after sub-rule (2), the following shall be inserted, namely :-
   “The Government may add temporary added to the cadre one or more posts, created for a specified period or temporary basis, carrying duties and responsibilities closely analogous to the cadre posts.
      Provided that the scale of the post, temporary added to the cadre shall be inserted, same as that of the cadre posts to which it corresponds.”

5. In the said rules, in rule 24, after sub-rule (2), the following shall be inserted, namely :-
   “(3) No member of the service shall be appointed to a ex-cadre post (i.e. post not specified in Schedule I) unless the Government make a declaration that the said ex-cadre post is equivalent in statue and responsibility to a post specified in the said schedule.
   (4) The pay of a member of the Service on appointment to an ex-cadre post shall be the same as he would have been entitled to, had he been appointed to an ex-cadre post shall be which the said post is declared equivalent.

EXPLANATION :- Equivalence of ex-cadre post under sub-rule (4) with a post specified in Schedule I shall be done with reference to the status and responsibility of the post and not with reference to the salary which the incumbent would draw on the basis of his seniority in the Service”.
6. In the said rules, for Schedule I, the following shall be substituted, namely: -
“Composition and cadre strength of the Sikkim State Civil Service”

<table>
<thead>
<tr>
<th>Designation of the posts</th>
<th>Grade</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>I DUTY POSTS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Secretary to Government</td>
<td>Suppertime Grade I</td>
<td>3</td>
</tr>
<tr>
<td>(2) Additional Secretary to the Government</td>
<td>Suppertime Grade II</td>
<td>4</td>
</tr>
<tr>
<td>(3) Additional Secretary to the Government Grade II</td>
<td>Selection Grade I</td>
<td>24</td>
</tr>
<tr>
<td>(4. 1) Joint Secretary to the Govt.</td>
<td>Selection Grade II</td>
<td>1</td>
</tr>
<tr>
<td>(4. 2) Joint Chief Electoral officer</td>
<td>Selection Grade II</td>
<td>1</td>
</tr>
<tr>
<td>(4. 3) Joint Director, Industries</td>
<td>Selection Grade II</td>
<td>39</td>
</tr>
<tr>
<td>(5. 1) Deputy Secretary / DDO-cum-Planning Officer/Additional District Collector</td>
<td>Senior Grade</td>
<td></td>
</tr>
<tr>
<td>(5. 2) Deputy Director, Culture</td>
<td>Senior Grade</td>
<td>2</td>
</tr>
<tr>
<td>(5. 3) General Manager, Industries</td>
<td>Senior Grade</td>
<td>2</td>
</tr>
<tr>
<td>(5. 4) Senior ITO, IT &amp; ST</td>
<td>Senior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(5. 5) Deputy General Manager, SNT</td>
<td>Senior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(5. 6) Deputy Director, Tourism</td>
<td>Senior Grade</td>
<td>2</td>
</tr>
<tr>
<td>(5. 7) Project Officer, Welfare</td>
<td>Senior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(5. 8) Planning Officer, P &amp; Dev.</td>
<td>Senior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(5. 9) Dy. Chief Electoral Officer</td>
<td>Senior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.1) Under Secretary to the Govt.</td>
<td>Junior Grade</td>
<td>28</td>
</tr>
<tr>
<td>(6.2) Administrative Officer, AH &amp; VS</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.3) Administrative Officer, SIHNS</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.4) Administrative Officer, Sikkim Government College</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.5) Assistant Electoral Officer</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.6) Administrative Officer, (Lotteries) Finance</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.7) O.S.D. Finance</td>
<td>Junior Grade</td>
<td>2</td>
</tr>
<tr>
<td>(6.8) Forest Settlement Officer</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.9) Administrative Officer, Forest</td>
<td>Junior Grade</td>
<td>2</td>
</tr>
<tr>
<td>(6.10) Asstt. Resident Commissioner, Sikkim House</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.11) Adm. Officer, Industries</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.12) Asstt. Director, Industries</td>
<td>Junior Grade</td>
<td>5</td>
</tr>
<tr>
<td>(6.13) Adm. Officer, Irrigation</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.14) Distt. Information Officer</td>
<td>Junior Grade</td>
<td>4</td>
</tr>
<tr>
<td>(6.15) Adm. Officer, Police</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.16) I.T.O/Tax Recovery Officer/ Asstt. Commissioner</td>
<td>Junior Grade</td>
<td>5</td>
</tr>
<tr>
<td>(6.17) Revenue Officer, Land Revenue</td>
<td>Junior Grade</td>
<td>8</td>
</tr>
<tr>
<td>(6.18) SDM-cum-SDO</td>
<td>Junior Grade</td>
<td>6</td>
</tr>
<tr>
<td>(6.19) Asstt. Director, Land Revenue</td>
<td>Junior Grade</td>
<td>2</td>
</tr>
<tr>
<td>(6.20) Asstt. Director (Adm.), Mines Geology</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.21) Regional Transport Officer</td>
<td>Junior Grade</td>
<td>2</td>
</tr>
<tr>
<td>(6.22) Adm. Officer, Power</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.23) Adm. Officer, Roads &amp; Bridge</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.24) Adm. Project Officer, RDD</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.25) Adm. Superintendent of Transport, SNT</td>
<td>Junior Grade</td>
<td>2</td>
</tr>
<tr>
<td>(6.26) Adm. Director (Adm.), Tourism</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.27) Bazar Officer, UD&amp; HD</td>
<td>Junior Grade</td>
<td>2</td>
</tr>
<tr>
<td>(6.28) Amusement Tax Officer, UD&amp;HD</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.29) Welfare Officer, Welfare</td>
<td>Junior Grade</td>
<td>4</td>
</tr>
<tr>
<td>(6.30) Adm. Officer, Bridge. &amp; Housing</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
<tr>
<td>(6.31) O.S.D. Forest</td>
<td>Junior Grade</td>
<td>1</td>
</tr>
</tbody>
</table>

II. DEPUTATION RESERVE (20% OF 178) 178
III. LEAVE RESERVE (5% OF 178) 35
IV. TRAINING RESERVE (15% OF 178) 26

TOTAL AUTHORISED STRENGTH 248
7. In the said rules, for Schedule II, the following shall be substituted, namely:

“SCHEDULE II”

Scale of pay of the Sikkim State Civil Service:

1. Junior Grade Rs. 1820-3200
   This scale shall be the scale of pay for the cadre posts in junior grade as specified in Schedule I.

2. Senior Grade Rs. 2525-4000
   (a) This shall be the scale of pay for the cadre posts in Senior Scale as specified in Schedule I.
   (b) No member of the service in the Junior Grade shall be promoted to the senior grade unless he has put in 6 years of service in the Junior Grade and shall be subject to availability or vacancies in Senior Grade.

3. Selection Grade II Rs. 3450-4700
   (a) This shall be the scale of pay for the cadre post in Selection Grade II as specified in Schedule I.
   (b) No member of the service in senior grade shall be promoted to the selection grade II unless he has put in 8 years of service in Senior Grade and shall be subject to availability of vacancies in Selection Grade II.

4. Selection Grade I- Rs. 3700-5000
   (a) This shall be the scale of pay for the cadre posts in Selection Grade I as specified in Schedule I.
   (b) No member of the Service in Selection Grade II shall be promoted to the Selection Grade I unless he has put in 4 years service in the Selection Grade II subject to availability of vacancies in the Selection Grade I.

5. Supertime Grade II- Rs. 4500-5700
   (a) This shall be scale of pay for the cadre posts in Supertime Grade II as specified in Schedule I.
   (b) No member of the Service in Grade I shall be promoted to the Supertime Grade II unless he has put in 2 years of service subject to availability of vacancies in the Supertime Grade II.

Provided that the vacancies in this grade available on the date of publication of these rules may be filled up by such members of the Service who have put in not less than 22 years of gazetted service and are in selection grade I.

Explanation:- The provision will regulate the promotion case of existing member of the Sikkim State Civil Service, Selection Grade I. The proviso shall not, however, be application in case of future vacancies.

6. Supertime Grade I-Rs. 5700-6700
   (a) This shall be the scale of pay for the post of the Secretary to the Government as specified in Schedule I.
   (b) 4 posts out of 5 shown in Schedule I shall be exclusively reserved for member of the Service. No member of the Service in Supertime Grade II shall be promoted to the Supertime Grade I unless he has put in 2 years of service subject to availability of vacancies in the Supertime Grade I.
   (c) 1 post out of 5 shown in Schedule I shall be exclusively reserved for member of other organised Services of the State subject to the following conditions:-
      (i) He must have completed not less than 14 years of service in class I posts and must have completed not less than 4 years service in highest post in the said service which should not be in the pay scale lower than the pay scale prescribed for Supertime Grade II of the Sikkim State Civil Service.
      (ii) Appointment to the post of Secretary will be done on the basis of meri-cum-seniority.

R. S. BASNET
SECRETARY TO THE GOVT. OF SIKKIM
DEPTT. OF PERSONNEL, ADM. REFORMS & TRG.
NOTIFICATION

The following Act of the Parliament having received the assent of the President on 3rd April, 1993 and published in the Gazette of India Extra ordinary, Part II, Section I dated the 3rd April is hereby republished for general information:

THE ESSENTIAL COMMODITIES (SPECIAL PROVISIONS) AMENDMENT ACT, 1993
(ACT NO. 34 OF 1993)

AN ACT further to amend the Essential Commodities (Special Provisions) Act, 1981 and to make special provisions by way of amendment to the Essential Commodities Act, 1955.

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Essential Commodities (Special Provisions) Amendment Act, 1993. Short title and commencement.

(2) It shall be deemed to have come into force on the 27th day of August, 1992.

18 of 1981

2. In paragraph 2 of the preamble to the Essential Commodities (Special Provisions) Act, 1981 (hereinafter referred to as the principal Act), for the words “ten years”, the words “fifteen years”, shall be substituted.

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (3), for the words “ten years”, the words “fifteen years”, shall be substituted.

Insertion of new section 9 A.

4. After section 9 of the principal Act, 1955, after section 9 A, shall be inserted, namely:

‘9A. In the Essential Commodities Act, 1955, after section 10 of 1955 power to arrest.

section 10AA

10A, the following section shall be inserted, namely:

“10AA. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no officer below the rank of an officer in charge of a police station or any police officer authority by him in this behalf in writing, shall arrest any person accused of committing an offence punishable under this Act.”

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

SHANKER DAYAL SHARMA
President

B.R. ATRE
Joint Secretary to the Government of India

B. R. PRADHAN
Secretary to the Government of Sikkim
Law Department

F. No. 16 (256) LD/81-94.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGtok.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 225/H/95
Dated Gangtok the 3rd April, 95.

The Election Commission of India’s notification No. 56/95/(5) dated 21st February, 1995 is hereby republished for general information.

SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.
2 Phalguna, 1916 (Saka)

NOTIFICATION

No. 56/95 (5).- In pursuance of clause (b) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1916, the Election Commission of India hereby makes the following further amendment to its Notification No. 56/92, dated 7th January, 1993, published as O.N. 2 (E) in the Gazette of India, Extraordinary, Part-II, section 3 (iii), dated the 8th January, 1993, and as amended from time to time, namely :-

In TABLE-II of the said notification - against the entry “Mizoram” in column 1, for the existing entry “Tiger” in column 3 relating to the symbol reserved for “Mizo National Front” the entry “Star” shall be substituted.

By Order,

S.K. MENDIRATTA
SECRETARY
ELECTION COMMISSION OF INDIA

D.K. Pradhan
Deputy Chief Electoral Officer,
Election Department, Gangtok,
Sikkim.
The State Government is pleased to hereby declare that the 1st day of May, which is observed as Labour Day, shall henceforth be a public holiday throughout the State of Sikkim.

By Order and in the name of the Governor.

K.A. VARADAN,
Chief Secretary,
(F. No. 38 (9) Home/87)
Gangtok Thursday, 6th April, 1995

SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK.

No. SLA/Ses/95-96/2/5 Dated: Gangtok, the 3rd April, 1995.

NOTIFICATION

The following Order No. SKM/GOV/SECTT/4-95 dated 1st April, 1995 made by the Governor of Sikkim is published for general information:

“In exercise of the powers conferred by Article 174 (2) (a) of the Constitution of India, I. P. Shiv Shanker, Governor of Sikkim, hereby prorogue the Sikkim Legislative Assembly which was summoned to meet on Wednesday, the 22nd March, 1995.

P. SHIV SHANKER
Governor of Sikkim”

By Order,

C. M. CHHETRI
Additional Secretary

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

No. 27  L/R Dated the 21st March, 1995.

NOTIFICATION

The exercise of the powers conferred by Clause (C) of Section 2 of the Sikkim Public Demands Recovery Act 1988 (Act No 1 of 1988) and in supersession of the Land Revenue Department’s Notification No) 23/LR dated 27.9.94, the State Government hereby appoints Shri S. D. Dhakal as the Certificate Officer for the purpose of the said Act for the whole of Sikkim with immediate effect.

T. W. BARPHUNGPA, IAS
Commissioner-cum-Secretary,
Land Revenue Department.
DECLARATION UNDER SECTION 6
OF LAND ACQUISITION ACT, 1894

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of the Union, namely for construction of Civil Court and Judicial Court-Cum-Residential quarter in the block of Namchi Bazar, Elaka Namchi, South District it is hereby declared that a piece of land comprising cadastral plot No. 228 measuring area 0.3400 Hectares bounded on the

East : D.F. of Ongdup Bhutia and Thendup Tshering Bhutia,
West : D.F. of Samten Tshering Lepcha and Pempo Doma Bhutia and Tshering Lhamu.

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

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

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

T.W. Barphungpa,
Land Revenue Department
Gangtok.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No. 37 (1) HOME/87/17 Dated 11th April, 1995.

NOTIFICATION

The State Government announce with most profound regret that Shri Morarji Desai, former Prime Minister of India passed away on 10th April, 1995 at Jaslok Hospital at Bombay where he was undergoing treatment.

2. As a mark of respect to the memory of late Shri Morarji Desai State mourning will be observed for seven days from 10th April, 1995 to 16th April, 1995 (both days inclusive). During the period of mourning the national flag will be flown at half mast throughout the State on all buildings where it is regularly flown and there will be on official entertainment.

3. It is further announced that all Government offices, Institutions and Undertakings shall remain closed on 12th April, 1995, the day of the State funeral of the former Prime Minister.

K. A. VARDAN
Chief Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
DEPTT. OF PERSONNEL, ADM. REFORM & TRG
GANGTOK.

No. 60/GEN/DOP. Dated: Gangtok, the 27th March 1995.

NOTIFICATION

Pursuant to the decision of the Government as indicated vide item 1 (vii) of the Annexure to Resolution No. 35/GEN/DOP dated 4-10-94, the following posts are redesignated as shown against each:-

<table>
<thead>
<tr>
<th>SI.</th>
<th>Present designation of the post and name of department</th>
<th>Redesignated as</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>O.S.D. Tourism Department</td>
<td>Deputy Director, Tourism Department</td>
</tr>
<tr>
<td>2.</td>
<td>Administrative Officer, Agriculture Department</td>
<td>Under Secretary, Agriculture Department</td>
</tr>
<tr>
<td>3.</td>
<td>Administrative Officer, Health &amp; F.W. Department</td>
<td>Under Secretary, Health and Family Welfare Department</td>
</tr>
<tr>
<td>4.</td>
<td>Administrative Officer, Sikkim Nationalised Transport</td>
<td>Under Secretary, Sikkim Nationalised Transport</td>
</tr>
<tr>
<td>5.</td>
<td>O.S.D. Department of Personnel, AR &amp; Training</td>
<td>Under Secretary, Department of Personnel, AR &amp; Training</td>
</tr>
</tbody>
</table>

By Order.

R.S. BASNET,
Secretary to the Govt. of Sikkim,
Dept. of Personnel, Adm. Reforms & Trg.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.


NOTIFICATION

In partial modification to the Notification No. 7/Home/95, dated 2.2.1995, the State Government is pleased to include Shri P.K. Das, Economic & Trade Consultant to the Government of Sikkim as one of the member for examination of the officer in respect of implementation of Teesta Hydro Electric Project Stage-III under Private or Joint Sector and make suitable recommendations.

By Order and in the name of Governor of Sikkim.

K.A. VARADAN,
Chief Secretary,
(F. No. 406/P/Gen/91)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No. 15/Home/95. Dated: Gangtok, the 10th April, 1995.

NOTIFICATION

In exercise of its powers conferred by sub-section (1) of section 4 of the Family Courts Act, 1984 (No. 66 of 1984), the State Government, with the concurrence of the High Courts of Sikkim, hereby appoints Shri A.P. Subba, District Judge, East and North Districts to be the Judge of the Family Court established for the State of Sikkim vide Notification No. 12/Home/95 dated 8th February, 1995.

By Order and in the name of the Governor.

K.A. VARADAN,
Chief Secretary.
(F.No. 6(6) Home/85)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No. 16/ Home/95. Dated Gangtok the 10th April, 1995.

NOTIFICATION

The State Government is hereby pleased to extend the date of submission of report of the Committee notified vide Notification No. 3/Home/95, dated 16th January, 1995 by a further period upto 15th April, 1995.

By Order and in the name of Governor.

K.A.VARDAN,
Chief Secretary ,
(F. No. 54(45)Home/88)

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The following Act of the Sikkim Legislative Assembly having received assent of the Governor on 31st day of March, 1995 is hereby published for general information:-

THE SIKKIM MOTOR VEHICLES TAXATION (AMENDMENT) ACT, 1995
(Act No. 1 of 1995)

AN ACT

further to amend the Sikkim Motor Vehicles Taxation Act, 1982.

BE it enacted by the Legislative of Sikkim in the Forty-sixth year of the Republic of India as follows :-

Short title 1. This Act may be called the Sikkim Motor Vehicle Taxation (Amendment) Act, 1995.

Amendment of the Schedule 2. In the Schedule to the Sikkim Motor Vehicle Taxation Act, 1982, in paragraph C, after item (e), the following item shall be inserted, namely:-

“(f) in respect of goods carriage registered and normally kept in any one of the States or Union Territories of India other than the State of Sikkim, and authorised to ply in the State of Sikkim under the national permit granted by the competent authority of any other State or Union Territory in pursuance of sub-section (12) of section 88 of the Motor Vehicles Act, 1988. Rs. 5,000/- per vehicle per annum irrespective of the laden weight of such vehicle;” Central Act 59 of 1988.

By Order of the Governor,

B.R. PRADHAN,
Secretary to the Government of Sikkim
Law Department.

F. No. 16 (156)LD/87-95.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.

NOTIFICATION

No. 2/LD/95. Dated Gangtok the 3rd April, 1995.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 31st day of March, 1995 is hereby published for general information:-

THE SIKKIM APPRTATION ACT, 1995
(Act No. 2 of 1995)

AN ACT to authorize 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, 1994-95.

BE it enacted by the Legislative of Sikkim in the Forty-sixth year of the Republic of India as follows:-

Short title. 1. This Act may be called the Sikkim Appropriation Act, 1995.

Issue of 2. From and out of the Consolidated Fund of the State of Sikkim, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three hundred twenty seven crores twenty nine laksh fifty thousand rupees towards defraying the several charges which will come in course for payment during the Financial year 1994-95 in respect of the services specified in column 2 of the Schedule.

Appropriation 3. The sum authority 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 purpose in the Schedule in relation to the said year.
<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICES AND PURPOSE</th>
<th>Voted by the Legislative Assembly</th>
<th>Charged on the Consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>State Legislative</td>
<td>Revenue 470</td>
<td>280</td>
<td>750</td>
</tr>
<tr>
<td>2</td>
<td>Governor</td>
<td>Revenue .</td>
<td>600</td>
<td>600</td>
</tr>
<tr>
<td>3</td>
<td>Council of Ministers</td>
<td>Revenue 1416</td>
<td>.</td>
<td>1416</td>
</tr>
<tr>
<td>4</td>
<td>Election</td>
<td>Revenue 5600</td>
<td>.</td>
<td>5600</td>
</tr>
<tr>
<td>5</td>
<td>Land Revenue</td>
<td>Revenue 960</td>
<td>13000</td>
<td>960</td>
</tr>
<tr>
<td>6</td>
<td>Interest Payments</td>
<td>Revenue .</td>
<td>.</td>
<td>13000</td>
</tr>
<tr>
<td>7</td>
<td>Secretariat General Services</td>
<td>Revenue 1940</td>
<td>.</td>
<td>1940</td>
</tr>
<tr>
<td>8</td>
<td>District Administration</td>
<td>Revenue 232</td>
<td>.</td>
<td>232</td>
</tr>
<tr>
<td>9</td>
<td>Police</td>
<td>Revenue 5814</td>
<td>.</td>
<td>5814</td>
</tr>
<tr>
<td>10</td>
<td>Jails</td>
<td>Revenue 150</td>
<td>90</td>
<td>150</td>
</tr>
<tr>
<td>11</td>
<td>Public Works (Building)</td>
<td>Revenue .</td>
<td>.</td>
<td>90</td>
</tr>
<tr>
<td>12</td>
<td>Other Administrative Services</td>
<td>Revenue 2050</td>
<td>.</td>
<td>2050</td>
</tr>
<tr>
<td>13</td>
<td>Mis. General Services</td>
<td>Revenue 3060000</td>
<td>.</td>
<td>3060000</td>
</tr>
<tr>
<td>14</td>
<td>Education</td>
<td>Revenue 44600</td>
<td>.</td>
<td>44600</td>
</tr>
<tr>
<td>15</td>
<td>Sports &amp; Youth Services</td>
<td>Revenue 1618</td>
<td>.</td>
<td>1618</td>
</tr>
<tr>
<td>16</td>
<td>Medical and Public Health</td>
<td>Revenue 5710</td>
<td>.</td>
<td>5710</td>
</tr>
<tr>
<td>17</td>
<td>Water Supply and Sanitation</td>
<td>Revenue 3430</td>
<td>.</td>
<td>3430</td>
</tr>
<tr>
<td>18</td>
<td>Urban Development</td>
<td>Revenue 450</td>
<td>.</td>
<td>450</td>
</tr>
<tr>
<td>19</td>
<td>Information and Publicity</td>
<td>Revenue 8792</td>
<td>.</td>
<td>8792</td>
</tr>
<tr>
<td>20</td>
<td>Social Security and Welfare</td>
<td>Revenue 174</td>
<td>.</td>
<td>174</td>
</tr>
<tr>
<td>21</td>
<td>Nutrition</td>
<td>Revenue 993</td>
<td>.</td>
<td>993</td>
</tr>
<tr>
<td>22</td>
<td>Other Social Services</td>
<td>Revenue 18483</td>
<td>.</td>
<td>18483</td>
</tr>
<tr>
<td>23</td>
<td>Agriculture</td>
<td>Revenue 1800</td>
<td>.</td>
<td>1800</td>
</tr>
<tr>
<td>24</td>
<td>Soil &amp; Water Conservation</td>
<td>Revenue 3075</td>
<td>.</td>
<td>3075</td>
</tr>
<tr>
<td>25</td>
<td>Animal Husbandry</td>
<td>Revenue 13642</td>
<td>.</td>
<td>13642</td>
</tr>
<tr>
<td>26</td>
<td>Other Agriculture Programme</td>
<td>Revenue 1855</td>
<td>.</td>
<td>1855</td>
</tr>
<tr>
<td>27</td>
<td>Cooperation</td>
<td>Revenue 2222</td>
<td>.</td>
<td>2222</td>
</tr>
<tr>
<td>28</td>
<td>Rural Development</td>
<td>Revenue 6514</td>
<td>.</td>
<td>6514</td>
</tr>
<tr>
<td>29</td>
<td>Power</td>
<td>Revenue 800</td>
<td>.</td>
<td>800</td>
</tr>
<tr>
<td>30</td>
<td>Industries</td>
<td>Revenue 16490</td>
<td>.</td>
<td>16490</td>
</tr>
<tr>
<td>31</td>
<td>Roads &amp; Bridges</td>
<td>Revenue 6600</td>
<td>.</td>
<td>6600</td>
</tr>
<tr>
<td>32</td>
<td>Other Scientific Research</td>
<td>Revenue 1500</td>
<td>.</td>
<td>1500</td>
</tr>
<tr>
<td>33</td>
<td>Public Debt.</td>
<td>Revenue 10706</td>
<td>.</td>
<td>10706</td>
</tr>
<tr>
<td>34</td>
<td>Capital</td>
<td>Revenue 1524</td>
<td>.</td>
<td>1524</td>
</tr>
<tr>
<td>35</td>
<td>Public Debt.</td>
<td>Capital 7999</td>
<td>.</td>
<td>7999</td>
</tr>
<tr>
<td>36</td>
<td>Total</td>
<td>Total 3250981</td>
<td>21969</td>
<td>3272950</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/77-95
In exercise of the powers conferred by Section 8 of the Sikkim (Repeal and Miscellaneous) Act, 1985 (Act No. 10 of 1985) the State Government hereby makes the following rules to amend the Sikkim Trade Licence and Miscellaneous Provision Rules, 1985, namely:

1.  (1) These rules may be called the Sikkim Trade Licence and Miscellaneous (Provision (Amendment) Rules 1995.
    (2) They shall come into force at once.

2.  In the Sikkim Trade Licence and Miscellaneous Provision Rules, 1985 for the word “three” in Rules 8, Sub-rule (i) under conditions for running a Hawker business the word “five” shall be substituted.
In pursuance of clause (iv) of section 7 of the Prevention of Food Adulteration Act, 1954 (Central Act No. 37 of 1954) read with clause (a) of sub-rule (1) or rule 3 of the Sikkim Prevention of Food Adulteration Rules, 1991, the State Government hereby impose ban on the sale of A-one scented Supari as an ingredient of Pan Masala within Sikkim in the interest of public health for a period of one year commencing from the date of issue of this notification.

By Order,

DR. T.R. GYATSO
FOOD (HEALTH) AUTHORITY
PREVENTION OF FOOD ADULTERATION.
GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG.
GANGTOK SIKKIM


NOTIFICATION

In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution, the Governor of Sikkim hereby makes the following regulations further to amend the Sikkim Public Service Commission (Exemption from Consolation) Regulations, 1986, namely :-

1. (1) These regulations may be called the Sikkim Public Service Commission (Exemption from Consolation) Second Amendment Regulations, 1995.
   (2) They shall come into force on the date of their publication in the official Gazette.

2. In regulation 7 of the Sikkim Public Service Commission (Exemption from Consulation) Regulations, 1986, after sub-regulation (4), the following sub-regulation shall be inserted, namely:-

   “(5) It shall not be necessary to consult the Commission in disciplinary matters pertaining to Sikkim Police Force and Sikkim Vigilance Police upto the rank of Sub-Inspector.”

R. S. BASNET,
SECRETARY TO THE GOVT. OF SIKKIM
DEPTT. OF PERSONNEL, REFORMS & TRG.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Gangtok Wednesday, 19th April, 1995

NOTIFICATION

No. 72.

GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 3rd day of March, 1995 is hereby published for general information:

THE SIKKIM APPROPRIATION ACT, 1995
(ACT NO. 3 OF 1995)

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, 1990 in excess of the amounts authorised or granted for the said services.

BE it enacted by the Legislative of the State of Sikkim in the Forty-Sixth Year of the Republic of India as follows:-

Short title. 1. This Act may be called the Sikkim Appropriation Act, 1995.

Issue of the Consolidated Fund of the State of Sikkim 2. The sum specified on column 5 of the Schedule amounting to Seventy-nine lakhs sixty-three thousand one hundred and seventeen 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, 1990 in excess of the amounts authorised or granted for those services and purposes for that year.

Appropriation. 3. The sum deemed to have 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 be Financial Year ended on 31st day of March, 1990.
## THE SCHEDULE
*(SEE SECTION 2 AND 3*)

<table>
<thead>
<tr>
<th>Demand No.</th>
<th>SERVICES AND PURPOSE</th>
<th>SUM NOT EXCEEDING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Voted by the Legislative Assembly Rs.</td>
<td>Charged on the Consolidated Fund Rs.</td>
</tr>
<tr>
<td>1.</td>
<td>State Legislative</td>
<td>218408</td>
</tr>
<tr>
<td>2.</td>
<td>Council of Minister</td>
<td>421024</td>
</tr>
<tr>
<td>8.</td>
<td>Excise (Abkari)</td>
<td>41494</td>
</tr>
<tr>
<td>19.</td>
<td>Pensions and Other Retirement Benefits</td>
<td>421878</td>
</tr>
<tr>
<td>23.</td>
<td>Medical and Public Health</td>
<td>5066503</td>
</tr>
<tr>
<td>29.</td>
<td>Nutrition</td>
<td>79649</td>
</tr>
<tr>
<td>30.</td>
<td>Relief on Account Calamities</td>
<td>37740</td>
</tr>
<tr>
<td>33.</td>
<td>Agriculture</td>
<td>19467</td>
</tr>
<tr>
<td>37.</td>
<td>Fisheries</td>
<td>11944</td>
</tr>
<tr>
<td>38.</td>
<td>Forestry and Wild Life</td>
<td>1565673</td>
</tr>
<tr>
<td>45.</td>
<td>Industries</td>
<td>79337</td>
</tr>
<tr>
<td></td>
<td><strong>Total:</strong></td>
<td><strong>7963117</strong></td>
</tr>
</tbody>
</table>

By Order of the Governor,

R. B. Pradhan,
Secretary to the Government of Sikkim,
Law Department,

F. No. 16 (82) LD/77-95

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 31st day of March 1995 is hereby published for general information:

THE SIKKIM APPROPRIATION ACT, 1995
(Act No. 4 of 1995)

BE it enacted by the Legislative Assembly of Sikkim in the Forty-Sixth Year of the Republic of India as follows:

Short title. 1. This Act may be called the Sikkim Appropriation Act, 1995

Issue of Rs. 684,32,17,000- (2.) From and out of the Consolidated Fund of the State of Sikkim, there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Six hundred Eighty four Crores thirty to lakhs Seventeen thousand rupees towards defraying the several charge which will come in course for payment during the Financial Year 1995-96 in respect of the services specified in column 2 of the Schedule.

Appropriation. 3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purpose specified in the Schedule in relation to the said year.
<table>
<thead>
<tr>
<th>No.</th>
<th>SERVICE AND PURPOSES of Vote</th>
<th>Revenue</th>
<th>Voted by the Legisla- tive Assembly</th>
<th>Charged on the consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>State Legislative Appropriation-Governor</td>
<td>8475</td>
<td>350</td>
<td>8825</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Council of Ministers</td>
<td>13025</td>
<td></td>
<td>13025</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Administration of Justice</td>
<td>8275</td>
<td>5100</td>
<td>13475</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Election</td>
<td>3445</td>
<td></td>
<td>3445</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Income and Sales Tax</td>
<td>3615</td>
<td></td>
<td>3615</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Land Revenue</td>
<td>9950</td>
<td></td>
<td>9950</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Stamps and Registration</td>
<td>50</td>
<td></td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Excise (Abkari)</td>
<td>19529</td>
<td></td>
<td>19529</td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Tax on Vehicles</td>
<td>1035</td>
<td></td>
<td>1035</td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Other Taxes and Duties on Commodities &amp; Services</td>
<td>Revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Interest Payment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Public Service Commission</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Secretariat-General Services</td>
<td>26201</td>
<td></td>
<td>26201</td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>District Administration</td>
<td>10965</td>
<td></td>
<td>10965</td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Treasury and Accounts Administration</td>
<td>13806</td>
<td></td>
<td>13806</td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Police</td>
<td>139639</td>
<td></td>
<td>139639</td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Jails</td>
<td>1810</td>
<td></td>
<td>1810</td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>Stationery and Printing</td>
<td>12170</td>
<td></td>
<td>12170</td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Public Works (Building)</td>
<td>Revenue</td>
<td>121700</td>
<td>220</td>
<td>121920</td>
</tr>
<tr>
<td>18.</td>
<td>Other Administration Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Pension and Other Retirement Benefits</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Miscellaneous General Services</td>
<td>3062750</td>
<td></td>
<td>3062750</td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Education</td>
<td>429435</td>
<td></td>
<td>429435</td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>Sports and Youth Services</td>
<td>9730</td>
<td></td>
<td>9730</td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Art and Culture</td>
<td>7805</td>
<td></td>
<td>7805</td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Medical and Public Health</td>
<td>169520</td>
<td></td>
<td>169520</td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Water Supply and Sanitation</td>
<td>60325</td>
<td></td>
<td>60325</td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>Urban Development</td>
<td>93310</td>
<td></td>
<td>93310</td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>Information and Publicity</td>
<td>22990</td>
<td></td>
<td>22990</td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>Social Services and Welfare</td>
<td>9435</td>
<td></td>
<td>9435</td>
<td></td>
</tr>
<tr>
<td>29.</td>
<td>Labour and Labour Welfare</td>
<td>38919</td>
<td></td>
<td>38919</td>
<td></td>
</tr>
<tr>
<td>30.</td>
<td>Nutrition</td>
<td>4105</td>
<td></td>
<td>4105</td>
<td></td>
</tr>
<tr>
<td>31.</td>
<td>Relief on Account of Natural Calamities</td>
<td>Revenue</td>
<td>60270</td>
<td></td>
<td>60270</td>
</tr>
<tr>
<td>32.</td>
<td>Other Social Services (Ecclesiastical)</td>
<td>5206</td>
<td></td>
<td>5206</td>
<td></td>
</tr>
<tr>
<td>33.</td>
<td>Secretariat Social Services</td>
<td>2030</td>
<td></td>
<td>2030</td>
<td></td>
</tr>
<tr>
<td>34.</td>
<td>Agriculture</td>
<td>122243</td>
<td></td>
<td>122243</td>
<td></td>
</tr>
<tr>
<td>35.</td>
<td>Soil and Water Conservation</td>
<td>29350</td>
<td></td>
<td>29350</td>
<td></td>
</tr>
<tr>
<td>36.</td>
<td>Animal Husbandry</td>
<td>55771</td>
<td></td>
<td>55771</td>
<td></td>
</tr>
<tr>
<td>37.</td>
<td>Dairy Development</td>
<td>23900</td>
<td></td>
<td>23900</td>
<td></td>
</tr>
<tr>
<td>38.</td>
<td>Fisheries</td>
<td>6745</td>
<td></td>
<td>6745</td>
<td></td>
</tr>
<tr>
<td>39.</td>
<td>Forestry and Wildlife</td>
<td>122988</td>
<td></td>
<td>122988</td>
<td></td>
</tr>
<tr>
<td>40.</td>
<td>Other Agriculture Programme</td>
<td>29100</td>
<td></td>
<td>29100</td>
<td></td>
</tr>
</tbody>
</table>

**THE SCHEDULE**

(see section 2 and 3)

<table>
<thead>
<tr>
<th>SUMS NOT EXCEEDING</th>
<th>Revenue</th>
<th>Voted by the Legisla- tive Assembly</th>
<th>Charged on the consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>10. Other Agriculture Programme</td>
<td>Revenue</td>
<td>29100</td>
<td></td>
<td>29100</td>
</tr>
<tr>
<td>39. Forestry and Wildlife</td>
<td>Revenue</td>
<td>122988</td>
<td></td>
<td>122988</td>
</tr>
<tr>
<td>38. Fisheries</td>
<td>Revenue</td>
<td>6745</td>
<td></td>
<td>6745</td>
</tr>
<tr>
<td>37. Dairy Development</td>
<td>Revenue</td>
<td>23900</td>
<td></td>
<td>23900</td>
</tr>
<tr>
<td>36. Animal Husbandry</td>
<td>Revenue</td>
<td>55771</td>
<td></td>
<td>55771</td>
</tr>
<tr>
<td>35. Soil and Water Conservation</td>
<td>Revenue</td>
<td>29350</td>
<td></td>
<td>29350</td>
</tr>
<tr>
<td>34. Agriculture</td>
<td>Revenue</td>
<td>122243</td>
<td></td>
<td>122243</td>
</tr>
<tr>
<td>33. Secretariat Social Services</td>
<td>Revenue</td>
<td>2030</td>
<td></td>
<td>2030</td>
</tr>
<tr>
<td>32. Other Social Services (Ecclesiastical)</td>
<td>Revenue</td>
<td>5206</td>
<td></td>
<td>5206</td>
</tr>
<tr>
<td>31. Relief on Account of Natural Calamities</td>
<td>Revenue</td>
<td>60270</td>
<td></td>
<td>60270</td>
</tr>
<tr>
<td>30. Nutrition</td>
<td>Revenue</td>
<td>4105</td>
<td></td>
<td>4105</td>
</tr>
<tr>
<td>29. Labour and Labour Welfare</td>
<td>Revenue</td>
<td>38919</td>
<td></td>
<td>38919</td>
</tr>
<tr>
<td>28. Social Services and Welfare</td>
<td>Revenue</td>
<td>9435</td>
<td></td>
<td>9435</td>
</tr>
<tr>
<td>27. Information and Publicity</td>
<td>Revenue</td>
<td>22990</td>
<td></td>
<td>22990</td>
</tr>
<tr>
<td>26. Urban Development</td>
<td>Revenue</td>
<td>93310</td>
<td></td>
<td>93310</td>
</tr>
<tr>
<td>25. Water Supply and Sanitation</td>
<td>Revenue</td>
<td>60325</td>
<td></td>
<td>60325</td>
</tr>
<tr>
<td>24. Medical and Public Health</td>
<td>Revenue</td>
<td>169520</td>
<td></td>
<td>169520</td>
</tr>
<tr>
<td>23. Art and Culture</td>
<td>Revenue</td>
<td>9730</td>
<td></td>
<td>9730</td>
</tr>
<tr>
<td>22. Sports and Youth Services</td>
<td>Revenue</td>
<td>429435</td>
<td></td>
<td>429435</td>
</tr>
<tr>
<td>21. Education</td>
<td>Revenue</td>
<td>7805</td>
<td></td>
<td>7805</td>
</tr>
<tr>
<td>20. Miscellaneous General Services</td>
<td>Revenue</td>
<td>3062750</td>
<td></td>
<td>3062750</td>
</tr>
<tr>
<td>19. Pension and Other Retirement Benefits</td>
<td>Revenue</td>
<td>35700</td>
<td></td>
<td>35700</td>
</tr>
<tr>
<td>18. Other Administration Services</td>
<td>Revenue</td>
<td>26201</td>
<td></td>
<td>26201</td>
</tr>
<tr>
<td>17. Public Works (Building)</td>
<td>Revenue</td>
<td>12170</td>
<td></td>
<td>12170</td>
</tr>
<tr>
<td>16. Stationery and Printing</td>
<td>Revenue</td>
<td>12170</td>
<td></td>
<td>12170</td>
</tr>
<tr>
<td>15. Jails</td>
<td>Revenue</td>
<td>1810</td>
<td></td>
<td>1810</td>
</tr>
<tr>
<td>14. Police</td>
<td>Revenue</td>
<td>139639</td>
<td></td>
<td>139639</td>
</tr>
<tr>
<td>13. Treasury and Accounts Administration</td>
<td>Revenue</td>
<td>13806</td>
<td></td>
<td>13806</td>
</tr>
<tr>
<td>12. District Administration</td>
<td>Revenue</td>
<td>10965</td>
<td></td>
<td>10965</td>
</tr>
<tr>
<td>11. Secretariat-General Services</td>
<td>Revenue</td>
<td>26201</td>
<td></td>
<td>26201</td>
</tr>
<tr>
<td>10. Other Taxes and Duties on Commodities &amp; Services</td>
<td>Revenue</td>
<td>1110</td>
<td></td>
<td>1110</td>
</tr>
<tr>
<td>9. Tax on Vehicles</td>
<td>Revenue</td>
<td>1035</td>
<td></td>
<td>1035</td>
</tr>
<tr>
<td>8. Excise (Abkari)</td>
<td>Revenue</td>
<td>19529</td>
<td></td>
<td>19529</td>
</tr>
<tr>
<td>7. Stamps and Registration</td>
<td>Revenue</td>
<td>50</td>
<td></td>
<td>50</td>
</tr>
<tr>
<td>6. Land Revenue</td>
<td>Revenue</td>
<td>9950</td>
<td></td>
<td>9950</td>
</tr>
<tr>
<td>5. Income and Sales Tax</td>
<td>Revenue</td>
<td>3615</td>
<td></td>
<td>3615</td>
</tr>
<tr>
<td>4. Election</td>
<td>Revenue</td>
<td>3445</td>
<td></td>
<td>3445</td>
</tr>
<tr>
<td>3. Administration of Justice</td>
<td>Revenue</td>
<td>8275</td>
<td>5100</td>
<td>13475</td>
</tr>
<tr>
<td>2. Council of Ministers</td>
<td>Revenue</td>
<td>13025</td>
<td></td>
<td>13025</td>
</tr>
<tr>
<td>1. State Legislative Appropriation-Governor</td>
<td>Revenue</td>
<td>8475</td>
<td>350</td>
<td>8825</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>---</td>
<td>-----------------</td>
<td>-----------------</td>
<td>-----------</td>
<td>-----------</td>
</tr>
<tr>
<td>14.</td>
<td>Food, Storage and Warehousing</td>
<td>Revenue</td>
<td>10525</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital</td>
<td>2600</td>
<td>-----</td>
</tr>
<tr>
<td>42.</td>
<td>Co-operation</td>
<td>Revenue</td>
<td>16504</td>
<td>-----</td>
</tr>
<tr>
<td>43.</td>
<td>Rural Development</td>
<td>Revenue</td>
<td>103070</td>
<td>-----</td>
</tr>
<tr>
<td>44.</td>
<td>Irrigation and Food Control</td>
<td>Revenue</td>
<td>35900</td>
<td>-----</td>
</tr>
<tr>
<td>45.</td>
<td>Power</td>
<td>Revenue</td>
<td>110210</td>
<td>-----</td>
</tr>
<tr>
<td>46.</td>
<td>Industries</td>
<td>Revenue</td>
<td>255100</td>
<td>-----</td>
</tr>
<tr>
<td>47.</td>
<td>Mines and Geology</td>
<td>Revenue</td>
<td>4690</td>
<td>-----</td>
</tr>
<tr>
<td>48.</td>
<td>Roads and Bridges</td>
<td>Revenue</td>
<td>158680</td>
<td>-----</td>
</tr>
<tr>
<td>49.</td>
<td>Road Transport Services</td>
<td>Revenue</td>
<td>134620</td>
<td>-----</td>
</tr>
<tr>
<td>50.</td>
<td>Other Scientific Research</td>
<td>Revenue</td>
<td>31845</td>
<td>-----</td>
</tr>
<tr>
<td>51.</td>
<td>Secretariat Economic Services</td>
<td>Revenue</td>
<td>5</td>
<td>-----</td>
</tr>
<tr>
<td>52.</td>
<td>Tourism</td>
<td>Revenue</td>
<td>11601</td>
<td>-----</td>
</tr>
<tr>
<td>53.</td>
<td>Aid Material and Equipments</td>
<td>Revenue</td>
<td>13545</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td>Public Debt.</td>
<td>Revenue</td>
<td>31845</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Revenue</td>
<td>5</td>
<td>-----</td>
</tr>
<tr>
<td>54.</td>
<td>Loans to Government Services</td>
<td>Revenue</td>
<td>4610</td>
<td>-----</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Capital</td>
<td>4610</td>
<td>-----</td>
</tr>
</tbody>
</table>

Total : 6431154 412063 6843217

By Order of the Governor,

B.R. Pradhan,
Secretary to the Government of Sikkim,
Law Department,
F. No. 16 (82) LD/77-95
HIGH COURT OF SIKKIM
GANGTOK.

No. 79/HCS

Dated : Gangtok, the 01st March, 1995.

NOTIFICATION

In pursuance of Notification No. 9/Home/95 dated 4th February, 1995 issued by the Home Department, Government of Sikkim, Hon’ble Shri Justice R. Dayal, Judge of this Court has assumed the charge as the President of the State Commission under the Sikkim Consumer Protection Act, 1985 with effect today the 1st of March, 1995 (F.N.).

REGISTRAR

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In pursuance of the direction of the Ministry of Food, Government of India, the State Government hereby rescinds the following orders of the Government of Sikkim with immediate effect:-


S.W. Tenzing
Commissioner-Cum-Secretary
Food and Civil Supplies Department.
GOVERNMENT OF SIKKIM

LAW DEPARTMENT

GANGLOK.

NOTIFICATION

No. 5/LD/90 Dated the 3rd April, 1995.

The following Act of the Sikkim Legislative Assembly having received the assent of the Governor on 31st day of March, 1995 is hereby published for general information :-

THE SIKKIM OFFICIAL LANGUAGES (AMENDMENT) ACT, 1995
(Act No. 5 of 1995)

AN ACT

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

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

Short title. 1. This Act may be called the Sikkim Official Languages (Amendment) Act, 1995.

Amendment of long title, preamble and section 2. In the Sikkim Official Languages Act, 1977 (5 of 1977), in the long title, the preamble and section 2 for the words, “the Nepali, the Bhutia, the Lepcha and the Limbu” the words “the Nepali, the Bhutia, the Lepcha, the Limbu, the Newari, the Rai, the Gurung, the Mangar, the Sherpa and the Tamang” shall be substituted.

By Order of the Governor,

B.R. PRADHAN,
Secretary to the Government of Sikkim, Law Department.

F.No. 16 (35) DL/77-95

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGLOK.
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK SIKKIM


NOTIFICATION

In exercise of the powers conferred by section 8 of the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985 (Act No. 10 of 1985), the State Government hereby makes the following rules further to amend the Sikkim Trade Licence and Miscellaneous Provisions Rules, 1985, namely:

1. (1) These rules may be called the Sikkim Trade Licence and Miscellaneous Provisions (Amendment) Rules, 1995.
   (2) They shall come into force at once.

2. In the Sikkim Trade Licence and Miscellaneous Provisions Rules, 1985 (hereinafter referred to as the said rules), for the words “only till the end of the financial year during which it is issued”, the words “for a maximum period of five years from the financial year in which it is issued” shall be substituted.

In rule 10 of the said rules, for the words “The fee”, the words “The annual fee”, shall be substituted.

L.B. CHHETRI
Urban Dev. & Housing Department
Govt. of Sikkim.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No. 18/HOME/95. Dated 13\textsuperscript{th} April, 1995.

NOTIFICATION

The State Government has decided that the Engineering Cell in Non-Technical Department of the Sikkim Government will only execute such works as are within the monetary limits corresponding to the rank of the Engineer heading the cell. Any work exceeding this limits will be executed by the Building and Housing Department. Even while executing work within their competence the Engineering Cells will be subject to the technical supervision of the Building and Housing Department.

Furthermore, it has also been decided by the Government that, henceforth there shall be no more Engineering Cells in any Department than what are now functioning.

By order and in the name of the Governor,

K.A. VARDAN
Chief Secretary
(F. No. 3 (33) B & H/91-92/Estb)
Notification No. 718(718)90-91/11 dated : 14th August, 1990 is hereby re-published for general information:-

In exercise of the powers conferred by sub-section (1) of section 200 of the Motor Vehicles Act, 1988 (59 of 1988), and all other powers enabling it in this behalf, the State Government hereby directs that any offence whether committed before or after the commencement of the said Act punishable under section 177, section 178, section 179, section 180, section 181, section 182, sub-section (1) or sub-section (2) of section 183, section 184, section 186, section 189, section 191, section 192, section 194, section 196 and section 189 may, either before or after the institution of the prosecution, be compounded by officers as shown in the column (3) of Schedule I within the area specified in column (2) of that Schedule at the rates specified in respect of the offences punishable under the section mentioned in column 1 of Schedule II appended below.

SCHEDULE I

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Area</th>
<th>Category of Offices empowered to compound</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Gangtok Town Areas</td>
<td>(a) Officers not below the rank of Registering/Licensing Authority and Regional Transport Officers in the Motor Vehicles Department.</td>
</tr>
<tr>
<td>2.</td>
<td>In Districts</td>
<td>(b) Officers not below the rank of Regional Transport Officers of the Districts.</td>
</tr>
<tr>
<td>3.</td>
<td>For the whole state</td>
<td>(c) Any officer of and above the rank of Deputy Secretary in the Motor Vehicles Department.</td>
</tr>
</tbody>
</table>
## SCHEDULE II

<table>
<thead>
<tr>
<th>Sections</th>
<th>Amount of Fine</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1st Offence</td>
</tr>
<tr>
<td>2</td>
<td>Rs.</td>
</tr>
<tr>
<td>177</td>
<td>50.00</td>
</tr>
<tr>
<td>(a) For all categories of Motor Vehicles except Stage Carriage Buses and Mini Buses</td>
<td></td>
</tr>
<tr>
<td>(b) For Stage Carriage buses and Mini-Buses.</td>
<td></td>
</tr>
<tr>
<td>Offences committed under Sub-Section (8) (II) and (13) of section 41 read with section</td>
<td></td>
</tr>
<tr>
<td>177</td>
<td>25.00</td>
</tr>
<tr>
<td>178(1)</td>
<td>50.00</td>
</tr>
<tr>
<td>3(a)</td>
<td>25.00</td>
</tr>
<tr>
<td>3(b)</td>
<td>50.00</td>
</tr>
<tr>
<td>179 (1)</td>
<td>100.00</td>
</tr>
<tr>
<td>179 (2)</td>
<td>200.00</td>
</tr>
<tr>
<td>180</td>
<td>200.00</td>
</tr>
<tr>
<td>181</td>
<td>200.00</td>
</tr>
<tr>
<td>182 (1)</td>
<td>200.00</td>
</tr>
<tr>
<td>182 (2)</td>
<td>50.00</td>
</tr>
<tr>
<td>(a) For motor cab upto rickshaw</td>
<td></td>
</tr>
<tr>
<td>(b) For stage carriage buses and mini buses</td>
<td></td>
</tr>
<tr>
<td>(c) For Contract Carriage buses goods carriers</td>
<td></td>
</tr>
<tr>
<td>(d) For private cars Omnibuses, Jeeps and other</td>
<td></td>
</tr>
<tr>
<td>183 (1)</td>
<td>50.00</td>
</tr>
<tr>
<td>183 (2)</td>
<td>100.00</td>
</tr>
<tr>
<td>(a) For Private cab autorickshaw</td>
<td></td>
</tr>
<tr>
<td>(b) For Stage carriage, buses and mini buses</td>
<td></td>
</tr>
<tr>
<td>(c) For Contract Carriage buses goods carriages</td>
<td></td>
</tr>
<tr>
<td>(d) For Private Cars Omnibuses, Jeeps &amp; others</td>
<td></td>
</tr>
<tr>
<td>184 (a) For motor cab authorickshaw</td>
<td></td>
</tr>
<tr>
<td>(b) For Stage Carriage buses and mini buses</td>
<td></td>
</tr>
<tr>
<td>(c) For Stage carriage buses, goods carriages</td>
<td></td>
</tr>
<tr>
<td>(d) For Contract Carriage buses, Jeeps &amp; others</td>
<td></td>
</tr>
<tr>
<td>186</td>
<td>100.00</td>
</tr>
<tr>
<td>189</td>
<td>200.00</td>
</tr>
<tr>
<td>191</td>
<td>200.00</td>
</tr>
<tr>
<td>(Only in respect of offences other than failure to obtain new registration mark under Section 47 and failure to renew the certificate of registration as required under sub-section (8) and (11) of section 41)</td>
<td></td>
</tr>
<tr>
<td>(a) For motor cab, autorickshaw</td>
<td></td>
</tr>
<tr>
<td>(b) For Stage Carriage buses &amp; Mini buses</td>
<td></td>
</tr>
<tr>
<td>(c) For contract carriage buses, goods carriage</td>
<td></td>
</tr>
<tr>
<td>(d) For private cars, Omnibuses, Jeeps and others</td>
<td></td>
</tr>
<tr>
<td>192</td>
<td>750.00</td>
</tr>
<tr>
<td>150.00</td>
<td>300.00</td>
</tr>
</tbody>
</table>
Within 1st
3.months

Within six
months but more
than 3 months

More than 6
months

Within 6
months

Failure to obtain new registration mark
under section 47 failure to renew registra-
tion under sub-section 8 and 11 of section 41.

<table>
<thead>
<tr>
<th>1st Offence</th>
<th>1st Offence</th>
<th>1st Offence</th>
<th>2nd Offence</th>
<th>3rd Offence</th>
</tr>
</thead>
<tbody>
<tr>
<td>150.00</td>
<td>300.00</td>
<td>500.00</td>
<td>1000.00</td>
<td></td>
</tr>
</tbody>
</table>

Vehicle exceeding permissible weights

<table>
<thead>
<tr>
<th>Weight Range</th>
<th>Rs. P</th>
<th>Rs. P</th>
<th>Rs. P</th>
<th>Rs. P</th>
</tr>
</thead>
<tbody>
<tr>
<td>upto 500 Kgs</td>
<td>50.00</td>
<td>100.00</td>
<td>200.00</td>
<td>300.00</td>
</tr>
<tr>
<td>510 to 2000 Kgs</td>
<td>300.00</td>
<td>500.00</td>
<td>750.00</td>
<td>1000.00</td>
</tr>
<tr>
<td>2001 to 4000 Kgs</td>
<td>600.00</td>
<td>1000.00</td>
<td>1500.00</td>
<td>2000.00</td>
</tr>
<tr>
<td>4001 to 6000 Kgs</td>
<td>900.00</td>
<td>1500.00</td>
<td>2225.00</td>
<td>3000.00</td>
</tr>
<tr>
<td>6001 and above Kgs</td>
<td>1500.00</td>
<td>2000.00</td>
<td>2750.00</td>
<td>4000.00</td>
</tr>
<tr>
<td>194(2)</td>
<td>500.00</td>
<td>1000.00</td>
<td>1500.00</td>
<td>2000.00</td>
</tr>
<tr>
<td>196</td>
<td>250.00</td>
<td>500.00</td>
<td>750.00</td>
<td>750.00</td>
</tr>
<tr>
<td>198</td>
<td>25.00</td>
<td>50.00</td>
<td>75.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Provided that the registering authority shall, in genuine cases, where the failure to obtain new registration mark under section 47 of failure to renew registration under sub-section (8) and (11) of section 41 is due to bona fide and compelling reason, may on grounds to be recorded in writing, compound the offence committed under section 77 and 192 of the Act on payment of a token amount of one rupee only.

2. Every case of composition of offence shall be entered in the certificate of registration Driving Licence of the driver and permit, if any of the concerned vehicle by the officer compounding such offences. Such entry should clearly indicate if the offence compounded is a first or any subsequent offence. In addition a register shall be maintained in the proforma prescribed in Schedule III containing all relevant particular about composition of such offences of the District Magistrate and Superintendent of Police in the District. Similar registers will also be maintained in the offices of registering/Licensing authority, Regional Transport Officers and the Deputy Secretary, Motor Vehicles Department.

SCHEDULE-III

<table>
<thead>
<tr>
<th>Date</th>
<th>Nature of offence with specific sections compounded</th>
<th>Registration No. of the vehicle &amp; name of the owner</th>
<th>Name of the driver and his D.L. No</th>
<th>Details of permit issuing Authority etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>If it is a 1st/subsequent offence ; Amount of composi- compounding Officer -</td>
<td>Name and signature of the</td>
<td>If the amount has been ralis-</td>
<td>If not reference of court case sent etc.</td>
</tr>
<tr>
<td></td>
<td>tion money/ ordered</td>
<td></td>
<td>d :</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>7</td>
<td>8</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. This Notification shall come effect from the date of the publication.

R.S. Basnet
Secretary,
Motor Vehicles Department
Government of Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GAGTOK.
No. 23/Home/95         Dated: 18th April, 1995

NOTIFICATION

Whereas it is necessary to make certain discretionary grants for spending Government fund towards noble and benevolent causes by the Advisor to the Government of Sikkim.

WHEREAS it is necessary to regulate such expenditure by framing certain rules.

NOW, THEREOF, in exercise of the powers conferred by article 166 (3) of the Constitution read with the Sikkim Government Rules of Business, the Government of Sikkim hereby makes the following rules, namely:-

1. (1) These rules may be called the Advisor to the Government of Sikkim Grants (Regulation of Expenditure) Rules, 1995.

   (ii) These rules shall be deemed to have come into force from 1st day of April, 1995.

2. In the rules, unless the context otherwise requires:-

   (a) “Fund” means the fund placed by Government at the disposal of Advisor to the Government of Sikkim sanctioning grant; and

   (b) “Grant” means the discretionary grant made by any Advisor to the Government of Sikkim.

3. The grant out of the fund shall be sanctioned by the Advisor to the Government of Sikkim.

4. (1) The Advisor to the Government of Sikkim may:-

   (a) sanction a grant/donation in cash/kind towards noble and benevolent causes to any person of Institution/Association, within or outside the State of Sikkim.

   (b) make grant/presentation in his official capacity both within and outside the State.

   (c) sanction expenditure for entertainment of official guests.

   (2) No grant of a recurring nature of subscription of a purely private character shall be made out of the fund.

5. Submission of vouchers/cash memos shall as far as possible be produced for the expenditure bearing the payee’s receipts for receipts for purpose of reimbursement.

6. The expenditure shall be subject to audit by Accountant General, Sikkim.

HOME SECRETARY
GOVERNMENT OF SIKKIM

File No. 2 (2) HOME/95
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

NOTIFICATION

The Human Rights Cell constituted vide Notification No. 54 (77) Home/93/50 dated 23rd November, 1993 is hereby reconstituted, with immediate effect, as follows :-

I. Chairman, Law Commission,
   (2) Home Secretary,
   (3) Law Secretary,
   (4) Director General of Police.

II. Joint Secretary, Home Department will function as Secretary to the Cell.

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

K.A. VARADAN
Chief Secretary
(F. No. 54 (77) HOME/93 )

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.


NOTIFICATION

The following Act of the Parliament having received the assent of the President on 13th April, 1993 and published in the Gazette of India Extraordinary, Part II Section I dated the 13th April, 1993 is hereby republished for general information :-

THE PASSPORT (AMENDMENT) ACT, 1993.
(ACT NO. 35  OF 1993)

AN ACT
further to amend the Passport Act, 1967.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows :-

1. (1) This Act may be called the Passport (Amendment) Act, 1993. 
2. It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

15 of 1967.
2. In section 5 of the Passport Act, 1967 (hereinafter referred to as the principal Act), in sub-section (1), for the words “a fee of rupees fifty” the following words shall be substituted, namely :- “such fee as may be prescribed to meet the expenses incurred on special security paper, printing lamination and other connected miscellaneous services in issuing passport and other travel document”

3. For section 8 of the principal Act, the following section shall be substituted, namely :-

Extension of period of Passport. “8. Where a passport is issued for a shorter period than the prescribed period under section 7, such shorter period shall, unless the passport authority for reasons to be recorded in writing otherwise determines, be extendable for a further period (Which together with the shorter period shall not exceed the prescribed period) and the provisions of this Act shall apply to such extension as they apply to the issue thereof.”

4. In section 10 of the principal Act, in sub-section (3), after clause (b), the following proviso shall be inserted, namely :-
“Provided that if the holder of such passport obtains another passport, the passport authority shall also impound or cause to be impounded or revoke such other passport.”

Amendment of section 11.

5. In section 11 of the principal Act, in sub-section (4), for the words and brackets “by such fee (if any) not exceeding rupees twenty-five as may be prescribed” the words “by such fee as may be prescribed for meeting the expenses that may be incurred in calling for relevant records and for connected service” shall be substituted.

Amendment of section 12.

6. In section 12 of the principal Act,-

(a) in sub-section (1), for the words “six months or with fine which may extend to two thousand rupees”, the words “two years or with fine which may extend to five thousand rupees” shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:-

“(1A) Whoever, not being a citizen of India,-

(a) makes an application for a passport or obtains a passport by suppressing information about his nationality, or

(b) holds a forged passport or any travels document, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to five years and fine which shall not be less than ten thousand rupees but which may extend to fifty thousand rupees”;

(c) in sub-section (2), for the word, brackets and figure “sub-section (1)”, the words, brackets, figures and letter “sub-section (1) or sub-section (1A)” shall be substituted.

Amendment of section 13 and 14.

7. In section 13, in sub-section (1) and in section 14, in sub-section (1) of the principal Act, for the words “officer of police”, the words “officer of police or emigration officer” shall be substituted.

8. Section 18 and 26 of the principal Act shall be omitted. Omission of section 18 and 26.

7 of 1022, 31 of 1983.

9. In section 23 of the principal Act, for the words and figures ‘the Emigration Act, 1992”, the words and figures “the Emigration Act, 1993” shall be substituted.

10. In section 24 of the principal Act, in sub-section (2), in clauses (f), for words “any application for the issue or renewal of a passport”, the words, figures and brackets “any application for the issue of a passport under sub-section (1) of section 5 or issue of a passport” shall be substituted.

SHANKER DAYAL SHARMA
President

K.L. MOHANPURIA
Secretary to the Govt. of India

B.R. PRADHAN
Secretary to the Govt. of Sikkim Law Department.

F. N. 11 (256) LD/1981-94

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
The Governor of Sikkim is pleased to revise the Traffic Rates for consumption of electricity as per the Tariff Schedule annexed hereto. The revised Schedule of Rates shall come into force from 1st April, 1995 provided that the bill for the month of April, 1995 and thereafter, irrespective of dates of Meter reading prior to and after 1st April 1995 shall deemed to be the energy consumed on and after 1st April, 1995.

The rates of charge, conditions of supply and other matters specified in the schedule annexed hereto shall replace the existing rates of charges and corresponding provision in the existing schedule and in the existing agreement, if any, with the Power Department, Government of Sikkim with effect from 1st April 1995.

This supersedes all the earlier Notifications.

L.P. TEWARI
Secretary to the Government of Sikkim
Power Department
Gangtok.
I. DOMESTIC SUPPLY (DS):

(a) Type of consumer:

Power supply to single private houses, residential flats and Government residential accommodations for Light, fans, domestic pumping sets, household appliances used for domestic purpose. This schedule can also be made applicable to the charitable organisations after verifying the geniuses of their non-commercial aspect by the concerned Divisional office.

(b) Nature of Service:

Low Tension AC 400/230 Volts 2/3 phase/single phase, 50 cycles/sec (Hz).

(c) RATE (Tariff):

<table>
<thead>
<tr>
<th>KWH (Unit) per month</th>
<th>Paise per KWH (Unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Consumption upto 50 units</td>
<td>70 Paise per Unit</td>
</tr>
<tr>
<td>(ii) Consumption exceeding 50 Units but within 100 Units</td>
<td>100 Paise per Unit</td>
</tr>
<tr>
<td>(iii) Consumption exceeding 100 Units</td>
<td>125 Paise per Units</td>
</tr>
</tbody>
</table>

(d) Monthly minimum charge:

(i) Rs. 10.00 per month for single phase supply.
(ii) Rs. 30.00 per month for Three phase supply.

(e) Important condition of supply:

(i) Where supply to the consumer has been given without meter or where the meter fixed is found defective for any reason, the consumption in units shall be computed in the manner indicated below:

Monthly Units = Connected Load (KW) x 30 (days) x 6 (hrs).

(KWH)

(ii) If electricity supplied in domestic premises is used for non-domestic and commercial purpose, the entire supply shall be charged under commercial supply.

(f) MONTHLY REBATE: 5 Paise per unit paid within the specified due date.

(g) ANNUAL SURCHARGE: 10% of the gross arrear outstanding every March end of the previous year.

II. COMMERCIAL SUPPLY (CS):

(a) Type of consumers:

Supply of energy for light, fan, heating and power appliances in commercial and non-domestic establishment such as shops, business houses, hotels, Hostel, restaurants, petrol pumps, service stations, garages, auditoriums, cinemas, hospitals, nursing homes, dispensaries, doctors’ clinic which are used for private gains, educational institutions, telephone exchanges, nurseries, showrooms, X-ray plants, Libraries, banks, video parlors, saloons, beauty parlors, health clubs or any house of profit including the private buildings partly or wholly let out for tenancy or any commercial purposes.

(b) Nature of supply:

Low Tension AC, 400/230 Volts/2/3 phase/single Phase, 50 Hz.

(c) RATE (Tariff):

| Consumption upto 100 Units | 150 Paise per unit. |
| In excess of 100 Units | 170 Paise per unit. |
(d) Monthly minimum charge:

(i) Single phase supply: Rs. 30.00 / Month
(ii) Three phase supply: Rs. 150.00/Month

(e) Important Conditions or supply:

(i) Same as I. (e) above.

(f) MONTHLY REBATE: 5 Paise per unit if paid within the date.

(g) ANNUAL SURCHARGE: 10% of the gross outstanding every March end of the previous year.

III. LT INDUSTRIAL SUPPLY (STIS):

(a) Type of consumer:

Power supply to the Industries like Rural Industrial load, Agricultural load and any other units of such kind having small connected loads.

Low Tension AC, 400/230 Volts, 3 Phase/Single Phase, 5 Hz

(b) RATE (Tariff)

(i) Upto 1000 Units: 125 Paise per unit.
(ii) 1001 to 2000 Units: 150 Paise per unit.
(iii) 2001 to above: 200 Paise per unit.

(d) Monthly Minimum Charge:

(i) Connected load or Contract Demand

   upto 25 KVA: Rs. 20 per KVA/ month.

(ii) Connected load or Contract Demand

   exceeding 25 KVA: Rs. 30 per KVA/ month.

(e) Important Conditions of Supply:

(i) Same as I. (e) (i) above.

(f) MONTHLY REBATE: 5 Paise per unit if paid within due date.

(g) ANNUAL SURCHARGE: 15% of the gross arrear outstanding every March end of the previous year.

IV. HIGH TENSION INDUSTRIAL SUPPLY (THIS):

(a) Type of Consumer:

All types of industrial load having specified contract demand at single point at 11 KV or 66 KV, 3 Phase.

(b) Nature of supply

High Tension A.C. 11 KV or 66 KV, 3 Phase. 50 Cycles/s (Hz).

(c) RATE (Tariff):

(i) Upto 100 KVA Contract Demand:

   Demand Charge: Rs. 60 per KVA per month.

   Plus

   Energy Charge: 90 Paise per KWH (Unit).
(ii) Above 100 KVA but less than 250 KVA:
Demand Charge : Rs. 70 per month.
Plus Energy Charge : 100 Paise per KWH (Unit).

(iii) In excess of 250 KVA:
Plus Energy Charge : 100 paise per KWH (Unit).

Monthly demand charges shall be based on the contract demand or the connected load as assessed by the Department.

(d) Monthly Minimum Charge : Demand Charge.
(e) MONTHLY REBATE : 5% of the gross amount if paid within the due date.
(f) ANNUAL SURCHARGE : 15% of the gross arrear outstanding every March end of the previous year.

V. BUILD SUPPLY (BS):
(Non-Industrial Supply)

(a) Type of consumer:
Available for general or mixed loads exceeding 25 KVA to M.E.S. and other Military establishment, Boarder Roads, SAP, Central PWD, Institutions, Hospitals, Departmental Colonies, AIR installations, Acrodromes and other similar establishment where further distribution to various residential and non-residential buildings is to be borne by the consumer.

(b) Nature of service:
Low Tension 400/230 volts or 11 KV and 66 KV, 50 Hz.

(c) RATE (Tariff):
All consumptions : 150 Paise per unit.

(d) Monthly minimum charges:
(i) For LT Supply (400/230 Volts):
   Rs. 500 per KVA of the connected load.
(ii) For HT Supply (11 KV or 66 KV):
   40.00 per KVA of the connected load.

(e) MONTHLY REBATE : 5 Paise per Unit if paid within the due date.
(f) ANNUAL SURCHARGE : 15% of the gross arrear outstanding every March end of the previous year.

VI. SUPPLY TO THE PLACES OF WORSHIP (SPW):

(a) Type of consumer:
Supply of powers to Gumpas, Manilakhangs, Tsamkhangs, Mandirs, Churches and Mosques as identified by the State Ecclesiastical Department of Sikkim.

(b) Nature of Service:
Low Tension 400/230 Volts, 2/3 Phase/Single Phase, 50Hz.

(c) RATE (Tariff):
Places of worship having:
(i) Upto 3 light point : Free of cost for consumption upto 100 Units
(ii) In excess of 100 Units : As applicable to Domestic supply category.
(ii) 4 to 6 light points : Free of cost for consumption upto 150 Units.
    In excess of 150 Units : As applicable to Domestic supply category.
(iii) 7 to 12 light points : Free of cost for consumption upto 300 Units.
    In excess of 300 units : As applicable to Domestic supply category.
(iv) 13 and more light points : Free of cost consumption upto 500 Units.
    In excess of 500 Units : As applicable to Domestic category.

VII. SUPPLY TO ARMY PENSIONERS & BLINDS :

Provided to the head of households who are old pensioners or their surviving windows based on the list provided by Sikkim Rajya Sainik Board and heads of the households who are blind based on the list provided by the Sikkim branch of National Association for Blind.

(a) RATE (Tariff) :

    Consumptions upto 100 Units : Free of cost.
    In excess of 100 Units : As applicable to Domestic Supply category.

VIII. TEMPORARY SUPPLY :

(a) Type of Consumer :

    Available for temporary purposes and for the period not exceeding two months in the first instance but can be extended for the further period not exceeding one month on each occasion. Duration of such extension cases lie entirely at the discretion of the power Department.

(b) Nature of Service :

    Low Tension AC 400/230 Volts, 2/3/ Single phase, 50 Hz. or HT whichever is applicable and possible at the discretion of the Department.

(c) RATE (Tariff) :

    Tariff under schedule DS/CS/LTS/HTIS for corresponding permanent supply PLUS 25% additional charge on the total bill.

IX. SCHEDULE FOR MISCELLANEOUS CHARGES :

(1) SERVICE CONNECTION :

    Upon receipt of written requisition from any intending consumer, the Department will serve estimate or quotation based on its prevailing schedule of costs, which will include the cost of services, security deposit and stamps for execution of Agreement. The entire service connection charge, as applicable, shall be deposited by the consumer in advance.

(2) METER RENT :

    Energy Meters & Maximum Demand Indicator etc./month :

        (i) Single Phase : Rs. 10.00
        (ii) Three Phase : Rs. 30.00
        (iii) Maximum Demand Indicator : Rs. 100.00
        (iv) Time Switch : Rs. 50.00

(3) TESTING OF METERS :

        (i) Energy Meters : Rs. 50.00
        (ii) Other Metering Instruments : Rs. 150.00

(4) DISCONNECTION AND RECONNECTION :

        (i) DS and CS category : Rs. 50.00
        (ii) LTIS, HTIS & Bulk Category : Rs. 150.00
(5) REPLACEMENT OF METERS:

(i) Unless otherwise demanded by the Department, replacement of meters or shifting the position of meter boards etc. can be entertained exclusively on the specific request of the consumers against a payment of Rs. 100.00 for one time which does not include the cost of required materials and labour.

(6) REPLACEMENT OF FUSES:

Services for replacement of fuses in the main cut-outs are available against the following payments.

(i) Low Tension:
- Single phase: Rs. 5.00
- Three phase: Rs. 10.00

(ii) High Tension: Rs. 25.00

(7) RESEALING OF METERS:

If by any reason the seal affixed in the Meter or cut-outs installed and secured by the Department are found tampered with, the Department reserves the right to impose penalty as applicable under the Electricity (Supply) Act 1948. In addition, the consumer is liable for meter testing and changing charges as applicable as per the above schedule IX-3/5. However, in the absence of any sign or premonition of such malpractice, the consumer is liable for payment of resealing charge @ Rs. 20.00 per call of such services.
NOTIFICATION

The following Act of the Sikkim Legislative Assembly having the assent of the Governor on the 13th day of April, 1995 is hereby published for general information: -

THE SIKKIM MUNICIPALITIES ACT, 1995
(ACT NO. 6 OF 1995)

AN ACT
to provide for the Constitution of Municipalities to function as institutions of Self Government in Urban areas, which include transitional areas, that is to say, an area in transition from a rural area to Urban area, in Sikkim, in accordance with the provisions of part IX-A of the Constitution as inserted by the Constitution (Seventy-fourth Amendment) Act, 1992 and for matters connected therewith and incidental thereto.

BE it enacted by the legislative of Sikkim in the Forty-sixth Year of the Republic of India as follows: -

CHAPTER-I
PRELIMINARY

1. (1) This Act may be called the Sikkim Municipalities Act, 1995.
(2) It extends to the whole of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas and for different provision of this Act.

2. In this Act, unless the context otherwise requires,-
   (i) “building” means a house, hut, shed or other roofed structure, for whatsoever purpose and of whatsoever purpose and of whatsoever material constructed, and every part thereof, but does not include a tent or other merely temporary shelter including any kind of temporary shed erected on ceremonial or festive occasions;
   (ii) “carriage” means any wheeled vehicle with springs or other appliances acting as spring of a kind ordinarily used for conveyance of human beings and includes jin-rickshaws, cycle-
rickshaws, bicycles and tricycles but does not include any motor vehicle as defined in the Motor Vehicles Act, 1988;

(iii) “cart” means any cart, hackney, or whelmed vehicle with or without springs, which is not a carriage as defined in clause (ii);
(iv) “Chairperson” means the Chairperson of a Municipality;
(v) “compound” means land, whether enclosed or not appurtenant to a building or the common appurtenant of several building;
(vi) “conservancy” means removal and disposal of sewage, offensive matter and rubbish;
(vii) “constitution” means the Constitution of India;
(viii) “District Magistrate” or District Collector” means the District Magistrate or the District Collector having jurisdiction over the district and includes Additional District Magistrate or Additional District Collector;
(ix) “drain” means a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, pollution water, rain water or sub-soil water;
(x) “Executive Officer” means the Executive Officer appointed under section 30;
(xi) “food”, notwithstanding anything contained in the Prevention of Food Adulteration Act, 1954, includes every article used for food or drink by man other than drugs or water and any article which ordinarily enters into or used in the composition or preparation of human food, and also includes confectionary, flavouring and coloring matter, spices and condiments;
(xii) “holding” means land held under a title or agreement and surrounded by one set of boundaries:
Provided that where two or more adjoining holdings form part and parcel of the site or premises of a dwelling house, manufactory, warehouse or place of trade or business, such holdings shall be deemed to be one holding for the purpose of this Act;
Explanation I:- Holding separated by a road or other means of communication shall be deemed to be adjoining within the meaning of this proviso;
Explanation II:- Any plot of land having clear boundaries and lying entirely vacant, it fit for building purposes or if yielding any income shall, when not pertaining to agricultural purposes, be regarded as a “holding”;
(xiii) “house” means any hut, shop, warehouse, workshop, a masonry or framed building;
(xiv) “hut” means any building, which is constructed principally of wood, bamboo, mud, leaves, grass or thatch and includes any temporary structure of whatever size, or any small building of whatever material made;
(xv) “inhabitant” used with reference to a local area means any person ordinarily residing or carrying on business or owning or occupying immovable property therein;
(xvi) “land” include benefits arising out of land, houses and things attached to the earth, or permanently fastened to anything attached to the earth and also land covered by water;
(xvii) “Magistrate” means-
(a) in the case of Municipality in a sub-division, the Sub-Divisional Magistrate;
(b) in other cases, the District Magistrate;
(xviii) “market” means any place where persons assemble for the sale of articles intended for food or drink of a livestock or other merchandise;
(xix) “Municipality” means a notification constituted under section 6;
(xx) “notification” means a notification published in the Official Gazette;
(xxi) “nuisance” includes any act or illegal place or things which causes or is likely to causes injury, obstruction, danger, annoyance or offence to the senses of sight, smelling or hearing or which is or may be dangerous to life or injurious to health or property or people in general;
(xxii) “occupier” means the person for the time being in actual occupation of, or paying or liable to pay to the owner, the rent or any portion of the rent of the land or building in respect of which the word is used, and includes a person occupying a holding or part of a holding rent free and an owner living in his own house;
(xxiii) “offensive matter” includes animal carcasses, dung, dirt or putrid or putrefying substances and fifth of any kind;
(xxiv) “platform” means any structure which is placed on, or covers, or projects over, any
3. (1) The Governor may, by notification –
(a) declare any local area to be a Municipal area; or
(b) include any local area in the Municipal area; or
(c) exclude any local area from a Municipal area; or
(d) withdraw the whole area comprising any Municipality from being a Municipal area from such date to be specified in such notification.

(2) Every notification under sub-section (1) shall clearly define the local limits of the area to be included or, as the case may be, excluded from a Municipal area.

4. When a local area in included in a Municipal area under clause (b) of sub-section (1) of section 3, all the provision of this Act and rules and bye-laws made, orders, notifications and directions issued, thereunder shall apply to such area from the date of such notification.

5. (1) When a local area is excluded from a Municipal area under clause (c) of sub-sections (1) of section 3 by a notification under sub-section (2) of section 3,
(a) the provisions of this Act, all rules and bye-laws which may be made, orders, directions and notices which may be issued and all powers conferred under this Act, shall cease to apply
area of a Municipality.

(b) the State Government shall frame a scheme determining what portion of the balance of the Municipal fund and other property vested in the Municipality shall on such exclusion vest

(i) when such area is included within the limits of any other local authority in such authority, and

(ii) in any other case, in the State Government and in what manner the liability of the Municipality shall be apportioned between the Municipality and any such local authority or the State Government, as the case may be, and on the publication of such scheme in the Official Gazette, such property and liability shall vest in and be apportioned accordingly;

Provided that before framing of any such scheme, the State Government shall consult the Municipality and where the area is included within the limits of any local authority, such authority also.

(2) Notwithstanding anything contained in sub-section (1), all moneys due to the Municipality, immediately before the date of such exclusion, on account of tax, toll, fee, rate or otherwise may, in respect of the area so excluded, be recovered by the Municipality as if such area has not been excluded.

(3) when the whole area comprising any Municipality is withdrawn under clause (a) of sub-section (1) of section 3 by notification under sub-section (2) of section 3, the balance of Municipal fund and all other property at the time of notification vested in the Municipality shall vest the State Government and the liabilities of the Municipality shall be transferred to the State Government.

Constitution of Municipalities.

6. (1) The State Government shall, as soon as may be after, but not after than ninety days from, the date of declaration of a local area as a Municipal area, constitute in every such area a Municipality (by whatever name called) in accordance with the provisions of Part IX A of the Constitution and this Act.

(2) For the purpose of sub-section (1), each Municipal area shall be divided into wards in such manner as the State Government may, by notification, determine;

Provided that the numbers of the member to be elected in each ward shall, as far as practicable, be in the same proportion to the total number of persons to be elected for the Municipality as its population of such ward bears to the total population of the Municipal area.

(3) Every Municipality constituted under sub-section (1) shall be a body corporate by its name, having perpetual succession and a common seal with powers to acquire, hold and dispose of property and to contract and shall, by that name, sue and be sued:

Provided that in the case of acquisition or disposal of immovable property, the Municipality shall obtain previous approval of the State Government.

Composition of Municipality.

7. A Municipality shall, subject to the provisions of sub-section (5), (6) and (7) consist of the following member, namely:-

(a) directly elected members not less than three and not more than nine, as the State Government may, by general order in regard to the allocation of number of seats to different wards having regard to the varying extent of population therein, determine;

(b) the member of both the Houses of Parliament and the members of the Legislative Assembly of the State representing the constituency which comprise wholly or partly the Municipal area;

(c) one member having special knowledge or experience in Municipal administration be nominated by the State Government.

(2) The members to be elected directly under clause (a) of sub-section (1) shall be chosen by direct election from the territorial constituencies in the Municipal area through secret ballot by person whose names are included in the electoral roll of the Sikkim Legislative Assembly for the time being in force pertaining to the territorial constituencies comprised in the Municipal area.

(3) Election to the Municipality shall be held in such manner as may be prescribed.

(4) The term of office of the members of Municipality shall subject to the provisions
section 8, be co-terminus with the term of the Municipality.

(5) The State Government shall, by notification, reserve seats for the Schedule Castes and the Schedule Tribes in every Municipality and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Municipality as the population of the Schedule Castes in the Municipal area or of the Schedule Tribes in the Municipal area bears to the total population of that area and such seats may be allotted by rotation to different wards in a Municipality in the manner as may be specified in such notification.

(6) Not less than one-third of the total numbers of seats reserved under sub-section (5) shall be reserved for women belonging to the Schedule Castes, or as the case may be, the Schedule tribes.

(7) Not less than one-third (including the number of seats reserved for women belonging to the Schedule Castes and the Schedules Tribes) of the total number of seats to be filled by direct election in every Municipality shall be reserved for women and such seats may be allotted by rotation to different wards in a Municipality in the manner as may be specified in the Notification issued under sub-section (5).

8. (1) Every Municipality, unless sooner dissolved under any law for the time being in force shall continue for five years from the date appointed for its first meeting and no longer:

Provided that a Municipality shall be given a reasonable opportunity of being heard before its dissolution.

(2) An election to constitute a Municipality shall be completed-

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved Municipality would have continued is less than six months, it shall not be necessary to hold any election under this section for constituting a Municipality for such period.

(3) A Municipality constituted upon the dissolution of a Municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved Municipality would have continued under sub-section (1) had it not been so dissolved.

9. A person shall be disqualified for being chosen as, and for being, a member of a Municipality-

(a) if he is so disqualified by or under any law for the time being in force for the purpose of election to the Legislative Assembly of Sikkim:

Provided that no person shall be disqualified on the ground that he is less than twenty five years of age, if he has attained the age of twenty one years; or

(b) if he is a member of a Gram Panchayat or Zilla Panchayat elected under the Sikkim Panchayat Act, 1993; or

(c) if he holds any office of profit under any local authority or a Co-operative Society or a Government company or a Corporation owned or controlled by the Central or the State Government; or

(d) has been dismissed from the service of a State Government of a Central Government or a local authority or a Co-operative Society or a Government Company or a Corporation owned or controlled by the Central or a State Government for misconduct; or

(e) if he is of unsound mind and stands so declared by a competent court; or

(f) if he is undischarged insolvent; or

(g) if he is suffering from a variety of leprosy which is infectious; or

(h) if he is convicted of an election offences; or

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

(j) if he has not paid any arrear of tax or rate of fee payable to the Municipality or a Gram 6 of 1993 Panchayat or a Zilla Panchayat constituted under the Sikkim Panchayat Act, 1993 or the State Government:

Provided that the disqualification under this clause shall cease upon payment of the rate or tax or fee; or
(k) if he has directly or indirectly by himself or by his partner or employer or an employee hold any share or interest in any contract with, by or on behalf of the Municipality:

Provided that a person shall not be deemed to have incurred disqualification by reason of his having a share or interest in any public company or reiterated Co-operative Society which has a contract with or is employed by a Municipality.

CHAPER-III

ELECTION OF CHAIRPERSON, VICE-CHAIRPERSON AND CONDUCT OF BUSINESS

10. (1) Every Municipality shall, at its first meeting at which the quorum is present, elect in such manner as may be prescribed, one of its members to be Chairman and another as Vice-Chairman in the case of Municipal Council and Sabhapati and Up-Sabhapati in the case of Nagar Panchayat, (hereinafter referred to as the Chairperson or as the case may be, the Vice-Chairperson respectively):

Provided that the members referred to in clause (b) and (c) of subsection (1) of section 7 shall not be eligible for such election:

Provided further that the member referred to in clause (c) of sub-section (1) of section 7 shall not have the right to vote in the meeting of the municipality.

(2) There shall be reserved from among the member representing the seats reserved under sub – section (5), (6) and (7) such number of offices of the Chairperson and the vice-Chairperson in the municipalities for them which shall be proportionate to the total population of each category of person and such offices shall be allotted by rotation from municipality to Municipality and for different duration.

Explanation- in this Sub-section, “duration” means the period of five years from which a Municipality is constituted.

11. Every election of nomination of member and election of Chairperson and vice-Chairperson of the Municipality shall be published by the State Government in the Official Gazette and such persons shall enter upon their respective offices from the date of such publication.

12. The Secretary shall, as soon as may be, but not later than thirty days from the date of announcement of the result of the election, convene the first meeting of the Municipality in which the members shall before taking their seats make and subscribed before the Secretary an oath or affirmation in the form set out in the Schedule appended to this Act.

13.(1) There shall be held at least one meeting of the Municipality for transaction of its business in every three months at the office of the Municipality or at such other places within the local limits of the Municipality convened and at such date and time as the Chairperson may fix.

(2) The chairperson or in his absence, the Vice-Chairperson may, whenever he thinks fit in the public interest and shall on a written requisition of not less than one half of the total number of members, call a special meeting within a period of ten days from the date of receipt of the requisition.

(3) Two-third of the total numbers of members of the Municipality shall from a quorum for a meeting of the Municipality:

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

(4) The chairperson or in his absence, the Vice-Chairperson, shall prescribed at the meeting of the Municipality and in the absence of both, the members present shall elect one member from amongst themselves to preside at the meeting.

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

provided that in case of equality of votes, the person presiding shall have a second and
casting vote.

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

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

14. No subject once finally disposed of by the Municipality shall be reconsideration by it within six months unless the recorded consent of not less than one half of members has been obtained thereof.

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

Provided that non-receipt of a notice by a members shall not vitiate the proceeding of a meeting:

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

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

16. The Chair-person shall-

(a) regulate the meeting of the Municipality;
(b) be responsible for the maintenance of record and registers of the Municipality;
(c) exercise supervision and control over the act done and action taken by the members of the Municipality and such officers and such other employees whose services may be placed at the disposal of the Municipality by the State Government:
(d) operate jointly with the Executive Officer of the Municipality the fund of the Municipality, including the authorisation of payments and refunds:
(e) cause to issue receipt under his signature or signature or the Executive Officer for sums of money received by him for and on behalf of the Municipality:
(f) cause preparation of all statements and reports required by or under this Act;
(g) exercise such other powers, perform such other function and discharge such other duties as the Municipality may, by general or special resolution, direct or as the State Government may, by order, specify:

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

17. The Vice-Chairperson shall-

(a) in the absence of the Chairperson, preside over and regulate the meeting of the Municipality;
(b) exercise such of the powers, perform such of the function and discharge such of the duties of the Chairperson from time to time, delegated to him by order in writing:

Provided that the Chairperson may at any time withdraw all or any of the powers, functions and duties so delegated to the Vice-Chairperson:

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

Right of individual members.

18. At a meeting of a Municipality, a member may move any resolution and put questions to the Chairperson or the Vice-Chairperson, as the case may be, on matters connected with the administration of Municipality or execution or urban works or scheme entrusted to or undertaken by such Municipality.

Resignation of Chairperson or Vice-Chairperson or a member.

19. (1) A Chairperson or a Vice-Chairperson or member of a Municipality may resign his office by notifying in writing his intention to do so to the State Government and on such resignation being accepted the Chairperson or the Vice-Chairperson or the members shall vacate his office and such vacancy shall be deemed to have occurred in such office:

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

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

Removal of Chairperson and Vice-Chairperson.

20. A Chairperson or a Vice-Chairperson may, at any time, be removed from office by resolution of the Municipality passed by the majority of the members of the Municipality present and voting at a meeting specially convened for the purpose, Notice of such meeting shall be given to the prescribed authority:

Provided that any such meeting while passing any resolution for the removal of-

(i) the Chairperson from his office is under consideration; or

(ii) the Vice-Chairperson from his office is under consideration, he shall not, thought he is present, preside at such meeting and the provisions of sub-section (4) of section 13 shall apply in relation to every such meeting as they apply in relation to a meeting from which the Chairperson or, as the case may be, the Vice-Chairperson is absent.

Filling up of casual vacancy in the office of Chairperson or Vice-Chairperson.

21. In the event of removal of a Chairperson or a Vice-Chairperson under section 20 or when a vacancy occurs in the office of the Chairperson or Vice-Chairperson by resignation, death or otherwise, the Municipality shall elect another Chairperson or Vice-Chairperson, as the case may be. The person so elected shall take office forthwith and shall hold office for the unexpired term of office of his predecessor.

Removal of member of Municipality.

22. (1) The Secretary may, after giving an opportunity to a member of a Municipality other than a member of a Municipality other than a member specified under clause (b) of sub-section (1) of section 7 to show cause against the action proposed to be taken against him, by order remove him from office if-

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

(b) he was disqualified to be a member of the Municipality at the time of his election, or

(c) he incurs any of the disqualifications specified in section 9 after his election as member of the Municipality; or

(d) he is absent from three consecutive meeting of the Municipality without the leave of the Municipality provided he is not an ex-officio member of the Municipality under clause (b) of sub-section (1) of section 7.

(2) Any member of a Municipality who is removed from his office by the Secretary under sub-section (1) may, within thirty days from the date of the order, appeal to the State Government who may stay the operation of the order till the disposal of the appeal and may, after giving notice
of the appeal to the Secretary and after giving the appellant an opportunity of being heard, modify set aside or confirm the order.

Explanation - For the purpose of this sub-section, the term ‘Secretary’ will mean only the Secretary.

(3) The order passed by the State Government on such appeal shall be final.

(4) If a member of a Municipality referred to in clause (b) of sub-section (1) of section 7 ceases to be the member of the Parliament or as the case may be, member of the Legislative Assembly of the State, he shall cease to be the member of the Municipality and the newly elected person shall become the member of the Municipality.

23. (1) If the office of a member of a Municipality becomes vacant by reason of his death, resignation, removal or otherwise, such vacancy shall be filled in by election of another person under this Act. The person so elected shall take office forthwith and shall hold such office for the unexpired term of office of his predecessor;

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

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

24. (1) The minutes of the preceding of each meeting of a Municipality shall be recorded in a book in such form and kept for the purpose in such manner as may be prescribed and shall be signed by the person who presided over the meeting.

(2) The minutes of the meetings of a Municipality shall, at all reasonable times and without charge, be open to inspection of the tax-payers.

(3) A copy of the minutes of the proceeding of all the meeting of the Municipality shall forthwith be forwarded to the State Government by the Chairperson.

25. No resolution of a Municipality shall be modified or cancelled except by a resolution supported by not less than two-thirds of the total number or members and passed at a meeting whereof notices shall be given setting forth fully the proposed resolution to modify or cancel at such meeting and the motion or proposition for modification or cancellation or such resolution.

26. (1) Every Chairperson, Vice-Chairperson, officer or servant of a Municipality, including a Government servant whose services are lent to the Municipality, shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the Municipality, if such loss, waste or misapplication is a direct consequence of any illegal act, omission, neglect or misconduct on his part, and a suit for compensation may be instituted against him in any court of competent jurisdiction by the Municipality.

(2) Every such suit shall be instituted within one year after the date on which cause of action arose.

27. No members of a Municipality shall have, without the written permission of the State Government, directly or indirectly, any share or interest in any contract, lease, sale or purchase of land or any agreement for the same of any kind whatsoever to which the Municipality is a party, or shall hold any office of profit under it, and if any member shall have such share or interest or shall hold such office he shall thereby become disqualified to continue in office as member:

Provided that a member shall not be so disqualified or liable by reason-

(a) of having a share or interest in-

(i) a contract entered into between the Municipality and any incorporated or registered company or any registered Co-operative Society of which such member is a member or share-
holders; or
(ii) any agreement for the loan of money; or
(iii) any newspaper in which any advertisement relating to the affairs of the Municipality is inserted; or
(b) of his being professionally engaged on behalf of the Municipality as a legal or medical practitioner and receiving a fee for service rendered in his professional capacity.

28. (1) Subject to the provision of section 26-
(a) any member who, knowingly acquires, directly or indirectly, any share or interest in any contract or employment with, under, by, or on behalf of a Municipality of which he is a member, and
(b) any Municipal officer or employee who, knowingly acquires, directly or indirectly, any share or interest in any contract or, except in so far as concerns his own employment as Municipal Officer or in any employment with, under, by or on behalf of a Municipality of which he is an officer or employee, shall be punishable with fine which may extend to five thousand rupees.

29. No member of a Municipality shall vote or take part in the discussion of any question at a meeting of the Municipality if the question is one in which he has any direct or indirect pecuniary interest other than an interest as a member of the public.

CHAPTER-IV
MINICIPAL ESTABLISHMENT

30. (1) There shall be an Executive Officer in every Municipality to be appointed by the State Government, by order, who shall function as the Secretary to the Municipality and all other officers and employees of the Municipality shall be subordinate to him;

Provided that the State Government may, by order, depute an officer or the State Government to function as the Executive Officer of a Municipality for such period and under such terms and conditions as may be specified in such order;

Provided further that same officer may be appointed or deputed to function as Executive Officer of two or more Municipalities.

(2) A Municipality may, with the approval of the state Government, appoint such officers and employees to assist the Executive Officer, as it may deem necessary for performing the functions entrusted to it under this Act:

Provided that the State Government may on the request of the Municipality concerned by order, depute such officer or employees to work under the Municipality under such terms and condition and for such period as may be specified in such order.

(3) The Executive Officer, and other officers and employees appointed under sub-section (1) and (2) shall be paid such salary and other allowances as the Municipality, with the approval of the State Government, may determine by special resolution passed in behalf.

31. The Executive Officer shall –
(a) subject to the general control of the Chairperson, watch over the financial and executive administration of the Municipality and perform all duties and exercise all the powers imposed or conferred upon him by, or delegated to him under this Act and rules and bye-laws framed thereunder; and
(b) give effect to the decision taken by the Municipality and submit periodical reports regarding the progress made in respect thereof to the State Government.

32. (1) A Municipality may require the State Government to keep at its disposal, the services of a Health Officer, a Revenue Officer and an Engineer for the purpose of efficient discharge of...
Officer, revenue Officer and Engineer. its duties and functions under this Act.

Expenses to be borne out of Municipal.

33. All expenses incurred for payment of salaries and allowances to the officers and employees if the Municipality and also all other costs or establishment shall be paid and defrayed out of the Municipal fund.

Disciplinary action against employee of the Municipality condition of their service, etc.

34. (1) An employee of a Municipality who is aggrieved by an order of the Chairperson in a disciplinary proceeding against him shall have right of appeal to the Municipality within thirty days from the date of service of such order on him.

(2) An employee who is aggrieved by an order of the Municipality may prefer an appeal to the State Government against such an order within sixty days from the date of service of such order:

Provided that no appeal against an order other than an order for removal or dismissal shall lie to the State Government.

35. The manner of appointment, other condition of service of the employees, powers and functions of other officers and employees, and disciplinary actions to be taken against the Executive Officers, other officers and employees of the Municipalities shall be such as may be prescribed.

CHAPTE-V

MUNICIPAL PROPERTY, FINANCE AND CONTRACTS

Municipal property and vesting thereof.

36. (1) Subject to any reservation that may be made by the State Government, all property within the Municipality and of the nature hereinafter specified in this section other than private property or property maintained by any Government or other local authority shall vest in the Municipality and shall, with all other property of whatever nature or kind which may become vested in the Municipality, be under its direction, management and control, namely –

(a) all public roads including the soil, the pavements, stones and other materials thereof, and all drains, bridges, trees, erection materials, implements and other thing provided for such roads;

(b) all public streams, channels, watercourses, springs, tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps and other water works, whether made, laid or created at the cost of the Municipality or otherwise and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto and also any adjacent land, not being private property, appertaining to any public tank;

Provided that water-pipes and water-works connected therewith or appertaining thereto which with the consent of the Municipality are laid or set up in any street by the owners of any mill, factory, workshop or the like, primarily for the use of their employees shall not be deemed to be public water-works by reason of their use by the public;

(c) all public sewers and drains, and all works, materials and things appertaining thereto and other conservancy works;

(d) all sewage, rubbish and offensive matter collected by the Municipality from roads, latrines, sewers, cess-pools and other places;

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto and all public gates, markets, slaughter houses and public building of every description which have constructed or are maintained out of the Municipal fund; and

(f) all lands or other property transferred to the Municipality by the Government or description by the Municipality by gift, purchase or otherwise for local public purposes.

(2) The State Government may, by notification, direct that any property which has vested in the Municipality shall cease to be so vested, and thereupon the property specified in the notification shall cease to be so vested and the State Government may pass such orders as it may deem fit regarding the disposal and management of such property.
12

(3) The State Government may resume any immovable property transferred to the Municipality by itself or any other local authority for a public purpose on payment of the amount paid by the Municipality for such transfer and the market value at the date of resumption of any building or works subsequently erected or executed thereon by the Municipality:

Provided that compensation need not be paid for building or works constructed or erected in contravention of the terms of the transfer.

Transfer of Municipal property.

37. Notwithstanding anything contained in section 6, no Municipality shall transfer any immovable property except in pursuance of a resolution passed at a meeting thereof by a majority of not less than two-third of its members and except when it is not required for local public purposes:

provided that in the case of property which has been transferred to it by the State Government, the transfer under this section shall be subject to the previous sanction of the State Government:

Provided further that nothing in this section shall apply to leases of immovable property for a term not exceeding two years in total.

Executive of contracts.

38. (1) A Municipality may enter into and perform any contact necessary for the purpose of this Act.

(2) Every contract made by or on behalf of a Municipality in respect of any such exceeding ten thousand rupees, or which shall involve, a value exceeding ten thousand rupees, shall be sanctioned by the Municipality at a meeting and shall be in writing, and shall be signed by the Chairperson or the Vice-Chairperson and the Executive Officer and shall be sealed with the common seal of the Municipality.

Transfer of private roads, etc. to Municipality.

39. The Municipality at a meeting may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain vests, to take over the property therein or the control thereof and after such agreement may declared by notice in writing affixed thereon or rear thereto that such road, bridge, tank, ghat, well, channel or drain has been transferred to the Municipality. Thereupon, the property therein or the control thereof, as the case may be, shall vest in the Municipality and such road, bridge, tank, ghat, well, channel or drain shall henceforth be repaired and materials out of the Municipal Fund.

Acquisition of land.

40. When any land, whether within the limits of a Municipality is required by the Municipality for public purposes, the State Government may, at the request of the Municipality proceed to Central acquire it under the provisions of the Land Acquisition Act, 1894 and on payment by the Act I of Municipality of the compensation awarded under that Act, and of any other charge incurred in acquiring the land, the land shall vest in the Municipality.

Formation and custody of Municipal fund.

41. (1) There shall be formed for each Municipality a fund to be called the “Municipality Fund” and it shall be held by the Municipality for the purposes of this Act in the manner hereinafter appearing.

(2) The Municipal Fund shall vest in the Municipality.

Credit of moneys to the Municipal Fund.

42. (1) There shall be credited to the Municipal Fund –

(a) All sums received as grants-in-aid from the consolidated fund of the State;

(b) all sums received by or on behalf of the Municipality under the provisions of the this Act or of any other law for the time being in force or under any contract;

(c) the balance, if any standing at the commencement of this Act;

(d) all proceeds of the disposal of property by or on behalf of the Municipality;

(e) all rents accruing from any property of the Municipality;

(f) all moneys raised by any tax levied for the purpose of this Act;

(g) all fees payable and levied under this Act;

(h) all moneys realised by the Municipality by way of compensation or for compounding offences under the provisions of this Act;

(i) all moneys received by or on behalf of the Municipality from private individuals by way
of grants, contribution, gift or deposits; and

(j) all interest and profits arising form any investment of, or from any transaction in connection with any belonging to the Municipality.

(2) The State Government shall, at the beginning of each financial year, keep at the disposal of each Municipality, such sums from its consolidated fund as may be recommended by the State Finance Commission.

43. (1) A Municipality may, with the previous sanction of the State Government and subject to such conditions as may be prescribed by the State Government or from any financial institution, borrow any sum of money required for constricting any work of a permanent nature which it is required or empowered to undertake under the provisions of this Act.

(2) Nothing contained in sub-section (1) or the rules made thereunder shall apply to grants or loans of money made or advanced to a Municipality by any department, office of authority of the State Government or by any local authority or by any other institution towards, and for the purpose of the implementation, achievement and accomplishment of community development schemes and a Municipality may accept any such grant or loan which shall be regulated and governed by the terms on which, and the conditions subject to which the same is made or advanced.

44. (1) All property vested in a Municipality under this Act, all funds received by it in accordance with the provisions of this Act and all accruing to under the provisions of any municipal law for the time being in force shall, subject to the provisions of this Act, be applied for the purposes of this Act within the limits of the Municipality.

(2) Notwithstanding anything contained in sub-section (1), it shall be lawful for a Municipality:

(a) to incur expenditure beyond the Municipal limits on the acquisition of land, or on the construction, maintenance or repair of work, for the purpose of obtaining a supply of water required for the inhabitants of the Municipality or on establishing slaughter houses or places for the disposal of night-soil or sewage or carcasses of animals or for drainage works, or for the purpose of providing mechanically propelled facilities for the conveyance of the public or for the purpose of setting up of dairies or farms for the supply, distribution and procuring of milk or milk products for the benefit of the inhabitants of the Municipality or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the Municipality; or

(b) to make a contribution towards expenditure incurred by any other local authority out of any public fund for measure affecting the health, safety or convenience of the public calculated to benefit the residents within the limits of the contributing Municipality; or

(c) to create scholarship tenable outside the limits of Municipality; or

(d) to utilise the Municipal-fire-brigade and other mechanical appliance beyond the Municipal limits; or

(e) to make with the previous sanction of the State Government any other kind of contribution as may be deemed necessary by the Municipality:

Provided that nothing in this section or in any other provisions of this Act shall be deemed to make it unlawful for a Municipality when it has constructed works beyond the limits of the Municipality for the supply of water or electrical energy or for drainage as aforesaid –

(a) to supply or extend or for the benefit of any person or building or lands in any place whether such place is or is not within the limits of the said Municipality, any quantity of water or electrical energy not required for the purpose of this Act within the said Municipality or the advantage afforded by the system of drainage works, on such terms and conditions with regard to payment and to the continuance of such supply or advantages as shall be setting by agreement between the Municipality and such person or the occupier or owner of such building or land; or

(b) to incur any expenditure on such terms with regard to payment as may be settled as aforesaid for the construction, maintenance, repair or charge of any connection pipe or any electric supply lines or other works necessary for the purpose of such supply or for the extension of such supply or for the extension of such advantages.
45. (1) A Municipality, at a meeting specially convened for the purpose at least two months before the close of the financial year, shall prepare in such form and manner, as may be prescribed, a budget showing inter-alia the probable receipt and expenditure during the ensuing year after such revision as may appear necessary, it shall pass the budget and such budget shall be submitted to the State Government for approval. If this approval is not intimated within one month, it shall be taken that the budget is passed.

(2) The Municipality may, from time to time, revise any estimates of expenditure with a view to providing for any modification which it may deem fit or advisable to make in the appropriation of the amount at its disposal, and such revised budget shall be passed in the manner specified in sub-section (1).

(3) When the budget has been passed, the Municipality shall not incur any expenditure under any of the heads of the budget in excess of the amount sanctioned under that head without making a provision for such excess by a revision of the budget in the manner specified in sub-section (2).

46. Every Municipality shall maintain proper record of all receipts and expenditure of the Municipality in such manner and in such forms and register as may be prescribed.

47. Every Municipality shall, as soon as the account of the previous year is finally passed by it, transmit to the State Government as account in such form as may be prescribed.

48. (1) Every Municipality shall, as soon as may be after the 1st day of April in each year, cause to be prepared a detailed report of the Municipal administration of the town during the previous year, together with a statement showing the account of the receipts and disbursements, respectively credited and debited to the Municipal Fund during the previous year, and the balance at the credit of the said Fund at the close of the year.

(2) The Executive Officer of the Municipality shall place the said report and statement before the meeting of the Municipality for consideration and forward a copy thereof to the State Government.

49. (1) The Executive Officer shall prepare monthly abstract of the receipt and expenditure of the month last preceding and place such abstract before the meeting of the Municipality for consideration and approval.

(2) For the purpose of the meeting shall have access to all the Municipal accounts and to all records and correspondence relating thereto and the Executive Officer shall forthwith furnish before the meeting any explanation concerning receipts and disbursement which it may call for.

50. An officer not below the rank of the Chief Account Officer of the Sikkim State Finance and Account Service appointed by the State Government shall audit the accounts of the Municipality as soon as may be after the end of each financial year.

51. The Executive Officer of every Municipality shall produce or cause to be produced to the auditor all such accounts of the fund of the Municipality concerned as may be required by the auditor.

52. For the purpose of an audit under this Act an auditor may -

(a) require in writing the production before him of any document or the supply of any information which he considers to be necessary for the proper conduct of the audit.

(b) require in writing the personal appearance before him of any person accountable for or having the custody or control of, any such document, or having directly or indirectly, whether by himself or his partner, any share or interest in any contract made with, by or on behalf of, the members of the Municipality concerned;

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

53. Any person who neglects or refuses to comply with the requisition made by the auditor under section 52 within such time as may be specified, shall, on conviction by a court, be punishable with a fine which may extend to two hundred rupees in respect of each item included in the requisition.

Audit Report.

54. (1) Within two months from the date on which an audit under this Act is completed, the auditor shall prepare report and send a copy of the report to the Chairperson of the Municipality and to the State Government.

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

(a) the grants-in-aid received by the Municipality and the expenditure incurred therefrom
(b) any material impropriety or irregularity which he observe in the expenditure or in the recovery of money due to the Municipality or in the account of the Municipal Fund;
(c) any loss or wastage of money or other property owned by or vested in the Municipality.

Action on audit report.

55. (1) Within two months from the date of receipt of the report referred to in section 54, the Municipality concerned shall, at a meeting, remove or cause to be removed any defect or irregularity pointed out in the report and shall, also inform the auditor of the action taken by it. The Municipality concerned shall give reasons or explanations if any defect or irregularity is not removed.

(2) If, within the period referred to in sub-section (1), no information is received by the auditor from the Municipality concerned or the reasons or explanation given by it for not removing any defect or irregularity pointed out in the report is not considered sufficient by the auditor, the auditor shall, if he has not already exercised or does not propose to exercise the powers conferred upon him by section 56, refer the matter to the State Government within such time and in such manner as the State Government may fix.

(3) On receipt of the report under sub-section (2), it shall be competent for the State Government to pass such orders thereon as it may think fit. The orders of the State Government shall, save as provided in section 56 and 57, be final and the Municipality concerned shall take action in accordance with such orders.

(4) If the Municipality concerned fails to comply with the order within the period specified therein, the State Government may empower any officer of the State Government to carry out the order.

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

Power of auditor to surcharge, etc.

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

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

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

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

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

Appeal.

57. (1) Any person from whom any sum has been certified by the auditor to be due under section 56 may, within thirty days of the receipt by him of the certificate, appeal to the State Government to set aside or modify the disallowance, surcharge or charge and any certificate in respect of which the certificate was made and the State Government may pass thereon such orders as it thinks fit, and such orders shall be final.

Payment of certified sums.

58 (1) The sum certified by the auditor to be due from any person under section 56 or when an appeal is made under sub-section (1) of section 57, such sum as may be ordered by the State Government to be due from such person shall, within two months of the date of certification, or order, as the case may be, be paid by such person to the Municipality concerned which shall credit the sum to the fund of the concerned Municipality.

(2) Any sum not paid in accordance with the provisions of sub-section (1) shall be recoverable as public demand under the provisions of the Sikkim Public Demand Recovery Act, 1 to 1988 if the Municipality passed a resolution to that effect and communicates it to Certificate Officer appointed under the said Act.

(3) The Certificate Officer on receipt of such communication under sub-section (2) and on being satisfied with the demand shall proceed to recover it as soon as may be and the sum so recovered by him shall be sent to the Municipality concerned and the same shall be credited to the fund of the concerned Municipality.

Certain costs and expenses payable out of fund.

59. (1) All expenses incurred by the Municipality concerned in complying with any requisition of the auditor under section 52 and in prosecuting an offender under section 53 shall be paid from the fund of the Municipality concerned.

(2) All expenses incurred by the Certificate Officers in connection with the proceeding for recovery of any sum under sub-section (3) of section 58 from a person, if not recovered from the person, shall be paid from the fund of the Municipality concerned.

CHAPTER-VI
MUNICIPAL TAXATION

Taxes which may be imposed.

60. (1) Subject to the provisions of the Chapter and with the previous approval of the State Government, a Municipality may, from time to time, impose in the whole or in any part of a Municipality any of the following taxes, fees and tolls for the purpose of this Act, namely:

(a) a tax on holding situated within the Municipality assessed on that annual value payable by the owner of the building or land or both;

(b) a tax on all or any of the vehicles, other than those imposed under the Sikkim Motor Vehicles Taxation Act, 1982 or animals used for riding, driving or burden and used within the limits of the Municipality whether they are actually kept within or outside the said limits;

(c) an octroi on good brought within the limits of the Municipality for safe, consumption or use within such limits;

(d) a latrine-tax, payable by the owner or occupiers for collection, removal and disposal
of excrementation of offensive matter from latrines, privies, urinal, cesspools or compounds by the municipal agency;

(e) a lighting-tax, where the lighting arrangement is made by the Municipality;

(f) a drainage-tax, where a system of drainage has been introduced by the Municipality;

(g) a tax on deeds of transfer of immovable property situated within the limits of the Municipality;

(h) a tax on advertisement made within the limits of the Municipality other than non-commercial undertaking advertisement published by the newspapers;

(i) a water-tax where water is supplied by the Municipality;

(j) market fees on persons exposing goods for sale in any market or in any place belonging to or under the control of the State Government or of the Municipality;

(k) a betterment charge on properties the value of which may be increased as a result of town planning scheme implement by the Municipality;

(l) a tax on theatres, theatrical performance and other shown for public amusement;

(m) a duty on the transfer of property;

(n) a tax on profession, trades and callings;

(o) a tax on dogs kept within the Municipal area;

(p) a toll on vehicles and animals entering the Municipality area but not liable to taxation under clauses (b);

(q) a tax on pilgrims resorting periodically to a shrine within the limits of the Municipality;

(r) a tax on passangers and goods carried by road;

(s) any other tax, toll, rate, charge or fee.

(2) All taxes, rates, fees, tolls, duties or charge leviable under sub-section (1) shall be leviable at such rates and in such manner as may be prescribed.

(3) With the previous sanction of the State Government a Municipality may, from time to time, charge a fee in respect of the issue and the renewal of any licence which may be granted by the Municipality under this Act and in respect of which no fees is leviable under sub-section (1).

(4) Nothing in this section shall authorise the imposition of any tax, fee, toll, charge or rate which the State Legislative has no power to impose in the State under the Constitution of India.

Taxes on Government holdings.

61. Notwithstanding any provision to the contrary, all Municipal taxes including service charge except under clause (a) of sub-section (1) of section 60 in respect of Government holdings shall be payable to the Municipality by the Government Department which is in control and management of holdings.

Restriction regarding Municipal- ity to determine valuation of holding.

62. The State Government shall have the power to exempt by an order published in the Official Gazette any class of building or holding from levyng any tax under this Act.

63. when it has been decided to impose any tax on the annual value of holding, the assessor after making such inquiries as may be necessary, shall determine the valuation of all holdings within the Municipality as hereinafter provided, and shall enter the same in the list called the valuation list, which shall be in the prescribed from:

Provided that valuation other than general valuation may be made by the Municipality through such person as may be authorised by the Municipality in this behalf.

Returns required for ascer- taining annual value.

64. The assessor, in order to prepare the valuation list may, whenever he thinks fit by notice, required the owners or occupiers of all holding to furnish him, within fifteen days form the date of receipt of notice with returns of the rent or annual value thereof and a description of the holdings in such detail as the Municipality may direct, and the assessor, at any time between sunrise and sunset, may enter, inspect and measure any such holdings:

Provided that at least forty-eight hours’ previous notice of the intention to enter, inspect and measure any holding shall be given to the owner or occupier thereof, unless he waives his right to such notice.
Penalty for default in furnishing return and for obstruction of assessor.

65. (1) Whoever refuses or fails to furnish any such return within the period stipulated in section 64, or knowingly furnishes a false or incorrect return or description, shall be punishable with a fine not exceeding fifty rupees, and with further fine not exceeding ten rupees for each day during which he omits to furnish a true and correct return.

(2) Whoever obstructs, hinders or prevents the assessors appointed by the Municipality from entering or inspecting or measuring any such holdings shall be punishable with a fine not exceeding two hundred rupees.

Detention of annual value of holding.

66. Annual value means —

(a) in the case of hotel, colleges, schools, hospitals, and other such buildings, a proportion not exceeding five per centum, to be of the sum fixed by the rule made in this behalf obtained by adding the estimated value of the land appurtenant thereto; and

(b) in the case of a building or land not falling within the provision of clause (a), the gross annual rent for which such building, exclusive of furniture or machinery therein or such land is actually let, or where the building or land is not let or in the opinion of the Municipality is let for a sum less than its fair letting value, might reasonably be expected to_REDACTED_ from year to year;

Provided that where the annual value of any building would, by reason of exceptional circumstances, in the opinion of the Municipality be excessive if calculated in the aforesaid manner, or may fix the annual value at any less amount which appears to it suitable;

Provided further that the rules framed in this behalf shall be subject to the prior approval of the State Government.

Determination of rate of tax on holding.

67. The mode or procedure and the rate of levy of tax on the land holdings will be such as may be prescribed in this behalf.

Preparation of assessment register.

68. As soon as possible after the percentage at which the tax is to be levied shall have been determined under the preceding section, the Municipality shall cause to be prepared an assessment register which shall contain the following particulars, and any other matters which the Municipality may think proper to include—

(a) number of the holding on the register with the name of the road, if any, in which the holding is situated;

(b) annual value of the holding (as stated in the valuation list);

(c) names of owner and occupiers;

(d) amount of tax payable for the financial year;

(e) amount to taxes payable separately under clauses (a), (b), (e) or (i) of sub-section (1) of section 61;

(f) amount of quarterly instalments; and

(g) if the holding is exempted from assessment, a note to that effect.

Power to assess consolidated tax for building and land on which it stands.

69. (1) If any building belongs to one owner and the land on which it stands and any adjacent land which is usually occupied therewith belongs to another, the Municipality may value such building and land together, and may impose thereon one consolidated tax.

(2) The total amount of the tax shall be payable by the owner of the building who shall there after be entitled to deduct from the rent which he pays for the land such proportion of the tax so paid by him as is equal to the proportion which such rent bears to the annual value of the holding.

(3) In case of disputes, the Municipality shall determine what amount the owner of the building and of the land shall pay respectively.

Reduction of valuation, revision of valuation and assessment and revision of valuation.

70. (1) The Municipality may, at any time direct an alteration in, or amendment of, the assessment register—

(a) by entering therein the name of any person or any property which in its opinion ought to have been entered, or any property which has become liable to taxation after the preparation of the assessment register, or

(b) by substituting therein with effect from the date of succession of transfer, as the
List and assessment register. case may be, for the name of the owner of any holding, the name of any other person who has 
succeeded by transfer or otherwise, to the ownership of the holding; or 
(c) by altering the valuation of or assessment on any holding which in its opinion has 
been incorrectly valued or assessed; or 
(d) by re-valuing, or re-assessing any holding the value or which has been increased 
by additions or alterations to buildings; or 
(e) by reducing, upon the application of the owner, the valuation of any holding which 
has been wholly or partly demolished or destroyed, or the value of which has dismissed form 
any causes beyond the control of the owner; or 
(f) by correction any clerical or arithmetical error. 
(2) The Municipality shall give at least one month’s notice to any person interested in 
any alteration which the Municipality proposes to make under clauses (a), (b), (c) or (d) of sub-
section (1) and of the date on which the alteration will be made.

Notice be gives to Municipal-ity for transfer of title of persons liable to payment of tax. 71. (1) Whenever the title to any holding is transferred, both the transferor and the 
transferee shall, for the purpose of clause (b) of sub-section (1) of section 70 within three months 
after the execution of the instrument of transfer, or if no such instrument is executed, within three 
months after the transfer is effected, give notice in writing of such transfer to the Municipality. 
(2) In the event of the death of the person in whom such title vests, the person to whom 
as heir or otherwise the title of the deceased is transferred by descent or device shall, within one 
year from the death of the deceased, give notice of such succession to the Municipality. 
(3) Every person liable for the payment of taxes on any holding, who transfers his title 
to or over such property, without giving notice of such transfer to the Municipality as aforesaid 
shall, unless the Municipality on the ground of hardship arising out of special circumstances 
otherwise directs, continue to be liable for the payment of all such taxes from time to time payable 
respect of the said property until he gives such notice, or until the transfer shall have been 
recorded in the Municipal books.

Revision of valuation list. 72. (1) A new valuation list shall, unless otherwise ordered by the State Government, be 
prepared in the same manner as the original list, once in every five years.

(2) Subject to any alteration or amendment made under section 70 and to the result of any 
application made under section 71, every valuation list or the assessment register shall be valid 
from the date on which the list or register takes effect in the Municipality.

Appointment of assessor and Power of State Government to direct the appointment of assessor. 73. (1) The Municipality, for the purpose of general valuation may, with the concurrence of the 
State Government, appointment an assessor who is neither an employee nor a member of the 
Municipality on such pay and with such establishment as it may determine.

(2) Notwithstanding anything contained in section 72, if at any time it appears to the State 
Government that the valuation in any Municipality is insufficient, excessive or inequitable, the 
State Government may, by an order in writing, require the Municipality to revise the valuation or 
to show cause against revision with a specified time, and if the Municipality fails to comply with 
the order or in the opinion of the State Government the cause shown is inadequate, the State 
Government by an order in writing, require the Municipality to appoint with the approval of the 
State Government an assessor for the Municipality within a time and for a period to be specified 
in the order. The order shall fix the pay of the assessor and the cost of his establishment and 
the pay and cost shall be paid monthly by the Municipality.

Revision of assessment register. 74. Whenever the valuation list is revision or altered wholly or in part or a new percentage is fixed 
under section 71, the assessment register also shall be revised and all consequential changes 
made therein.
75. The first assessment register prepared for any Municipality under the Act and any revision thereof or alteration therein made under the foregoing section shall, subject to the provisions of section 70 and 80, take effect from the beginning of the quarter following the publication of the notice mentioned in section 78.

76. (1) The taxes mentioned in clause (a), (b) and (c) of sub-section (1) of section 60 shall not be assessed or levied on any building or holding which is used exclusively as a place of public worship, or on any holding which is dully registered as a public burial or burning ground under this Act.

(2) The Municipality may exempt from assessment to the mentioned in clause (1) of sub-section (1) of section 60 at a meeting on any holding used for the purposes of a public charity.

(3) The Municipality may reduce the amount payable on account of any of the taxes mentioned in clause (a), (d) (e) and (i) of sub-section (1) of section 60 or remit the same on the ground of excessive hardship to the person liable to pay the same;

Provided that such reduction or remission shall not, unless renewed by the Municipality, have effect for more than one financial year.

77. An assessor appointed by the Municipality under section 73 shall exercise all such powers of valuation as may be vested in him Municipality as may be prescribed.

78. When the valuation list mentioned section 63 and the assessment register mentioned in section 68 shall have been prepared or reviled, the Chairperson shall sign the same and shall causes them to be deposited in the office of the Municipality and shall cause a notice to be published in such form and manner as may be prescribed.

(2) In all cases in which any property is for the first time assessed or the assessment is increased, the Executive Officer shall also give notice thereof to the owner or occupier of the property.

79. (1) Any person who is dissatisfied with the amount assessed upon him or with the valuation or assessment of any holding or who dispute his occupation of any holding or his liability to be exempt him from the assessment of tax;

valuation or to exempt him from the assessment of tax:

Provided that no application shall be entertained unless the applicant has paid all arrest of dues to the Municipality accrued up-to the date of such application of any holding or his has been enhanced by the valuation or assessment against which the review application has been filed.

(2) When an assessor has been appointed under section 73, notice of every such application shall be given by the Municipality to the assessor.

80. (1) Every application presented under section 79 shall be heard and determined by a committee consisting of not more than five members.

(2) The Chairperson or the Vice-Chairperson shall be one of the members of such Committee ex-officio and the other members shall be appointed from among the members by the Municipality:

Provided that no members so appointed shall take part in hearing or determining any application from the ward in which he resides, or in the case of an elected member, the ward which he represent, but nothing in this proviso shall prevent any such member form giving evidence with regard to the matters under enquiry.

(3) No such application shall be heard or determined by the Committee unless at least three members including the Chairperson or the Vice-Chairperson are present.

(4) The Committee shall give notice to the applicant of the time and place at which application will be hear and after taking such evidence and making such enquiries as may be deemed necessary in the presence of the objector or his agent, if he appears, the Committee shall pass such orders as it may deem fit in respect of such application.

(5) If the Committee orders that any valuation to which the application relater shall be
reduced, brief reasons for such reduction shall be recorded.

(6) The decision of the Committee or of a majority of the members thereof in respect of any application referred to in this section shall be final.

81. Unless good cause shall be shown to the satisfaction of the aforesaid committee for extending the time allowed, and save as is otherwise expressly provided in this Act, no such application shall be received after the expiry of one month from the date of the publication of the notice required by section 78 relating to the list or register containing the assessment in respect of which the application is made, or after the expiry of fifteen days from the date of service of the first notice of demand for payment at the rate respect of which the application is made, whichever period shall last expire:

Provided that the Municipality has served a notice under section 78 on any person, no such application shall be received from him after expiry of fifteen days from the date of such service.

82. No objection shall be taken to any assessment or valuation in any other manner except as provided in this Act.

83. No assessment to tax on property and no charge or demand of any tax made under authority of this Act shall be invalid for error or defect in form, and it shall be enough in any valuation or assessment for the purpose if the property so valued or assessed is so described as to be generally known and it shall not be necessary to name the owner or occupier thereof.

CHAPTER – VII

FUNCTIONS OF MUNICIPALITIES

84. Every Municipality shall perform the following function within its respective jurisdiction, namely-

(a) Urban planning including town planning.
(b) Regulation of land-use and construction of buildings.
(c) Planning for economic and social development.
(d) Roads and bridges.
(e) Water supply for domestic, industrial and commercial purposes.
(f) Public health, sanitation, conservancy and solid waste management.
(g) Fire services.
(h) Urban forestry, protection of the environment and promotion of ecological aspects.
(i) Safeguarding the interest of weaker section of society, including the handicapped and mentally retarded.
(j) Slum improvement and upgradation.
(k) Urban poverty alleviation.
(l) Provision of urban amenities and facilities such as parks, gardens, playgrounds.
(m) Promotion of cultural, educational and aesthetic aspects.
(n) Burials and burial grounds, cremations, cremation grounds and electric crematoria.
(o) Cattle ponds, prevention of cruelty to animals.
(p) Vital statistics including registration of births and deaths.
(q) Public amenities including street lighting, parking lots, bus stops and public conveniences.
(r) Regulation of slaughter houses and tanneries.
CHAPTER VIII

RECOVERY OF MUNICIPAL CLAIMS

Recovery from occupier of tax due from non-resident owner.

85. If any tax payable under this Act by the owner of any holding remain unpaid after the notice of demand has been duly served, and if such owner is not resident within the Municipality, or the place of abode of such owner is unknown, the tax may be recovered from the occupier for the time being of such holding, who may deduct, from the next and following payment of the rent the amount of which may be so paid by or recovered from him:

Provided that if any such holding is occupied by more than one person, the sum to be recovered from any one of such persons shall be proportionate to the value of the part of the holding in the respective occupation of such person.

Recovery from owner of occupier’s tax in certain cases.

86. If any holding is occupied by more than one tenant holding severally, it shall be lawful for the Municipality to recover from the owner of such holding any taxes payable this Act by the occupier of the holding.

Recovery by owner of occupier’s tax paid by owner.

87. Whenever any tax shall be recovered from any owner of any holding under the provision of the preceding section, it shall be lawful for such owner if there shall be but one occupying tenant of such entire holding, to recover from such tenant the entire amount of the tax which shall have been so paid by such owner, and, if there shall be one occupying tenant of a part of such holding or more than one occupying tenant of such holding, then to recover from each tenant such sum as shall bear to the entire amount of tax which may have been so recovered from such owner at the same proportion as the value of such holding in the occupation of such tenant bears to the entire value of such holding, subject, however, to the provisions of section 92.

Method of recovery by owner.

88. Every owner who, under the provisions of the preceding section, may be entitled to recover any sum from any occupying tenant of any holding or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights, and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such holding as may be in the occupation of such tenant.

Rents, tolls and fees in respect of markets.

89. (1) A Municipality may use its own land or building, or purchase, take on lease or otherwise acquire any land or building for the purpose of establishing Municipal markets or improving any existing Municipality market.

(2) A Municipality may levy rents, tolls and fees at such rates as it may think proper for the right to expose goods for sale in a Municipality market and for use of shops and stalls standing therein and may also regulate such rates in respect of private markets or places used or declared by such Municipality as a market place by a public notice in the locally.

(3) A Municipality may grant a lease under this section for a period not exceeding three years for the collection of rent, tolls and fees in Municipal markets at the rates fixed by the Municipality under sub-section (2).

(4) A lease of a Municipal market appointed under sub-section (3) may refuse to allow any person to expose goods for sale in the market or to use shops and stalls standing by the until the proper rent, tolls and fees have been paid.

(5) Whenever, having rendered himself liable to the payment of rents, tolls or fees, refuses to pay the same shall be punishable with fine which may extend to one hundred rupees.

(6) When resistance is offered to any person authorised to collect rents, tolls or fees, any police officer shall, for that purpose, have the same powers as he has in the exercise of his ordinary police duties.

Recovery of taxes as arrears of public de-

90. (1) Where any sum is due on account of a tax, other than octroi or toll or any similar tax payable upon immediate demand from a person to a Municipality, the Municipality may, without prejudice to any other mode of recovery in this Act, apply to the Certificate Officer to recover such sum together with costs of proceeding incurred in that behalf in accordance with

(2) The Certificate Officer, on being satisfied that the sum mentioned in the application under sub-section (1) is due, shall proceed to recover it as soon as may be thereafter, as public demand.

**Power to sell unclaimed holdings for money due.**

91. (1) If money be due under this Act in respect of any holding from the owner thereof on account of any tax, expenses or charges recoverable under this Act, if the owner of such holding or his whereabouts are unknown or the ownership thereof is disputed, or when the owner lives outside the Municipality and has failed to pay inspite of service of demand notice twice, the Municipality may publish twice, at an interval of three months, a notification of sale of such holding and after the expiry of not less than three months from the date of the last publication, unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall, at the time of sale, deposit forthwith twenty-five percent of the purchase money and the balance shall be paid within fifteen days of the date of sale, in default of the money, if any, so deposited shall be forfeited and the holding shall be resold. After deducting the amount due to the Municipalities as aforesaid the surplus sale proceeds, if any, shall be credited to the Municipal fund and may be paid on demand to any person who establishes his right to the satisfaction of such Municipality or in a court of competent jurisdiction.

(2) Any person may pay the amount at any time before the completion of the sale and may recovery such amount by a suit in a court of competent jurisdiction from any person beneficially interested in such property.

**Writing off of irrecoverable sums due to the Municipality.**

92. The irrecoverable sum date due to Municipalities may be written off in such manner and by such authority as may be prescribed.

**CHAPTER –IX**

**MUNICIPAL POWER AND OFFENCES**

**Powers in respect of roads.**

93. (1) A Municipality may –

(a) lay out or make new public road ; or

(b) widen, open, enlarge or otherwise improve any public road and construct tunnels and other works subsidiary to such road ; or

(c) divert, discontinue or close permanently any public road ; or

(d) sell or leases the land forming such road or any part thereof acquired for the purpose of such road for any other purpose of this Act.

Provided that no such public road shall be discontinued, permanently closed or used for any other purposes without the previous sanction of the State Government.

(2) In laying out, making, turning, diverting, widening, opening, enlarging or otherwise improving any public road, the Municipality may, in accordance with the provision of this Act, acquire land for the carriage-way, footways and drains thereof.

**Power to repair, etc. of private road, drain etc.**

94. (1) Where a Municipality considers that in any road not being a public road or in any part of sub road within the Municipality, it is necessary, for the public health, convenience or safety that any work should be done for the leveling, paving, metalling, flagging, channeling, draining, lighting or cleaning thereof, the Municipality may, by written notice, require the owner or owners of the road and the owner of the several lands or building, facing or adjoining the said road or abutting thereon to carry out such works in such manner and within such time as may be specified in such notice.

(2) If the notice under sub-section (1) is not complied with, such work may be executed by the Municipality, the expenses hereby incurred shall be apportioned by the Municipality between such owners and in such manner as it may think fit, regard being had to the amount and value of any work already done by the owners or occupiers of such lands and buildings.
After such work has been carried out by the owner or by the owners or on the failure of the owners to do so, by the Municipality at the expense of such owners, the road or part thereof in which such work has been done may, and on the joint requisition of a majority of the said owners shall be declared by public notice affixed at a conspicuous place therein by the Municipality, to be a public road.

95. (1) The Municipality may, by public notice, prohibit or regulate the driving, riding or leading of animals or vehicles of any particular kind along any public road or part of any such road.

(2) Any person who disobeys an order passed by the Municipality under the provisions of sub-section (1) shall be punishable with fine not exceeding one hundred rupees.

96. Any person, who without the permission of the Municipality-
(a) Encroaches upon any public road or houses, gully or upon any public drain, sewer, aqueduct, water-course by making any excavation or by erecting any wall, fence, rail, post projections or other obstructions, or by depositing any movable property thereon, or
(b) Takes up or alters the pavements or other materials, fences or posts on any public road, shall for every such offence, be punishable with fine not exceeding twenty-five rupees for every day during which the encroachment continues after the first conviction.

97. (1) Subject to the provision of this Act and the rules and bye-laws made thereunder, no itinerant vendor, or any other person shall use or occupy any public road or place for the sale of articles or for the exercise of any calling or for the setting up any booth-stall without the permission of the Municipality.

(2) Whoever violates the provision of sub-section (1) shall be punishable with fine which may extend to five hundred rupees, and with a further fine which may extend to twenty-five rupees for every subsequent offence after the first conviction.

98. A Municipality may, notwithstanding any proceedings which may have been started against him under this act, issue a notice requiring any person to remove any building which he may have built or any fence, rail, post or other obstructions or encroachments which he may have erected or stacked, on any part of a public road, houses, gully, public drain, sewer, aqueduct, water-course, ghat or any land vested in the Municipality, and if such person fails to comply with such requisition within forty-eight hours of the receipt of the same, the Magistrate may, on the application of the Municipality, order that such obstructions or encroachments be removed, and thereupon the Municipality may remove any such obstruction or encroachments and the expenses thereby incurred shall be paid by the persons who erected or stacked the same.

99. (1) If the person who built, erected or stacked the said building, fence, rail, post or other obstructions or encroachment referred to in the preceding section is not known or can not be found, the Municipality may cause a notice to be pasted in the neighborhood of the said buildings, fences, rail, post or other obstructions for encroachments, requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition.

(2) If the said building, fence, rail, post or other obstructions or encroachment be not removed in compliance with the requisition contained in such notice within forty-eight hours of the pasting of the same, the Magistrate may, on the application of the Municipality, order that such obstructions or encroachments be removed, and thereupon the Municipality may remove any such obstruction or encroachment and may recover the cost of such removal by sale of the material so removed.

(3) The surplus sale-proceeds, if any, shall be credited to the Municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Municipality or in a court of competent jurisdiction.
100.(1) A Municipality may issue a notice requiring the owner or occupier of any building to remove or alter any projection, obstruction or encroachment erected or placed against or in front of such building, if the same overhangs the public road or just into, or in any way projects or encroachment upon, or is an obstruction to the safe and convenient passage along any public road or house-gully, or obstructs or projects or encroaches into or upon any drain, sewer, or aqueduct in any public road or into or upon any public water-course or ghat or any land vested in the Municipality.

(2) If such owner or occupier fails to comply with such requisition within forty-eight hours of the receipt of the notice or within such time as the Municipality may allow, the Magistrate may, on the application of the Municipality order that such projection, obstruction or encroachment be removed or altered, and thereupon the Municipality may remove or alter such projection, obstruction or encroachment and any reasonable expenses incurred for the purposes of such removal or alteration shall be paid by the defaulting owner or occupier.

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

101. Notwithstanding anything contained in sections 98 and 100, a District Magistrate or a Sub-Divisional Magistrate shall, on being so required by the State Government, order any person responsible for any obstruction or encroachment or projection as specified in section 98 and 100 to remove or alter such obstruction or encroachment or projection within a period of not less than forty-eight hours and on non-compliance of such order, may take steps to remove such obstruction or encroachment or projection and realise the expenses thereby incurred from the person concerned as fine in a Criminal Court:

Provided that in case the persons responsible for such obstruction, encroachment or projection are not known or cannot be found the procedure laid down in section 98 shall be followed.

102. Every order made by a Magistrate under section 96, 97, 98, 99, 100 or 101 shall be deemed to be an order made by him in the discharge of his judicial duty and the Municipality shall Act 18 of 1850. (Protection ) Act, 1850.

103. A Municipality may require the owner or occupier of any land within three days to trim or prune the hedges thereon bordering on any public road or drain and to cut and trim any trees or bamboos thereon overhanging any public road, drain or tank, or any well used for drinking purpose, or obstructing any public road or drain or any property of the Municipality or likely to cause damage to person using any public road, or fouling or likely to foul the water of any well or tank.

10. Whoever, being the owner or occupier of any house or land within a Municipality, fails to comply with a requisition issued under the provisions of section 98,99,100 or 101 shall be punishable with fine not exceeding five hundred rupees and with a further fine not exceeding twenty-five rupees for every day during which the default is continued after the first conviction.

105. (1) A Municipality may cause a name to be given to any public road and to be fixed in such place as it may think fit, and may also cause a number to be affixed to every building and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Any person who destroys, pulls down, defaces or alters any name or number put to by the Municipality under sub-section (1) shall, for every such offence, be punishable with fine which may extend to twenty five rupees.
Erection of building without sanction.

106. (1) No person shall erect, materially alter, or re-erect any building without sanction of the Municipality.

(2) Every person who intends to erect, materially alter or re-erect any building shall give notice in writing to the Municipality of such intention in such form and manner as may be prescribed.

(3) An alteration in a building for the purposes of this section be deemed to be material if it

(a) affects or is likely to affect prejudicially the stability or safety of the building or the condition of the building in respect of drainage, ventilation, sanitation or hygiene;

(b) increases or diminishes the height or area covered by, or the cubical capacity of the building, or of any room in the building.

Powers of Municipality to sanction or refuse.

107. (1) Within one month after the receipt of the notice required by sub-section (2) of section 106, the Municipality may refuse to sanction the building or may sanction it either absolutely or subject to such modification as it may deem fit and on payment of such fee or charges as may be prescribed in respect of all or any of the matters specified in bye-laws and the person erecting materially altering or re-erecting any such building as aforesaid shall comply with the sanction of the Municipality as granted in every particular case.

(2) Should the Municipality neglect or omit for the three months after the receipt of a valid notice to make and deliver to the person who has given such notice an order of sanction or refusal in respect thereof, it shall be deemed to have sanction the proposed building absolutely.

(3) The Municipality may refuse to sanctioned the erection, material alteration or re-erection of any building either on the grounds affecting the particular building or pursuance of a general scheme adopted by the Municipality at a meeting restricting the erection or re-erection of building or any class of building within specified limits for the prevention of over-crowing, or in the interest of the residents within such limits or for any other public purpose. Permission may also be refused in any case in which there is any dispute between the Municipality and the applicant as to the title of the land on which it is proposed to erect the building until such dispute is decided.

Lapse of sanction.

108. A permission to erect, materially alter or re-erect a building granted under this Chapter shall, unless it is renewed on an application made to the Municipality for this purpose, continue only for one year after the date on which it is granted, unless the work has been commenced within that period and in any case shall not continue for a period longer than two years from the date unless it is so renewed.

Penalty for building without or in contravention of sanction.

109. Whoever erects, materially alter or re-erects or commences to erect, materially alter or re-erects or commences to erects, materially alter or re-erects any building without the previous sanction of the Municipality, or in contravention of any direction given by the Municipality granting sanction under section 107, shall be liable to a fine not exceeding five thousand rupees for every such offence, and to a further fine not exceeding fifty rupees for each day during which the offence is continued after his first conviction.

Power of the Municipality in case of disobedience.

110. (1) If the construction of a building is started or if a building is materially altered or erected

(a) without sanction as required by sub-section (1) of section 107; or

(b) without notice as required by section 108; or

(c) when sanction has been refused; or

(d) in contravention of the terms of sanction granted; or

(e) when the sanction has lapsed; or

(f) in contravention of any bye-laws made under this Act;

the Municipality may, by notice to be delivered within a reasonable time; require the building to be altered or demolished as it may deem necessary, within the period of thirty days from the date of the service of such notice;

Provided that the Municipality may, instead of requiring the alteration or demolition or any
such building, accept by way of composition such sum as it may deem reasonable.

(2) Any person who fails to comply with a requisition issued by the Municipality under the provision of sub-section (1) shall be liable to a fine not exceeding five hundred rupees and to a further fine not exceeding twenty-five rupees for every day during which the person continues to make such default after service on him of such requisition.

111. The Municipality may, by written notice, require any person who has made any external root or wall thatch, mats, leaves or other inflammable materials and in contravention of bye-laws made under this Act to remove or alter such roof or wall within a period to be specified in the notice.

112. The Municipality may attach or cause to be attached to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

113. If a building, or a room in the building is, in the opinion of the Municipality, unfit for human habitation in consequence of the want of proper means of drainage or ventilation or otherwise, the Municipality may, by notice, prohibit the owner or occupier thereof from using the building or room for human habitation or offering it to be so used whether absolutely or unless, within a time to be specified in the notice, he effects such alteration therein as is specified in the notice.

(2) Upon failure of a person to whom notice is issued under sub-section (1) to comply therewith, the Municipality may require by further notice the demolition of the building or room.

(3) Any person who uses a building or room or offers it to be used contrary to the provisions of sub-section (1) shall be punishable with fine exceeding two thousand rupees, and with a further fine not exceeding twenty-five rupees for every day during which the offence continued after the first conviction.

114. (1) A Municipality may require, by notice, the owner or occupier of any land or building in such manner as it deems necessary, any building, portion of a building, wall or other structure or anything affixed as it thereto which appears to it to be in a ruinous condition or dangerous to inmates or any passer-by or other property, or

(b) to repair, secure or enclose, within eight days from the date of service of the notice, in such manner as it deems necessary any tax, well or excavation belonging to such owner or in the possession of such occupier which appears to the Municipality to be dangerous to person by reason of its situation, want of repair or other such circumstances.

(2) Where it appears to the Municipality that immediate action is necessary for the purpose of preventing immediate danger to any person or property, it shall be the duty of the Municipality to take immediate action and recover the expense so incurred from the owner or occupier of the building or the owner or occupier of the land to which such building or other structure or anything is affixed.

115. Whenever it appears to a Municipality that any building by reason of abandonment or disputed ownership or other cause is untenanted or unoccupied, or by reason of having fallen into ruins, affords facilities for the commission of a nuisance by disorderly person of for the harboring of snakes or other noxious animals, the Municipality may require the owner of such building or the land to which such building is attached, to property secure the same or to remove or level such ruins, as the case may require.

116. Any owner or occupier of a house or land who fails to comply with a requisition issued by the Municipality under the provision of section 114 and 115, shall be liable, for every such default, to a penalty not exceeding five hundred rupees, and to a further penalty not exceeding twenty-five rupees for every day during which the default in continued after the expiry of fifteen days from the date of service on him of such requisition.
Claim for compensation not to be claimable

117. Subject to any other provision in this Act as regards compensations, no compensation shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of the erection of any building.

Powers connected with drains

Powers to require owners to clear noxious vegetation.

118. A Municipality may, by notice, require the owner or occupier of any land within such time as the Municipality may fix to cut and remove any trees or bamboos or branches thereof, or eradicate and destroy vegetation or undergrowth which may appear to the Municipality to be insanitary, injurious to health or offensive to the neighborhood or to be causing or likely to cause damage or destruction to any crop growing to be grown, or to be obstructing or likely to obstruct the free passage of men or animals along a public road.

Powers to require owners to eradicate vegetation.

119. Whenever any land, being private property, or within any private enclosure, appears to the Municipality by want of drainage to be in a state injurious to health or offensive to the neighborhood, or by reason of inequalities of a surface to afford facilities for the commission of the nuisance, the Municipality may require the owner or the occupier of such land, within fifteen days, to drain such land or level such surface:

Provided that, if for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Municipality shall provide such land and pay such compensation.

Powers to require owners to improve bad drainage.

120. (1) The Municipality may require the owner or occupier of any land within eight days or such longer period as the Municipality may fix, either to re-excavate or at his option fill up with suitable material or to cleanse any water-course and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighborhood:

Provided that if, for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is required to drain his land or to pay compensation to any other person, the Municipality shall provide such land and pay such compensation.

(2) If under the provisions of this Act the Municipality executes the work of such re-excavation or filling up with suitable material, it may take possession of the site and retain such possession and turn the same to profitable account until the expenses thereby incurred shall have been realised.

Penalty for disobeying requisition under sections 118, 119 or 120.

121. Any owner or occupier of a house or land who fails to comply with a requisition issued by the Municipality under the provisions of section 118, 119 or 120 shall be liable to a penalty not exceeding one hundred rupees, and with a further penalty of not exceeding twenty rupees for every during which the default is continued after the expiry of eight days from the date of section on him of such requisition.

Power of State Government to prohibit cultivation, use of manure or Irrigation injurious to health.

122. If the Director of Health and Family Welfare, Health Officer of the State Government of Health Officer of the Municipality or such other Medical Officer of Health and Family Welfare Department of the State Government, as may be specified in this behalf, certifies that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner -

(a) in any place within the limits of the Municipality is injurious, or facilities practices which are injurious to the health of persons dwelling in the neighborhood ; or

(b) in any place within or without the limits of the Municipality, is likely to contaminate the water supply of the municipality or otherwise renders it unfit for drinking purposes;

the State Government may, on receipt of an application from the Municipality, by public notice prohibit the cultivation of such crop, the use of such manure, or the use of the method of irrigation
123. The Municipality may provide and maintain a sufficient number and in proper situation, public latrines, urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleaned.

124. (1) If any person, without the written permission of the Municipality first obtained, makes or cause to be altered any drain leading into any sewer, drain, water-course, road or land vested in the Municipality, the Municipality may cause such branch drain to be demolished, altered, made or otherwise dealt with as it may deem fit, and the expenses thereby incurred shall be paid by such person making or altering such branch drain.

(2) The person so making or altering such branch drain shall be liable for every such offence to a fine not exceeding one hundred rupees.

125. Whoever causes or allows the water of any sink, sewer, latrine, urinal, cess-pool, or any other offensive matter belonging to him or being on his land, to run, drain or be thrown or put upon any public road, or causes or allows any offensive matter to run, drain or be thrown into a surface-drain near any public road, shall be liable to a fine not exceeding five rupees during which the offence is continued.

126. If any land, a sewer, drain or other outlet into which such land may, in the opinion of the Municipality, be drained, is not drained to the satisfaction of the Municipality, the Municipality may require the owner within one month to drain the said land into such sewer, drain or outlet.

127. Any person who fails to comply with a requisition issued by the Municipality under the provisions of section 126 shall be liable, for every such offence, to a fine not exceeding twenty-five rupees and a further fine not exceeding five rupees for every day during which he shall continue to make such default after service on him of such requisition...

Removal of offensive matters

128. The Municipality shall provide for the removal -

(a) of sewage, rubbish and offensive matter from all public latrines, urinals and drains and from all public roads and all other property vested in the Municipality; and

(b) in any Municipality wherein a latrine-tax has been imposed under sub-section (1) of section 60, of sewage and offensive matter from all private latrines, privies, urinal and cess-pools and compounds.

129. A Municipality may also introduce a sewerage scheme for removal of sewage by flushing with water through underground closed sewers and where a Municipality introduces such a scheme in its area the Municipality may, where it is felt necessary, with the approval of the State Government, levy addition latrine and water-taxes to meet the cost and maintenance of such scheme.

130. (1) A Municipality at a meeting may, from time to time, by an order published in the prescribed manner, appoint the hours within which sewage and offensive matter may be moved, the manner in which the same shall be moved, as also the hours within which only every occupier of any house or land may place rubbish in a receptacle provided by the Municipality on or by the side of the public road.

(2) A Municipality may provide places convenient for the deposit of sewage and offensive matter and may require the occupiers of houses to cause the same to be deposited daily or at other state intervals in such places, and may remove the same at the expense of the occupier...
from any house if the occupier thereof fails to do so.

**Penalty for contravention of section 130.**

131. Any person who places or allows to place rubbish on a public road or in a receptacle provided by the Municipality at a time other than the time appointed by the Municipality under sub-section (1) of section 132 shall, for every such offence, be punishable with fine exceeding fifty rupees.

**Penalty on occupier for not removing fifth, etc.**

132. Any occupier of a house on or near a public road who keeps or allows to be kept, for more than twenty-four hours or for more than such shorter time as may be appointed by the Municipality otherwise than in some proper receptacle, any bones, ashes, sewage or any noxious or offensive matter in or upon such house, or in any outhouse, yard or ground attached to and occupied with such houses, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse the same shall be punishable with not exceeding two hundred rupees.

**Penalty for throwing offensive matter on public road, etc. Powers of servants of the Municipality.**

133. Any person who, without the permission of the Municipality, throws or puts, permits his servants to throw or put, any sewage or offensive matter on any public road, or who throws or puts, or permits his servants to throw or put, any rubbish, sewage or offensive matter into any drain communicating therewith, shall be punishable with fine not exceeding one hundred rupees.

134. All servants of the Municipality may, within such hours as may be fixed by the Municipality, enter any premises, of which the occupier or owner in liable to pay latrine-tax and do all things necessary for the performance of their duties.

**Water supply and drainage system**

**Supply of drinking water.**

135 (1) Every Municipality shall provide or arrange for the provision of sufficient supply of drinking water for the inhabitants of the areas within its jurisdiction.

(2) Every Municipality shall provide sufficient and regular supply of drinking water fit for human consumption or for other domestic purposes within the jurisdiction of the Municipality.

**Removal of latrines, etc, near any source of water supply.**

136. The Municipality may, by notice, require an owner or occupier on whose land a drain privy, latrine, urinal, cess-pool or their receptacle for filth or refuse exists as is likely to endanger the purity of water of a spring, well, tank, reservoir or other source from which water is, or may be derived for public use, to remove or close the same within one week from the service of such notice.

137. In the event of a Municipality, or any part thereof, being visited with an outbreak or cholera or other infectious disease notified in this behalf, it may, during the continuance of the epidemic, without notice and at any time inspect and disinfect any well, tank or other place from which water is or likely to be taken for the purpose of drinking and may further take such steps as it deems fit to prevent the removal of water therefrom.

**Unauthorised construction or plantation of trees over drain or water-works.**

138. (1) Where any road or way has been made or any building, wall or other structure has been erected or any tree has been plated over a public drain, culvert or a water-work vested in the Municipality without the permission in writing of the Municipality, the Municipality may, without prejudice to the generality of the other provisions of this Act -

(a) by notice, require the person who has made the tree, or the owner or occupier of the land on which the road has been made, structure erected or tree planted, to remove or deal in any other way as the Municipality thinks fit with the road, structure, or trees ; or

(b) itself remove incurred in any other way as it thinks fit with the road, structure or tree.

(2) Any expenses incurred by a Municipality for action taken under clause (b) of sub-section (1) shall be recoverable from the person by whom the road or way was made, structure erected or thee planted.
Power in respect of burial and burning place.

139. (1) A Municipality may, from time to time, out of the Municipal fund, provide suitable place to be used as burial or burning grounds either within the limits of the Municipality and may charge such fees on the person using the place as may be fixed by bye-laws which may be framed in that behalf.

(2) The Municipality may, by public notice, order any burial or burning ground situated within the Municipality limits or any Municipality burial or burning ground outside such limits which is certified by Director of Health and Family Welfare or a Health Officer of the State Government or the Health Officer of the Municipality to be dangerous to the health of person living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such a case if no suitable place for burial or burning exits within a reasonable distance, provide a fitting place for the purpose.

(3) If any person, without the permission of the Municipality, buries or burns or causes or permits, to be buried or burnt, any corpse at any place which is not burial or burning ground or in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to one hundred rupees.

(4) Private burial places may be exempt from the order subject to such conditions as the Municipality may impose in this behalf:
Provided that the limits of such burial places are sufficiently defined and that the they shall only be used for the burial or members of the family of the owners thereof.

(5) No private burial or burning ground shall be made or formed within the Municipality after the commencement of this Act, without the permission in writing of the Municipality.

Burial of paupers and unclaimed dead bodies.

140. A Municipality may, from time to time, out of the Municipal fund, provide for the burial or burning of paupers, and unclaimed dead bodies, free of charge, within the limits of the Municipality or otherwise arrange to dispose of as it thinks fit.

Power to cause cropheses to be burnt or buried according to the religious tenets of the deceased.

141. After the expiration of not less than twenty-four hours from the death of any person, the Municipality may cause the corpses of such person to be burnt or buried, and the expenses thereby incurred shall be recoverable as a debt due from the estate of such person. In every such case, the corpse shall be disposed of, so far as may be possible, in the manner consistent with the religious tenets of the deceased.

CHAPTER-X
OTHER POWERS AND PENALTIES

Markets and Slaughter Houses

142. A Municipality may establish and maintain markets at suitable places of the Municipality for the convenience of the peoples.

143. If any officer specially empowered in this behalf by the Municipality is satisfied that any person occupying stall or space in any Municipal market is in unauthorised occupation of the stall or space or continues to occupy the stall or space after authority to occupy has ceased, he may, with the pervious sanction of the Municipality, require such person to vacate the stall or space within such time as may be mentioned in the requisition and such person may, in addition to any penalty to which he may be liable under this Act, be summarily removed from the stall or space.

Place for slaughter of animals for sale.

144. (1) A Municipality may, and when require by the State Government, shall fix places with the approval of the State Government, shall fix places with the approval of the State Government
for slaughter of animals for sale, and the Municipality may grant and withdraw licence for the use of such premises, or if they vest in the Municipality, may charge rent or fees for the use of such places.

(2) When any such premises have been fixed, no person shall slaughter any such animal for sale within the Municipality area at any other place.

(3) Any person who slaughters for sale any animal at any place within the Municipality area other than the one fixed by the Municipality under this section shall be punishable with fine which may extend to one hundred rupees.

**Inspection before and after slaughter.**

145. A Municipality shall arrange for inspection of the animal by a Veterinary Surgeon or competent person before the animal is likely and may also arrange for inspection of the meat and organs for the purpose of certification, as may be laid down by bye-laws, of the meat for use as food.

**Licensing of butcher.**

146. No person shall carry on the profession of a butcher except under a licence from the Municipality.

---

**Nuisances from certain trades, professions etc.**

**Regulation of offensive trades.**

147. (1) If it is shown to the satisfaction of a Municipality that any building or place within the limits of the Municipality which any person uses or intends to use as a factory or other place of business for the manufacture, storage, treatment or disposal of any article, by reason of such use, or by reason of such intended uses, occasions or is likely to cause a public nuisance, the Municipality may, at its option, require, by notice, the owner or occupier of the building or places -

(a) to desist or refrain, as the case may, be from using or allowing to be used, the building or places for such purpose ; or

(b) only to use, or allow to be used, the building or place for such purpose under such conditions or after such structural alterations as the Municipality imposes or prescribes in the notice with the object or rendering the use of the building or place for such purpose free from objection.

(2) Whoever after receiving a notice given under sub-section (1), uses or allows to be used any building or place in contravention of the notice shall be punishable with fine which may extend to two hundred rupees and a further fine of fifty rupees and every day on which he so uses or allows to be used the place or building after the date of first conviction.

**Certain offensive and dangerous trade not to be established within the limits to be fixed by the Municipality without licence.**

148.(1) Within such local limits as may be fixed by the Municipality, no place shall be used without a licence from the Municipality which shall be renewable annually, for any of ther following purpose, namely :-

(a) melting tallow;

(b) boiling offal blood ;

(c ) skinning or disemboweling animal ;

(d) the manufacture or bricks, pottery, tiles or lime in a kiln or bhatti or by any other similar method ;

(e) as a soap-house, oil-boiling house, dyeing house ;

(f) as tannery, slaughter-house ;

(g) as a manufactory or place of business from which offensive or unwholesome odour may arise ;

(h) as a yard or depot for hay, straw, bamboo, thatching grass, jute or other dangerously inflammable material for the purpose of any trade ;

(i) any store-house for kerosene, petroleum, naphtha, coal-tar or any inflammable oil or spirit or wholesale or markets exceeding one hundred gross ;

(j) as a shop for the sale of meat ;
(k) as a place for the storage of rage or bones, or both;
(l) tea stall;
(m) sweetmeat stall;
(n) hotel or eating house;
(o) manufactory or sale of aerated biscuit water;
(p) bakery, confectionary including biscuit factory.

2) Such licence shall not be withheld unless the Municipality has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to person residing in or frequenting the neighborhood.

3) A Municipality may, subject to such restrictions, if any, as it may impose extend the provisions of this section to yards or depots for trade in coal, coke, timber or wood.

4) The grant of a licence for the purposes mentioned in clause (i) of sub-section (1) shall be consistent with the provisions of the Petroleum Act, 1934 and no such licenses shall be granted unless the said provisions have been complied with by the applicant for the licence.

Fairs and Melas.

Powers of Municipalities to grant licence for fairs and melas.

149. A Municipality shall require the owner or lessee of a fair or mela or an owner or a lessee of land intending to hold a fair or mela thereon, to obtain a licence in this behalf from the Municipality on such terms and conditions and on payment of such fee as may be prescribed.

Infectious or Contagious diseases.

Power to close market, tea-restaurant, hotel or lodging-house etc.

150. (1) A Municipality may, withy a view to preventing the spread of any infectious or contagious diseases, order that for a specified time, any market, tea-stall or restaurant, hotel or lodging-house within the Municipality shall be closed, or forbid any person to attend any such market, tea-stall or restaurant, hotel or lodging-house.

(2) Such order shall be notified in such manner and at such places as the Municipality may direct, and notice thereof shall be served on the owner, occupier or farmer of the market or the keeper of the hotel or lodging-house, tea-stall or restaurant.

(3) After complying with the notice the owner, occupier, or farmer of the market or the keeper of the hotel or lodging-house, tea-stall or restaurant or any person interested may appeal to the Secretary if he considers the notice to be unreasonable, and the order of the Secretary thereon, shall be final.

(4) When an order has been notified under sub-section (2) and has not been set aside under sub-section (3), any owner, occupier or farmer of a market or the keeper of hotel or lodging-house, tea-stall or restaurant shall be liable to a fine which may extend to five hundred rupees, and any person who attends such market, hotel or lodging-house, tea-stall or restaurant in contravention of the terms of the order shall be liable to a fine which may extend to one hundred rupees.

penalty for failure to give information of cholera small-pox etc.

151. Whoever—

(a) being a medical practitioner and in the course of such practice becoming cognizant of the existence of cholera, plague, small-pox or other infectious disease, that may be notified in this behalf by the State Government, in any dwelling house other than a public hospital in the Municipality, or

(b) being the owner of occupier of such dwelling house and being cognizant or the existence of any such infectious disease therein, or

(c) being the person in charge of, or in attendance on a person suffering from any such infectious diseases in such dwelling house, and being cognizant or the existence of the disease therein; fails to give information to such officer as the Municipality may appoint or gives false information to such officer as the Municipality may appoint in this behalf in respect of the existence of such disease, shall be punishable with fine which may extend to one hundred rupees.
Disinfection of building and article.

152. (1) If a Municipality is of the opinion that the cleaning or disinfecting of a building or any part thereof or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, it may, by notice, require the owner or occupier to cleanse or disinfect the same in the manner and within the time prescribed in such notice.

(2) If –
(a) within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served fails to have the building or part thereof or the article cleansed or disinfected or
(b) the occupier or the owner, as the case may be, gives his consent, the Municipality may, at the cost of such owner or occupier, cause the building or part thereof and articles to be cleansed and disinfected;
Provided that the Municipality may in its discretion pay the whole or any part of such cost.

Penalty for letting infected house.

153. Every person knowing letting a house or other building or part of a house or building in which any person suffering from an infectious or contagious disease had lived without having such house or other building or part thereof and all articles therein liable to retain infection disinfected thereafter to the satisfaction of the Municipality shall be punishable with fine not exceeding two hundred rupees.

Explanation: For the purposes of this section a hotel or lodging-house keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging house

Power of entry of purposes of preventing spread of disease.

154. A Municipality may authorise any officer to enter, at any time between sunrise and sunset, after three hours notice into any building or premises in which any infectious or contagious disease is reported or suspected to exist, for the purpose of inspecting such building or premises, and report of the officers the Municipality shall declare that a person is suffering from contagious disease and that house is infected.

Removal of patients suffering from infectious disease.

155. In any Municipality when any person suffering from any infectious or contagious disease in found to be -
(a) without proper lodging or accommodation, or
(b) living in a dharamsala or other public hostel, or
(c) living in a room or house which neither he nor any one, of whom he is a dependent either owns or pays rent for,
the Municipality, by any person authorised by it in this behalf may, on the advice of Health Officer, remove the patient to any hospital or place at which persons suffering from such diseases are received for medical treatment, and may do anything necessary for such removal.

CHAPTER- XI
PROCEDURE

Service of notice.

156. (1) Every notice, bill, from, summons or notice of demand under this Act may –
(a) be served personally on or presented to the persons to whom the same is addressed; or
(b) if, it cannot be so served, presented or delivered, be affixed on some conspicuous part of his place of abode, or of the land, building or other thing in respect of which the notice, form, summons or notice or demand is intended to be served; or
(c) be sent by post in a registered cover with acknowledgement due.
(2) Every such notice, bill, form, summons or notice of demand shall be signed by or bear a facsimile signature of the Executive Officer or any other officer authorised by the Chair-person in this behalf.
157. When any notice under this Act requires any act to be done for which no time is fixed by this Act, the Municipality shall fix a reasonable time for doing the same.

158. When any notice is required to be given to the owner or to the occupier, of any land, or both, such notice, addressed to the owner or occupier of both, as the case may require, may be served on the occupier of such land, or otherwise in the manner mentioned in section 156:

Provided that when owner and his place of abode are known to the Municipality or other authorities issuing the notice, they shall, if such place of abode be within the limits of their authority, cause such notice to be served on such owner, or left with some adult member or servant of his family; and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover with acknowledgement due addressed to his place of abode, and such service shall be deemed to be good service of the notice:

Provided further than when the name of the owner or occupier or of both is not known, it shall be sufficient be designate him or them as “the owners” or the “occupier” of the land in respect of which the notice is served.

159. (1) Whenever it is provided in this Act that the Municipality may require the owners or the occupiers of any land or both to execute any work or to do anything, such requisition shall be made, as far as possible, by a notice to be served as provided in section 156 and 158 on every owner, occupier who is required to execute such work or to do such thing; but if there be any doubts as to the persons who are owners or occupiers, such requisition may be made by a notice to be affixed or pasted upon or near the spot at which the work is requisition to be executed or the thing done, requiring the owners or the occupiers of any land or both to execute such work or to do such thing within a specified time, and in such notice it shall not be necessary to name the owners or occupiers.

(2) Every such requisition shall give notice to the person to whom it is addressed that if they fail to comply with the requisition or to prefer an objection against such requisition as provided hereinafter in section 160, the Municipality or any other officer authorised by it in that behalf, may enter upon the land and cause the required work to be executed or the required thing to be done; and that in such case the expenses incurred thereby will be recovered from the person who are required in such requisition to execute such work or do such thing.

160. Any person who is required by such requisition to execute any work or to do anything may, instead of executing the work or doing the thing required, prefer an objection in writing to the Municipality against such requisition within fifteen days of the service of the notice or posting up of the notification containing the requisition, or, if the time which he is required to comply with the requisition be less than fifteen days, then within such less time.

161. If the objection alleges that the cost of executing the work or of doing the thing required may exceed one thousand rupees, such objection shall be heard and disposed of by the Municipality at a meeting; unless the Chairperson or Vice-Chairperson shall have may not exceed one thousand rupees, in which case the objection shall be heard and disposed of by the Chairperson or Vice-Chairperson:

Provided that in any case in which the Chairperson or the Vice-Chairperson shall have
certified his opinion as aforesaid, and the objection shall in consequence thereof have been heard and disposed of by the Chairperson or the Vice-Chairperson, the person making the objection may, if the requisition made upon him is not withdrawn on the hearing of his objection, pay the said sum of one thousand rupees to the Municipality as the cost of executing the work or doing the thing required, whereupon such person shall be relived of all further liability and obligation in respect of executing the work or doing the thing required and in respect of paying the expenses thereof and the Municipality itself shall execute such work or do such thing, and shall exercise all powers necessary thereof.
Chairperson or Vice-Chairperson, as the case may be, shall, after hearing the objection and making inquiry which they may deem necessary, record or order withdrawing, modifying, or making absolute the requisition against which the objection is preferred; and if such order does not withdraw the requisition it shall specified the time within which the requisition shall be carried out, which shall not be less than the shortest which might have been mentioned in the original requisition under this Act.

If the person or persons required to execute the work or to do the thing fail, within the time specified in any requisition as aforesaid, to begin to execute such work or do such thing and thereafter diligently to execute the same to the satisfaction of the Municipality in it is completed the Municipality or any person authorised by it in that behalf may after giving forty-eight hours notice of its intention, to be affixed or pasted upon or near the spot enter upon the land and perform all necessary acts for the execution of the work or doing of the thing required, and the expenses thereby incurred shall be paid by the owners or by the occupiers if such requisition was addressed to the owners or to the occupiers, as the case may be and by the owners and the occupiers if such requisition was addressed to the owners and the occupiers.

(1) Whenever any expenses incurred by the Municipality are to be paid by the owners of any land as provided in the preceding section, the Municipality may, if there be more than one owner apportion the said expenses among such of the owners as are known in such manner as the Municipality may deem fit.

(2) Whenever any expense incurred by the Municipality are to be paid by the owners of in the preceding section the Municipality may, if there is more than one occupier apportion the said expenses among such of the occupiers as are known in such manner as the Municipality may deem fit.

Whenever any expenses incurred by the Municipality are to be paid by the owners and occupiers of any land, as provided in section 163, the Municipality may appointment the said expenses among the said owners and occupier or such of them as are known in such manner as the Municipality may deem fit.

Whenever any work or alterations and improvements which the Municipality is authorised by this act to require and execute, are executed by the occupier in the requisition of the Municipality or are executed by the Municipality and the cost thereof is recovered from the occupier, the cost thereof may, if the Municipality certify that such cost ought to be borne by the owner, be deducted by such occupier from the next and following payments of his rent due or becoming due to such owner or may be recovered by him in any court of competent jurisdiction.

The materials or anything which shall have been pulled down or removed under the provisions of section 159 may be sold by the Municipality, and the proceeds of such sale shall be adjusted to the to the payment of the expenses incurred.

The surplus sale proceeds, if any, shall be credited to the Municipal fund, and may be paid on demand to any person who establishes his right to the satisfaction of the Municipality or in a court of competent jurisdiction.

Unless otherwise expressly provided on this Act, no court shall take cognizance of any offence under this Act or under any rules or bye-laws made thereunder except on the complaint of the Municipality or of such officer as may be authorised by the Municipality by general or special order in this behalf.
(2) No court inferior to that of a Magistrate of the First Class shall try any of the offences specified in sub-section (1).

**Offences under the Act compoundable.**

170. (1) The offences under this Act shall be compoundable:
Provided that no offences, arising from the failure to comply with a written notice given by or on behalf of the Municipality, shall be compoundable unless the notice has been complied with.

(2) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

**Powers and duties of Police in respect of officers.**

171. Every police officer having jurisdiction shall give immediate information to the concerned Municipality of an offence coming to his knowledge which has been committed against the provisions of this Act or against any rules or bye-laws made thereunder, and shall be bound to assist all members, officers and employees of the Municipality in the exercise of their lawful duties.

**Appeals from orders refusing licences.**

172. Any person aggrieved by an order of a Municipality refusing, revoking or suspending licence or permission required under this Act may, notwithstanding anything contained elsewhere in this Act, within thirty days from the date of refusal, revocation or suspension, appeal to the Secretary whose decision shall be final and shall not be questioned in any court.

**Appeals from orders in other cases.**

173. (1) Any person aggrieved -
(a) by the refusal of the Municipality under section 107 to sanction the erection, re-erected or material alteration of any building, or
(b) by a notice from the Municipality under section 94 requiring a road to be drained, leveled, paved, flagged, metallised or provided with proper means of lighting, or under section 101 requiring the alteration or demolition of a building, or
(c) by an order of the Municipality under the power conferred upon it by section 114, may within thirty-days from the date of such refusal, notice or order appeal to the Secretary.

(2) No such refusal, notice or order shall be questioned otherwise than by such an appeal.

(3) The decision of the Secretary shall be final:
Provided that, if an appeal is preferred to the State Government and the State Government think it a fit case for appeal, the State Government may hear and decide such cases.

**Appeal not to be dismissed without giving reasonable opportunity.**

174. No appeal under section 172 or 173 shall be dismissed or allowed partly or wholly unless reasonable opportunity of showing causes or being heard has been given to the parties.

**Dispute as to compensation payable by Municipality.**

175. (1) Should a dispute arise touching the amount of compensation which the Municipality is required by this Act to pay, it shall be settled in such manner as the parties may agree, and in default of agreement by the Secretary upon application made to him by the Municipality or the person claiming compensation.

(2) If the Municipality or the person claiming compensation is not satisfied by the decision of the Secretary, it or he shall have a right to require the Secretary to make a reference to the District Judge, having jurisdiction, in accordance with the procedure set forth in section 18 of the Land Acquisition Act, 1894.

**Indemnity.**

176. No suit shall be maintainable against a Municipality or any of its members, or any officer or employee, or any person acting under or in accordance with the direction of the Municipality or any Municipal Officer or servant, in respect of anything in good faith done or intended to be done under this Act or under any rules or bye-laws made thereunder.

**Bar of suits in absence of notice.**

177. (1) No suit or other legal proceeding not being a criminal proceeding, shall be instituted against any Municipality, or any of its officers in respect of any act purporting to be done by such
officer in his official capacity, or any person acting under its direction until the expiry of sixty days next after notice in writing has been delivered to, or left at the office of,
(a) in the case of a suit against the Municipality, the Executive Officer;
(b) in the case of an officer, the officer against whom the suit or proceeding is instituted;
or
(c) in the case of any person acting under the direction of the municipality, at his place of residence or business,

stating the cause of action, the name, description and place of residence of the plaintiff or the petitioner and the relief which he claims,

and the plaint or the petition shall contain a statement that such notice has been so delivered or left.

Explanation: “Officer” in this section includes the Chairperson or the Vice-Chairperson, as the case may be.

(2) Every such action shall be commenced within six months next after the accrual of the cause of action and not afterwards.

CHAPTER-XII
ADMINISTRATIVE CONTROL OVER MUNICIPALITIES

Control by Secretary.

178. The Secretary or any other officer specially empowered by the State Government to exercise the powers of the Secretary may, at any time -
(a) enter into and inspect, or cause any other person to enter into or inspect -
(i) any immovable property in the occupation of or;
(ii) any work in progress under ; or
(iii) any institution under ;
the control and administration of the Municipality ; and
(b) call for and inspect any book or document which may be, for the purpose of this Act in the possession or under the control of the Municipality.

Power to suspend action under the

179. (1) The State Government or the Secretary may, by order in writing, suspend the execution of any resolution or order of the Municipality or prohibit the doing of any which is about to be done or is being done, in pursuance of,
or under cover of, this Act, or in pursuance of any sanction or permission granted by the Municipality in the exercise of their powers under this Act, if in its or his opinion, the resolution, order or act is contrary to the public interest or is in excess of the powers conferred by law, or the execution of the resolution or the order, or the doing of the act, is likely to lead to a serious injury or annoyance to the public, or to any class or body of persons.

(2) When the Secretary makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reason for making it to the State Government, which may thereupon rescind the order or direct that it continues to be in force with or without modification, permanently or for such period as it may deem fit:
Provided that the State Government or as the case may be, the Secretary shall before taking any action under this section, give the Municipality concerned an opportunity of being heard against the proposed action.

Powers of State Government in case of default and of Secretary in case of emergency etc.

180. (1) If at any time, on receipt of a complaint or information or otherwise it appear to the State Government that the Municipality have made default in performing any duty imposed on it by or under this Act or any other Act, the State Government may, by an order in writing, call upon the Municipality to perform the duty within such time as may be appointed by such order.

(2) If such duty is not performed within such period, the State Government may, after considering any representation which the Municipality may submit, either revoke or modify the order or appoint some fit and proper person to perform the duty.

(3) If in any case of emergency, the Secretary, upon the recommendation of the
concerning technical adviser immediately available, is of opinion that the immediate execution of any work or the immediate doing of any act which the Municipality, whether at a meeting or otherwise, are empowered to execute or do, is necessary for the health or safety of the public, he may call upon the Municipality to execute the work within such time as he may appoint. If such work is not executed within such period he may appoint some fit and proper person to execute the work or do the act immediately.

(4) The Secretary shall forthwith report to the State Government every case in which he uses the powers conferred on him by sub-section (3) whereupon the State Government may pass such orders as it deems fit.

(5) Where any person is appointed under sub-section (2) or sub-section (3), the Secretary may direct that the expense of performing the duty, executing the work or doing the act, together with reasonable remuneration, if any, to the person so appointed, shall forthwith be paid by the Municipality.

(6) Where such expenses and remuneration are so paid, the Secretary may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense and remuneration or so much thereof as is possible from the balance in priority to any or all other charges, and such person shall make payment accordingly.

Powers in case of incompetence, default or abuse or power.

181. If in the opinion of the State Government a Municipality is not competent to perform, or persistently make default in the performance of the duties imposed upon it by or under this Act or otherwise by law, or exceeds or abuses its powers, the State Government, may, by notification stating the reason for so doing, declare such Municipality to be incompetent or in default or to have exceeded or abused its power, as the case may be, and supersede or suspend it for a period not exceeding two months at a time or dissolve the Municipality and order a fresh election as soon as possible but before the expiration of a period of six months from the date of dissolution:

Provided that the period of supersession and suspension shall not exceed a period of six months in total in any case.

Consequences of suspension, supersession and dissolution.

182. (1) When an order of suspension, supersession or dissolution is passed under section 181, the following consequences shall ensure, namely:

(a) all the members of the Municipality shall, as from the date of the order, vacate their offices as such members;

(b) all the powers and duties which under this Act may be exercised and performed by the Municipality whether at a meeting or otherwise shall, during the period of suspension, supersession or dissolution be exercised and performed by such person or persons as the State Government may appoint;

(c) all properties vested in such Municipality shall, during the period of suspension, supersession or dissolution, vest in the State Government.

(2) On the expiry of the period of suspension or suspension specified in the order, the State Government may:

(a) extend the period of suspension or supersession for a term as provided in the section 181 and the proviso thereunder; or

(b) reconstitute the Municipality by a fresh general election and the persons who vacated their offices under clause (a) of sub-section (1) shall not be deemed to be disqualified for fresh election.

Decision on disputes between local authorities.

183. (1) Should a dispute arise between a Municipality and any other local authority on any matter in which they are jointly interested, such dispute shall be referred to State Government whose decision shall be final.

(2) The State Government may regulate by rules made under this Act the relation to be observed between a Municipality and other local authorities in any matter in which they are jointly interested.
CHAPTER –XIII

DISTRICT PLANNING COMMITTEE

184. (1) The State Government shall, by notification, constitute in every district a District Planning Committee.

(2) The District Planning Committee shall consist of –

(a) the member of the House of People;
(b) the member of Council of State;
(c) Adhyaksha of Zilla Panchayat;
(d) Chairperson of Municipality having jurisdiction over the headquarters of the District;
(e) such number of person, not less than four-fifth of the total number of members of the committee as may be specified by the State Government, elected in the prescribed manner from amongst the elected members of Municipality and Zilla Panchayat in the District in proportion to the ratio between the population of the rural areas and of the urban areas in the District.

(3) The following persons shall be the permanent invitees of the District Planning Committee, namely :

(a) all members of the Legislative Assembly whose constituencies lie within the district and who are electors in the district;
(b) the District Collector of the district; and
(c) the District Development Officer-cum-Panchayat Officer of the district who shall be the Member Secretary of the Committee.

(4) The Adhyaksha of the Zilla Panchayat of the District shall be the Chairman of the District Planning Committee.

(5) The District Planning Committee shall consolidate the plans prepared by the Zilla Panchayats, Gram Panchayats and the Municipalities in the district and prepare a draft development plan for the district as a whole.

(6) Every District Planning Committee shall, in preparing the draft development plan –

(i) matters of common interest between the Panchayats and Municipalities including spatial planning, sharing of water and other physical and natural resources, the integrated development of infrastructure and environment conservation.
(ii) the extent and type of available resources whether financial or otherwise;
(b) consult such institutions and organisations as the Government may, by order, specify.

(7) The Chairman of every District Planning Committee shall forward the development plan, as recommended by the District Planning Committee, to the State Government for consideration, approval and implementation.

CHAPTER –XIV

MISCELLANEOUS

185. (1) The State Government Committee constituted under article 243-I of the Constitution read with section 97 of the Sikkim Panchayat Act, 1993 shall also review the financial position of the Municipalities and make recommendations to the Government as to –

(a) the principles which should govern –

(i) the distribution between the State and the Municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under Part IXA of the Constitution and this Act and the allocation between the Municipalities at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by the Municipalities;

(iii) the grants-in-aid to the Municipalities from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Municipalities;
(c) any other matter referred to the Finance Commission by the Governor in the interest of sound finance of the Municipalities.

(2) The Government cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Legislative Assembly of Sikkim.

State Election Commission.

186. The superintendence, directions and control of the preparation of electoral rolls for and the conduct of, all election to the Municipalities shall be vested in the State Election Commission constituted by the Government under article 243-K of the Constitution read with section 103 of the Sikkim Panchayat Act, 1993.

Powers relating to parks, playgrounds and open space.

187. A Municipality may provide open space, playgrounds, common swimming pools and amenities for the use enjoyment of the people and may frame bye-laws regulating their use.

Powers relating to pounds.

188. Every Municipality shall, in regard to the establishment, maintenance and management of pounds, perform such function as may be transferred to it by notification under section 31 of the Cattle Trespass Act, 1871 and lease out pounds, when so transferred in such manner as may be prescribed.

Registration of births and deaths.

189. A Municipality, when required by the State Government, shall provide for the registration of births and deaths within its limits in accordance with the provisions of the Registration of Births and Deaths Act, 1969.

Establishment and maintenance of fire-brigade.

190. (1) For the prevention and extinction of fire, the Municipality at a meeting may resolve to establish and maintain a fire-brigade and to provide any implements, machinery, or means of communicating intelligence which the Municipality may think necessary for the efficient discharge of their duties by the brigade.

(2) The Municipality at a meeting may recognise and aid a volunteer fire-brigade and provide for the guidance, triaging, discipline and conduct of the members thereof.

Powers of Magistrate, member of Municipality, and other persons for suppression of fires.

191. (1) On the occasion of a fire in a Municipality, any Magistrate, or any members of a Municipality or the person in charge of a fire-brigade maintained by the Municipality, and directing the operation in connection with the fire, or any police officer above the rank of constable, when so directed by the Magistrate or a member, may –

(a) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire, or for saving life or property;

(b) close any street or passage in or near which any fire is burning;

(c) for the purpose of extinguishing the fire or preventing its spread, break into or pull down or cause to be broken into or pulled down any premises or use for the passage of any house or other appliance for that purpose;

(d) cause mains and pipes to be shut off so as to give greater pressure of water in the place where the fire has occurred;

(e) call on the persons in charge of any fire engine to render such assistance as may be possible;

(f) generally take such measure as may appear necessary for the protection of life or property;

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) of this section in good faith.

Validity of acts and proceedings.

192. (1) No act of the Municipality shall deemed to be invalid by reason of any vacancy in the Membership thereof.

(2) Any proceeding of a meeting of the municipality shall be valid notwithstanding that it
is subsequently discovered that some persons who was not entitled so to do, voted or otherwise took part in the proceedings.

**Effect of election of a member of a Municipality to the House of Parliament and Legislative Assembly.**

193. If a Chairperson, Vice-Chairperson or a member of a Municipality becomes a member of either House of Parliament of Member of Legislative Assembly, he shall be deemed to have vacated his office as such Chairperson, Vice-Chairperson or, as the case may be, the member of the Municipality with effect from the date of his becoming such members and a casual vacancy shall be deemed to have occurred in such office.

**Electoral offences.**

194. Any act of commission or omission which is an electoral offence in relation to elections to the Legislative Assembly under Chapter VII of the Representation of the Peoples Act, 1951 or under any law for the time being in force shall be deemed to be an electoral offence in relation to the Municipalitys under this Act.

195. (1) The election of a person as a members of a Municipality shall not be called in question except by an application presented to such authority within such time and in such manner as may be prescribed on the ground that –

   (a) the election has not been a free election by reason that the corrupt practice of bribery or under influence has extensively prevailed at the election ; or
   (b) that the result of the election has been materially affected –
      (i) by the improper acceptance or rejection of any nomination ;
      (ii) by gross failure to comply with the provisions of this Act or the rules framed thereunder.

   (2) The following shall be deemed to be corrupt practices of bribery or under influence for the purpose of this Act, namely :-

   (1) Bribery, that is to say –
      (A) Any gift, offer or promise by a candidate or by any other person with the connivance of a candidate of any gratification to any person whomsoever, with the object, directly or indirectly, of including –
         (a) a person to stand or not to stand as or to withdraw from being a candidate at any election ; or
         (b) an elector to vote or refrain from voting at an election ; or as a reward to -
            (i) a person for having stood or not stood or having withdrawn his candidature , or
            (ii) an elector for having voted or refrained from voting.
      (B) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or of any other person with the connivance of the candidate with the free exercise of any electoral right:

         Provided that without prejudice to the generality of the provisions of this clause, any person as referred to therein who -
            (i) threatens any candidate, or any elector or any person in whom a candidate or any elector is interested, with injury of any kind including social ostracism or excommunication or expulsion from any caste or community ; or
            (ii) induces or attempt to induce a candidate or an elector to believe that he or any person in whom he is interested will become or will be rendered subject or divine displeasure or spiritual censure ;

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

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

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

   (4) The authority to whom the application under sub-section (1) is made shall, in the
manner of –
(a) hearing of application and the procedure to be followed at such hearing;
(b) setting aside the election or declaring the election to be void or declaring the applicant
to be duly elected or any other relief that may be granted to the petitioner,
have such powers and authority as may be prescribed.
(5) The order passed by the authority upon an application under sub-section (1) shall be
final and conclusive and shall not be questioned in any civil court.
(6) Notwithstanding anything in this Act, the validity of any law relating to the delimitation
of wards in a Municipality made or purporting to be made shall not be questioned in any court.

Election

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

Bar of jurisdiction

197. No Civil Court shall have jurisdiction to question the legality of any action taken or any
decision given by an officer or authority appointed under this Act in connection with the conduct
of election thereunder.

Overriding effect of the provisions of this Act.

198. The provisions of this Act, rules and bye-laws, the orders made and directions issued
thereunder shall have effect notwithstanding anything inconsistent therewith contained in any
other law for the time being in force or any instrument having effect by virtue of any such law.

Public servant.

199. Every member, and every officer or servant of the municipality and every contractor 45 of 1860.
or agent appointed by it for the collection of any tax or every person employed by such contractor
or agent for collection of such tax shall be deemed to be a public servant within the meaning of
section 21 of the India Penal Code.

Power to make Rules.

200. (1) The State Government may, by notification, make rules for carrying out the purpose
of this Act.
(2) In particular and without prejudice to the generality of the foregoing power, such rules
may provide for all or any of the following matters, namely :
(a) manner of holding elections to the Municipalities under sub-section (3) of section 7.
(b) manner of conducting the election of the Chairperson and Vice-Chairperson under
section 10;
(c) prescribing the form of register and the manner in which the minutes of the proceed-
ings of a meeting of a Municipality shall be recorded and kept, under sub-section (1) of section
24;
(d) the manner of appointment, other conditions of service of the employees power, duties
and functions of the Executive Officer and other officers and employees and disciplinary action
to be taken against them under section 35;
(e) prescribing the form and the manner in which annual budget of the municipality shall
be prepared under section 45;
(f) prescribing the form of register and the manner of keeping accounts of receipt and
expenditure under section 46;
(g) prescribing the form in which the account of the previous year of a Municipality is to
be transmitted to the State Government under section 47;
(h) prescribing the manner of sending certificate of the amount due to the person by the
auditor under sub-section (3) of section 56;
(i) prescribing the rates and manner in which taxes, rates, fees, tolls, duties or charges
may be levied by a Municipality under sub-section (2) of section 60;
(j) prescribing the mode of procedure and system of levy of tax on the land-holdings
under section 67;
(k) the manner of assessing the valuation of holdings for imposition of tax, its collection
and refund by a Municipality;

(j) the manner of publication of notice of assessment under sub-section (i) of section 78;

(m) the manner of writing off the irrecoverable sum due to a Municipality under section 92;

(n) prescribing the manner of publication of order under sub-section (1) of section 130;

(o) manner, in which, time within which and the authority to whom, application for questioning the election shall be presented under section 195;

(p) any other matters which are to be and may be prescribed..

(3) Every rule made under this section shall, immediately after it is made, be laid before the State Legislative if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive session, and if, before the expiry of the session in which it is so laid or the session immediately following, the House agrees in making any modification in the rules or in the annulment of the rule, the rule shall, thereafter, have effect only in such modified form or shall stand annulled as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to frame bye-laws.

201. (1) A Municipality may, with the previous approval of the State Government, frame bye-laws consistent with the provisions of this Act and rules made under section 200 for carrying out the provisions of this Act.

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

(i) regulating traffic, and preventing obstructions and encroachments and nuisances on or near public roads, or on or near pontoon bridges, ghats, landing places, river banks or other places of public resort or on places near water works for the supply of drinking water;

(ii) prescribing a minimum width of wheel tyres of a minimum diameter and the maximum wheel-tracks of wheels for different classes of carts and carriage kept or used within the Municipality;

(iii) prescribing the manner in which notice of the intention to erect, re-erect or materially alter a building shall be given to the Municipality;

(iv) requiring that with every such notice shall be furnished a site plan of the land on which it is intended to erect, re-erect or materially alter such building and a blue-print plan and specification, and in the case of erection or re-erection of a building, estimate also of the cost of construction (excluding cost of land and its improvement) of the building, with all such characters and with such details as the bye-laws may require in respect of all or any of the following matters, namely:-

(a) free passage or way in front of the building;

(b) space to be left about the building to secure free circulation of air and light and facilities for scavenging and for the prevention of fire;

(c) provision and position of latrines, privies, urinals, cess-pools or drains;

(d) level and width of foundation, level of the lowest floor and the stability of the structure ; and

(e) the line of frontage with neighbour building, if the building abuts on a public road;

(v) regulation, in respect of the erection, re-erection or material alteration of any building within the Municipality or part thereof –

(a) the materials and method of construction to be used for external and partition walls roofs and floors.

(b) the materials and method of construction and position of fire places, chimneys latrines, privies, urinals, cess-pools, and drains;

(c) the height and slope for the roof above the upper-most floor upon which human beings are to live or cooking operations are to be carried on;

(d) the space to be left about the building to secure the free circulation of air and light and for the prevention of fire;
(e) the line of frontage where the building abuts on a public road;
(f) the numbers and height of the storeys of which the building may consist;
(g) the means to be provided for egress from the building in case of fire;
(h) any other matter affecting the ventilation or sanitation of the building; and
(i) matter concerning sanitary conditions and water pollution of the area;
(vi) preventing the erection of buildings without adequate provisions being made for the laying out and location of roads;
(vii) regulating the level, means of drainage, alignment and width of roads constructed by private persons;
(ix) regulating, either by granting licence in necessary or otherwise, the washing of clothes by professional washerman and fixing the places in which clothes may be so washed or in which they may not be so washed;
(x) prescribing the measures to be taken for the prevention of the breeding of mosquitoes in wells, tanks, pools, excavations, cisterns or other places or vessels containing or capable of containing water;
(xi) regulating the cutting of trees and bamboos within the Municipality;
(xii) regulating the disposal of sewage, offensive matter, carcasses of animals and rubbish, and the construction and maintenance of latrines, privies, cesspools, drains and sewers;
(xiii) providing for the inspection and regulation of markets and for the preparation and exhibition of a price list thereat;
(xiv) regulating the hours and manner of transport within the Municipality of any specified articles of food or drink;
(xv) fixing the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale and regulating the sale of foodstuff unfit for human consumption;
(xvi) regulating, either by granting licence necessary or otherwise or prohibiting for the purpose of preventing danger to the public health, the stalling or herding of horses, dogs, cattle swine, donkeys, sheep or goats, geese, ducks and fowls;
(xvii) providing of the inspection of milch cattle, and prescribing the measure to be taken on the occurrence among them of infectious or contagious disease, and prescribing and regulating the construction, dimension, ventilation, lighting, cleansing, drainage and water-supply of dairies and cattle-sheds in the occupation of persons carrying on the trade of dairymen or milk-sellers;
(xviii) providing for the inspection and proper regulation of encamping grounds, pounds, dhammasalas, bakeries and aerated water factories, ice-factories, flour mills, oil mills, sweetmeat shops, factories, and other places in which mechanical or electrical power is employed, and slaughter-houses;
(xix) preventing nuisances affecting the public health, safety, or convenience in places of public resort for purposes of recreation or amusement;
(xx) controlling and regulating the use and management of burial and burning grounds and the disposal of corpses;
(XX) providing for the holding of fairs, melas and industrial exhibitions within the Municipality or under the control of the Municipality and for fixing and collecting the fees to be levied thereat;
(xxii) fixing the conditions on the licence under this Act which are to be granted and may be suspended or revoked;
(xxiii) preventing and removing any encroachment on any Municipal land including markets, drains and roads;
(xxiv) distribution of works among the officers and member of the Municipality.

(3) A Municipality may, by any bye-law framed under this section, declare that any person committing breach of any such bye-laws, or failing to comply with any notice issued thereunder, shall be liable to a fine which may extend to one hundred rupees and to a further fine which may
extend to twenty-five rupees for each day after conviction during which the offence is continued.

**Power to remove difficulties.**

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

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

**Certain Acts not to apply and savings.**

203. Subject to the provisions of sub-section (2), on and from the date of the constitution of Municipality in any local area under this Act,

(i) the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985, and 10 of 1985
(ii) the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985,
shall cease to apply to such Municipality and all assets and liabilities of the Urban Development and House Department pertaining to the areas comprised within such Municipality shall stand transferred to and vest in Municipality:

Provided that such ceasure shall not affect -

(a) the previous operation of the Sikkim (repeal and Miscellaneous Provisions ) Act, 1985 and the Sikkim Allotment of House Sites and Construction of Buildings (Regulations and Control) Act, 1985 or anything done or suffered thereunder ; or

(b) any right, privilege, obligation or liability, acquired, accrued or incurred under the aforesaid said Acts, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the aforesaid Acts; or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; or

(e) any such investigation, legal proceeding or remedy that may be instituted, continued or enforced and any such penalty, forfeiture or punishment that may be imposed as if this Act had been passed.

(2) Anything done or any action taken including any appointment or delegation made, notification, notice, order, instructions or directions issued, rules, regulations, forms or schemes framed, certificate obtained, permit or licence granted, tax imposed or fees or rates levied under the Sikkim (Repeal and Miscellaneous Provisions) Act, 1985 and the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act, 1985 shall, in so far as they were in force in any local area immediately before the constitution of any Municipality in such local area under this Act, be deemed to have been done or taken under the corresponding provisions of this Act.

**Transfer of records.**

204. As soon as may be after the constitution of Municipalities under this Act, all records, files, paper and document which are necessary for a Municipality for effectively and efficiently performing the functions and duties entrusted to such Municipality under this Act shall be transferred and handed over to such Municipality by the Urban Development and Housing Department.
THE SCHEDULE

(SEE SECTION 12)

Form of oath or affirmation to be made by a member of a Municipality.
I.....................having been elected a member of .....................Municipality do swear in the name of God or solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, and that I shall faithfully discharge the duties upon which I am about to enter.

B. R. PRADHAN,
Secretary to the the Government of Sikkim,
Law Department.

File No. 16(284)LD/1995.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 227/H/95         Dated : Gangtok, the 3rd May, 1995

The Election Commission of India’s notification No. 56/95/(7) dated 20th April, 1995 is hereby republished for general information.

SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.
Dated 20th April, 1995.
30 Chaitra, 1917 (Saka)

NOTIFICATION

No. 56/95 (7).- In pursuance of clause (d) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendment to its Notification No.56/92, dated 7-1-1993 published as O.N. 2 (E), dated 8-1-1993 in the Gazette of India, Extraordinary, Part II, Section 3 (iii), and as amendment from time to time, namely:-

In Table IV appended to the said notification.

the symbols “Boy”, “Bollock Cart”, “Bunch of Plantains”, “Cap” and “Doctor” shall be omitted from the list of free symbols for all State and Union Territories, wherever the same have been so specified.

By Order,

S. K. MENDIRATTA
SECRETARY

K.K. Pradhan
Joint Chief Electoral Officer,
Election Department, Gangtok,
Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Electoral Commission of India’s notification No. 56/95 (6) dated 10th April, 1995 is hereby republished for general information.

SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.

Dated 18th April, 1995.
20th Chaitra, 1917 (Saka)

NOTIFICATION

No. 56/95 (6)- In pursuance of sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission of India hereby makes the following further amendment to its Notification No. 56/92, dated 7th January, 1993, published as O.N. 2 (E) in the Gazette of India, Extraordinary, Part-II, Section 3 (iii), dated the 8th January, 1993, and as amended from time to time, namely:-

In Table- III appended to the said notification,-
(i) after the existing entries at S.No. 384, the following entries shall be inserted under column (1) and (2) respectively:-

```
385. Akhil Bharatiya Lokraj Party  H.O. Raghurib Nagar, Ballabghar (Faridabad), Haryana.
386. Ambedkar Kranti Dal  400/411, Hind Nagar, Lucknow, Uttar Pradesh.
387. Bharatiya Lok Panchayat  Post Box No.10525, JNU, New Delhi-110067.
389. Bihar People’s Party  303, C-Block, Daroga Prasad Roy Path, Patna-800001, Bihar.
390 Chotanagpur Santhal Pargana-Jan Village Datia, Post Khunte, Distt, Ranchi, Bihar.
391 Forward Bloc (Socialist)  Temple Street, P.O. & Distt. Jalpaiguri, West Bengal-735101.
```
392. Jai Nawjawan Jai Mazdoor Kisan Party
Someshwar Sthan, Central Jail Road, Buxar
Dist. Buxar, Bihar-802101.

393. Jatiya Kranti Manch
LB-57, Stage-IV, Laxmisagar Brit Colony,
Bhubaneswar-751006, Orissa.

394. Kranti Parishad
House No.2019, Mistrikhan Road, Nagar-
gorh Road, Jaipur, Rajasthan.

395. Nag Vidarbha Andolan Samiti
Pardesi Telepura, Bajeriya, Near Shukl
Lodge, Telepura-440018, Maharashtra.

396. Orissa Congress
Q. No. D.S.1/19 MLA Colony, Unit-4
-Bhubaneswar, Orissa-750001.

397. Pragatisheel Party
121, Faizabed Road, Lucknow-226007
(Uttar Pradesh).

398. Rashtriya Kisan Party
Village & P.O. Dhanaundha, Tehsil &
Distt. Mahendragarh, Haryana.

399. Satya Marg Party
147, Dhimanpura, Shamli-24776 (Muzar-
farnagar ) Uttar Pradesh.

(ii) the existing entries at S.No. 241 relating to “Sajhavadi Party” shall be omitted:
(iii) against S.N. 374, for the existing entry ‘Satayug Party’ in column (1), the entry
“Satayug Party” shall be substituted.
(iv) against S.No. 353, for the existing entry ‘Dalits Peoples Party’ in column (1), the
entry “Tamil Nadu People’s Party” shall be substituted;
(v) against S.No. 334, for the existing entry ‘India National Party (Sabi)’ in column
(I), the entry “Garib Janta Party” shall be substituted;
(vi) against S.No. 350, for the existing entries relating to ‘Bodoland People’s Party’ in
columns (1) and (2), the entries ‘Bodoland People’s Party, (Permsing Brahma
Group)’ and ‘H.Q. & P.O. Kokrajhar-783370, B.A.C.A.Assam’ shall respectively be
substituted;
(vii) against S.No. 112, relating to Gujarat Janta Parishad, for the existing entries in
column (2), the entries “Nr. Sarvaday Hall, Brahm Society, P.O. Distt. Suren-
dranagar-363001” shall be substituted.

By Order,

S.K. MENDIRATTA
SECRETARY

K.K. Pradhan
Joint Chief Electoral Officer
Election Department, Gangtok,
Sikkim.

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

Notification No. 8/LR/S Dated 20/4/95

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

Whereas it appears to the Governor that land is likely to be needed for public purpose, not being a purpose of the Union, namely for the construction of Power line by Power Department in the block of Gangtok (Arithang), East District of Sikkim, measuring more of less 900 sq. ft. i.e. 30’X30’ bearing plot No. 815 (portion ) bounded as under:-

East: D.F. Shri N.P. Gurung,
West: D.F. Shri N.P. Gurung,
North: D.F. Shri N.P. Gurung,
South: D.F. Shri N.P. Gurung,

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

This notification is made under the provision of Section 4 of Act 1 of 1894 to all to whom it may concern.

A plan of the land may be inspected by the office of the District Collector, East District, Gangtok.

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

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

T.W. Barphungpa,
Secretary,
Land Revenue Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In pursuance of Rule 273-A (1) of the Rules of Procedure and Conduct of Business in Sikkim Legislative Assembly, the Hon’ble Speaker has been pleased to nominate the following Members of the Fifth Sikkim Legislative Assembly to constitute the first Committee on Library for the year 1995-96.

1. Shri K.B. Chamling
2. Shri Thotup Bhital,
3. Shri Gopal Lamichaney,
4. Shri Girish Chandra Rai,
5. Shri Dorjee Tshering Lepcha.

2. Under Rule 273-A (1) of the said Rules, Shri D.B. Gurung, Hon’ble Deputy Speaker shall be the ex-officio Chairman of the Committee.

B.P.S. BUSNETT
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In pursuance of Rule 269 of the Rules of Procedure and Conduct of Business in Sikkim Legislative Assembly, the Hon’ble Speaker has pleased to nominate the following Members of the Fifth Sikkim Legislative Assembly to constitute the first Committee on Government Assurances for the year 1995-96.

1. Shri Dorjee Tshering Lepcha,
2. Shri Mingma Tshering Sherpa, and
3. Shri N.K. Pradhan.

2. Under Rule 210 of the said Rules Shri Bhoj Raj Rai has been appoint by the Hon’ble Speaker as the Chairman of the Committee.

B. P. S. Busnett
Secretary
Sikkim Legislative Assembly Secretariat
Gangtok.

No. I(13) 94
Dated: Gangtok, the 6th April, 1995.

NOTIFICATION

In consultation with the State Government the Hon’ble Speaker has been pleased to order that Chairmen of the Financial Committee (Committee on public Accounts and Estimates) shall be provided with the same facilities as are granted by the State Government to the Members of the Legislative Assembly appointed as Chairmen of Department/Public Undertakings.

B.P.S. Busnett
Secretary
Sikkim Legislative Assembly Secretariat
Gangtok.

Dated 4th April, 1995.

NOTIFICATION

In pursuance of Rule 265 (1) of the Rules of Procedure and Conduct of Business in the Sikkim Legislative Assembly, the following Members of the Fifth Sikkim Legislative Assembly have been elected to constitute the Committee on Public Accounts for the year 1995-96.

1. Shri Sonam Chyoda Lepcha,
2. Shri Namkha Gyaltsen, and
3. Shri D.T. Lepcha.

2. Under Rule 210 (1) of the said Rule, Shri Sonam Chyoda Lepcha has been appointed by the Hon'ble Speaker to be the Chairman of the Committee.

B.P.S. BUSNETT
Secretary
NOTIFICATION

In pursuance or Rule 267 (I) of the Rules of procedure and conduct of Business in the Sikkim Legislative Assembly, the following Members of the Fifth Sikkim Legislative Assembly have been elected to constitute the Committee on Estimates for the year 1995-96.

1. Shri Namkha Gyaltsen,
2. Shri Sonam Chyoda Lepcha and
3. Shri D.T. Lepcha.

Under Rule 210(I) of the said Rules, Shri Namkha Gyaltsen has been appointed by the Hon'ble Speaker to be the Chairman of the Committee.

B.P.S. Busnett
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In pursuance of Rule 271 of Rules of Procedure and Conduct of Business in Sikkim Legislative Assembly, the Hon’ble Speaker has been pleased to nominate the following Members of the Fifth Sikkim Legislative Assembly to constitute the first Committee on Rules for the year 1995-96.

1. Shri Tseten Tashi Bhutia,
2. Shri Dorjee Tshering Lepcha,
3. Shri Girish Chandra Rai,
4. Shri Menlom Lepcha.

2. Under Rule 272 of the said Rules Shri C.B. Subba, Hon’ble Speaker shall be the ex-officio Chairman of the Committee.

B.P.S. Busnett
Secretary
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK.

No. SLA/95-96/5 (1) 38. Dated: 10th April, 1995.

NOTIFICATION

In pursuance of Rule 273-B (1) of the Rules of Procedure and Conduct of Business in Sikkim Legislative Assembly, the Hon’ble Speaker has been pleased to nominate the following Members of the Fifth Sikkim Legislative Assembly to constitute the first Committee on House for the year 1995-96.

1. Smt. Rinzing Ongmu,
2. Shri N.K. Pradhan,
3. Shri K.B. Chamling,
4. Shri Girish Chandra Rai and
5. Shri K.N. Upreti.

2. Under Rule 210 (1) of the said Rules, Smt. Rinzing Ongmu has been appointed by Hon’ble Speaker as the Chairperson of the Committee.

B.P.S. BUSNETT
Secretary

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

Notification No. 30/Home/95.     Dated: 8th May, 95.

NOTIFICATION

In State Government expresses its profound sorrow on the sad demise of Yap Samten Dorji, Dorji Lopen or Pemayanste Monastery in West Sikkim on 4th May, 1995.

An a mark of respect to the departed soul, the State Government hereby announces that all officers and educational institutions throughout the West District of Sikkim shall remain closed on Tuesday, 9th May, 1995 which is the day of the funeral.

By order and in the name of the Governor.

Sonam Wangdi,
Chief Secretary
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.


NOTIFICATION

In Justice M. L. Shrimal, (Retired) Chairman, Law Commission is hereby designated as the Chairman of the Human Rights Cell constituted by the State Government vide Notification No.26/Home/95 dated 20th April, 1995.

By Order and in the name of the Governor.

B.P. Pradhan
Joint Secretary, Home.
(F. No. 54(77) Home/93).

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGOK.
The State Government is hereby pleased to appoint Dr. S.C. Verma, Deputy Director, Ministry of Environment & Forests, Government of India as a Member of the Multi-Disciplinary Committee constituted for monitoring the effective implementation of the environmental safeguards associated with implementation of the Rathong Chu Hydro-electric Project vide Home Department’s notification No. 53/Home/94 dated 2nd September, 1994.

By Order and in the name of the Governor.

K. A. VARADAN,
CHIEF SECRETARY
(F. No. 1089/P/WORK/92)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.


NOTIFICATION

The State Government is pleased to hereby declare that the following new departments have been created in the Government with effect 10th April, 1995:-

1. Sports and Youth Affairs,
2. Women and Child Welfare,

By Order and in the name of the Governor.

K. A. VARADAN
CHIEF SECRETARY
(F. NO. 54(182) HOME/95)

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The Governor of Sikkim is pleased to decided that henceforth the Advisor to the Government of Sikkim is also allowed the reimbursement of the donations (towards noble and benevolent causes to the tune of Rs. 40,000/-per annum subject to a quarterly limit of Rs. 10,000.

This order shall be deemed to have come into effect the 1st April, 1995.

HOME SECRETARY
GOVERNMENT OF SIKKIM

F. NO. 2.(2) HOME /95

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

Notification No. 9/LR/(S) Dated 2-4-95.

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

Whereas the function of the Central Government under the Land Acquisition Act, 1894 (1 of 1894), in relation to the acquisition of land for the purpose of the Union have been entrusted to the State Government by notification No. 12018/76 LRD dated 10.1.78, issued by the Government of India under clause (I) of Article 258 of the constitution of India.

And whereas it appears to the Governor that land is likely to be needed for a public purpose being a purpose of the Union namely for Diversion of Mangan-Sangkalang Road by 86 Road construction Company (GREF) in the block of Malling Singhik, Zimchung and Kazor, North Sikkim, it is hereby notified that 17 Meters wide strip of land i.e. approximately 56 ft. within the cadastral survey plot Nos. noted under the schedule of properties below and measuring more or less 2.2480 hectares is likely to be needed for the aforesaid public purpose at the public expense within the aforesaid blocks of Malling Singhik, Zimchung and Kazor.

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

A plan of land may be inspected in the office of the District Collector, North Mangan.

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

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

SCHEDULE OF PROPERTIES
Malling Singhik block.

<table>
<thead>
<tr>
<th>Plot Nos.</th>
<th>9,9A, 10, 10A, 10B, and 10C</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zimchung  block: Plot Nos.</td>
<td>168, 169, 170, 171, 172, 173, 202, 202/666, 204, 203, 209, 210, 211, 212, 212A.</td>
</tr>
<tr>
<td></td>
<td>630A, 361, and 374.</td>
</tr>
</tbody>
</table>

T.W. Barphungpa, Commissioner-Cum-Secretary, Land Revenue Department.
Gangtok, Tuesday, 23rd May, 1995

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No. 29/Home/95 Dated 5th May, 1995.

NOTIFICATION

The Government is aware that a large number of teachers of Education Department who were transferred recently to different places have not joined their respective duties. While efforts have been made by the Department to tackle the situation, it is imperative that District Administration too extend their cooperation and assist the Education Department. For this purpose the following Districts-wise committee is hereby constituted:-

1. District Collector (N/E/S/W) Convenor
2. D.D.O. - Member
3. Deputy Director Education (N/E/S/W) - Member

Each District Committee may conduct inspection of each school and take action on the following lines :-

(i) Grant L.W.P. wherever the teachers are absent without application.
(ii) Recommend disciplinary proceedings wherever they have not joined and neither have submitted applications.
(iii) Recommend disciplinary action against Headmasters if transferred teachers are not relived so far.
(iv) Inspect the level of teachings and report deficiencies if any.

Sonam Wangdi, IAS,
Additional Chief Secretary to the Government of Sikkim

(015/23/196/95/Edu.)

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In exercise of the powers conferred by section 14 of the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989), the State Government, with the concurrence of the Chief Justice of the High Court of Sikkim, hereby specified the Court of Session. (East and North) and the Court of Session (South and West) at Gangtok to be the Special Court to try the offences under the said Act for the East and North Districts and the South and West Districts of Sikkim respectively.

By Order and in the name of the Governor.

SONAM WANGDI
ADDL. CHIEF SECRETARY
(F. NO. 54(2) HOME/90)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.


NOTIFICATION

In exercise of the powers conferred by section 432 of Code of Criminal Procedure, 1973, (No. 1 of 1974), the State Government of Sikkim is pleased to grant to remission or sentences to the prisoners in the Sikkim Jail on the occasion of the STATE DAY on 16th May, 1995, as mentioned below:-

<table>
<thead>
<tr>
<th>SI. No.</th>
<th>Name</th>
<th>Period of remission granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri Naku Bhutia</td>
<td>Remission of two months</td>
</tr>
<tr>
<td>2.</td>
<td>Shri Phurba Lepcha</td>
<td>Remission of two months</td>
</tr>
<tr>
<td>3.</td>
<td>Shri Sanjaman Subba</td>
<td>Remission of two months</td>
</tr>
</tbody>
</table>

By Order and in the name of the Governor.

SONAM WANGDI
ADDITIONAL CHIEF SECRETARY
(F. NO. 21(1) HOME/JAIL/87)

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
OFFICE OF THE SECRETARY, FOOD & CIVIL SUPPLIES DEPARTMENT
GANGTOK-SIKKIM

Dated : 28.4.95.

No. 1 (13) 91-92/CP/WM/FCS/I/

NOTIFICATION

In pursuance of clause (b) of section 9 read with clauses (a) and (b) of sub-section (1) of section 16 of the consumer Protection Act, 1986 (Central Act No. 68 of 1986) and in supersession of this Department’s Notification No. 17/FCS of 30th January, 1990, the State Government on the recommendation of the selection Committee hereby constitutes the State Commission with the following members :-

1. Justice R. Dayal - President
2. Shri Govind Prasad Pradhan, I.A.S - Member
   Additional Chief Secretary (Retd.) Gangtok
3. Miss Chandra Kala Chintury, I.A.S. - Member
   Secretary, Welfare Department

R.S. Shrestha
Secretary
Food & Civil Supplies Department
Government of Sikkim
Gangtok.
The Governor is pleased to constitute a Committee consisting of the following officers to examine the question of creation of new posts vis-à-vis the ground realities to regularize the employees working either on work-charged basis or on daily wages basis in public Health Engineering Department:-

1. Development Commissioner-cum Secretary, Planning & Development Department - Chairman
2. Commissioner-cum Secretary, Finance Department - Member
3. Secretary, Personnel, Department of Personnel, AR & Training - Member
4. Addl. Secretary-Personnel Department of Personnel, AR & Training - Member Secretary

BY ORDER,

S.K. GAUTAM,
JT. SECRETARY TO THE GOVT. DEPTT. OF PERSONNEL, AR & TRG.
NOTIFICATION

In pursuance of clause (a) of section 9 read clause (a) and (b) of sub-section (1) of section 10 of the Consumer Protection Act, 1986 (Central Act No. 68 of 1986) and in supersession of this Department’s Notification No. 18/FCS of 30th January, 1990, the State Government on the recommendation of the Selection Committee hereby constitute the District Forums for four districts of Sikkim consisting of the following members:-

1. EAST DISTRICT FORUM
   (1) Civil Judge-cum-Judicial Magistrate, North - President
   (2) Dr. B. Kumar, Principal Law College, Gangtok - Member
   (3) Miss Chuki Tobden, Gangtok - Member

2. NORTH DISTRICT FORUM
   (1) Civil judge-cum-Judicial Magistrate, North - President
   (2) Shri Pema Bhutia, Kabi Yongbong - Member
   (3) Miss Rinzing Ongmu, Kabi Yongbong - Member

3. SOUTH DISTRICT FORUM
   (1) Civil judge-cum-Judicial Magistrate, South - President
   (2) Shri Udai Chandra Rai, Wok - Member
   (3) Miss Shanta Ghatani, Namchi - Member

4. WEST DISTRICT FORUM
   (1) Civil judge-cum-Judicial Magistrate, West - President
   (2) Sub-Divisional Magistrate, (Headquarters), West - Member
   (3) Miss Krishna Kumari Thapa, Gyalshing - Member

R.S. Shresta
Secretary.
NOTIFICATION

The Governor of Sikkim is hereby pleased to notify the following further to amend the Government of Sikkim, Home Department Notification No. 36/Home dated the 6th August, 1976 regarding the constitution of the Law Commission of Sikkim published in the Sikkim Government Gazette, Extraordinary No. 53 of 9th August, 1976, namely:

1. In the said notification, in paragraph 1, for sub-paragraph (1), (2) and (3), the following sub-paragraphs shall be substituted, namely:-

   “(1) Shri M.L. Srimal, Chief Justice, Sikkim High Court (Retd.) - Chairman
   (2) Shri B.R. Pradhan, Legal Remembrancer and Secretary, Law, - Member
   (3) Shri Tashi Topden, IAS, Commissioner-cum-Secretary Finance Department. - Member
   (4) Shri B.C. Sharma, Joint Legal Remembrancer and Joint Secretary, Law.

2. In the said notification, for paragraph 5A, the following paragraph shall be substituted, namely:-

   “5A. The Chairman shall be paid an honorarium of Rs. 5000- per month.”

By Order and in the name of the Governor.

B. R. Pradhan
Secretary to the Government of Sikkim, Law Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
LAROUR DEPARTMENT
GANGTOK
NOTIFICATION

No. 16/DL Dated : Gantok, the 24th September, 1994.

Whereas the draft of the Child Labour (Prohibition and Regulation) (Sikkim) Rules, 1992 was published as required under sub-section (1) of Section 18 of the Child Labour (Prohibitions and Regulations) Act, 1986 (Central Act 61 of 1986) in the Sikkim Government Gazette No. 196, dated the 19th December, 1993, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of a period of sixty days from the date of publication of the said notification in the Official Gazette;

And whereas no objections and suggestions have been received from any person on the draft;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 18 of the said Act, the State Government hereby makes the following rules, namely :-

1. Short title and commencement.
   (1) These rules may be called the Child Labour (Prohibition and Regulation) Sikkim Rules, 1994.
   (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 required,

(a) “Act” means the Child Labour (Prohibition and Regulation) Act, 1986 (Central Act 61 of 1986);
(b) “casual” means a child worker whose employment is of casual nature;
(c) "employer” means the employer as defined in section 2 of the Sikkim Shops & Commercial Establishment Act, 1983;
(d) “establishment” means an establishment as defined in clause (iv) of section 2 of the Act;
(e) “Form” means a form appended to these rules;
(f) “Inspector” means an Inspector appointed under section 17 the Act;
(g) “Local authority” means the Urban Development and Housing Department in urban areas and the Zilla Panchayat or the Gram Panchayat in rural areas, and includes any other body which the State Government may, by notification, declare to be the authority for the purposes of this Act;
(h) “occupier” means occupier as defined in clause (vi) of section 2 of the Act;
(i) “permanent” means a child worker who has been engaged on a permanent basis and includes any child worker who has satisfactorily completed a probationery period of three months in the same or another occupation in the establishment, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment;
(j) “Register” means the register required to be maintained under Section 11 of the Act;
(k) “Section” means a section of the Act;
(l) “State Government” means Government of Sikkim;
(m) “temporary” means a child worker who has been engaged in any work which is of an essentially temporary nature likely to be completed within a limited period.

3. Cleanliness in the place of work and its freedom from engaged in any work which is of an places where child labour in engaged for work shall be swept, washed and dried at least once a day to keep them adequately clean and free from slippery agents or substances giving offensive smell.
(2) Where the floor of worksite is liable to become wet in the course of any process, effective means of drainage shall be provided and maintained.
(3) No rubbish, filth or the debris shall be allowed to a accumulate or remain on or near a site in such position that effluent can arise therfrom.

4. Disposal of waste and effluents :- (1) In case of work-site where the child is engaged, the drainage system proposed to be connected to the public sewerage system, prior approval of the arrangement made shall be obtained from the local authority.
(2) In the case of a worksite situated in a place where no public sewerage system exist, prior approval of the arrangement made for the disposal of waste effluents shall be obtained from the public Health authorities or such authority as the State Government may appoint or this behalf.

5. Ventilation and temperature :- Effective and suitable provision shall be made in every work premises for securing and maintaining in every workroom, adequate ventilation by the circulation of fresh air and such a temperature as will secure to child labour engaged therein reasonable conditions of comfort and prevent injury to health.

6. Lighting :- (1) The place of every worksite shall be provided and maintained with sufficient and suitable lighting, natural or artificial or both.
(2) An efficient portable electric battery or torch with an efficiently protected bulb shall be available in a suitable place for emergency lighting.

7. Drinking Water:- (1) The drinking water provided for drinking at the worksite shall be supplied.
   (i) from the taps connected with public water supply system ; or
   (ii) from any other source approved in writing by the Health Officer.
(2) If drinking water is not supplied by the source mentioned in su-rule (1), it shall be kept in suitable vessels and renewed at least daily. All practicable steps shall be taken to preserve the water and vessels free from contamination and to keep the vessels scrupulously clean.

8. Latrine and Urinals :- (1) Latrine and Urinals shall be provided separately for makes and females and shall be situated so as to be conveniently accessible in every work site in sufficient number for the use of child at all times. The walls, ceiling and partitions of every latrine and urinals shall be made of glazed tiles as far as practicable and whenever they are not made of glazed tiles, they shall be white-washed or colour-washed once in every month.
(2) All latrine and urinal provided shall be adequately lighted, ventilated and at shall times maintained in clean and sanitary condition .
(3) Every latrine shall be under cover and so partitioned off as to secure privacy and shall have a proper door and fastenings.

9. Spittoons :- (1) The spittoons shall be either of the following types, namely :-
   (i) a galvanized iron container with a conical funnel-shaped cover, a layer of suitable disinfectant liquid shall always dry cleaned in the container; or
   (ii) a container filled with dry cleaned sand and covered with layer of bleaching powder.
(2) The spittoons mentioned under sub-rule (1) shall be emptied, cleaned and disinfected at least once in every day.

10. Excessive weight:- No child shall be permitted to lift, carry or move by hand or head any weight exceeding the maximum limit of ten kilogram.
11. Protection of eyes: Effective screens or suitable goggles shall be provided for the protection of children in any work site where they are employed in or in the vicinity of processes which involve risk of injury to the eyes from particles or fragments thrown off during the process or which involve risk of injury to the eyes by reason of exposure of excessive light.

12. Explosive or inflammable dust, gas etc.: (1) Every worksite where child workers are employed, shall be free from any inflammable substance or explosive gas or dust.

13. Precaution in case of fire: (1) Every workers shall be provided with adequate means of escape in case of fire for the children employed therein and these means of escapes are so positioned that each child will have reasonable fair and unobstructed passage from his work site to those exists.
   (2) No exit intended to be used in case of fire shall be less than two and half feet in width no less than five feet six inches in height.
   (3) Every work site shall be provided and maintained with all possible fine extinguishing appliances at all times.

14. Safety of building and machinery: Adequate measures shall be provided for proper safety of building and machineries where child is engaged.

15. Hours and period of work: (1) No child shall be permitted to work in any establishment or class of establishment more than two and half hours before he has had an interval for rest for at least one and half hours.
   (2) No child shall be permitted to work more than six hours including the interval for rest or any day.

16. Weekly holidays: Every child labour shall be entitled to one day in the week as a holiday and for that holiday, the child labour shall be paid wages at a rate equal to the daily average of his wages for the days on which he has worked during the week immediately preceding the holidays.

17. Evidence as to age of a child labour: (1) In respect of a child in an establishment, the Inspector of the within area whose jurisdiction the establishment is situated may, at any time, in writing require the employer or occupier to produce at his own cost, within such time, not being less than ten days from the date of requisition, one of the following documents showing the age of such child employed, viz a certified copy of an extract from:
   (i) the records of any school;
   (ii) the Birth Register of Local Authority;
   (iii) certificate granted by the Government Medical and Health Officer.

   (2) In the case of employer's failure to produce either of the document required under sub-rule (1), the Inspector shall, at the cost of the employer, arrange to determine the age of the child labour employed through medical examination by the Chief Medical of Health Officer of the area or by any other competent medical officer not below the rank of Medical or Health Officer or by the certifying surgeon appointed as such under, section 7 of the Plantation Labour Act, 1951 or under section 10 of Factories Act, 1948. The Medical Authority shall issue his certificate in Form I.

18. Register: Every Employer or occupier shall be required to maintain in respect of children employed or permitted to work in any establishment, a register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment showing the particular in Form II.

19. Return: (1) Every employer or occupier shall furnish to the Inspector on or before the 15th January of every following year, the annual return ending 31st December of the preceding year in Form III in duplicate who will submit the same to the Labour Commissioner on or before 31st January.
   (2) The Labour Commissioner shall be required to submit the said annual return to the State Government within 15th February of the year after compilation.

20. Interpretation - If any difficulty arises so to interpretation of these rules the decision of the State Government thereon shall be final.
FORM 1
CERTIFICATE OF AGE
(See rule 17 (2) )

Certificate No. .................................................................

I hereby certify that I have personally examined (Name) .................................................................
son/ daughter of.............................................................................................................................residing at.................................................................

...........................................................................and that he/she has completed his/her fourteenth year and his/her age, as nearly
as can be ascertained from my examination, is .........................................years (completed). His/her
description marks are.......................................... Thumb impression/ Signature of Child....................................................

Medial Authority
Designation

PLACE ....................................

DATE  ......................................
FORM II

(See Rule 18)

Year: ...........................................................

Name and address of employer: ................................................................. Place of work: .................................................................

Nature of work being done by the establishment: .................................................................

<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Name of Child</th>
<th>Father’s Name</th>
<th>Date of Birth</th>
<th>Permanent Address</th>
<th>Date of Joining the establishment</th>
<th>Nature of work on which employed</th>
<th>Daily hours of work</th>
<th>Intervals of rest</th>
<th>Wages Period</th>
<th>Remark</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SI No.</td>
<td>Name of Establishment</td>
<td>Number of Child</td>
<td>Number of Children according to duration of Service from the date of appointment</td>
<td>Employees’ Status</td>
<td>Working Hours</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>----------------------</td>
<td>-----------------</td>
<td>---------------------------------------------------------------------------------</td>
<td>------------------</td>
<td>--------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Male</td>
<td>Female</td>
<td>Less than 1 (one) Year</td>
<td>1-2 Years</td>
<td>2-5 Years</td>
<td>More than five Years</td>
<td>Casu-ak</td>
<td>Tempo-rary</td>
<td>Perma-nent</td>
</tr>
<tr>
<td>1</td>
<td></td>
<td>2</td>
<td>3</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>8</td>
<td>9</td>
<td>10</td>
</tr>
</tbody>
</table>

Number of Children engaged at night | Total wages paid | No. of workers | Remarks |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 6 (six) hours</td>
<td>weekly</td>
<td>Fortnightly</td>
<td>Monthly working without rest hours</td>
</tr>
<tr>
<td></td>
<td>No. of days</td>
<td>Rs.</td>
<td>No. of days</td>
</tr>
<tr>
<td>14</td>
<td>15</td>
<td>16</td>
<td>17</td>
</tr>
</tbody>
</table>
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No. 228/95/H

Dated: Gangtok, the 19th May, 1995.

Election Commission of India’s notification No. 56/95/(8) dated 4th May, 1995. is hereby republished for general information.

SECRETARIAT OF THE
ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.

Dated 4th May, 1995,
14 Valsaka, 1917 (Saka)

NOTIFICATION

No. 56/95 (8).- WHEREAS, the Election Commission has, under the provisions of the Election Symbols (Reservation and Allotment) Order, 1968, reviewed the poll performance of all political parties at the general election to the State Legislative Assembly of Sikkim held in November-December, 1994 in terms of paras 6 and 7 of the Election (Reservation and Allotment) Order, 1968; and

2. WHEREAS, as a result of aforesaid review, the Commission vide its order dated 27.4.1995, has held that the Rising Sun Party, which was hitherto a recognised State Party in the State of Sikkim, is no longer entitled to be so recognised as a State Party in the State of Sikkim in terms of the provisions or paragraph 6 and 7 of the Election Symbols (Reservation and Allotment) Order, 1968;

3. NOW THEREFORE, in pursuance of clauses (b) and (c ) of sub-para (1) and sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following further amendment to its Notification No. 56/92, dated 7-1-1993, published as C.N.2 (E), dated 8-1-1993 in the Gazette of India, Extraordinary, Part-II, Section 3 (iii), and as amended from time to time, namely:

(I) IN TABLE-II of the said Notification,- against the entry “SIKKIM” the column 1, the existing entries in Column (2), (3) and (4) relating to “1. Rising Sun Party” respectively shall be DELETED.
(II) IN TABLE-III of the said Notification,-

after the existing entries at SI. No. 399, the following entries shall be inserted under column (1) and (2) respectively :-

“400. “Rising Sun Party Office : Ranipool, Sikkim”.

By order,

S.K. MENDIRATTA
SECRETARY

D.K. Pradhan,
Deputy Chief Electoral Officer,
Election Department, Gangtok,
Sikkim.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
GANGTOK.

No. 25/RDD                                                                                          Dated   :  Gangtok, the 19th May, 1995.

NOTIFICATION

A  State Watershed Programme Implementation and Review Committee is hereby constituted with immediate effect comprising of the following to monitor, review and evaluate the progress of implementation of the Watershed Development Programme in the State. The Department of Rural Development, Govt. of Sikkim is declared as the Nodal agency to service this Committee.

1. Chief Secretary - Chairman
2. Development Commissioner - Vice Chairman
3. Secretary, Agriculture - Member
4. Secretary, Animal Husbandry & Veterinary Services - Member
5. Secretary, Forest - Member
6. Secretary, Land Revenue - Member
7. Secretary, Rural Development - Member
8. Director, Sikkim Institute of Rural Development - Member

By Order.

R. ONGMU
Secretary
Rural Development Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.

NOTIFICATION

A State Watershed Programme Implementation and Review Committee is hereby constituted with immediate effect comprising of the following to monitor, review and evaluate the progress of implementation of the Watershed Development Programme in the State. The Department of Rural Development, Govt. of Sikkim is declared as the Nodal agency to service this Committee.

1. Chief Secretary - Chairman
2. Development Commissioner - Vice Chairman
3. Secretary, Agriculture - Member
4. Secretary, Animal Husbandry & Veterinary Service - Member
5. Secretary, Forest - Member
6. Secretary, Land Revenue - Member
7. Secretary, Rural Development - Member
8. Director, Sikkim Institute of Rural Development - Member

By Order.

R. ONGMU
SECRETARY, RDD.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
FOOD & CIVIL SUPPLIES DEPARTMENT
GANGTOK, SIKKIM

No. 3/WM/FCS/18/(189) Dated : 23.5.95.

NOTIFICATION

S

In exercise of the powers conferred by sub-section (1) of section 7 of the Consumer Protection Act, 1986, (86 of 1986), the State Government hereby makes the following amendment in Notification No. 18 (189) WN/FCS/1 Vol. II, dated the 27th November, 1991 regarding the constitution of State Consumer Protection Council :-

(a) In serial no. 11 the word “Yuva” shall be substituted by the word “Deep”.

(b) After serial No. 11, the figure and the word “12, Mrs. G.D. Rai- Member” shall be inserted.

R.S. Shrestha
Commissioner-cum-Secretary.
GOVERNMENT OF SIKKIM  
FOOD AND CIVIL SUPPLIES DEPARTMENT  
GANGTOK-SIKKIM  
No. 3/WM/FCS  
Dated. 25/4/95.

NOTIFICATION

Although, the notice have been issued from time to time for banning of the sale of non ISI items under compulsory ISI certification marking, it is further to inform that the sale of following items which does not conform to the ISI standards and ISI certification are hereby prohibited from the date of publication of this notification in the official gazette.

I. Under the Household Electrical Appliance (Quality Control) Order, 1981.

<table>
<thead>
<tr>
<th>SI. No.</th>
<th>Household Electrical Appliances</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Storage type automatic electric water heaters</td>
<td>IS : 2082-1978</td>
</tr>
<tr>
<td>2.</td>
<td>Rubber insulated cables (with copper conductors)</td>
<td>IS : 434 (Part I) 1964</td>
</tr>
<tr>
<td></td>
<td></td>
<td>IS : 434 (Part II) 1964</td>
</tr>
<tr>
<td>3.</td>
<td>Rubber insulated cables (with aluminum conductors)</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>PVX insulated cables (for voltage upto 1100V)</td>
<td>IS : 694-1977-1990</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(IS : 1556-1977) withdrawn</td>
</tr>
<tr>
<td>5.</td>
<td>Polyethylene insulated and PVC scathed cables upto and including 1000 Volts.</td>
<td>IS : 1396</td>
</tr>
<tr>
<td>7.</td>
<td>Domestic Electric Food Mixers (liquidizers, blenders and grinders)</td>
<td>IS : 4250-1980</td>
</tr>
<tr>
<td>8.</td>
<td>Electric Toasters</td>
<td>IS : 1287-1965</td>
</tr>
<tr>
<td>10.</td>
<td>Electric Kettles and Jugs for Household and similar use</td>
<td>IS : 367-1977</td>
</tr>
<tr>
<td>11.</td>
<td>Domestic electric clothes washing machines (non-automatic)</td>
<td>IS : 6390-1971</td>
</tr>
<tr>
<td>13.</td>
<td>Mains operated electric hair dyers</td>
<td>IS : 7154-1973</td>
</tr>
<tr>
<td>14.</td>
<td>Mains operated electric slurvers</td>
<td>IS : 5159-1969</td>
</tr>
<tr>
<td>15.</td>
<td>Domestic electric cooking ovens</td>
<td>IS : 5790-1970</td>
</tr>
<tr>
<td>16.</td>
<td>Steam Irons</td>
<td>IS : 6290-1971</td>
</tr>
<tr>
<td>17.</td>
<td>Flexible Electric Heating pads Domestic use</td>
<td>IS : 5161-1969</td>
</tr>
<tr>
<td>18.</td>
<td>Portable, hand-held mainsoperated electric managers</td>
<td>IS : 7137-1973</td>
</tr>
<tr>
<td>20.</td>
<td>Appliance connectors and inlets (non-reversible three pin type) appliance connectors</td>
<td>IS : 3013-(Part I) 1965</td>
</tr>
<tr>
<td>21.</td>
<td>Appliance-connectors and appliance inlets (non-reversible three pin type) appliance inlets.</td>
<td>IS : 3013(Part II)1965</td>
</tr>
<tr>
<td>23.</td>
<td>Cartridge type heating element (non-embedded type)</td>
<td>IS : 3724-1966</td>
</tr>
<tr>
<td>24.</td>
<td>Resistance wires, tapes and strings for heating elements</td>
<td>IS : 3725-1966</td>
</tr>
<tr>
<td>25.</td>
<td>Solid embedded type electric heating elements</td>
<td>IS : 4158-1967</td>
</tr>
</tbody>
</table>
27. Thermostats for eneral purpose electric ovens IS : 4165-1976
28. Mica insulated heating elements IS : 6446-1972
29. Electric portable lamp stand and brackets IS : 3481-1966
30. Three pin plugs made of resilient materials IS : 6538-1971
32. Electric instantaneous water heaters IS : 9878-1978
33. Single walled backing oven IS : 8985-1978

II. Under the Electrical Wires, Cables, Applicances and Accessories (Quality Control) Order, 1193.
1. Safety of household and similar electrical appliances-electric immersion water heaters. IS : 302-2-201(1992)
5. Switches for domestic and similar purpose. IS: 1258-1967
6. 2 Amp switches for domestic and similar purpose. IS: 3854-1988
7. 3 Pin plugs and socket outlets IS: 1293-1988


IV. Under the Mild Steel Tubes (Excluding seamless tube and tubes according to API specifications) (Quality Control) Order, 1978.
1. Mild Steel Tubes and Tubular IS: 1239(Part I)1973
2. Steel tubes for structural purpose (Second revision) IS: 1161-1978
3. Steel tubes used for water wells (upto 200mm dia.) IS: 4270-1976

1. Specification for Oil pressure Stoves (3rd Revision) IS: 1342-1978
2. Specification for Burners for Oil pressure stoves and Oil pressure Heaters. IS: 8808-1978
3. Specification for Mult-burner Oil stoves (First Revision) IS: 2787-1979

VI. Under the provision of the Cement (Quality Control Order, 1962, No. person shall himself or by any person on his behalf, manufacture or store for sale, sell or distribute cement which does not conform to the prescribed Standard and which do not bear the I.S. Certification Mark.

VII. Under Proviso of 4 (48-C. Sale of Food Additives of the Prevention of Food Adulteration Rules, 1955, the following food additives permitted for use in certain foods shall be sold only under the Indian Standards Institution Certification Marks, namely:-
1. Sulphuric Acid (Food Grade).
2. Sodium Propionate (Food Grade).
3. Calcium Propionate (Food Grade).
4. Sorbic Acid (Food Grade).
5. Potassium Metabisulphite (Food Grade).
6. Sodium Metabisulphite (Food Grade).
7. Sorbitol (Food Grade).
8. Benzoic Acid (Food Grade).
9. Sodium Benzoate (Food Grade).
10. Fumaric Acid (Food Grade).
11. Sodium Carboxymethyl Cellulose (Food Grade).
12. Sodium Alginate (Food Grade).
13. Agar Agar (Food Grade).
14. Alginic Acid (Food Grade).
15. Calcium Alginate (Food Grade).
16. Gelatin (Food Grade).
17. Ascorbic Acid (Food Grade).
18. Butylated Hydroxy Toluene (Food Grade).
19. Butylated Hydroxy Anosole (Food Grade).
20. Caramel (Food Grade).
21. Annatto colour (Food Grade).

Any dealers having any stocks of aforesaid items are hereby directed to disposed off their stocks within a month time from the date of publication of the Notification failing which their stocks, if any, will be sized and detained for further sale.

By Order.

R..S. Shresta
Secretary-cum-Controller,
Food & Civil Supplies Deptt.
Government of Sikkim,
Gangtok.
NOTIFICATION

The Govt. of Sikkim has been pleased to appoint the following to the State Press Accreditation Committee (SPAC) as per the SPAC Rules, 1992:-

1. Shri Pasong Namgyal, Secretary-IPR : Convenor.
2. Shri Jigme N. Kazi, Rep. of UNI in Sikkim : Member.
3. Shri Ganga Bahadur Rai, Editor, Darpan : Member.
4. Shri B. Bhattacharya, Editor, Himgr : Member.
5. Shri Kishore Moktan, Editor, Awaaz : Member.

The Committee will function in accordance with the provisions of the SPAC Rules, 1992 for a period of two years from date of its first meeting.

Pasong Namgyal
Comm. cum-Secretary / IPR.
GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG.
GANGTOK.


NOTIFICATION

In exercise of the powers conferred by the proviso to Articles 309 of the Constitution, the Governor hereby makes the following rules further to amend the Sikkim Police Force (Discipline & Appeal) Rules, 1989, namely :-

1. (1) These Rules may be called the Sikkim Police Force (Discipline & Appeal) Amendment Rules, 1995.
   (2) They shall come into force on and from the date of their publication in the official Gazette.
   (3) They shall apply to posts specified in serial number 3 to 5 relating to Sikkim Police and serial number 2 to 4 relating to Sikkim Vigilance Police of the Schedule.

2. In rule 2 of the Sikkim Police Force (Discipline & Appeal) Rules, 1989, (hereinafter referred to as the said rules), clause (b) shall be deleted.

3. In rules 6 of the said rules,
   (a) clause (2) of sub-rule (1), shall be deleted;
   (b) clause (2) of sub-rule (3), shall be deleted.

4. In rule 7 of the said rule,
   (a) proviso to sub-rule (25) shall be deleted;
   (b) in sub-rule (27), the words “and also a copy of the advice if any, given by the Commission, and where the disciplinary authority has not accepted the” shall be deleted.

5. In the said rules, proviso to rule 9 shall be deleted.

6. In rule 11 of the said rules clause (i) of the proviso to sub-rule (5) shall be deleted.

7. In rule 12 the said rules,
   (a) in sub-rule (1), the words “after consultation with the Commission where such consultation is necessary” shall be deleted;
(b) in the proviso to sub-rule (1), the words “and except after consultation with the Commission where such consultation is necessary” shall be deleted.

8. In the proviso to rule 13 of the said rules, the words “and except after consultation with the Commission where such consultation is necessary” shall be deleted.

9. In the Schedule to the said rules, for serial numbers 3 to 5 relating to Sikkim Police and the corresponding entries thereto, the following serial numbers and entries shall be substituted, namely :-

<table>
<thead>
<tr>
<th></th>
<th>Sub Inspector of Police</th>
<th>Deputy Inspector General of Police</th>
<th>(1) Deputy Inspector General of Police</th>
<th>All</th>
<th>Director General of Police</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td>(1) Deputy Inspector General of Police</td>
<td>All</td>
<td>Director General of Police</td>
</tr>
<tr>
<td>4.</td>
<td>Assistant Sub Inspector of Police</td>
<td>Senior Superintendent of Police/ Superintendent of Police</td>
<td>(1) Senior Superintendent of Police/ Superintendent of Police</td>
<td>(i) to (iv)</td>
<td>Deputy Inspector General of Police</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(2) D.I.G.P.</td>
<td>(i) to (x)</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Head Constable/ Niak and Constable</td>
<td>Senior Superintendent of Police/ Superintendent of Police</td>
<td>(1) Senior Superintendent of Police/ Superintendent of Police</td>
<td>All</td>
<td>Deputy Inspector General of Police</td>
</tr>
</tbody>
</table>

R.S. BASNET
Secretary to the Govt. of Sikkim
Deptt. of Personnel, Adm. Reform & Trg.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
TASHILING, GANGTOK.

No.  35 (133) 88-89/15/RDD/P.                                                                                     Dated :  31/3/1995

NOTIFICATION
(Under Section – 11 )

Whereas Unit No. 23, Mainram Phalidara Gram Panchayat has in exercise of the power conferred to the Gram Panchayat under section -20 has removed the following office bears on 14.6.94.

1. Shri C.D. Gurung       Sabhapati
2. Shri  Tshering Sherpa     Sachiva

and has elected a body of office bearer consisting of the following :-

1. Shri Mani Pratap Tamang       Sabhapati
2. Shri   Udai Man Rai           Up-Sabhapati
3. Shri Champa Singh Mangar     Sachiva
4. Shri  C.D. Gurung          Member
5. Shri  Tshering Dorjee Sherpa     Member

The above mentioned office bearer take office forthwith and shall hold their offices for the unexpired term of office of the predecessor.

SECRETARY
RURAL DEVELOPMENT DEPARTMENT

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


ERRATUM:

The name and designation be read as T.W. Barphungpa, Secretary, Land Revenue Department instead of T. W. Barphungpa, Land Revenue Department in the notification No. 7/LR (S) dated 10th April, 1995 for declaration under section 6 of Land Acquisition Act. 1894 published in Gazette No. 61 dated 10th April, 1995, regarding acquisition of land for the construction of Civil Court & Judicial Court-cum-Residential Quarter in the block of Namchi Bazar.

N. Tshering
Addl. Secretary,
Land Revenue Department.
In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Governor of Sikkim is pleased to make the following rules to amend the Sikkim Civil Service (Amendment) Rules, 1995, namely:

1. These rules may be called the Sikkim Civil Service (Amendment) Rules, 1995.

2. In rule 1 of the Sikkim State Civil Service (Amendment) Rules, 1995, for sub-rule (2), the following sub rule shall be substituted, namely:

“(2) Sub-rule (4) of rule 4 shall and shall always be deemed to have to have come into force with effect from 10th April, 1987 and other provisions shall come into force at once.”

R. S. BASNET
SECRETARY TO THE GOVT. OF SIKKIM
DEPTT. OF PERSONNEL, A. R. & TRG.
GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG.
GANGTOK.

No. 13/(GEN)/DOP. Dated the 1.6.1995.

NOTIFICATION

The Government of Sikkim is pleased to notify that the induction of 158 persons into State Civil Service vide Notification No. 32/ GEN/EST. dated 10.8. 1993 is deemed to have been done under Rule 4 (4) of the Sikkim State Civil Service Rules, 1977 as amended vide Notification No. E (23) 59 Gen/ DOP. dated 27.3. 1995 and further amended vide Notification No. 12/GEN/DOP. dated 29. 5. 1995.

This Notification supersedes all previous Notification Order & Provisions thereof issued earlier which are contrary to or inconsistent with this Notification and all actions taken under those previous Notification, Order and provisions thereof shall be and shall always be deemed to have been taken under this Notification.

R. S. BASNET
SECRETARY TO THE GOVT. OF SIKKIM
DEPTT. OF PERSONNEL, ADM. REFORMS & TRG.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
TASHILILNG, GANGOK.

No. 35(22)/88-89/16/RDD/P

NOTIFICATION
UNDER SECTION 11

Whereas in exercise of power conferred by Section 20 of Sikkim Panchayat Act, 1982, the 12 Yantey Gram Panchayat Unit of West District has removed Shri Logsang Sonam Wangyal Kazi as Sabhapati of the said Panchayat Unit and has nominated a body of new office bearer on 3.9.94.

New, therefore, in pursuance of Section 11 of the said Act, the State Government hereby published the names of the new office bearer as under.

1. Shri Man Bir Rai - Sabhapati
2. Shri Chandra Bahadur Subba - Up-Sabhapati
3. Shri Hari Prasad Khatiwara - Sachiva
4. Shri Rinzing Wangyal Kazi - Member
5. Shri Lobzang Sonam Wangyal Kazi - Member
6. Shri Durga Bir Subba - Member

R. ONGMU, I.A.S.
SECRETARY
RURAL DEVELOPMENT DEPARTMENT

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
HIGH COURT OF SIKKIM
GANGTOK.

No. 18/HCS. Dated: Gangtok, the 24th May, 1995.

NOTIFICATION

Hon’ble the Chief Justice has been pleased to appoint Mrs. Anniemol Cherian (Advocate) as Oath Commissioner on remuneration basis for a term of one year with immediate effect to administer Oath on Affidavit under the provision of Section 139 of Code of Civil Procedure 1908 as amended up to date and Section 297 of the Code of Criminal Procedure, 1973.

The remuneration payable to her for the attestation of Affidavit is fixed as under:

1. Attestation in the Court premises – Rs. 3/- per Affidavit.
2. Attestation at the residence of deponent – Rs. 6/- per Affidavit.

By Order.

D. C. ROY
Dy. Registrar.

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


NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 13 of the Sikkim Agricultural Land Ceiling and Reforms Act. 1977 (Act No. 14 of 78), the State Government hereby appoints Ms. Nalini Gupta, Joint Secretary to Government of Sikkim in the Department of Land Revenue as a sole member of the Tribunal for hearing of appeals under section 13 of the Act.

T. W. BARPHUNGPA,
Commissioner-Cum-Secretary,
Land Revenue Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
DEPARTMENT OF EDUCATION


NOTIFICATION

Consequent upon the decision of the Government to upgrade schools with effect from the academic session 1995, the following schools are upgraded with immediate effect.

1. SECONDARY SCHOOLS TO SENIOR SECONDARY SCHOOLS.
   (a) Sombaria Secondary School, West.
   (b) Assam Lingzey Secondary School, East.

2. JUNIOR HIGH SCHOOLS TO SECONDARY SCHOOLS.
   (a) Melli Junior High School, South.
   (b) Maniram Junior High School, South.
   (c) Syapley Sardarey Junior High School, East.

3. PRIMARY SCHOOLS TO JUNIOR HIGH SCHOOLS.
   (a) Dalep Primary School, South.
   (b) Yangang Pathing Primary School, South.
   (c) Tingrithang Primary School, South.
   (d) Tumlabong Primary School, East.

By Order.

D. Tshering
Director Education
Government of Sikkim
Gangtok.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT

Notification No. 12/LR/(S) Dated: Gangtok, the 5th June, 1995.

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

Whereas the function of 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 the State Government by Notification No. 12018/12/76 LRD dated 10.1.1978 issued by the Government of India under Clause (1) of Article 258 of Constitution of India.

And whereas it appears to the Governor that land is likely to be needed for a public purpose being a purpose of the union, namely for setting of 17 Assam Rifles, camp in the block of Zimchung (Rangrang) North District, Mangan, it is hereby notified that pieces of land comprising cadastral plot Nos. 307, 309,310, 311,312, 313, 314, 508, 509, 511, 518, 519, 520, 522, 523,524, 525, 526, and 528 measuring, more or less 9.5100 hectares bounded as under:-

East : Govt. Khas and Rangrang Khola.
West : D.F. and Banjo land of Tashi Wangyal Tamang,
       Govt. Khas Vir and Khola.
North : Govt. Khas Vir and D.F. of Jigmi Lachenpa &
South : Tista River.

is likely to be needed for the aforesaid public purpose at the public expense within the block of Zimchung excluding the area fell in the National High Way and Bye Pass road Rangrang.

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

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

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 servant and workman, to enter upon and survey the land and all other acts required or permitted by that section.

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

T. W. BARPHUNGPA,
Secretary,
Land Revenue Department.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Gangtok, Friday, 16th June, 1995. No. 125.

GOVERNMENT OF SIKKIM
WELEARE DEPARTMENT


NOTIFICATION

In India Sawhney vs- Union of India case AIR 1993-Supreme Court 477- the Hon’ble Supreme Court directed all State Government to constitute a permanent body for entertaining, examining and recommending for inclusion and/or exclusion of the class/caste of people in the list of Backward Classes to be notified by the State Government within a period of four months from the date of Judgment 16th November, 1992. It also directed that keeping in view the socio-economic criteria to exclude socially advanced person/section (creamy later) from the list of other backward classes. Guidelines should be issued as soon as possible.

2. Based on the Central Government guidelines, the Sikkim Commission for Backward Classes has already recommended the criteria for exclusion of the creamy layer. To give effect to this judgment and to give relief to the Socially and Educationally Backward Classes or Other Backward Classes, the State Government has decided to notify the creamy layer in the list of Socially and Educationally Backward Classes or Other Backward Classes. The criteria are provided in Schedule I appended to this Notification.

3. The authorities competent to issue certificates for the purpose of verification of the classes/communities indicated for giving benefit of reservation in civil services, other posts of Government of India as well as in educational institution for admission for Sikkimese candidates will also have the power to determine and mention in the certificate that the particular person/section does not belong to the creamy layer.

4. The authority authorised to issued such certificates are the District Magistrates, Additional District Magistrates and Sub-Divisional Magistrates of the area where the candidate or his/her family normally resides. Certification to be issued will be in the Form as prescribed in Schedule II appended to this Notification. This certificate will be accepted by all the Department and Institution for giving benefit of reservation to Socially and Educationally Backward Classes or Other Backward Classes. The authorities empowered to issue certificates are also authorised to make a slight variation of the language of the certificate if any Institution has prescribed its own Form.

By Order and in the name of the Governor.

C. CINTURY
SECRETARY, WELFARE
(F. NO. 296 (5)/WD)

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
## SCHEDULE 1
### PERSONS/SECTIONS EXCLUDED FROM RESERVATION FOR OTHER BACKWARD CLASSES IN SIKKIM

<table>
<thead>
<tr>
<th>Description of Category</th>
<th>To whom rule of exclusion will apply</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>I. Constitutional Posts</strong></td>
<td>Son (s) and daughter (s) of-</td>
</tr>
<tr>
<td></td>
<td>(a) President of India;</td>
</tr>
<tr>
<td></td>
<td>(b) Vice-President of India;</td>
</tr>
<tr>
<td></td>
<td>(c) Judges of the Supreme Court and of the High Courts;</td>
</tr>
<tr>
<td></td>
<td>(d) Chairman members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller and Auditor-General of India;</td>
</tr>
<tr>
<td></td>
<td>(e) Person holding constitutional positions of like nature.</td>
</tr>
<tr>
<td><strong>II. Service Category Group ‘A’/ Class I Officers of the All India Central Service and in State Government Class I Officer of the rank of Joint Secretary and above.</strong></td>
<td>Son (s) and Daughter (s) of-</td>
</tr>
<tr>
<td></td>
<td>(a) Parents, both of whom are Class I Officers of the rank of Joint Secretary and above in the State Government</td>
</tr>
<tr>
<td></td>
<td>(b) Parents, either of whom is a Class I Officers of the rank of Joint Secretary and above in the State Government.</td>
</tr>
<tr>
<td></td>
<td>(c) Parents, both of whom are Class I Officers of the rank of Joint Secretary and above in the State Government, but one of them dies or suffers permanent incapacitation;</td>
</tr>
<tr>
<td></td>
<td>(d) Parents, both of whom are Class I Officers of the rank of Joint Secretary and above in the State Government, but one of them dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IFM, World Bank, etc., for a period of not less than 5 years;</td>
</tr>
<tr>
<td></td>
<td>(e) Parents, both of whom are Class I Officers of the rank of Joint Secretary and above in the State Government, die or suffers permanent incapacitation and before such death or such incapacitation of the both either of them had the benefit of employment in any International Organisation like UN, IFM, World Bank, etc., for a period of not less than 5 years;</td>
</tr>
<tr>
<td></td>
<td>Provided that the rule of exclusion shall not apply in the following cases:-</td>
</tr>
<tr>
<td></td>
<td>(a) Sons and daughters of parents either of whom or both of whom are Class I Officer of the rank of Joint Secretary and above in the State Government and such parent (s) dies/ die or suffer permanent incapacitation;</td>
</tr>
<tr>
<td></td>
<td>(b) A lady belonging to OBC category has got married to a Class I Officer of the rank of Joint Secretary and above in the State Government and may herself like to apply for a job;</td>
</tr>
</tbody>
</table>
B. Employees in Public Sector Undertakings, etc.

The criteria enumerated in A above in this category will apply mutatis mutandis to Officers holding equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the Officers in these institutions.

III. Armed Forces including Paramilitary Forces. (Person holding civil posts are not including)

Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Paramilitary Forces;

Provided that-

(i) if the wife of an Armed Forces Officer is herself in the armed forces (i.e. the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;

(ii) the service ranks below Colonel of husband and wife shall not be clubbed together;

(iii) if the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under Item No. II in which case the criteria and conditions enumerated therein will apply to her independently.

VI. Professional Class and those engaged in Trade and Industry.

(i) Person engaged in profession as doctor lawyer, chartered accountant, income tax consultant financial or management consultant, dental surgeon, engineer, architect, computer specialist, film professionals, author, playwright, sports vocations of like status.

Criteria specified in Category VI will apply.

(ii) Persons engaged in trade business and industry.

Criteria specified in Category VI will apply.

EXPLANATION-

(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband’s income.

(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife’s income and the husband’s income will not be clubbed with it.
V. Property owners

A. Agricultural holding

Definition of ‘family’ should be as defined in Section 2 (i) of the Sikkim Agriculture Land Ceiling and Reform Act, 1977.

Son (s) and daughter (s) of persons belonging to a family (father, mother and minor children) which owns—

(a) Only irrigated land which is equal to or more than 85% of the statutory ceiling area or

(b) both irrigated and unirrigated land, as follows:-

(i) The rule of exclusion will apply where the Pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limits for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 85% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.

(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.

EXPLANATION

As per Section 5 (a) and (b) of the Sikkim Agricultural Land Ceiling and Reforms Act (Amendment) 1978, the ceiling shall be in the case of person having no family or a family consisting of not more than 5 members – 12.5 standard acres and in the case of a person having a family consisting of more than 5 members -12.5 standard acres increased by 2 subject to the ceiling area of 20.5 standard acres.

B. Plantations

(i) Coffee, tea, cardamom etc.

(ii) Fruits – citrus, apple plantations etc.

Criteria of income/wealth specified in Category VI below will apply.

Deemed as agricultural holding and hence criteria at A above under this category will apply Criteria specified in Category VI below will apply.
C. Vacant land and/or building in urban areas or urban agglomerations.

EXPLANATION –

Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.

VI. Income/Wealth Test

Son (s) and daughter (s) of-

(a) Persons having gross annual income of Rs. 1.00 lakh (Rupees one lakh ) or above.

(b) Person of Categories I, II, III, and V-A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income mentioned above.

EXPLANATION –

(i) Income from salaries and Agricultural land shall not be clubbed;

(ii) The income criteria in term of rupees will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.

EXPLANATION –

Wherever the expression permanent incapacitation occurs in the schedule, it shall mean incapacitation which result in putting an officer out of service.
SCHEDULE II
CERTIFICATE OF OTHER BACKWARD CLASSES

This is to certify that ..................................................................................................................son of.................................................................................................................., village.......................... District...........................................


Shri..................................................................................................and/or his family ordinarily reside (s) in the ........................................................... District of  the .......................................................................... State.

This is also to certify that he/she does not belong to the person/section (Creamy layer) mentioned in column 3 of the Schedule to the Government of India, Department of Personnel and Training, O. M. No. 36012/22/93-Estt. (SCT), dated 8.9.1993.

Dated : DISTRICT MAGISTRATE/ ADDITIONAL DISTRICT MAGISTRATE SUB-DIVISIONAL MAGISTRATE

(Seal)

NB:- (a) The term ordinarily used here will have the same meaning as in Section 20 of the Representation of People Act, 1950.

(b) Where the certificates are issued by Gazette Officers of the Union Government or State Government, they should be in the same form but countersigned by the District Magistrate or Deputy Commissioner (Certificate issued by Gazetted Officers and attested by District Magistrate/ Deputy Commissioner are not sufficient).

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.


NOTIFICATION

The Government of Sikkim is pleased to appoint Shri Narayan P. Sharma, Advocate, as Government Advocate-cum-Public Prosecutor with immediate effect.

His terms of appointment shall be governed by Notification No. 21 (3) LD/LIT/84 (I) dated 7th August, 1984 and shall be entitled to fees as specified in Notification No. 21/(3) LD/LIT/84 (II) dated the 7th August, 1984, respectively.

By Order and in the name of the Governor.

B. R. PRADHAN
Legal Remembrancer and Law Secretary,
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT, GANGTOK.

No. 28/L/R. Dated: Gangtok, the 1st June, 1995.

NOTIFICATION

In exercise of the powers conferred by clause (c) of section 2 of the Sikkim Public Demand Recovery Act, 1988 (1 of 1988), and in supersession of the Land Revenue Department Notification No. 27/L.R. dated 21.3.95, the State Government hereby appoints Shri A. K. Yadav, IAS, Joint Secretary, Finance Department, as the Certificate Officer for the purpose of the said Act for the whole of Sikkim with immediate effect.

T.W Barphungpa IAS
Secretary to the Govt. of Sikkim
Land Revenue Department.
Election Commission of India’s Order No. 76/SKM/LA95 (1) dated 7th June, 1995 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road
New Delhi-110001.

No. 76/SKM-LA95(1)                                                                 Dated : 7th June, 1995
17 Jyaistha, 1917,

ORDER

Whereas the Election Commission is satisfied that each of contesting candidates specified in column (4) of the Table below at the General Election to the Legislative Assembly, 1994, as specified in column (2) and held from the Constituency specified in column (3) against his name has not lodge the account at all as shown in column (5) of the said Table, as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate has either not furnished any reason or explanation for the said failure even after due notice and the Election Commission is thus satisfied that they have no good reason or justification for the said failure;

Now, thereof, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative Assembly or Legislative Council of a State/ Union Territory for a period of 3 years from the date of this order.
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Particulars of Election</th>
<th>Sl. No. &amp; Name of Constituency</th>
<th>Name &amp; Address of candidates</th>
<th>Reason for disqualification</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>General Election to the Legislative Assembly, 1994.</td>
<td>15-Rateypani West Pendam Assembly Constituency.</td>
<td>Sh. Padam Bahadur Kami, Daramdin Bazar, P.O. Daramdin West Sikkim.</td>
<td>Failed to lodge the account of election expenses.</td>
</tr>
<tr>
<td>2.</td>
<td>-do-</td>
<td>10-Jorethang Assembly Constituency.</td>
<td>Sh. Bishnu Kumar Rai Maniram Bhanjyang Tangzi, Sikkim.</td>
<td>-do-</td>
</tr>
</tbody>
</table>

By Order.

K.P.G. KUTTY
Secretary
To the Election Commission of India

K.K. PRADHAN
Joint Chief Electoral Officer,
Election Department Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 25/HOME/95


NOTIFICATION

The State Government is hereby pleased to appoint Dr. S. C. Verma, Deputy Director, Ministry of Environment & Forests, Government of India as a Member of the Multi-Disciplinary Committee constituted for monitoring the effective implementation of the environmental safeguards associated with implementation of the Rathongchu Hydro-electric Project vide Home Department’s notification No. 53/Home/94 dated 2nd September, 1994.

By order and in the name of the Governor.

K. A. VARADAN,
CHIEF SECRETARY.
F. NO. 1089/P/WORK/92
GOVERNMENT OF SIKKIM
WELFARE DEPARTMENT

NOTIFICATION

In pursuance of the provisions contained in clause (4) of Article 15, clause (4) of Article 16 and Article 335 of the Constitution of India, the State Government has approved the reservation for Schedule Castes, Schedule Tribes and Other Backward Classes in posts and services to be filled up by direct recruitment under the Government of Sikkim and Public Sector Undertaking and for allotment of seats in educational institutions for professional courses as per the percentage fixed by the Government of India as under:

1. Schedule Castes - 6%
2. Schedule Tribes - 23%
3. Other Backward Classes - 21%

2. The above notification shall come into force with effect from 1st July, 1995.

By order and in the name of the Governor.

C. CINTURY IAS
COMMISSIONER-CUM-SECRETARY
GOVERNMENT OF SIKKIM
WELFARE DEPARTMENT
(F. NO 398/1995-96/WD)
GOVERNMENT OF SIKKIM
GOVERNMENT OF SIKKIM
FOOD AND CIVIL SUPPLIES DEPARTMENT
GANGTOK-SIKKIM

No.13/WM/FCS
Date:25/4/95

NOTIFICATION

Although, the notice have been issued from time to time for banning of the sale of non ISI items under compulsory ISI certification marking, it is further to inform that the sale of following items which does not conform to the ISI standards and ISI certification are hereby prohibited from the date of publication of this notification in the official gazette


<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Household Electrical Appliances</th>
<th>Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Storage type automatic electric water heaters</td>
<td>IS:2082-1978</td>
</tr>
<tr>
<td>2</td>
<td>Rubber insulated cables (with copper conductors)</td>
<td>IS:434(Part I) 1964</td>
</tr>
<tr>
<td>3</td>
<td>Rubber Insulated cables (with aluminum conductors)</td>
<td>IS:434(Part II) 1964</td>
</tr>
<tr>
<td>4</td>
<td>PVX insulated cables (for voltage upto 1100V)</td>
<td>IS:694-1977-1990</td>
</tr>
<tr>
<td>5</td>
<td>Polythylene insulated and PVC sheathed cables upto 1000 Volts.</td>
<td>IS:1556-1977</td>
</tr>
<tr>
<td>6</td>
<td>Electric Hot Plates</td>
<td>IS:365-1965</td>
</tr>
<tr>
<td>7</td>
<td>Domestic Electric Food Mixers (liquidizers,blenders and grinders)</td>
<td>IS:4250-1980</td>
</tr>
<tr>
<td>8</td>
<td>Electric Toasters</td>
<td>IS:1287-1965</td>
</tr>
<tr>
<td>9</td>
<td>Electric Coffee Percolaters (Non-regulators types)</td>
<td>IS:3514-1966</td>
</tr>
<tr>
<td>10</td>
<td>Electric Kettles and Jugs for Household and similar use</td>
<td>IS:367-1977</td>
</tr>
<tr>
<td>11</td>
<td>Domestic electric clothes washing machines (non-automatic)</td>
<td>IS:6390-1971</td>
</tr>
<tr>
<td>12</td>
<td>Electric Water boilers</td>
<td>IS:3412-1965</td>
</tr>
<tr>
<td>13</td>
<td>Mains operated electric hair dyers</td>
<td>IS:7154-1973</td>
</tr>
<tr>
<td>14</td>
<td>Mains operated electric slurvers</td>
<td>IS:5159-1969</td>
</tr>
<tr>
<td>15</td>
<td>Domestic Electric cooking ovens</td>
<td>IS:5790-1970</td>
</tr>
<tr>
<td>16</td>
<td>Steam Irons</td>
<td>IS:6290-1971</td>
</tr>
<tr>
<td>17</td>
<td>Flexible Electric Heating pads Domestic use</td>
<td>IS:5161-1969</td>
</tr>
<tr>
<td>18</td>
<td>Portable,hand-held mains operated electric massagers</td>
<td>IS:7137-1973</td>
</tr>
<tr>
<td>19</td>
<td>Portable low-speed food grinding machine</td>
<td>IS:7603-1975</td>
</tr>
<tr>
<td>20</td>
<td>Appliance connectors and inlets (non-reversible three pintype)</td>
<td>IS:3010(Part I)1965</td>
</tr>
<tr>
<td>21</td>
<td>Appliance-connectors and appliance inlets (non-reversible three pintype) appliance inlets</td>
<td>IS:3010(Part II)1965</td>
</tr>
<tr>
<td>22</td>
<td>Thermostats for use with Electric water heater</td>
<td>IS:3017-1965</td>
</tr>
<tr>
<td>23</td>
<td>Cartridge type heating element (non-embeded type)</td>
<td>IS:3724-1966</td>
</tr>
<tr>
<td>24</td>
<td>Resistance wires, tapes and strings for heating elements</td>
<td>IS:3725-1966</td>
</tr>
<tr>
<td>25</td>
<td>Solid embedded type electric heating elements</td>
<td>IS:4158-1967</td>
</tr>
</tbody>
</table>
27. Thermostats for general purpose electric ovens IS:4165-1967
28. Mica insulated heating elements IS:6446-1972
29. Electric portable lamp stand and brackets IS:3481-1966
30. Bayonet lamp holders IS:6538-1971
32. Electric instantaneous water heaters IS:8978-1978
33. Single walled backing oven IS:8985-1978

II. Under the Electrical Wires, Cables, Appliances and Accessories (Quality Control) Order, 1933.
1. Safety of household and similar electrical appliances-electric immersion water heaters. IS:302-2-201(1992)
5. Switches for domestic and similar purposes. IS:3854:1988
6. 2 Amp switches for domestic and similar purposes. IS:4949:1968
7. 3 Pin plugs and socket outlets IS:1293:1988


IV. Under the Mild Steel Tubes (Excluding seamless tubes and tubes according to API specifications) (Quality Control) Order, 1978.
1. Mild Steel Tubes and Tubular IS:1239(Part I)1973
2. Steel tubes for structural purposes (Second revision) IS:1161-1978
3. Steel tubes used for water Wells(upto 200mm dia.) IS:4270-1967

V. Under the oil Pressure Stoves (Quality Control) Order, 1987.
1. Specification for Oil pressure Stoves (3rd Revision) IS:1312-1978
2. Specification for Burners for Oil pressure stoves and Oil pressure Heaters. IS:8808-1978
3. Specification for Multi-burner Oil stoves (First Revision) IS:2787-1979

VI. Under the provision of the Cement (Quality Control) Order, 1962. No person shall him self or by any person on his behalf, manufacture or store for sale, sell or distribute cement which does not conform to the prescribed Standard and which do not bear the I.S. Certification Mark.

VII. Under Proviso of 4 (48-C. Sale of Food Additives of the Prevention of Food Adulteration Rules, 1955, the following food additives permitted for use in certain foods shall be sold only under the Indian Standards Institution certification Marks, namely:

1. Sulphuric Acid (Food Grade).
2. Sodium Propionate (Food Grade).
3. Calcium Propionate (Food Grade).
4. Sorbic Acid (Food Grade).
5. Potassium Metabisulphite (Food Grade).
6. Sodium Metabisulphite (Food Grade).
7. Sorbitol (Food Grade).
8. Benzoic Acid (Food Grade).
9. Sodium Benzoate (Food Grade).
10. Fumaric Acid (Food Grade).
11. Sodium Carboxymethyl Cellulose (Food Grade).
12. Sodium Alginate (Food Grade).
13. Agar Agar (Food Grade).
14. Alginic Acid (Food Grade).
15. Calcium Alginate (Food Grade).
16. Gelatin (Food Grade).
17. Ascorbic Acid (Food Grade).
18. Butylated Hydroxy Toluene (BHT) (Food Grade).
19. Butylated Hydroxy Anosole (BHT) (Food Grade).
20. Caramel (Food Grade).
21. Annatto colour (Food Grade).

Any dealers having any stocks of aforesaid items are hereby directed to disposed off their stocks within a months time from the date of publications of the Notification failing which their stocks, if any, will be seized and detained for further sale.

By Order,

R.S. Shresta
Secretary-cum-Controller,
Food & Civil Supplies Deptt
Government of Sikkim,
Gangtok.
ELECTION COMMISSION OF INDIA
Nirvachan Sadan,
Ashoka Road,
New Delhi-110 001.

Date   13th June, 1995.
23 Jyaistha, 1917(Saka)

NOTIFICATION
No. 56/95 (9)- In pursuance of sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission of India hereby makes the following further amendment to its Notification No.56/92.dated 7th January, 1993, published as O.N. 2 (E) in the Gazette of India, Extraordinary, Part-II, Section 3 (iii), dated the 8th January, 1993, and as amended from time to time namely:-

I. In Table I of said notification:-

In item 7 relating to the Samata Party, for existing entry in column 4, the entry’220 Vitthalbhai Patel House, Rafi Marg,New Delhi-110001’shall be substituted;

II. In Table III of the said notification:-

(i) after the existing entries at S. No. 400, the following entries shall be inserted under columns (1) and (2) respectively:-

   402. All India Peoples’ Party Central Committee,Gandhi Nagar-1st Line Barhampur-760001 (ORISSA)
   403. Awami National Party 26, Chowranghee Road, Calcutta-700087.
407. Lok Swarajya Abhiyan               2, Tughlak Road, New Delhi-110011
410. Navabharath Congress Party (R)      Ramesh Kumar Building New T Block 59-D, Uttam Nagar, New Delhi, 110059
413. Samajit Ekta Party                  22, Housing Board Colony, Sonipat-131001 (Haryana).
414. Tamil Nadu Makkal Congress          310-V-Block, Boopathy Nagar, Madras-600024 (Tamil Nadu).
415. Tamil Nadu Kamaraj Makkal Iyakkam  31-A, Kamraj Street, Paramatti (P.O.) Salem (D.T.), Tamil Nadu-637207

(ii) against S.No. 79, relating to Bharatiya Rashtriya Sangh, for the existing entry in column (2), the entry “A-108, Nehru Vihar, (Near Sherpur Chowk) Karwal Nagar Road, Delhi-110094” shall be substituted;

III. In Table IV appended to the said notification, under column 2, the entry ‘Star’ wherever it occurs, shall be omitted.

By order,

S.K. MENDIRATTA
SECRETARY

K.K. Pradhan
Joint Chief Electoral Officer,
Election Department, Gangtok,
Sikkim.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
LA ND REVENUE DEPARTMENT
GOVERNMENT OF SIKKIM
GANGTOK

Notification No. 26/L.R
Dated 18th January, 1995

NOTIFICATION

Whereas, the Government is desirous of simplifying the procedure of Registration of Sale Deed and Gift Documents and Mutation of Land and immovable properties, particularly in respect of filling of claims and objections.

Now, therefore, the following procedure shall be adopted henceforth for filling Claims and objections to the Registrars :-

1. The Registrars shall issue the notice of 30 days to all concerned including the Government Department and financial institutions as per the present practice. However, instead of the parties collecting the objections Certificate (NOCs) from different agencies, such agencies may file their claims and objections, if any, within the stipulated time to the respective Registrars. In case, no claims of objections are received within a period of 30 days from any agency, it shall be presumed that there are no claims and, as such, the registration shall be granted forthwith as per norms without further notice.

2. As, there are number of financial institutions and Government Departments, who advance loans to the public against hypothecation/ mortgage of landed properties, such departments and agencies may submit the list of such loanees to the respective Registrars within period of 60 days from the date of this Notification and also up-dated list from time to time enabling the Registrars to check the name of Seller/ Doner in the list so that in the event of claims/ objections being lost in transition the Registrars may insist on NOCs from such agencies in whose list the name of Seller/ Doner is found recorded as loanee.

This shall come into force with effect from 1st April, 1995.

BY ORDER.

T.W.Barphungpa, IAS
Commissioner-cum- secretary.
Land Revenue Department, Gangtok.
NOTIFICATION


B.R. PRADHAN
Legal Remembrancer and Law Secretary.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

The State Government is pleased to create a separate Directorate of Fisheries Under the administrative control of Secretary, Forests with immediate effect.

By order and in the name of the Governor.

K.A. VARADAN
CHIEF SECRETARY

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 37/Home/95.         Dated: 3rd July, 1995

NOTIFICATION

In exercise of the powers conferred by section 6 of the Wildlife (Protection) Act, 1972 (as amended upto 1991) the Government of Sikkim hereby reconstitutes the wildlife Advisory Board in the State of Sikkim as follows:

1. Ministers in charge Forests and Mines & Geology          Chairman
2. Mr. K.B. Chamling, MLA                                   Member
3. Mr. Gopal Lamicaney, MLA                                 Member
4. Principal CCF                                            Ex Officio Member
5. Secretary, Finance Department                           Member
6. Secretary, Department of Planning & Development          Member
7. GOC, 17 Mtn. Division or his representative              Member
8. Director General of Police                               Member
9. Dy. Director, Wildlife Govt. of India, Calcutta          Member
10. Regional Representative of Indian Board of Wildlife      Member
    Eastern Region, Calcutta
11. District Collector (East/West/North/South)               Member
12. Mr. P.O. Pazo, Gangtok                                  Non Official Member
13. Mr. Tilak Pradhan, Melli                               Non Official Member
14. Addl. CCF/Chief Wildlife Warden                         Member Secretary

SONAM WANGDI
ADDL. CHIEF SECRETARY
GOVT. OF SIKKIM.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In exercise of the powers conferred by clause (3) of the Article 166 of the Constitution of India. The Governor of Sikkim is hereby pleased to make the following rules to amend the Government of Sikkim (Allocation of Business) Rules, 1994, namely:-

1. These rules may be called the Government of Sikkim (Allocation of Business) Amendment Rules, 1995.

2. In the Government of Sikkim (Allocation of Business) Rules, 1994 (hereinafter referred to as the said rules), in the first Schedule, after SI.No. 34, the following shall be inserted, namely:-

“(a) 35- Sports and Youth Affairs Department.
(B) 36- Women and Child Welfare Department.

3. In the said rules, in the Second Schedule,-
   (a) after the heading “(XXXIV) – Welfare Department “, the following heading and entries shall be inserted, namely:–
   (i) “XXXV - Sports and Youth Affairs Department.
   2. State and District level Sports Organisation.
   3. Conduct of State and District level Sports Programmes.
   5. State and National level sports seminar.
   6. Public Services-Statutory Rules of the services with which the Department is concerned
   (ii) XXXVI- Women and Child Welfare Department.
   1. Nutrition
   2. I.C.D.S.
   4. Welfare of Children in need of care and protection
   5. Welfare of Widows of non pensioner ex-servicemen
   6. Administration of both the Central and State Acts on the Subject.
   7. Public Service-Statutory Rules of the services with which the Department is concerned.”

(b) Under the heading VIII – Education Department’ – Serial No. 4 and entry therein viz- “Sports and Youth Welfare including N.C.C. and N.S.S., Scouting and Guiding, Voluntary Sports Association” shall be omitted.
(c) Under the heading XV – Health and Family Welfare Department serial Nos. 9.10 relating to entries therein viz- Nutrition and I.C.D.S. respectively shall be omitted.

(d) Under the heading XXXIV – Welfare Department, under sub heading “Social Welfare Wing, at SI.No 14, entries at (a), (b) & (f) relating to Women Welfare – Windows/ Destitutes Welfare of Children in need of care and protection and Welfare of Windows of non-pensioner of ex-servicemen shall be omitted.

By order and in the name of Governor.

B.P. PRADHAN
Additional Secretary
Home Department.
(F. No. 54 (182) Home/95)
NOTIFICATION

In pursuance of clause (b) of section 9 read with clauses (a) and (b) of sub-section (1) of section 16 of the Consumer Protection Act, 1986 (Central Act, No. 68 of 1986) and in supersession of this Department’s Notification No. 17/FCS of 30th January, 1990, the State Government on the recommendation of the Selection Committee hereby constitutes the State Commission with the following members:-

1. Justice R. Dayal - President

2. Shri Govind Prasad Pradhan 
   I.A.S., Additional Chief Secretary 
   (Retd), Gangtok - Member

3. Miss Chandra Kala Chintury , I.A.S., 
   Secretary, Welfare Department - Member

R.S. Shresta
Secretary
Food & Civil Supplies Department
Government of Sikkim
Gangtok.
GOVERNMENT OF SIKKIM
RURAL DEVELOPMENT DEPARTMENT
Tashiling, Gangtok.

No. 35 (5) 95-96/873/RDD/P
Dated: Gangtok, the 7th July, 1995.

NOTIFICATION

In exercise of the power conferred by section 113 of the Sikkim Panchayat Act, 1982, the State Government hereby fixes the payment of honorarium to Gram Panchayat members on a monthly basis at the rates mentioned in the Schedule below with effect from 1st June, 1995.

SCHEDULE

1. Sabhapati
   Rs.400/- (Rupees four hundred) p.m.

2. Members of Gram Panchayat other than sabhapatis
   Rs.300/- (Rupees three hundred) p.m.

By Order.

R. ONGMU
Secretary
The State Government is pleased to set up a Directorate of Higher Education and a Directorate of Primary and Secondary Education in the Education Department.

K.A. VERADAN
CHIEF SECRETARY
NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India and in consultation with the High Court of Sikkim, the Governor is pleased to make the following rules further to amend the Sikkim Judicial Services Rules, 1975 namely:-

1. (1) These rules may be called the Sikkim Judicial Service (Amendment) Rules, 1995.
   (2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Sikkim Judicial Service Rules, 1975 (hereinafter referred to as the said rules), after rule 2, the following rule shall be inserted, namely:-
   "2A. The service shall comprise of the posts specified in the Schedule appended to these rules."

3. In rule 4 of the said rules,-
   (a) for clause (a), the following clause shall be substituted, namely:-
   "(a) a person having practiced as an Advocate for not less than 3 years in India, and ",
   (b) in clause (b), for the figure "32" the figure "35" shall be substituted;
   (c) for the existing proviso the following proviso shall be substituted, namely:-
   "Provided that a Civil Judge-cum-Judicial Magistrate shall be eligible for promotion to the post of Chief Judicial Magistrate after completion of 3 years service subject to availability of vacancy".

4. For rule 11 of the said rules, the following rule shall be substituted, namely:-
   "11. The scale of pay of the member of the service shall be as specified in column 3 of the said Schedule or as may be revised by the State Government from time to time".
5. In the said rules, after rule 13, the following rule shall be inserted, namely:-

“13A. (1) Subject to the provisions of sub-rule (2) and (3) a member of the service shall retire from service in the afternoon of the last day of the month in which he attains the age of 60 years.

(2) Subject to the provisions in sub-rule (3), the High Court shall assess and evaluate the record of a member of the service for his continued utility well within time before he attains the age of 58 years by following the procedure for compulsory retirement under the service rule applicable to him and give him the benefit of the extended superannuation age from 58 to 60 years only if he is found fit and eligible to continue in service. In case he is not found fit and eligible, he should be compulsorily retired on his attaining the age of 58 years.

(3) An existing member of the service may exercise his option in writing before he attains the age of 57 years to retire at the age of 58 years.”

6. After rule 15, the following Schedule shall be inserted, namely :-

THE SCHEDULE
DETAILS OF POSTS IN THE SIKKIM JUDICIAL SERVICE

<table>
<thead>
<tr>
<th>Name of post</th>
<th>No. of posts</th>
<th>Scale of pay</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Chief Judicial Magistrate</td>
<td>2 (two)</td>
<td>Rs. 3450-125-4700</td>
</tr>
<tr>
<td>2. Civil Judge-cum Judicial Magistrate</td>
<td>4 (four)</td>
<td>I. Initial appointment-(Junior scale) Rs. 1820-60-2600/75-3200</td>
</tr>
<tr>
<td></td>
<td></td>
<td>II. If found suitable by the High Court on completion of satisfactory service of five years and has passed the department examination, if any, prescribed by the high court –(Sr. Scale)Rs. 2525-75-3200/100-4000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>III. If found suitable by the High Court on completion of satisfactory service of 10 years (Selection Grade )Rs. 3450-125 4700</td>
</tr>
</tbody>
</table>

SONAM WANGDI, IAS
ADDITIONAL CHIEF SECRETARY
F.No. 54(42) Home/91

PRINTED AT THE SIKKIM GOVT. PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
DEPTT. OF PERSONAL, A.R.& TRAINING
GANGTOK


NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the Governor of Sikkim is pleased to make the following rules to amend the Sikkim Civil Service (Amendment) Rules, 1995, namely:-

1. These rules may be called the Sikkim Civil Service (Amendment) Rules, 1995.

2. In rule 1 of the Sikkim State Civil Service (Amendment) Rule, 1995, for sub-rule (2), the following Sub-rule shall be substituted, namely:-

“(2) Sub-rule (4) of rule 4 shall and shall always be deemed to have come into force with effect from 10th April, 1987 and other provisions shall come into force at once.”

R.S BASNET
SECRETARY TO THE GOVT. OF SIKKIM
DEPTT. OF PERSONAL, A.R.& TRG.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG.
GANGTOK.

No. 17/GEN/DOP.        Dated: Gangtok the 2nd June, 1995.

NOTIFICATION

In supersession of Notification No. 8/Gen/DOP.dated 29.4.95 the Governor is pleased to constitute a Committee consisting of the following Officers to go into the entire questions of creation of new posts for regularizing the employees working either on work-charged basis or on daily wage basis in various Departments of the Government, Vis-à-vis actual ground situations and requirements and submit its reports at an early date.

1. Development Commissioner-cum-Secretary, Planning & Dev. Deptt. - Chairman
2. Commissioner-cum-Secretary, Finance Department. - Member
3. Secretary, personnel, Adm. Reforms & Training Department. - Member
4. Joint Secretary (II), Personnel Adm. Reforms & Training Deptt. - Member Secretary

By Order.

TASHI CHO CHO
Under Secretary to the Govt.,
Deptt. Of Personnel, A.R.& Trg .
In continuation of Home Department Notification No.5/Home/95 dated 30th January, 1995 it is hereby notified that the following Commissioner-cum-Secretaries are further appointed to be Members in the Economic Policy Committee, in addition to the existing strength, with immediate effect:-

1. Development Commissioner, Government of Sikkim
2. Secretary, Land Revenue Department, Government of Sikkim
3. Secretary, Forests Department, Government of Sikkim
4. Secretary, Agriculture Department, Government of Sikkim
5. Secretary, Animal Husbandry and Veterinary Services Department, Government of Sikkim.

2. The designation of Member Secretary, Shri L.B.Rai may be substituted by the Secretary, Urban Development and Housing Department.

By order and in the name of the Governor.

B.P. PRADHAN
Additional Secretary, (Home)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No.32/HOME/94 Dated : Gangtok, the 10th May, 1995

NOTIFICATION

The designations of the following officers are re-designated as follows:-

1. Shri K.T.Gyaltsen, Officer on Special Duty to Chief Minister is redesignated as Officer On special Duty (Legal) to the Chief Minister.

2. Shri Sonam Dorjee, Officer on Special Duty, (Public Relation) is redesignated as Officer On Special Duty, Chief Minister’s Office.

3. Shri Bhim Dahal, Political Secretary to Chief Minister is redesignated as personnel and Political Secretary to Chief Minister.

BY ORDER,

SONAM WANGDI
Chief Secretary
F. No. 38 (40) Home/94
GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.


NOTIFICATION


B.C. Sharma
Jt Legal Remembrancer and
Joint Secretary, Law.
GOVERNMENT OF SIKKIM
URBAN DEVELOPMENT & HOUSING DEPARTMENT
GANGTOK.


NOTIFICATION

In exercise of the powers conferred by Section 7 (2) of the Sikkim Allotment of House Sites and Construction of Building (Regulation and Control) Act 1985 (Act No 11 of 1985) the State Government hereby makes the following regulation to further amend the Sikkim Building Construction Regulations, 1991, namely :-

1. (1) The Regulation may be called the Sikkim Building Construction Regulation (Amendment ) 12995.

2. (2) It shall come into force at once.

3. In clause 7 of the Sikkim Building Construction Regulations, 1991, in place of “more than 50 ft. or 5 storeys (Maximum 5 storeys from the level of the ground floor/lowest floor)” the following shall be substituted:

“More than 60 ft. or 6 storeys (maximum 6 storeys from the level of the ground floor/lowest floor)”

L.B. Rai
Secretary,
Urban Development & Housing Department,
Government of Sikkim.
GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRAINING
GANGTOK.


NOTIFICATION

The Governor of Sikkim is pleased to provide for reservation in direct recruitment to jobs in the State Government and Public Sector Undertakings in the same manner as provided as laid down by the Government of India for such recruitment to Central Government jobs.

1. Reservation for Scheduled Castes - 6 (six) percent
2. Reservation for Scheduled Tribes - 23 (twentythree) percent
3. Reservation for Other Backward Classes - 21 (Twentyone) percent

2. The aforesaid reservation shall apply to the direct recruitments from 1-7-1995.

3. All appointments in vacancies to the direct recruitment posts in the Government and Public Sector Undertakings as on 1-7-1995 will stand frozen with immediate effect to implement the reservation in direct recruitment appointment to posts for the aforesaid categories of persons. All Cadre controlling authorities and Public Sector Undertakings are, therefore required to indicate the number of vacancies and posts in direct recruitment to be made from 1-7-1995.

BY ORDER.

R.S.BASNET
SECRETARY TO THE GOVT. OF SIKKIM
DEPTT. OF PERSONNEL, ADM. REFORMS & TRG.
NOTIFICATION

The Governor is pleased to redesignate the post of Additional Secretary to the Government in Supertime Grade-II in the State Civil Service to that of Special Secretary Supertime Grade-II with immediate effect.

By Order.

R.S.BASNET
Secretary to the Government of Sikkim
Department of Personnel A.R.and Training.
In exercise of the powers conferred by sub-section (3) of section 1 of the Sikkim Panchayat Act, 1993 (Act No.6 of 1993), the State Government hereby appoints 10th August, 1995 as the date on which the Sikkim Panchayat Act, 1993 (Act No. 6 of 1993) Shall come into force throughout the State of Sikkim.

BY ORDER

R. ONGMU
SECRETARY
RURAL DEV. DEPARTMENT

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

NOT. NO.14/LR

DATED 10th August, 1995

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of section 6 of Land Acquisition Act, 1894 (Act 1 of 1894) the State Government hereby authorises the special Secretary, Land Revenue Department to certify order, documents and signing of declaration etc. pertaining to any acquisition of land.

BY ORDER

T.W.BARFUNGPA, IAS
COMMISSIONER-CUM-SECRETARY
LAND REVENUE DEPARTMENT

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

Whereas the draft of the Sikkim Motor Vehicles (Amendment) Rules, 1995 was published as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988) in the Sikkim Government Gazette, extra-ordinary No: 50 dated the 25th March, 1995 with the Notification of the Government of Sikkim in the Motor Vehicles Department No: 1581/MV dated: 14th February, 1995, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of 45 days from the date on which the copies of the said Notification as published in the Sikkim Government Gazette are made available to the public;

And whereas the copies of the said Notification were made available to the public on 14th February, 1995;

And whereas, no objection and suggestions were received on the said draft Rules from any person likely to be affected thereby.

Now, therefore, in exercise of the powers conferred by section 28,38,65,95,96, 107,111,138 and 176 read with section 211 of the said Act, the State Government hereby makes the following rules, namely:-

“(1) when the holder of the driving licence has submitted the driving licence to a Licencing authority for renewal and has deposited the prescribed fee, or when a Police Officer or any court or any other competent authority has taken temporary possession of a driving licence for any purpose including the purpose mentioned in sub-section (2) of section 206 of the Act and the licence has not been suspended or cancelled, the licencing or other authority or the police Officer or the Court, as the case may be, shall grant him a receipt for the licence and a temporary authorization to drive in From SKV-4”.

6. In rule 24 of the said rules, after the words “whole of the State”, the words “and the Regional Transport Officer in their respective regions” shall be inserted.

7. In rule 29 of the said rules, in sub-rule (1), for the words and figures “size not more than the 5.08cms by 6.35cms”, the words “passport size” shall be substituted.

8. In rule 35 of the said rules, in clause (iv) and (v), for the word “Custom” the words “Customers” shall be substituted.

9. In rule 38 after the words “for the whole of Sikkim” the words “and the Regional Transport Officers in their respective regions,” shall be inserted.
9A. After sub-rule (1) of rule 39, the following sub-rule shall be inserted namely:-

(1A) Fees for temporary registration.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>Goods Carrier</td>
<td>Rs. 200/-</td>
</tr>
<tr>
<td>(b)</td>
<td>Busess</td>
<td>Rs. 200/-</td>
</tr>
<tr>
<td>(c)</td>
<td>Light Motor Vehicles</td>
<td>Rs. 100/-</td>
</tr>
<tr>
<td>(d)</td>
<td>Two Wheelers</td>
<td>Rs. 50/-</td>
</tr>
<tr>
<td>(e)</td>
<td>Invalid carriage</td>
<td>NIL</td>
</tr>
</tbody>
</table>

9B. In rule 59 of the said rules, in sub-rule (1), for the figure “39” the figure “41” shall be substituted.

10. In rule 69 of the said rules, in the sub-heading after the words “Private Service”, the words “Vehicle” shall be inserted.

11. In rule 73 of the said rules, for the word “person” the word “reason” shall be substituted.

12. In rule 81 of the said rules, in sub-rule (1), for clause (j), the following clause shall be substituted, namely :-

(j) “57m medicine glass “,

13. In rule 88 of the said rules, after the words “public place”, the words “except in a vehicle specially meant for carrying the cattle” shall be added.

14. In rule 93 of the said rules:

(a) for sub rule (2), the following sub-rule shall be substituted, namely:-

“(2) The fees payable for various types of permits shall be as follows :-

(a) fees in respect of application for the grant of or renewal of or countersignature of a permit for vehicles registered in Sikkim shall be-

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Good carriage</td>
<td>Rs. 100/- per quarter Rs. 2000/- for 5 years (Section 8 of the Act)</td>
</tr>
<tr>
<td>(ii) Contract Carriages</td>
<td>Rs. 100/- per quarter Rs. 2000/- for 5 years (Section 81 of the Act)</td>
</tr>
<tr>
<td>(iii) Contract Carriages (Motor Cab and Maxi Cab)</td>
<td>Rs. 50/- per quarter Rs. 1000/- for 5 years Section 81 of the Act)</td>
</tr>
<tr>
<td>(iv) State Carriages</td>
<td>Rs. 100/- per quarter Rs. 2000/- for 5 years (Section 81 of the Act)</td>
</tr>
</tbody>
</table>

(b) Grant of Countersignature permit for vehicles coming from outside Sikkim shall be.

<table>
<thead>
<tr>
<th>Type</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Goods Carriages</td>
<td>Rs. 1,600/- per annum</td>
</tr>
<tr>
<td>(ii) State Carriages</td>
<td>Rs. 1,600/- per annum</td>
</tr>
<tr>
<td>(iii) Contract Carriages other than motor cab And maxi cab</td>
<td>Rs. 1,600/- per annum</td>
</tr>
<tr>
<td>(iv) Contract Carriage (Motor Cab/Maxi Cab)</td>
<td>Rs. 500/- per annum</td>
</tr>
<tr>
<td>(c) Grant of recommendation for vehicles in Sikkim for plying outside Sikkim,</td>
<td></td>
</tr>
<tr>
<td>(i) Good Carriages</td>
<td>Rs. 1000/- per annum</td>
</tr>
<tr>
<td>(ii) State Carriages</td>
<td>Rs. 1000/- per annum</td>
</tr>
</tbody>
</table>
3

(iii) Contract Carriages Other than Motor cab and Maxi cab
Rs. 1000/- per annum

(iv) Contact Carriages (Motor cab/Maxi Cab)
Rs. 150/- per annum

(d) for sub-rule (3), the following sub-rule shall be substituted, namely:-
“(3) The fee for an application for grant of temporary permit or a special permit shall be as follows :-

(i) Goods Carriages Rs. 200/- per trip

(ii) Stage Carriages Rs. 100/- per week

(iii) Contact Carriages other than Motor cab and Maxi Cab Rs. 100/- per week

(iv) Contract Carriages Rs. 50/- per week.”

(e) after sub-rule (3), the following sub-rule shall be inserted, namely:-

“(3a) the cost of application forms prescribed under Motor Vehicles Act, 1988, Central Vehicles Rules, 1989 and the Sikkim Motor Vehicles Rules, 1991 shall be five rupees only per set of forms”

15. In rule 99 of the said rules, for the words “West Bengal” wherever they occur, the Words “other reciprocating State” shall be substituted.

17. For rule 110 of the said rules following rules, shall be substituted, namely:-

“110. Transfer of permit: (1) Where the holder of a permit desires to transfer the permit to some other person under sub-section (1) of section 82, he shall together with the person to whom he desires to make the transfer make a joint application in writing to the Transport Authority by which the permit was issued , setting forth the reasons for the proposed transfer accompanied by Bank Receipt for the transfer fee at the following rates :-

(i) Goods Carriages, Stage Carriages and contract Carriages other than motor cabs and Maxi cabs - Rs. 300/-

(ii) Contract Carriages Motor Cabs and Maxi Cabs - Rs. 150/-

(2) On receipt of an application under sub rule (1), the Transport Authority may require the holder and the other party to state in writing whether any premium, payment or other consideration arising out of the transfer, is to pass or has passed between them and the nature and amount of any such premium, payment or other consideration.

(3) Without prejudice to any other penalties to which the parties may be liable, the transport Authority is satisfied that any matter stated to it under sub-rule (2) of any material particular in the application, was false.

(4) The Transport Authority may, summon both the parties to the application to appear before it and may, deal with the application as if it were an application for a permit.

(5) If the Transport Authority is satisfied that the transfer of a permit may be made, it shall call upon the holder of the permit in writing to surrender the permit within seven days of the receipt of the order and shall likewise call upon the person to whom the permit is to be transferred and to surrender other permits, if any held by him.

(6) On receipt of the permit and payment of prescribed fee, the Transport Authority shall make the necessary amendments therein and issue a new permit to the transferee.

(7) The Transport Authority while making a transfer shall endorse therein the words “Transfer of permit valid for……………………………….” Inserting the name of the authority by which the permit has been countersigned with effect from the date of transfer.

(8) Unless the permit have been endorsed as provided in sub rule (7), the countersignature shall be of no effect after the date of transfer.

(9) The provisions of this rule shall also apply in respect of transfer of contract carriage permit issued for motor cab and maxi cabs”.
18. Rules 170 of the said rules shall be numbered as sub-rule (i) and after sub-rule (I) as so numbered, the following sub-rules shall be inserted, namely :-

“(2) Notwithstanding anything contained in sub-rule (1), the smoke density of a motor Vehicles in the State of Sikkim shall not exceed the levels laid down below :-

A. Emission standard for diesel driven motor vehicles
   (a) Motor Vehicle produced for registration for the first time 60 HSU or 4.3 BSU
   (b) Motor Vehicle already used on road 70 HSU or 4.9. BSU

B. Emission standard petrol driven motor vehicles
   the following carbon monoxide limits (percent by column unde idling shall apply)

<table>
<thead>
<tr>
<th>Type of vehicle</th>
<th>Produced for registration</th>
<th>already used</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Two wheelers and three wheelers</td>
<td>For the first time</td>
<td>already used</td>
</tr>
<tr>
<td>With engine displacement of less Than 50 cm</td>
<td>5%</td>
<td>5%</td>
</tr>
<tr>
<td>(ii) Two wheelers and three wheelers Other than those mentioned in (I) above</td>
<td>4.5%</td>
<td>4.5%</td>
</tr>
<tr>
<td>(iii) Four wheelers</td>
<td>3.5%</td>
<td>3.5%</td>
</tr>
</tbody>
</table>

(2) Every motor vehicle shall obtain a “Pollution under control” certificate showing that the smok emission level from that vehicle within the limit prescribed from the state Transport Authority Regional Transport Officers or Inspecting Authority as the case may be.

(3) The vehicle registered for the first time, shall be issued “Pollution under Control” certificate for a period of one year. The validity of certificate of the vehicles already used upon road shall be for a period of three months.

(4) Notwithstanding the provisions contained in sub-rule (4) the authority if it so Thinks fit may direct a vehicle to be tested inspite of having a valid “Pollution Under control certificate”.

(5) The fee for testing the level of emission of gas and smok from Motor Vehicles Shall be as under :-
   (i) Heavy and Medium vehicles - Rs. 30/- per test
   (ii) Light Motor Vehicles - Rs. 20/- per test
   (iii) Two wheelers - Rs 10/- per test

19. For rule 176 of the said rules, the following rule shall be substituted, namely:-

“176 periodical inspection of motor vehicles.

The registered owner of a heavy or a medium motor vehicles which ordinarily plies for hire or reward including maxi cab and motor cab for the conveyance of passengers and carriage of goods in the State of Sikkim, shall cause such vehicle to be produced before the Regional Transport Officer of the respective regions at an interval set out below for periodical fitness inspection:-

New vehicle - For two years
After two years till the vehicle is four years old - Every one year.
After two year till the vehicle is eight years old - Every six months.
After eight years - Every three months.

20. In rule 181 of the said rules, in sub-rule (I),the words figure “and by 68 in case of Simple decked vehicles” shall be omitted.

21. After Chapter VIII of the said rules, the following chapter shall be inserted namely :-

CHAPTER IX
MISCELLANEOUS.

277. Powers of superior officers of the Motor Vehicles Department Notwithstanding anything contained in these rules.

(a) The Secretary may at any time perform any of the functions of a Regional Transport officer, or Inspector of Motor Vehicles under these rules;

(b) a Regional Transport officer may at any time perform the function of an Inspector of a Motor Vehicles under these rules.
278. Officer authorized seize and detain vehicle-Police officer not below the rank of a Sub-inspector of Police, and any officer of the Motor Vehicle Department not below the rank of an Inspector of Motor Vehicles may, if he has reason to believe that a Motor Vehicles has been or is being used in contravention of the provisions of section 39 of the Act or without the permit require by sub-section (I) of section 66 of the Act and in contravention of any condition of such permit relevant to the route in which or the route in which or the purpose for which the vehicle may be used, seize and detain he vehicle and for this purpose take or cause to be taken any step he may consider proper for the temporary safe custody of the vehicle.

279. Uniform. (1) The Uniform of the Motor Vehicles Inspector shall be a follows:-

(i) Nevy Blue forages or peacked cap with following monogram:-

GOVERNMENT CREST

And shoulder badges with SKT letters;

(ii) Blue shirt with dark nevy blue tie,

(iii) Black pent,

(iv) Whistle cord of black colour,

(v) Whistle and Nevy blue bottom,

(vi) Shoes (Black),

(vii) Nevy blue socks,

(viii) Rain coat in rainy season and nevy blue woolen pullover or black jacket in winter,

(2) Motor Vehicle Inspector shall wear two stars on both shoulders. This stars shall be pointed star (25.4mm borad). The stars should be slighthy frosted but without any designs in the centres. Shoulder badges with letters SKT shall be worned at the base of the shoulder strap. The stars and the letters shall be of white metal.

(3) Motor Vehicles Inspectors with more than ten years of service as Inspector of Motor v shall wear three stars.

(4) The Motor Vehicles Inspector for whom Uniform has been prescribed under these rules shall also wear on the pocket of left side of the shirt the plastic name plate of the size of 9 cm 2 cm with their name and initials carved in English. The colour of the name plates shall be black with white letters.

(5) The Motor Vehicles Inspector who shall wear uniform as provided under these rules shall always be in uniform while on duty.”

S.D.BASI, IAS
Commissioner cum,Secretary
Motor Vehicles Department
Government of Sikkim.
DECLARATION UNDER SECTION 6
OF THE LAND ACQUISITION ACT
1894,(1 of 1894)

Whereas the function of the Central Government under the Land Acquisition Act, 1894(1 of 1894) in relation to the acquisition of land for the 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 under clause (1) of Article 258 of Constitution of India.

And whereas the Governor is satisfied that land is needed for a public purpose, being a purpose of the Union, namely for construction of bridge on Singram-Makha-Dikchu road by 46 Border Roads Task Force (GREF) in the block of Sirwani, Patuk, Tumin, tintek and Rakdong, East Sikkim it is hereby declared that nine piece of land bearing plot nos noted under the schedule of properties below and measuring more of less 0.1240 hectare blocks Sirwani, Patuk, Tumin, Tintek and Rakdong.

This declaration is made under the provision of Section 6 of the Land Acquisition act, 1894 read with the said Notification to all whom it may concern.

A plan of the land may be inspected in the office of the District Collector, East district, Gangtok.

SCHEDULE OF PROPERTIES:

<table>
<thead>
<tr>
<th>SIRWANI BLOCK</th>
<th>PATUK BLOCK</th>
<th>TUMIN BLOCK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plot No. 25</td>
<td>740.653 and 718 1249</td>
<td>1336</td>
</tr>
<tr>
<td>TINTEK BLOCK</td>
<td>RAKDONG BLOCK 579</td>
<td></td>
</tr>
<tr>
<td>31.21 &amp; 26</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

T.W.BARPHUNGPA
Commissioner-Cum-Secretary,
Land Revenue Department, Gangtok:
NOTIFICATION

In order to encourage the craftsperson practicing various kinds of handicrafts (including Lepcha Handloom and hand-knotted carpets) and to give recognition to craftsperson of outstanding merit, the Government of Sikkim is pleased to institute “State award for Craftsperson”.

The following two awards shall be given annually:-

1. “State Award for Mastercraftsperson” to the best craftsperson of the year consisting of a cash prize of Rs. 2000/- with a certificate, and

2. “State Merit Certificate” to the runner-up craftsperson consisting of a cash prize of Rs. 1000/- with a certificate.

The award shall be open to all craftsperson of Sikkim especially practicing in languishing crafts, innovation crafts etc.

The selected crafts shall be entered for selection of National Award. Besides the recognition, the State Award Certificate holder comes under consideration, for Government of India Old Age Pension on attainment of 60 years of age.

Entries are invited for the States Award/State Merit Certificate; annually along with the filled up prescribed forms from the craftpersons of Sikkim. The entries should reach on or before 20th August of every year at one of the following offices nearest to the craftperson:-

(i) Directorate of Handicrafts & Handloom, Zero Point, Gangtok.

(ii) Office of the District Development Officer (DDO, RDD for South, West and North Districts.

(iii) District Industries Centre, Jorethang.

(iv) Nearest Branch Training Centre of D.H.H. to the craftsperson (Any of the Eleven Centres).

Prescribed forms are available in the offices as mentioned above.

SONAM WANGDI IAS
CHIEF SECRETARY
F.No.54 (16) Home/88

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules to amend the Sikkim State Statistical Service (Recruitment, Promotion and Seniority) Rules, 1990, namely:-

1. Short title 1. (1) These rules may be called the Sikkim State Statistical Service (Recruitment, Promotion and Seniority) Amendment Rules, 1995.

And Commencement
(2) They shall come into force on the date of their publication in the official gazette.

2. Amendment of sub-rule 2. In rule 4 of the Sikkim State Statistical Service (Recruitment, Promotion and Seniority) rules 1990 (hereinafter referred to as the said rules), in sub-rule (i), for the word “five” the word “six” shall be substituted.

3. Amendment of Schedule I, II and III In the said rules, for Schedule I, Schedule II and III, the following shall be substituted, namely:-

“SCHEDULE –I
(See sub-rule (I) of rule 4)
Authorized strength and composition of the Sikkim State Statistical Service

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Name of the post</th>
<th>Grade</th>
<th>No of posts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Director</td>
<td>Supertime Gd. II</td>
<td>1</td>
</tr>
<tr>
<td>2.</td>
<td>Addl. Director</td>
<td>Selection Gd. II</td>
<td>1</td>
</tr>
<tr>
<td>3.</td>
<td>Joint Director</td>
<td>Selection Gd. II</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Deputy Director</td>
<td>Senior Grade</td>
<td>2</td>
</tr>
<tr>
<td>5.</td>
<td>Asstt. Director</td>
<td>Junior Grade</td>
<td>4</td>
</tr>
<tr>
<td>6.</td>
<td>Statistical Officer</td>
<td>Ordinary Grade</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>Deputation reserve</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>Training reserve</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Leave Reserve</td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

32
1. Ordinary Grade (Class II)  
   Rs. 1820-60-2600-EB-75-3200  
   This shall be the grade and scale of pay for the post of Statistical officer.

2. Junior Grade (Class II)  
   Rs. 2120-60-2300-EB-75-3200-100-3600  
   This shall be the grade and scale of pay for the post of Assistant Director.

3. Senior Grade  
   Rs. 2525-75-3200-EB-100-4000  
   This shall be the grade and scale of pay for the post of Deputy Director.

4. Selection Grade II  
   Rs. 3450-125-4700  
   This shall be the grade and scale of pay for the post of Joint Director.

5. Selection Grade I  
   Rs. 3700-125-4700-150-5000  
   This shall be the grade and scale of pay for the post of Joint Additional Director.

6. Supertime Grade II  
   Rs. 4500-150-5700  
   This shall be the grade and scale of pay for the post of Director.

<table>
<thead>
<tr>
<th>SI. No.</th>
<th>Post Grade</th>
<th>Mode of recruitment</th>
<th>Eligibility conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Statistical Officer</td>
<td>(i) 331/3 by direct</td>
<td>(a) Age between 21 and 30 years relaxable by 5 years in the</td>
</tr>
<tr>
<td></td>
<td>Ordinary Grade</td>
<td>recruitment</td>
<td>Case of Sikkim Government Employees.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(b) Qualification-First or High Second Class degree of a Recognized university with Statistics/Economics/Mathematics commerce with Statistics as one of the subjects. Preference with be given to Those candidates with at least One year’s experience in Computational and investigational work.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>(ii) 66 2/3% by promo-</td>
<td>(2) Member of Sikkim Subordinates Statistical Service who Have completed not less Than 6 years regular service In a post of Statistical Assistant.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>tion</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Assistant Director</td>
<td>(iii) 100% by promo-</td>
<td>Member of the Service in Ordinary Grade with a minimum of 3 years service in That grade provided there Exists a vacancy in the junior Grade.</td>
</tr>
<tr>
<td></td>
<td>Junior Grade</td>
<td>tion</td>
<td></td>
</tr>
<tr>
<td>Position</td>
<td>Promotion Type</td>
<td>Conditions</td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------</td>
<td>-----------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Deputy Director</td>
<td>100% by promotion</td>
<td>Member of the Service in the Junior Grade with a minimum of 3 years service in that grade provided there exists a vacancy in the Senior Grade.</td>
<td></td>
</tr>
<tr>
<td>Joint Director Selection Grade II</td>
<td>100% by promotion</td>
<td>Members of the Service in the Senior Grade with a minimum of 8 years service in that grade provided there exists a vacancy in the Selection Grade II.</td>
<td></td>
</tr>
<tr>
<td>Additional Director Selection Grade I</td>
<td>100% by promotion</td>
<td>Members of the Service in Selection Grade II with a minimum of 4 years in that Grade provided there exists a vacancy in the Selection Grade I.</td>
<td></td>
</tr>
<tr>
<td>Director Supertime Grade II</td>
<td></td>
<td>On deputation from Central Government or any other State Government or from Any department of State Government.</td>
<td></td>
</tr>
</tbody>
</table>

By Order.

R.S BASNET  
Secretary to the Government of Sikkim  
Rathong Chu Hydro Electric Project located in West Sikkim has potential for generating 30 MW and is estimated to cost Rs. 71.19 crores. This is an approved project.

2. Some views have been expressed against the advisability of this project on various grounds such as religious, historical, ecological etc. At the same time Government have also been receiving views that the project is very essential for the overall economic development of the State. Government has decided that it would be advisable to refer all these views to a high level independent committee for its recommendation.

3. The State Government is pleased to constitute a High Level Committee consisting of Prof. P.S. Ramakrishna, Dean of School of Environmental Sciences in Jawaharlal Nehru university, New Delhi to go into the differing views being expressed on the proposed Rathong Chu Hydro Electric Project in West Sikkim.

4. The Committee will examine the issues based on Ecological, Archaeological, Religious, developmental and other relevant grounds and submit its report to the Government as early as possible.

5. The Committee may take the assistance of such other person(s) as have knowledge on any field relating to issue at hands as the Committee may deem it necessary.

6. Department of Planning and Development will be the main coordinating Department for the functioning of the Committee. All other Departments will furnish such information or render such assistance as they may be called upon to do.

By order and in the name of the Governor.

K.V. VARADAN
CHIEF SECRETARY
(F.No. 54 (195) Home/95)
NOTIFICATION

In exercise of the powers conferred by the provision to article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules further to amend the Sikkim sub-Ordinance (Ministerial & Executive) Service Rules, 1984, namely:–

1. (1) These rules may be called the Sikkim Sub-Ordinate (Ministerial and Executive) Service (Amendment) Rules, 1995.

   (2) They shall come into force from the date of publication in the official gazette.

2. In the Sikkim Sub-Ordinate (Ministerial and Executive) Service, Rules, 1984, in rule 7,

   (a) for sub-rule (2),(3) and (4) the following sub-rules shall be substituted, namely:–

   (2) Appointment to any duty post by promotion or by direct recruitment, as The case may be made by the controlling authority.

   (3) For the purpose of promotion, all eligible persons shall be considered Irrespective of the departments in which they are working.

   (4) The postings of the persons to duty posts in different department and Offices shall be made by the controlling authority depending upon the avail-ability of vacancies of such duty posts.

R.S. BASNET
SECRETARY TO THE GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, A.R. & TRAINING

PRINTED AT THE SIKKIM GOVT. PRESS, GANGTOK.
GANGTOK

FRIDAY

25TH

AUGUST, 1995

Sikkim

GoVERNMENT OF SIKKIM

HOME DEPARTMENT

GANGTOK.


NOTIFICATION

In pursuance of Notification No.45/Home/95 dated 22.8.1995 the terms of appointment of Prof. P.S.Ramakrishna, Dean of School of Environmental Sciences in Jawaharlal Nehru University, New Delhi are as follows :-

1. He may visit Gangtok as and when deemed necessary.

2. He will be treated as State Guest during his travel to and from Gangtok and stay at Gangtok and other places in Sikkim in connection with the work of this Committee.

By order and in the name of the Governor.

K.A.VARADAN

CHIEF SECRETARY

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

NOTIFICATION


The State Government announce with most profound sorrow the tragic and sudden demise of Shri S. Beant Singh, Chief Minister of Punjab in a bomb blast in the Punjab and Haryana Civil Secretariat, Chandigarh around 5.20 PM on 31st August, 1995.

As a mark of respect to the memory of the departed leader, State mourning will be observed throughout the State for a period of two days on 1st and 2nd September, 1995. during the period of mourning the National Flag shall be flown at half-mast throughout the State on all buildings where it is regularly flown and three will be no official entertainment.

All Government offices, educational institutions and public sector undertaking throughout the State shall remain closed on 2nd September, 1995 the day of the State funeral.

K.A. VARADAN
CHIEF SECRETARY
(F.No. 36(1) Home/87)
GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG.
TASHILING
GANGTOK-SIKKIM 737101

No.28/GEN/DOP Dated: Gangtok, the 28th June, 1995.

NOTIFICATION

In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules to further to amend the Sikkim State Civil Service Rules, 1977 namely.

(1) (i) These rules may be called the Sikkim State Civil Service (amendment)Rules, 1995.
(ii) They shall come into force with immediate effect.

(2) (1) In the Sikkim State Civil Service Rules, 1977 in Item I in Sl. No (2) of Schedule I against the post of Additional Secretary to the Govt. in the supertime Grade-II the post of special Secretary to the Govt. in the Supertime Grade II Shall be substituted.

R.S.BASNET
Secretary to the Govt. of Sikkim
Department of Personnel AR, & Training.
NOTIFICATION

The following Order No. SKM/GOV/SECTT/744/95 dated 9.9.1995 made by the governor of Sikkim is hereby circulated for information:

"ORDER"

In exercise of the powers conferred by Clause (1) of the Article 174 of the Constitution of India, I.P. Shiv Shanker, Governor of Sikkim, hereby summon the Sikkim Legislative assembly to meet on Tuesday, the 26th September, 1995 at 11 A.M. in the Legislative assembly Building at Gangtok.

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

P. SHIV SHANKER
GOVERNOR OF SIKKIM"

MURARI LALL
SECRETARY
GOVERNMENT OF SIKKIM
FINANCE (INCOME TAX AND SALES TAX) DEPARTMENT
GANGTOK

No. 219/IT & ST      Dated : Gangtok, the 2nd August, 1995.

NOTIFICATION

In exercise of powers conferred by sub-section (1) of section 28 of the Sikkim Sales Tax Act, 1983, the State Government hereby makes the following rules to amend the Sikkim Sales Tax Rules, 1983, namely:–

1. (1) These rules may be called the Sikkim Sales Tax (Amendment) Rules, 1994.

(2) Rule 2 shall be deemed to have come into force on and from the 1st of April, 1986 and the remaining rules shall come into force with immediate effect.

2. For rule 3 of the Sikkim Sales Tax Rules, 1983 (hereinafter referred to as the said rules), the following rules shall be substituted, namely,-

“3. Determination of sales price of goods sold on hire-purchase or any system of payments by instalments.

The sale price of goods sold on hire-purchase or any system of payments by instalments shall be the total of all the instalments paid or agreed to be paid, whether such instalments are actually paid in the same or different years and whether or not the goods are returned by the buyer or seized from him by the seller at any time during which the agreement of hire-purchase subsists. The sale price shall include any sum towards hire-charges or interest forming part of the consideration for the sale of the goods on hire-purchase or any system of payments by instalments.”

3. After rule 13 of the said rules, the following rule shall be inserted, namely,-

“13A. Determination of sale price under section 13 (4a).

(1) If the prescribed authority under section 13 is satisfied that a dealer has, with a view to evading payment of tax, shown in his accounts sale of any goods at prices which are abnormally low compared to the prevailing market price of such goods, the said authority shall, after making such enquiry as it may consider necessary and after giving the dealer a reasonable opportunity to how cause against such determination, determine the correct and reasonable price.”
(2) In determining the correct and reasonable price under sub-rule (1), the following factors, as may be relevant to such determination, shall be taken into account by the said authority:-

(a) the prices charged by other dealers at the relevant stage of Sale of the same or similar goods during the relevant period;

(b) the prices charged by the person from whom the assessee pur-chased the goods and the prices charged by the dealers to Whom the goods were sold by the assessee on sales made by them;

(c) the wholesale and retail prices of the same or similar goods In the same or in the contiguous areas; and

(d) the prices charged by the dealer on the same or similar good In past and succeeding periods."

Insertion of New rule 16A.

4. After rule 16 of the said rules, the following rule shall be inserted, namely:

“16A. Deduction of tax from the bills of contractors.

(1) Any department of the State or Central Government, including departments of other States, situated in Sikkim, any local body, any authority or Corporation established by or under a statute and any State or Central Government, undertaking, making payments of any sums to any contractor for carrying out a works contract shall, at the time of payment, or credit of such sums to contractor in any manner, deduct an amount towards sales tax equal to four percentum of such sums:

Provided that if the contractor satisfies the paying authority that the goods sold by him in the execution of the works contract are not taxable under the Sikkim Sales Tax Act, 1983, or are taxable at a rate lower than four percentum, the deduction in respect of those goods shall not be made or, as the case may be, shall be made only at the said lower rate.

(2) After the deduction specified in sub-rule (1) is made, the authority which deducted the amounts shall grant a certificate to the contract -tor giving details of the payments made to him and the amounts deducted from each of the bills paid. The certificates so received by the contractors shall be attached by them to the returns for the rele-vant periods as proof for the deduction of tax at source.

(3) The amount deducted from the bills of the Contractor shall be re-mitted to the credit of the state Government in the nearest branch of the State Bank of Sikkim, within fifteen days from the date of decuction, with chalan in From XI, in accordance with the pro-cedure prescribed in rule 16. The Triplicate copy of the chalan shall be forwarded by the deducting authority along with a copy of the certificate given to the contractor under sub-rule (2), to the as-sessing authority of the contractor and the Quadruplicate copy re-tained by such authority in its records.

(4) The certificates and the challans so received by the assessing authority Should be kept in the assessment records of the contractor and ta-ken into account in determining the tax dues from him.

(5) The records fo the deducting authority relating to the payment to The contractor and the deduction made from bills shall be open to Inspection at all times by the assessing authority.

(6) Before any penalty under sub-section (3) of section 14A is imposed on any person, he shall be given a reasonable opportunity of Showing cause why the penalty should not be levied.

(7) The amount deducted from the bills of the contractor for which certificates are issued under sub-rule (2) shall be deemed to have been paid to the contractor and the certificates will constitute a good and sufficient discharge of the liability of the deducting auth- rity to the contractor concerned to the extent of the amounts covered by the certificates.”
3.

5. After rule 18 of the said rules, the following rule shall be inserted, namely,-

“18A. Refunds under sub-section (3) of section 16.

(1) Every dealer, who claims refund under sub-section (3) of section 16 shall, furnish to the authority specified in sub-rule (1) of rule 17, a statement in Form XV A, within three months from the date on which the goods were returned to the dealer:

Provided that the said authority may, for sufficient cause, condone the delay in filing the claim if it is satisfied that the dealer could not have filed the claim earlier.

(2) The authority specified in sub-rule (1), if is satisfied, with reference to the documents and books of account produced by the dealer, that the claim is genuine and is admissible under sub-section (3) of section 16, may order the refund of the amount claimed or such part of it as found admissible.

(3) The refund mentioned in sub-rule (1) shall be made in the same manner as is specified in clause (c) of sub-rule (2) of rule 17.”

6. In Form III of the said rules,

(a) in term G, after number (ii) the following number shall be inserted, namely:-

(b) “(iii) Amount deducted at source from bills for works contracts, as per certificates attached.”

(b) in item I, after number 93), the following number shall be inserted, namely :-

‘(4) Certificates in proof of deduction of tax at source.”

7. In From XIII of the said rule,-

(a) for the words and figures “Form XII” the words and figures ‘Form XII/Form XV A’ shall be substituted.

(b) for the words and figures ‘section 16 (1)” the words and figures “section 16 (1)/16 (3)” shall be substituted.

8. In Form XIV of the said rules, after item 1, the following item shall be inserted, namely,-

“1A. Certified that a refund is due under section 16(3) by an order dated…………… passed on the claim made by the dealer in Form XVA.”

9. After the Form XV of the said rules, the following Form shall be inserted, namely-

“Form XV A
[See rule 18A (1)]

Application for refund of tax paid on goods returned.

Form .. ... ... ... .. .. .. .. .. .. .. ..
To .... ... ... ... .. .. .. .. .. .. .. ..
The Joint Commissioner, Commercial Taxes,

I/We hereby apply for a refund of Rs…………….(Rupees.. .. .. .. )

being the amount of proportionate tax paid by me/us on goods sold under the hire-purchase system of payments, which have been returned by the
The relevant particulars are as under:

1. Name, address and registration No. of the dealer ________________________________

2. Name and address of the hirer to whom the goods were sold on hirer-purchase basis.

3. Date of scale and cash memo/invoice No. ____________________________

4. Price paid and payable ________________________________

5. The amount of tax on the transaction paid to government ________________________________

6. Date of return of the goods______________________________

7. No. and amount of the instalments due to not received from the hirer

8. Amount claimed__________________________________________

9. Referance to the claim No. and date in which the tax was paid to Government ________________________________

10. Whether payment of the refund is desired by adjustment
        Or not _______________________________________________________

I/ we……………………………………… the applicant, do hereby declare that what is stated herein is true to the best of my/our knowledge and belief and no other application for the refund has been made by me/us or in my/our behalf.

Place .. .. .. .. Signature……………………………..

Date .................... Dealer’s name…………………..

BY ORDER.

B.K. KHEREL
Joint Secretary/ Joint Commissioner
Income & Sales Tax Department,
(F.No.7.(128) IT&ST/83)
NOTIFICATION

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

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT BILL, 1995
(BILL NO. 7 OF 1995)

A BILL

To amend the Sikkim Legislative Assembly Members (Payment of Pension) Act, 1984 (No. 4 of 1984).

Be it enacted by the Legislative of Sikkim in the Forty Seventh year of the Republic of India as follows:

Short title and Commencement

1. (1) The Act may be called the Sikkim Legislative Members (payment of Pension) Amendment Act, 1995.
(2) It shall be deemed to have come into force on the 1st day of April, 1995.

Amendment of section 3

2. In section 3 of the Sikkim Legislative Assembly Member (Payment of Pension) Act, 1984, in sub-section (1),
(a) for the words “three hundred rupees” wherever they occur, the words “one thousand rupees” shall be substituted;
(b) for the words “fifty rupees” the words “one thousand rupees” shall be substituted;
(c) for the words “five hundred rupees” the words “two thousand rupees” shall be substituted.

STATEMENT OF OBJECT AND REASON

Ever since the enactment of the Sikkim Legislative Assembly Members (Payment of pension), Act, 1984 the rates of pension for the ex-legislators have been revised. In case of State Government employees the rates of pension had been increased twice with effect from April, 1985 and January, 1987 respectively. In addition to increased pension Dearness relief is also granted to such employees. This, the existing rates of pension for the Ex-legislators have been found to be inadequate. As such, the Government has felt it essential to revise the same.

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

PAWAN KUMAR CHAMLING
CHIEF MINISTER
MEMORANDUM REGARDING DELEGATED LEGISLATION
NIL
FINANCIAL MEMORANDUM

Revision as per the rate indicated in the Bill will involve extra expenditure of Rs 5.88 Lakhs per annum.

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

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

Secretary
SIKKIM LEGISLATIVE ASSEMBLY SECRETARIAT
GANGTOK.

No. SLAS/95-96/15/40 Date : 21, September 1995

N O T I F I C A T I O N

In pursuance of the rule 75 of 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 CLINICAL ESTABLISHMENTS (LICENSING AND REGISTRATION ) BILL, 1995
BILL NO.8 OF 1995

ARRANGEMENT OF CLAUSES :-

1. Short title, extent, commencement and application.
2. Definitions.
3. Constitution of a licensing and Registering Authority.
4. Jurisdiction and quorum.
5. Powers, duties and functions of the Authority.
6. Restriction in setting up clinical establishments.
7. Application for licence and for registration.
8. Renewal of a licence and certificate of registration.
9. Processing of application.
10. Directions.
11. Inspection.
12. Cancellation or suspension of a licence.
13. Appeals.
15. Offence by a Company.
17. Chairman, Member of the authority an officers and persons to be public servants.
18. Power to remove difficulties.
19. Power to make rules.
THE SIKKIM CLINICAL ESTABLISHMENTS (LICENSING AND REGISTRATION) BILL, 1995
BILL NO. 8. OF 1995

A BILL

To provide for regulating the setting up of private hospitals, home and other centres catering to diagnostic, investigative and other health care service and for matters connected therewith.

Be it enacted by the Legislature of Sikkim as in the Forty-sixth Year of The Republic of India as follows:-

short title 1. (1) This Act may be Called the Sikkim Clinical Establishments (Licensing and Registration) Act, 1995.

extent, comm.- 1. (2) It extends to the whole of Sikkim.

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

(4) It shall apply to all clinical establishments other than clinical establishments set up by the Central Government or the Government of any State.

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

(a) “Authority” means the Sikkim Licensing and Registering Authority constituted under section 3;

(b) “Clinical establishment” means and includes-

(i) a general hospital, a maternity hospital and a dispensary;

(ii) an institution or centre by whatever name called where physically or mentally sick, injured or infirm persons are admitted either as in-patients or out-patients for treatment with or without the aid of operative procedures; and

(iii) a clinic catering to radiological, biological and other diagnostic or investigative services with the aid of laboratory or other medical equipments;

(c) “licence” means a licence referred to in section 7;

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

(e) “Prescribed” means prescribed by rules made under the Act;

(f) “State Government” means the Government of the State of Sikkim.

Constitution of 3. (1) The State Government may, notification, constitute an authority to be called the Sikkim Clinical Establishments Licensing and Registering Authority consisting of the following persons, namely:-

(i) Director of health and Family Welfare, Government of Sikkim. - Chairman

(ii) Licensing Authority under the Drugs and Cosmetics Act, 1940 Health and Family Welfare, Government of Sikkim. - Member

(iii) Two members from medical profession of the Government of Sikkim. - Members

(iv) Joint Director, Health and Family Welfare, Government of Sikkim - Member Secretary.

(2) The Authority may, if it consider necessary, for dealing with any special issue before it, invite any person to attend any meeting but such person shall not be deemed to be a member of the Authority nor shall he have a voting right.

(3) No act or proceeding of the Authority shall be invalid on the ground merely of the existence of the vacancy or defect in the constitution of the Authority.

(4) The Authority shall have an office and all correspondence and orders emanating from the office of the Authority shall be authenticated under the Signature at the Member Secretary.
(5) Notwithstanding anything contained in this Act, the State government may, at any time, reconstitute the Authority or replace any member thereof.

Jurisdiction and Quorum.

(1) The jurisdiction of the Authority shall extend over the entire state of Sikkim.

(2) The quorum for any meeting of the Authority shall be four including the Chairman.

Powers, duties and Functions of the Authority.

Without derogation to any law for the time being in force and without prejudice to the generality of its powers and functions, the Authority shall –

(a) receive applications for grant of licence and for registration of clinical establishments;

(b) scrutinize the applications and call for further information or particulars from the applicants or from any other person or authority as may be required.

(c) consider the applications and pass orders; and

(d) do such other things as are necessary or incidental for the purpose of this Act.

Restrictions in Setting up Clinical establishments.

On and from the date of commencement of this Act, no person shall set up any clinical establishment except under a valid licence granted by the authority and no clinical establishment shall run without it having been registered in accordance with the provisions of this Act;

Provided that in the case of a clinical establishment in existence immediately before the date of commencement of this Act, the person who has set it up or otherwise is the proprietor or owner of such a clinical establishment shall, within a period of three months therefrom, apply to the Authority for a licence and for registration of the clinical establishment.

Explanation: For the purpose of this section 'person' includes a body, group or association of individuals, an organization, a firm or society (whether registered or not) or a company registered under the law for the time being in force in the State of Sikkim.

Application for Licence and Registration.

An application for grant of a licence, and for registration of a clinical establishment shall be made in such form and manner as may be prescribed.

Renewal of a Licence and Certificate of Registration.

The licence and the certificate of registration shall be renewal in such manner as may be prescribed.

Processing of Application.

On receipt of an application, the Authority may, if it is satisfied after causing such enquiry as may be necessary to be made and after following the criteria as may be prescribed, grant a licence or register a clinical establishment, as the case may be, or refuse, for reasons to be recorded in writing, to grant a licence or to register clinical establishment:

provided that no order refusing to grant a licence or to register a clinical establishment shall be passed unless the applicant has been given an opportunity of being heard.

Direction

Authority may from time to time, give directions in regard to matters pertaining to clinical establishments and the licence as also the person referred to in the proviso to section 6 shall comply with such directions.

Inspection.

The Authority may, from time to time, cause inspections of clinical establishment and the record kept therein to satisfy itself that the clinical establishment is run in accordance with terms and conditions of the licence and that its directions are complied with and the licensee and the officer-in-charge of the clinical establishment, by whatever name called, shall afford all reasonable opportunity to the Authority or to any person deputed by it to conduct the inspection and shall furnish all information as may be called for.

Cancellation or suspension of A licence.

(1) If the Authority is satisfied that a licensee has violated any of the terms and conditions of the licence or any of the directions it has given or has contravened any of the provisions of this Act or the rule made thereunder, the Authority may order cancellation or suspension of the licence for such period as it may think fit and on such cancellation the certificate of registration shall stand withdrawn.
Provided that before a licence is cancelled that licence shall be given an opportunity to be heard.

(2) On the cancellation or suspension of the licence under sub-section (1) no person shall be freshly admitted in the clinical establishment either as an in-patient or an out-patient:

Provided that a person already admitted in a clinical establishment before the licence is cancelled, or suspended as the case may be, shall continue to be treated until he is discharged and on the discharge of the last of such persons the clinical establishment shall be closed down.

Appeals. 13. (1) Any person aggrieved by an order of the Authority refusing to grant a Licence or to register a clinical establishment under section 9 or canceling or suspending a licence under section 12, may prefer an appeal to the Appellate authority consisting of the Secretary to the Government of Sikkim in the health and Family welfare Department and two other experts in the field of medical science to be nominated by the State Government within such period as may be prescribed.

(2) The Appellate Authority shall, after considering the appeal and, if necessary after hearing the aggrieved person, pass orders and its orders shall be final and binding.

Offences and Penalties. 14. whoever contravenes any of the provisions of this Act or the rules framed thereunder shall be guilty of an offence and in addition to his licence being Cancelled or suspended shall be punishable for-

(a) a major offence, with a fine which shall not be less than twenty thousand rupees but which may extend up to one lakh rupees and in the case of a continuing contravention with an additional fine which may extend up to one thousand rupees of every day the contravention continues and

(b) a minor offence, with a fine which shall not be less than five hundred rupees but which may extend up to two thousand rupees and in the case of a continuing contravention with an additional fine which may extend up to fifty rupees for every day contravention continues.

Explanation : 'Major offence' and 'minor offence' shall have the meanings as may be prescribed.

Offences by a Company. 15. Where an offence has been committed by a company every person who at the time the offence was committed were directly in charge of or were responsible to the company for the conduct of its business shall be deemed to be guilty of the offence and shall be liable to be proceeded against and published accordingly.

Explanation : For the purpose of this section 'company' includes a firm, Society, association or group of persons by whatever name called.

Taking cognizance of any Offence. 16. No court shall take cognizance of any offence publishable under this Act except on a complaint made by the Authority or by an officer or person Authorized by it in this behalf.

Chairman and Member of the Authority and Persons to be Public servants. 17. The Chairman and every member of the Authority and every officer or person exercising his functions on its behalf shall be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Power to remove Difficulties. 18. If any difficulty arises in giving effect to the provisions of this Act, the State Government may take such steps or issue such orders not inconsistent with provisions of the Act as may appear to it to be necessary or expedient for the purpose of removing such difficulty;

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

Power to make Rules. 19. (i) The State Government may, by notification and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.
(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:

(a) the principles and criteria for granting a licence or for registration of a clinical establishment;
(b) the terms and conditions of a licence;
(c) the form of application for a licence and for registration of a clinical establishment;
(d) the form of the periodical returns and statistics to be submitted by the licensee to the Authority;
(e) the mode of holding meeting and the conduct of business by the Authority;
(f) the fees payable for applying for a licence and for registration of a clinical establishment and for renewal of the same; and
(g) any other matter which are to be and may be prescribed.

STATEMENT OF OBJECTS AND REASONS

Private clinical establishments like nursing homes and other centres catering to diagnostic, investigative and other health care services are being established in the State of Sikkim without any law to regulate their establishment or their functioning. It is deemed expedient to frame a comprehensive law to regulate their establishment and functioning by making provisions for their licensing and registration in order to ensure that these establishments maintain a certain standard in the services they render to the people.

With this object in view, the Bill has been framed.

D.P. Kharel,
Minister – in-charge.

FINANCIAL MEMORANDUM

-NIL-

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill makes provisions for grant of licence and registration of clinical establishment in such form and manner as may be prescribed. Likewise clause 8 makes provisions for renewal of licence and certificate of registration.

Clause 12 of the Bill vests the Authority with power to cancel and suspend a licence if it is not in conformity or violates any of the provisions of this Act.

Clause 13 of the Bill likewise makes provisions for filing appeals against the order of the Authority refusing to grant licence or register a clinical establishment.

Clause 19 of the Bill empowers the State Government to make rules providing for principles and criteria for granting a licence or for registration of a clinical establishment; terms and conditions of licence; form of application for a licence; form of periodical returns and statistics to be submitted by the licensee to the Authority; mode of holding meeting and conduct of business by the Authority; fees payable for licence and registration of clinical establishment and renewal etc.

The matters in respect of which rules may be made under this Act relates to matters of procedure or administrative details in respect of which it is not practicable to make detailed provisions in the Bill itself.

The delegation of legislative power is, therefore, of a normal character.
In exercise of the powers conferred by section 432 of Code of Criminal Procedure 1973, (No.1 of 1974), the State Government of Sikkim is pleased to grant remission of sentences to the prisoners in the Sikkim Jail on the occasion of the INDEPENDENCE DAY on 15th August, 1995, as mentioned below:-

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Period of remission granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Shri Monoj Monthay</td>
<td>Remission of one month</td>
</tr>
<tr>
<td>2.</td>
<td>Shri Hemant Tamang</td>
<td>Remission of one month</td>
</tr>
<tr>
<td>3.</td>
<td>Shri Parsuram Gurung</td>
<td>Remission of one month</td>
</tr>
</tbody>
</table>

By order and in the name of Governor.

K.A. VARADAN  
CHIEF SECRETARY  
(F.No.21(1)Home/Jail/ 87)
NOTIFICATION

In pursuance of the rule 75 of 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, 1995
(BILL NO. 11 OF 1995)
A BILL
to authorize 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, 1995-96

Be it enacted by the Legislature of Sikkim in the Forty-Seventh Year of the republic of India as follows:-

1. This Act may be called the Sikkim Appropriation Act, 1995.

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 three crores seventy seven lakhs sixty six thousand towards defraying the several charges which will come in course for payment during the Financial Year 1995-96 in respect of the services specified in column 2 of the Schedule.

3. The sum authorized to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.
### THE SCHEDULE
(See Section 2 and 3)

(Rs. In thousand)

<table>
<thead>
<tr>
<th>No. Of Vote</th>
<th>SERVICES AND PURPOSES</th>
<th>Voted by the Legislative Assembly</th>
<th>SUMS NOT EXCEEDING Charged no the Consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Appropriation – Governor</td>
<td>REVENUE -</td>
<td>440</td>
<td>440</td>
</tr>
<tr>
<td>39</td>
<td>Forestry &amp; Will Life</td>
<td>REVENUE 37326</td>
<td>-</td>
<td>37326</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL:</strong> 37326</td>
<td></td>
<td>440</td>
<td>37766</td>
</tr>
</tbody>
</table>

### STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of clause (1) of article 204 read with article 205 of the Constitution of India to provide for the appropriations 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 Supplementary grants made by the Sikkim Legislative Assembly for the expenditure of the Government of Sikkim for the part of Financial Year 1995-96.

P.T. LEPCHA  
Deputy Chief Minister,  
Minister – in – Charge Finance

By Order.

MURARILAL  
Secretary,  
Sikkim Legislative Assembly.

PRINTED AT THE SIKKIM GOVERNMENT PESS, GANGTOK.
DECLARATION UNDER SECTION 6
OF THE LAND ACQUISITION
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 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 under clause (1) of Article 258 of the constitution of India.

And whereas the Governor is satisfied that the land is needed for a public purpose being a purpose of the Union namely for setting up of 17 Assam Rifles’ Camp in the block of Zimchung,(Rangrang) North District, it is hereby declared that piece of land comprising cadastral plot Nos.307,309,310,311,312,313,314,508,509,511,512,518,519,520,522,523,524,525, 526 and 528, measuring area 9.5100 hectares and bounded as under:-

East : Govt. Khas Vir and Rang Rang Kola,
West : D.F.and Banjo land of Tashi Wangyal Tamang Govt. Khas Vir and Khola,
North : Govt. Khas Vir and D.F. of Jigmee Lachenpa,
South : Tista River,

Is needed for the aforesaid public purpose at the public expense within the aforesaid block of Zimchung (Rang-Rang).

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 District, Mangan.

G.GOPARMA,
Special Secretary
Land Revenue Department.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK

No. 53/Home/95. Dated : 23rd September, 1995

NOTIFICATION

It is hereby notified that the concessions to the Gallantry Award Minners belonging to the State of Sikkim earlier notified vide Notification No.54 (60) Home/85/1414 dated 11th December, 1986 are to be provided not only to defence personnel but also to the personnel of the para-military forces such as CRPF/BSF/Assam Rifles etc., belonging to the state of Sikkim.

By order and in the name of the Governor.

K.A. VARADAN,
CHIEF SECRETARY.
(F.No.54 (60) Home/85).
ELECTION DEPARTMENT

No. 231/H/95

Dated Gangtok the 21st August, 95

Election Commission of India’s order No. 76/SKM/LA/95/(2) dated 7th August 1995 is hereby republished for general information.

ELECTION COMISSION OF INDIA

Nirvachan Sadan,
Ahsoka Road
New Delhi-110001.
16 Sravana, 1917

No. 76/SKM-LA/95.(2)

“ORDER

Whereas the Election Commission is satisfied that each of contesting candidates specified in column (4) of the Table below at the General Election to the Legislative Assembly, 1994 as specified in column (2) and held from the Constituency specified in column (3) against his name has not lodged the account at all as shown in column (5) of the said Table, as required by the Representation of the People Act, 1951, and the Rules made thereunder.

And whereas the said 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 or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of the Parliament or of the Legislative assembly or Legislative Council of a State /Union Territory for a period of 3 years from he date of this order.
<table>
<thead>
<tr>
<th>SL. NO.</th>
<th>PARTICULARS OF ELECTION</th>
<th>SL. NO. &amp; NAME OF CONSTITUENCY</th>
<th>NAME &amp; ADDRESS OF CANDIDATES</th>
<th>REASON FOR DISQUALIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>General Election to The Legislative Assembly, 1994.</td>
<td>3-Geyzing Assembly Constituency</td>
<td>Sh. Bhagirath Gautam Geyzing Sikkim</td>
<td>Failed to lodge the account of election expenses.</td>
</tr>
<tr>
<td>2.</td>
<td>-do-</td>
<td>6- Rinchanpong Assembly Constituency</td>
<td>Sh. Dawa Gyatso Lepcha Takuthang Sikkim</td>
<td>-do-</td>
</tr>
<tr>
<td>3.</td>
<td>-do-</td>
<td>22-Khamdong Assembly Constituency</td>
<td>Sh. Bhim Singh Sunar Tadong, Sikkim</td>
<td>-do-</td>
</tr>
<tr>
<td>4.</td>
<td>-do-</td>
<td>26-Rakdong Tintek Assembly Constituency</td>
<td>Sh. Rinzing Bhutia Samdong Sikkim</td>
<td>-do-</td>
</tr>
<tr>
<td>5.</td>
<td>-do-</td>
<td>28-Rumtek Assembly Constituency</td>
<td>Sh. Uttam Lepcha Gangtok Sikkim</td>
<td>-do-</td>
</tr>
<tr>
<td>6.</td>
<td>-do-</td>
<td>29-Assam Lingjey Assembly Constituency</td>
<td>Sh. Sonam Dupden Tandong Sikkim</td>
<td>-do-</td>
</tr>
<tr>
<td>7.</td>
<td>-do-</td>
<td>31-Gangtok Assembly Constituency</td>
<td>Sh. Penzo D. Namgyal Gangtok Sikkim</td>
<td>-do-</td>
</tr>
<tr>
<td>8.</td>
<td>-do-</td>
<td>-do-</td>
<td>Sh. Sher Bdr. Subedi Gyalshing Sikkim</td>
<td>-do-</td>
</tr>
<tr>
<td>9.</td>
<td>-do-</td>
<td>32-Sangha Assembly Constituency</td>
<td>Sh. Karma Tenpa Barfong Rabongla Sikkim</td>
<td>-do-</td>
</tr>
</tbody>
</table>

By order,

K.P.G.KUTTY
SECRETARY
ELECTION COMMISSION OF INDIA
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GANGTOK.

Notification No. 17/ LR (S) Dated Gangtok the 8th September, 1995.

DECLARATION UNDER SECTION 6 OF
LAND ACQUISITION ACT, 1894
(1 OF 1894)

Whereas the Governor is satisfied that land is needed for a public purpose, not being a purpose of Union, namely for the construction of Power line by Power Department in the block of Gangtok (Arithang), East District of Sikkim, it is hereby declared that a piece of land comprising of cadastral plot No.815 measuring more or less 900 Sq.ft.i.e. 30 30 bounded as under :-

East : D.F.of Shri N.P.Gurung,
West : D.F.of Shri N.P. Gurung,
North : D.F. of Shri N.P. Gurung,
South : D.F. of Shri N.P. Gurung,

Is needed for the aforesaid public purpose at the public expense within the aforesaid block of Gangtok.

The declaration is made, under the provision of Section 6 of the Land Acquisition act, 1894 (Act 1 of 1894) to all whom it may concern.

A plan of the land may be inspected in the office the District Collector, East, Gangtok.

G.Goparma,
Special Secretary,
Land Revenue Department.
GOVERNMENT OF SIKKIM
ELECTION DEPARTMENT

No.232/H/95

Dated Gangtok the 25th September, 95.

Election Commission of India’s Order No. 76/SKM/LA/95/(3) dated 7th September, 1995 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi – 110001.

No.76/SKM-LA/95.(3)

16 Bhadra, 1917 (S)

ORDER

Whereas the Election Commission is satisfied that each contesting candidates specified in column (4) of the Table below at the General Election to the Legislative Assembly, 1994, as specified in column (2) and held from the Constituency specified in column (3) against his name has no lodged the account at all shown in column (5) of the said Table, as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said 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 or justification for the said failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the persons specified in column (4) of the Table below to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative assembly or Legislative Council of a State/Union Territory for a period of 3 years from the date of this order.
## TABLE

<table>
<thead>
<tr>
<th>S.NO.</th>
<th>PARTICULARS OF ELECTION</th>
<th>SL.NO.&amp; NAME OF CONSTITUENCY</th>
<th>NAME &amp; ADDRESS</th>
<th>REASON FOR DISQUALIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>General Election To the Legislative Assembly, 1994</td>
<td>30-Ranka Assembly Constituency</td>
<td>Sh.Tshering Namgyal Development Area, Sikkim.</td>
<td>Failed to lodge the accounts of election Expenses.</td>
</tr>
<tr>
<td>2.</td>
<td>-do-</td>
<td>31- Gangtok Assembly Constituency</td>
<td>Sh.Norden Gyalpo Kazi Arithang Gangtok, Sikkim.</td>
<td>-do-</td>
</tr>
</tbody>
</table>

By order,

**K.P.G.KUTTY**  
SECRETARY  
ELECTION COMMISSION OF INDIA

**D.SAMDUP,**  
Deputy Secretary,  
Election Department,  
Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PESS, GANGTOK.
In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim is hereby pleased to make the following rules further to amend the Sikkim State Health Services Rules, 1993, namely :-

1. (1) These rules may be called the Sikkim State Health Service (Amendment) Rules, 1995.

   (2) They shall come into force with effect from the date of their publication in the official Gazette.

2. In the Sikkim State Health Service Rules, 1993 (hereinafter referred to as the said rules) sub-rule (2) of rule 3 shall be omitted.

3. In rule 18 of the said rules, sub-rule (1) shall be omitted.

4. In the said rules, for Schedule I, the following schedule shall be substituted, namely :-
**SCHEDULE – I**
*(See rule 8 and 17 (2) )*

**COMPOSITION AND STRENGTH OF THE SIKKIM STATE HEALTH SERVICE**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Designation of Posts</th>
<th>Scale/Grade</th>
<th>Cadre strength</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>General Duty Medical Officer</td>
<td>Rs. 1820-3200</td>
<td>82</td>
</tr>
<tr>
<td></td>
<td>(Jr. Grade II)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>General Duty Medical Officer</td>
<td>Rs. 2120-3200</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>Grade I, M.O.-In-charge, PHCs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Blood Bank Officer</td>
<td>Rs. 2120-3600</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Jr. Grade I)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Technical Officer (IDD), (Goitre)</td>
<td>Rs. 2120-3600</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Selection Gd.I)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Technical officer (School Health)</td>
<td>Rs. 2120-3600</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Junior Gd.I)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Immunisation Officer</td>
<td>Rs. 2120-3200</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Junior Gd. I)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Urban Family Welfare Officer</td>
<td>Rs. 2120-3600</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Junior Gd. I)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Supeintendent, Distt. Hospital</td>
<td>Rs. 2525-4000</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>(Senior Grade)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Epidemiologist</td>
<td>Rs. 2525-4000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>(Senior Grade)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Sr. Immunisation-cum-MHC Officer</td>
<td>Rs. 2525-4000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Senior Grade)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Sr. Tuberculosis Officer</td>
<td>Rs. 2525-4000</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>(Senior Grade)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Physiotherapist</td>
<td>Rs. 2525-4000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>(Senior Grade)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>13.</td>
<td>Deputy Director</td>
<td>Rs. 2525-4000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Senior Grade)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14.</td>
<td>Chief Medical Officer</td>
<td>Rs. 3450-4700</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>(Selection Gd.II)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>State Tuberculosis Officer</td>
<td>Rs. 3450-4700</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Selection Gd.II)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16.</td>
<td>State Health Officer</td>
<td>Rs. 3450-4700</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Selection Gd. II)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17.</td>
<td>Joint Director</td>
<td>Rs. 3450-4700</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>(Selection Gd.II)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18.</td>
<td>Addl. Medical Supdt. STNM Hospital</td>
<td>Rs. 3700-5000</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Selection Gd.I)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>19.</td>
<td>Addl. Director</td>
<td>Rs. 3700-5000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>(Selection Gd.I)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>20.</td>
<td>Medical Supdt. STNM Hospital</td>
<td>Rs. 4500-5700</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Supertime Gd. II)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>21.</td>
<td>Director, Health Services</td>
<td>Rs. 4500-5700</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Supertime Gd. II)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>22.</td>
<td>Principal Director</td>
<td>Rs. 5700-6700</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>(Supertime Gd. II)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>23.</td>
<td>Jr. Specialist</td>
<td>Rs. 2120-3600</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>(Junior Grade I)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Specialist</td>
<td>Rs. 3450-4700</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>(Sr. Grade)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>Consultant Grade II</td>
<td>Rs. 3450-4700</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>(Selection Gd. II)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Designation of Posts</td>
<td>Method of Recruitment</td>
<td>Eligibility conditions</td>
<td></td>
</tr>
<tr>
<td>----------------------</td>
<td>-----------------------</td>
<td>------------------------</td>
<td></td>
</tr>
<tr>
<td>Supertime Grade I Principal Director (Rs. 5700-6700)</td>
<td>By Selection</td>
<td>Persons holding post in Supertime Grade II with atleast 2 years of service in the grade and 25 years of Service. The promotion shall be made on the basis of merit cum seniority.</td>
<td></td>
</tr>
</tbody>
</table>
Suppertime Grade II Director Health Services/Medical Superintendent / Chief Consultant (Rs. 4500-5700)

By Selection

Persons holding posts in Selection Grade I with at least 4 years of service in the grade. The promotion shall be made on the basis of merit cum seniority. Preference for the post of Director will be given to those with field experience.

Selection Grade I Additional Director/Addl. Superintendent/Consultant Gd. I/State Dental Health officer (Rs. 3700-5000)

By Selection

Persons holding posts in Selection Grade II with at least 4 years service in the grade. The promotion shall be made on the basis of merit cum seniority.

Selection Grade II Join Director/chief Medical Officer/State T.B. officer/State Health Officer/Consultant Gd. II/Senior Dental Health officer (Rs. 3450-4700)

By Selection

Persons holding posts in Senior Grade with at least 8 years service in the grade/specially. The promotion shall be made on the basis of merit cum seniority with specialist qualification in the area for clinical side.

Senior Grade Deputy Director/superintendents of District Hospitals/Epidemologist/Senior Immunisation-cum-MCH Officer/Senior T.B.Offercer/Specialist/Senior Dentals Surgeon/Physiotheria Pist (Rs. 2525-4000)

By Promotion

Persons holding post in Junior Grade I with at least 2 years service in the grade. The promotion shall be made on the merit cum seniority with a specialist qualification for Clinical side.

Junior Grade I
G.D.M.O./Medical Officer Gd. II/ Blood Bank officer/Family Welfare officer/Junior Specialist/dental Surgeon Gd. I/technical Officer (Rs.2120-3600)

100% by promotion

Persons with 4 years of service in Grade II.

Junior Grade II
G.D.M.O./Medical Officer Gd. II/Dental Surgeon Grade II (Rs. 1820-3200)

By direct recruitment

(1) Minimum qualification: A Bachelor of Medicine & Bachelor of Surgery/Bachelor of Dental.

(2) Surgery from recognized university and completed roratatory intership of one year from a recognized institution and registered with Medical Council of India or Medical Council of any State.
Criteria for selection of candidates for undergoing In service training for Post Graduation.

(1) Selection shall be made on the basis of seniority-cum-merit.

(2) The candidate shall be Deputed for the Post Graduate studies only as per the actual requirement/need of the Department.

(3) Upper age limit shall be 45 years. No candidates above the prescribed upper age limit shall be deputed for Post Graduate studies.

(4) Should have served in the rural areas (not attachment) for at least three years prior to being considered for the Post Graduation studies.

R.S.BASNETT
Secretary to the Govt. of Sikkim
GOVERNMENT OF SIKKIM
FOOD & CIVIL SUPPLIES CONSUMER AFFAIRS & PUBLIC DISTRIBUTION
DEPARTMENT
GANGTOK- SIKKIM
No. 7 (4) FCS/88-89/CP/4. Dated : 14th June 95.

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 30 of the Consumer protection Act, 1986 (Central Act 68 of 1986), the State Government hereby makes the following rules further to amend the Sikkim Consumer Protection Rules, 1990, namely :-

1. (1) These rules may be called the Sikkim Consumer Protection (Amendment) Rules, 1995.

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

2. In the Sikkim Consumer Protection Rules, 1990 (hereinafter referred to as the said rules), after clause (e) of sub rule (5) of rule 3, the following new clause shall be added, namely :-

“(f) has absented himself from three consecutive sitting of the District Forum without reasonable cause.”

3. In sub-rule (8) of rule 4, the following proviso shall be added, namely :-

“Provided that where a complaint is dismissed for default of the complainant or his authorized agent or a complaint is decided ex-parte for default of the opposite party of his authorized agent, the district forum shall have the power to set aside the order of dismissal or ex-parte decision on such terms as to costs or otherwise as it thinks fit on being satisfied that failure to appear before the forum was for sufficient cause.”

4. In the said rules, to sub-rule (8) of rule 7, the following proviso shall be added, namely :-

“Provided that where a complaint is dismissed for default of the complainant or his authorized agent or a complaint is decided ex-parte for default of the opposite party or his missal or ex-parte decision on such terms as to costs or otherwise as it thinks fit, on being satisfied that the failure to appear before the Commission was for sufficient cause.”

5. In the said rules, to sub-rule (6) of rule 8, the following proviso shall be inserted, namely :-

“Provided that where an appeal is dismissed for default of the appellant or his authorized agent or is decided ex-parte for default of the respondent or his authorized agent, the State Commission shall have the power to set aside the order of dismissal or ex-parte decision on such terms as to costs or otherwise as it thinks fit, on being satisfied that the failure to appear before the Commission was for sufficient cause.”

Secretary
Food and Civil Supplies
Consumer Affairs and Public
Distribution Department.
NOTIFICATION

WHEREAS it has become expedient and necessary, in public interest, to evolve a new procedure for execution of small value works to be carried out within the jurisdiction of the Gram Panchayats of the State;

AND WHEREAS it is necessary to generate employment opportunities to the local unemployed youth and members belonging to weaker sections of the society namely, Women, Scheduled Castes, Scheduled Tribes and other Socially and Educational Backward Classes;

AND WHEREAS it is necessary and prudent to ameliorate the socio-economic conditions of the people of Sikkim particularly belonging to various weaker sections of rural societies and to secure people’s participation and to allow the benefit of various schemes proposed by the Government of Sikkim to percolate down to residents of the Panchayat units;

AND WHEREAS it is necessary to provide for expeditious and efficient execution of schemes particularly in emergent situations;

AND WHEREAS it is necessary to strengthen the Panchayati Raj System as propounded and envisaged in Article 40 of the Constitution of India and to allow the benefits to go to the residents of Panchayats;

NOW, THEREFORE, the Government of Sikkim, in supersession of all previous Notification/Order/Circulars on the subject matter, hereby prescribe the following procedure for execution of certain works as detailed below;

1. (i) These orders will apply to construction works which are to be located within a Gram Panchayat area and which do not require high technical skill in execution.

(ii) In respect of each Gram Panchayat Units, a list of eligible enlisted contractors of the different Engineering Departments will be maintained for execution of works up to the estimated value of Rs. 11.00 lakhs. The list will be prepared for each Gram Panchayat from out of the different lists of enlisted contractors of different classes being maintained for the whole State.

For the purpose of works dealt with in this order, it is necessary that the person/entity to whom a contract for a work is to be awarded should be a resident of the Gram Panchayat within whose jurisdictions the work is located. Subject to this and the other conditions spelt out earlier preference will be given to labour Co-operative Societies, Unemployed engineering graduates or diploma holder, social workers conversant with the area and educated unemployed persons who have completed at least the Xth Standard.
2. (i) All works upto a final estimated cost Rs. 5.00 lakhs shall be got executed in the following manner :-

(a) Concerned Department will communicate the details of the work to the Gram Panchayat within whose jurisdiction the work will be executed.

(b) The Gram Panchayat shall, through process of short term tender/negotiation, as the situation demands, confined to those whose names are included in the list referred to in para-1-invite offers. This be evaluated with the assistance of departmental officers by the Gram Panchayat and the area MLA and recommendation regarding the entity to whom the work is to be entrusted in public interest would be sent to the concerned Department of the Government for confirmation and issue of work order.

3. Any work with a total estimate cost exceeding Rs. 500 lakhs but below Rs.11.00 lakhs shall be awarded by the concerned department at the district level on the basis of a limited tender to be invited from those whose names are in the list referred to in Para 1 above pertaining to the Gram Panchayat area where the work is to be executed.

4. (i) No member of a Gram Panchayat, Zilla Panchayat, MLA or any one holding an office of profit in the State Government can directly or indirectly by himself or by his partner or employer or an employee be a contractor for such works.

(ii) While awarding contracts under these orders, it should be ensured that such contracts are equitably distributed amongst the residents of the area and no monopoly is created in favour of one or a few.

5. All works other than those covered under these orders will be executed as per the procedure laid down by the P.W.D. Codes and Manual.

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

K.A. VARADAN
Chief Secretary
File No.54(170)Home/95.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No. 48/ Home/95 Dated : Gangtok, the 30th August, 1995

NOTIFICATION

In exercise of the powers conferred by Sub-section (2) of Section 26 of the Mines and Minerals (Regulation and Development) Act, 1957 (67 of 1957), the State Government hereby directs that all powers exercisable by the State Government under the provisions of the Act shall also be exercised by the Secretary to the Government in the Mines and Geology Department, Government of Sikkim.

By Order.

K.A. VARADAN
Chief Secretary
(F. No. 83/DMG/95-96)
GOVERNMENT OF SIKKIM  
HOME DEPARTMENT  
GANGTOK  

No. 41/ Home/95.  

NOTIFICATION

In exercise of the powers conferred by clause (s) of Section 2 of the Code of Criminal Procedure, 1973 (2 of 1974) the State Government, in partial modification of Notification No. 40/Home/89 dated 4th May, 1989 hereby declares Phodong as a Police Station, in place of Sangkalang, with the local area specified in column 3 of the Table below as its jurisdiction. The jurisdiction of Mangan P.S. is accordingly also modified as specified in Column 3 below:-

<table>
<thead>
<tr>
<th>SI.</th>
<th>Police Station</th>
<th>Jurisdictions</th>
</tr>
</thead>
</table>
| 1   | Phodong North Sikkim   | East : Ratey Khola  
                          | West : Rahe Khola        
                          | North : Rangrang Khola  
                          | South : Ratey Khola touching the   
                          | South Eastern boundary of   
                          | Mangan P.S.               |
| 2   | Mangan North Sikkim    | East : Rahe Khola  
                          | West : Gyalshing P.S.    
                          | North : Chungthang P.S.   
                          | South : Rabongla P.S.     |

BY ORDER,

K.A.VARADAN  
Home Secretary  
(F.No. 29/ PHQ)
GOVERNMENT OF SIKKIM  
HOME DEPARTMENT  
GANGTOK.


NOTIFICATION

Whereas it has been deemed necessary to appoint an Enquiry Officer to look into the working of the State Bank of Sikkim for the purpose of fixing responsibilities for the malfunctioning and mismanagement of the bank;

And Whereas it is considered imperative to include the manner of utilization and employment of bank’s funds, compliance with banking norms and adherence to the provisions of the bank’s proclamation in the scope of such investigation.

1. The Governor is pleased to appoint Shri Sangay Basi, IAS, Secretary to Government of Sikkim in Motor Vehicle Department as the Enquiring Officer.

2. The terms of reference shall, within the scope of investigation outlined above, included the following specific points ;

(a) Close scrutiny of all the relevant papers, files and accounts to determine whether pre-sanction, post-sanction formalities were properly carried out and whether other controls and checks consistent with banking norms were exercised or not, in all these cases ;

(b) Whether the policy and directions of the Government and also Board were carried out/followed up by the management;

(c) To find out and list all acts of omission and commission where bank’s interests have been, deliberately or otherwise, prejudiced resulting in either pecuniary losses or the loss of bank’s goodwill ; and

(d) To classify such acts of omission and commission for fixing possible administrative civil or criminal liability.

3. The Investigating Officer shall be provided all assistance in the conduct of the enquiry.

4. The Investigating Officer shall submit its report within 2 months from the date of this notification.

BY ORDER

K.A.VARADAN
CHIEF SECRETARY.
NOTIFICATION

The following Act of the Sikkim Legislative Assembly Secretariat having received assent of the Governor on the 11th day of October, 1995 is hereby published for general information :-

THE SIKKIM LEGISLATIVE ASSEMBLY MEMBERS (PAYMENT OF PENSION) AMENDMENT ACT, 1995
(ACT NO. 7 OF 1995)

To amend the Sikkim Legislative Assembly (Payment of Pension) Act, 1984 (No.4 of 1984).

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

1. (1)-The Act may be called Sikkim Legislative Members (Payment of Pension) Amendment Act, 1995.
(2)- It shall be deemed to have come into force on the 1st day of April, 1995.

Amendment of section 3

2. In section 3 of the Sikkim Legislative Assembly Members (Payment of Pension)Act, 1984, in sub-section (1),-

(a) for the words “three hundred rupees” wherever they occur, the words “one thousand rupees” shall be substituted.

(b) for the words “fifty rupees” the words “one hundred rupees” shall be substituted;

(c) for the words “five hundred rupees” the words “two thousand rupees” shall be substituted.

By Order of the Governor,

B.R.PRA DHAN
Secretary to the Govt.of Sikkim,
Law Department.
F. NO. 16 (82) LD/79-95

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Notification No: 19 (791)/LR (S)  Dated: Gangtok, the 1st November, 1995.

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

Whereas it appears to the Governor that land is likely to be needed for a public purpose, not being a purpose of the Union, namely for construction of Switchyard and Sub-Station of Power Department in the Tathangchen Block, East Sikkim, it is hereby notified that a piece of land comprising cadastral plot no.95 and 107 measuring more or less 0.78 acres bounded as follows:-

East :  Jhora and D.F.of Sh. Dawgechen Bhutia and Sh. N. Lama,
North :  D.F.of Smt. Tashi Yangzum,
South :  Banjo land of Sh. Sherap Khandu

is likely to be needed for the aforesaid block Tathangchen.

This notification is made, under the provision of Section 4 (1) of Act I of 1894 to all to whom it may concern.

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

In exercise of the powers conferred by the aforesaid section the Governor is pleased to authorize the officers for the time being engaged in the undertaking, with their servants and workmen the 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 Governor is further pleased to direct under Section 17 (4) that the provisions of Section 5 A of the Act shall not apply.

G.GOPARMA
Special Secretary
Land Revenue Department.
Govt. of Sikkim.
GOVERNMENT OF SIKKIM 
DEPARTMENT OF PERSONNEL, ADM. REFORMS AND TRAINING

NOTIFICATION

In exercise of the powers conferred by the proviso to article 309 of the Constitution of India, the Governor of Sikkim hereby makes the following rules regulating the method of recruitment to the posts of the Principal in the Sikkim Government Colleges and Sikkim Government Law College under Education Department, Government of Sikkim, namely:-


2. Application : These rules shall apply to the post as specified in column 1 of the Schedule annexed to these rules.

3. Sanction Strength classification and pay scales : Sanctioned strength, classification and pay scales in relation to the posts of Principal shall be as specified in column 2,3 and 4 of the Schedule aforesaid.

   Higher scale of pay under column 4 of the Schedule shall be applicable to those promotees who have completed at least 5 years of regular service in the lower scale or to depuationists provided they were enjoying the higher scale in their previous posts.

4. Method of and the qualifications required for Recruitment:-
   The Method of, and qualification required for recruitment, eligibility candidates for promotions to the posts of Principal and period of probation shall be such as specified in column 5 to 11 of the Schedule aforesaid.

5. Disqualifications ; 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 contacted a marriage with any person shall be eligible for appointment to the said post.

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.
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 of posts.

Repeal and saving :- (1) The condition 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.

(2) Nothing in these rules shall effect 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.

(3) 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.

(4) 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 the corresponding provisions of these rules.

R.S.BASNET
SECRETARY TO THE GOVT.OF SIKKIM
DEPTT. OF PERSONNEL, A.R.& TRG.
THE SCHEDULE

1. Name of the post : Principal, Sikkim Government Colleges and Principal, Sikkim Government Law College.
2. No.of posts : 1 (one) each.
3. Classification : Class I
4. Scale of pay : i) Rs. 3700-125-4950-150-5700  
   ii) Rs. 4500-150-5700-200-7300
5. Whether Selection post or Non-Selection post. : Selection
6. Method of Recruitment (Whether by direct/promotion/deputation/ transfer etc.& percentages of vacancies to be filled by various methods) : 100% by promotion, failing which by direct recruitment/deputation.
7. Age limit for direct recruitment : 50 years (relaxable by 5 years for Government servant).
8. Educational and other qualification required for direct recruitment : (i) In relation to Principal, Sikkim Governement Colleges Post Graduate Degree in any subject with atleast 55% marks or equivalent grade/ and in relation to Principal, Sikkim Govt. Law College, post Graduate Degree in Law with atleast 55% marks or equivalent grade.
   (ii) Consistently good academic record
   (iii) Ph.D.Degree.
   (iv) 15 years College teaching/administrative experience.  
   Desirable:
   (i) Hons. at degree level
   (ii) Knowledge in any one of the local languages, viz.Sikkimese Bhutia or Lepcha or Limboo or Nepali.
9. Educational and other qualification required for promotion including experience, training, length of service in lower post (whether educational qualification prescribed for direct recruitment will apply in case of promotion). : Qualification : Yes 
   Age : No.
11. In case of recruitment by promotion deputation/transfer Grade from which promotion/deputation/transfer to be made : (a) In case of recruitment by promotion Reader or Lecturer (Selection Grade) with at least 5 years regular service in the said grade.
   : (b) In case of transfer on deputation, Professor or Principal holding analogous scale of Principal.
12. If a Departmental promotion Committee exists what is its composition. : As may be constituted by the Government by a notification separately.
13. Circumstances in which Sikkim Public Service Commission is to be Consulted in making recruitment. : As and when required.

R.S.BASNET  
SECRETARY TO THE GOVERNMENT  
DEPTT. OF PERSONNEL, A.R.& TRG.
GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK.


N O T I F I C A T I O N

The following Act of the Sikkim Legislative Assembly Secretariat having received the assent of the Governor on 11th day of October, 1995 is hereby published for general information: -

(ACT NO.8 OF 1995)

ARRANGEMENT OF SECTIONS: -

1. Short title, extent, commencement and application
2. Definitions.
3. Constitution of a licensing and Registering Authority.
4. Jurisdiction and quorum.
5. Powers, duties and functions of the Authority.
6. Restriction in setting up clinical establishments.
7. Application for licence and for registration.
8. Renewal of a licence and certificate of registration.
9. Processing of application.
10. Directions.
11. Inspection.
12. Cancellation or suspension of a licence.
13. Appeals.
15. Offence by a Company.
17. Chairman, Member of the authority and officers and persons to be public servants.
18. Power to remove difficulties.
19. Power to make rules.
to provide for regulating the setting up of private hospitals, nursing homes and other centres catering to diagnostic, investigative and other health care services and for matters connected therewith.

Be it enacted by the Legislative of Sikkim as in the Forty-sixth Year of the Republic of India as follows:-

Short title, extent, commencement and application.

1. (1) This Act may be Called the Sikkim Clinical Establishment (Licensing and Registration)Act, 1995.
(2) It extends to the whole of Sikkim.
(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
(4) It shall apply to all clinical establishments other than clinical establishments set up by the Central Government or the Government of any State.

Definitions. 2. In this Act, unless the context otherwise requires,-
(a) “Authority” means the Sikkim Licencing and Registering Authority constituted under section 3;
(b) “Clinical establishment” means and includes-
(i) a general hospital, a maternity hospital and a dispensary;
(ii) an institution or centre by whatever name called where physically or mentally sick, injured or infirm persons are admitted either as in-patients or out-patients for treatment with or without the aid of operative procedures ; and
(iii) a clinic catering to radiological, biological and other diagnostics or investigative services with the aid of laboratory or other medical equipments;
(c) “licence” means a licence referred to in section 7 ;
(d) “notification” means a notification published in the Official Gazette;
(e) “prescribed” means prescribed by rules made under the Act;
(f) “State Government” means the Government of the State of Sikkim.

Constitution of a licensing and Registering Authority.

3. (1) The State Government may, by notification, constitute an authority to be called the Sikkim Clinical Establishments Licensing and Registering Authority consisting of the following persons, namely:-
(i) Director of Health and Family Welfare, Government of Sikkim. - Chairman
(ii) Licensing Authority under the Drugs and Cosmetics Act, 1940, Health and Family Welfare, Government of Sikkim. - Member
(iii) Two members from medical profession of the Government of Sikkim. - Member
(iv) Joint Director, Health and Family Welfare, Government of Sikkim. - Member

Secretary.
(2) The Authority may, if it considers necessary, for dealing with any special issue before it, invite any person to attend any meeting but such person shall not be deemed to be a member of the Authority nor shall he have a voting right.

(3) No act or proceeding of the Authority shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Authority.

(4) The Authority shall have an office and all correspondence and orders emanating from the office of the Authority shall be authenticated under the signature at the Member Secretary.
3

Jurisdiction and quorum.

4.

(1) The jurisdiction of the Authority shall extend over the entire State of Sikkim.

(2) The quorum for any meeting of the Authority shall be four including the Chairman.

Powers, duties and functions of the Authority.

5. Without derogation to any law for the time being in force and without prejudice to the generality of its powers and functions, the Authority shall –

(a) receive applications for grant of licence and for registration of clinical establishments;

(b) scrutinize the applications and call for further information or particulars from the applicants or from any other person or authority as may be required;

(c) consider the applications and pass orders;

and

(d) do such other things as are necessary or incidental for the purpose of this Act.

Restrictions in setting up clinical establishments.

6. On and from the date of commencement of this Act, no person shall set up any clinical establishment except under a valid licence granted by the Authority and no clinical establishment shall run without it having been registered in accordance with the provisions of this Act:

Provided that in the case of a clinical establishment in existence immediately before the date of commencement of this Act, the person who has set it up or otherwise is the proprietor or owner of such a clinical establishment shall, within a period of three months therefrom, apply to the Authority for a licence and for registration of the clinical establishment.

Explanation: For the purpose of this section ‘person’ includes a body, group or association of individuals an organization, a firm or society (whether Registered or not) or a company registered under the law for the time being in force in the State of Sikkim.

Application for licence and for registration.

7. An application for grant of a licence, and for registration of a clinical establishment shall be made in such form and manner as may be prescribed.

Renewal of a licence and certificate of registration.

8. The licence and the certificate of registration shall be renewed in such manner as may be prescribed.

Processing of application.

9. On receipt of an application, the Authority may, if it is satisfied after causing such enquiry as may be necessary to be made and after following the criteria as may be prescribed, grant a licence or registered a clinical establishment, as the case may be, or refuse, for reasons to be recorded in writing, to grant a licence or to register clinical establishment:

Provided that no order refusing to grant a licence or to register a clinical establishment shall be passed unless the applicant has been given an opportunity of being heard.

Directions.

10. Authority may, from time to time, give directions in regard to matters pertaining to clinical establishments and the licence as also the person referred to in the proviso to section 6 shall comply with such directions.

Inspection.

11. The Authority may, from time to time, cause inspections of clinical establishments and the record kept therein to satisfy itself that the clinical establishments is run in accordance with terms and conditions of the licence and that its directions are complied with and the licensee and the officer-in-charge of the clinical establishment, by whatever name called, shall afford all reasonable opportunity to the Authority or to any person deputed by it to conduct the inspection and shall furnish all information as may be called for.

Cancellation or suspension of a licence.

12. (1) If the Authority is satisfied that a licence has violated any of the terms and conditions of the licence or any of the directions it has given or has contravened any of the provisions of this Act or the rule made thereunder, the Authority may order cancellation or suspension of the licence for such period as it may think fit and on such cancellation the certificate of registration shall stand withdrawn.
Provided that before a licence is cancelled that licence shall be given an opportunity to be heard.

(2) On the cancellation or suspension of the licence under sub-section (1) no person shall be freshly admitted in the clinical establishment either as an in-patient or an out-patient.

Provided that a person already admitted in a clinical establishment before the licence is cancelled, or suspended as the case may be, shall continue to be treated until he is discharged and on the discharge of the last of such persons the clinical establishment shall be closed down.

Appeals.
13. (1) Any person aggrieved by an order of the Authority refusing to grant a licence or to register a clinical establishment under section 9 or canceling or suspending a licence under section 12, may prefer an appeal to the Appellate Authority consisting of the Secretary to the Government of Sikkim in the Health and Family Welfare Department and two other experts in the field of medical science to be nominated by the State Government within such period as may be prescribed.

(2) The Appellate Authority shall, after considering the appeal and, if necessary, after hearing the aggrieved person, pass orders and its orders shall be final and binding.

Offences and penalties.
14. Whoever contravenes any of the provisions of this Act or the rules framed thereunder shall be guilty of an offence and in addition to his licence being cancelled or suspended shall be punishable for-

(a) a major offence, with a fine which shall not be less than twenty thousand rupees but which may extend up to one lakh rupees and in the case of a continuing contravention with an additional fine which may extend up to one thousand rupees for every day the contravention continues, and

(b) a minor offence, with a fine which shall not be less than five hundred rupees but which may extend up to two thousand rupees and in the case of a continuing contravention with an additional fine which may extend up to fifty rupees for every day contravention continues.

Explanation: ‘Major offence’ and ‘minor offence’ shall have the meanings as may be prescribed.

Offence by a Company.
15. Where an offence has been committed by a company every person who at the time the offence was committed were directly in charge of or were responsible to the company for the conduct of its business shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purpose of this section ‘company’ includes a firm, society, association or group of persons by whatever name called.

Taking cognizance of any offence.
16. No court shall take cognizance of any offence punishable under this Act except on a complaint made by the Authority or by an officer or person authorized by it in this behalf.

Chairman, member of the Authority and persons to be public servants.
17. The Chairman and every member of the Authority and every officer or person exercising his functions on its behalf shall be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

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

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

Power to make rules.
19. (i) The State Government may, by notification and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.
(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide of all or any of the following matters, namely:

(a) the principles and criteria for granting a licence or for registration of a clinical establishment;

(b) the terms and conditions of a licence;

(c) the form of application for a licence and for registration of a clinical establishment;

(d) the form of the periodical returns and statistics to be submitted by the licence to the Authority;

(e) the mode of holding meeting and the conduct of business by the Authority;

(f) the fees payable for applying for a licence and for registration of a clinical establishment and for renewal of the same; and

(g) any other matters which are to be and may be prescribed.

By Order of the Governor,

B.R. PRADHAN,
Secretary to the Govt. of Sikkim,
Law Department.
F.NO. 16 (82) LD/79-95

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
In exercise of the powers conferred by sub-section (1) of section 13 read with sub-section (2) of section 13 of the Sikkim Agricultural Land Ceiling and Reforms Act, 1977 (14 of 78) and in supersession of the Notification No. 6/LR, dated 26.7.1986 and No. 14/LR, dated 21.3.1995, the State Government hereby constitutes the Tribunal for hearing appeals under section 13 of the Act, and appoints the Joint Secretary to the Government of Sikkim in the Land Revenue Department as the sole member of the Tribunal.

T.W.BARPHUNGPA, IAS
Commissioner-Cum-Secretary,
Land Revenue Department
Government of Sikkim.
GOVERNMENT OF SIKKIM
LAND REVENUE DEPARTMENT
GANGTOK

Notification No : 18/510/LR (S)       Dated : 26.10.95.

NOTIFICATION

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

Whereas it appears to the Governor that land is likely to be needed for a public
purpose, not being a purpose of the Union, namely for Extension of Namchi Bazar by the
deppt. of Urban Development and Housing, Government of Sikkim in the block of Namchi
Bazar, South District, it is hereby notified that a piece of land comprising of cadastral plot
Nos. 20,21,22,23,31,228/A 229/629,230 and 240 measuring more or less 1.9185 Hectares bou-
donned as under :-

PLOT NOS.20.21.22.23 and 31.

East : D.F. of Passing Doma, Hai Tshering Bhutia, Pemden Bhutia, Nor Tshering
and Govt.Junior High School.
West : D.F.of D.P.Rajalim.
North : Village road to Parbing and Phalidanra.
South : Road to Namchi-Namthang.

PLOT NOS. 228/A 229/629,230 and 240.

East : D.F.of Ongdup and Thendup Bhutia and Shok Tshering Bhutia.
West : Thana Compund.
North : Forest Deptt.’s land, D.F.of Snagey Doma Bhutia, Lerap Pempo Doma Bhutia,
Rikden Bhutia and Nak Tshering Lepcha.
South : D.F.of Samten Tshering Lepcha and proposed area for Civil-Cum-Judicial
Court,
is likely to be needed for the aforesaid purposes at the public expense within
the aforesaid block, Namchi bazaar, South Sikkim.

This notification is made, under provision of Section 4 (1) of Act 1 of 1894 to
all to whom it may concern.

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

South.

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

And whereas there is urgency to acquire the land Governor is further pleased to
direct under Section 17(4) that the provisions of Section 5-A of the Act shall not apply.

G. GOPARMA,
Special Secretary,
Land Revenue Department,
Govt. of Sikkim.
NOTIFICATION

The following Act of the Sikkim Legislative Assembly Secretariat having received assent of the Governor on 11th day of October, 1995 is hereby published for general information :-

THE SIKKIM APPROPRIATION ACT, 1995
(ACT NO. 11 OF 1995)

AN ACT
to authorize 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, 1995-96

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

1. This Act may be called the Sikkim Appropriation Act, 1995.

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 three crores seventy seven lakhs sixty six thousand towards defraying the several charges which will come in course for payment during the Financial Year 1995-96 in respect of the services specified in column 2 of the Schedule.

3. The sum authorized to be paid and applied from and out of the Consolidated Fund of the State of Sikkim by this Act shall be appropriated for the services and purposes specified in the Schedule in relation to the said year.
<table>
<thead>
<tr>
<th>No. of Vote</th>
<th>SERVICES AND PURPOSES</th>
<th>Voted by the Legislative Assembly</th>
<th>SUMS NOT EXCEEDING Charged on the Consolidated Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Appropriation – Governor</td>
<td>REVENUE -</td>
<td>440</td>
<td>440</td>
</tr>
<tr>
<td>39.</td>
<td>Forestry &amp; Will Life</td>
<td>REVENUE 37326</td>
<td>-</td>
<td>37326</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>37326</td>
<td>440</td>
<td>37326</td>
</tr>
</tbody>
</table>

By Order of the Governor,

B.R.PRADHAN,
Secretary to the Govt. of Sikkim,
Law Department.
F.NO. 16 (82) LD/79-95

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
GANGTOK-(Pin 737101)
DEPARTMENT OF MINES & GEOLOGY

Ref No.25 (2) DMG/95-96/1328 Dated : 23/8/95.

NOTIFICATION
In supercession of earlier notification No.8 (1) DMG/80-81 dated the 4th June 1981, the Government of Sikkim is pleased to reconstitute the State Geological programming Board as under :-

1. Chief Secretary, Government of Sikkim Chariman.
2. Secretary, Urban Development Department Member
3. Secretary, Road & Bridge (SPWD) Member
4. Secretary, Power Department Member
5. Secretary, Forest Department Member
6. Secretary, Land Revenue Department. Member
7. Chief Engineer, Border Roads. Member
8. Director, Geological Survey of India, Gangtok Circle. Member
9. G.O.C. 17th Mtn. Division 99/APO Member
10. Director, Engineering Geology Division G.S.I Calcutta. Member
11. Secretary, Mines & Geology Department. Member Secretary

The functions of the Board will be to advice the State Government on the following matters.
2. Formulate Joint Programme of investigation with Geological Survey of India, if considered necessary.
3. Exchange of information on Geological Exploration and Geo-technical studies done by different Agencies in the State.
4. Any other relevant matters.

Secretary
Mines & Geology Department
Government of Sikkim,
Gangtok.
NOTIFICATION

The following Order No. SKM/GOV/SECTT/836/95 dated 11th October, 1995 made by the Governor of Sikkim is published for general information:

“In exercise of the powers conferred by Article 174 (2) (a) of the Constitution of India, I.P. Shiv Sanker, Governor of Sikkim, hereby prorogue the Sikkim Legislative Assembly which was summoned to meet on Tuesday, the 26th September, 1995.

P.SHIV SHANKER
Governor of Sikkim

By Order

C.M Chettri
Additional Secretary
GOVERNMENT OF SIKKIM
DEPARTMENT OF PERSONNEL, ADM. REFORMS & TRG.
TASHILING
GANGTOK-SIKKIM 737101


NOTIFICATION

Whereas by Notification No.4/WD/95 dated 1st July 1995, the Governor had been pleased to provide reservation with effect from 1st July 1995 in Services and posts under the Government of Sikkim and Public Sector Undertakings to be filled up by direct recruitment as under -:

1. Scheduled Castes - 6%
2. Scheduled Tribes - 23%
3. Other Backward Classes - 21%

2. Now, therefore, the Governor is pleased hereby to direct that for the purpose of implementation of reservation quota in direct recruitment in pursuance of the aforesaid Notification a 100-Point roster as per the model 100-Point roster annexed hereto shall be maintain in which 5th, 23rd, 39th, 57th, 73rd and 91st (total 6 points) posts shall be reserved for members of Scheduled Caste, citizens of this State and 1st, 7th, 11th, 15th, 19th, 25th, 29th, 33rd, 37th, 43rd, 47th, 51st, 53rd, 59th, 63rd, 67th, 71st, 77th, 81st, 85th, 89th, 95th and 99th (total 23 Points) posts reserved for the members of Scheduled Tribes citizens of this State and 3rd, 9th, 13th, 17th, 21st, 27th, 31st, 35th, 41st, 45th, 49th, 55th, 61st, 65th, 69th, 75th, 79th, 83rd, 87th, 93rd and 97th (total 21 Points) posts reserved for Other Backward Classes Citizens of this State.

Model – 100 Point Roster

1. S.T. 12. Unreserved
2. Unreserved 13. O.B.C.
4. Unreserved 15. S.T.
5. S.C. 16. Unreserved
6. Unreserved 17. O.B.C.
7. S.T. 18. Unreserved
8. Unreserved 19. S.T.
11. S.T. 22. Unreserved
<p>| | | | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>23.</td>
<td>S.C.</td>
<td>62.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24.</td>
<td>Unreserved</td>
<td>63.</td>
<td>S.T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>25.</td>
<td>S.T.</td>
<td>64.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>26.</td>
<td>Unreserved</td>
<td>65.</td>
<td>O.B.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>27.</td>
<td>O.B.C.</td>
<td>66.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28.</td>
<td>Unreserved</td>
<td>67.</td>
<td>S.T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>29.</td>
<td>S.T.</td>
<td>68.</td>
<td>unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>30.</td>
<td>Unreserved</td>
<td>69.</td>
<td>O.B.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>31.</td>
<td>O.B.C.</td>
<td>70.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>32.</td>
<td>Unreserved</td>
<td>71.</td>
<td>S.T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>33.</td>
<td>S.T.</td>
<td>72.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>34.</td>
<td>Unreserved</td>
<td>73.</td>
<td>S.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>35.</td>
<td>O.B.C.</td>
<td>74.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>36.</td>
<td>Unreserved</td>
<td>75.</td>
<td>O.B.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>37.</td>
<td>S.T.</td>
<td>76.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>38.</td>
<td>Unreserved</td>
<td>77.</td>
<td>S.T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>39.</td>
<td>S.C.</td>
<td>78.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>40.</td>
<td>Unreserved</td>
<td>79.</td>
<td>O.B.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>41.</td>
<td>O.B.C.</td>
<td>80.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42.</td>
<td>Unreserved</td>
<td>81.</td>
<td>S.T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>43.</td>
<td>S.T.</td>
<td>82.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>44.</td>
<td>Unreserved</td>
<td>83.</td>
<td>O.B.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45.</td>
<td>O.B.C.</td>
<td>84.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>46.</td>
<td>Unreserved</td>
<td>85.</td>
<td>S.T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>47.</td>
<td>S.T.</td>
<td>86.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>48.</td>
<td>Unreserved</td>
<td>87.</td>
<td>O.B.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>49.</td>
<td>O.B.C.</td>
<td>88.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50.</td>
<td>Unreserved</td>
<td>89.</td>
<td>S.T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>51.</td>
<td>S.T.</td>
<td>90.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>52.</td>
<td>Unreserved</td>
<td>91.</td>
<td>S.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>53.</td>
<td>S.T.</td>
<td>92.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>54.</td>
<td>Unreserved</td>
<td>93.</td>
<td>O.B.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>55.</td>
<td>O.B.C.</td>
<td>94.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56.</td>
<td>Unreserved</td>
<td>95.</td>
<td>S.T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>57.</td>
<td>S.C.</td>
<td>96.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>58.</td>
<td>Unreserved</td>
<td>97.</td>
<td>O.B.C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>59.</td>
<td>S.T</td>
<td>98.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>60.</td>
<td>Unreserved</td>
<td>99.</td>
<td>S.T.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>61.</td>
<td>O.B.C.</td>
<td>100.</td>
<td>Unreserved</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

BY ORDER OF THE GOVERNOR.

R.S.BASNET
Secretary to the Govt. of Sikkim
Dept. of Personnel, Adm. Reforms & Trg.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No.57/Home/ 95      Dated : Gangtok the 7th November, 1995.

NOTIFICATION

The Government of Sikkim is pleased to announce the National Social Assistance Programme (NSAP), launched in the country with effect from 2nd October, 1995.

The NSAP is a 100% Centrally Sponsored Scheme which will include for the time being three components :-

(a) National Old Age Pension Scheme (NOAPS)
(b) National Family Benefit Scheme (NFBS)
(c) National Maternity Benefit Scheme (NMBS)

The scales of benefit under the NSAP would be as follows :-

(i) National Old Age Pension Scheme (NOAPS) Rs.75/- per month per beneficiary.
(ii) National Family Benefit Scheme (NFBS) Rs.5,000/- in case of death due to natural causes and Rs.10,000/- in case of accidental death of the primary breadwinner to the bereaved household.
(iii) National Maternity Benefit Scheme (NMBS) Rs.300/- per pregnancy up to the first two live births.

The N.S.A.P. provides opportunities for linking the social assistance package to schemes for poverty alleviation and the provision of basic needs. Specifically, old age pensions can be linked to medical care and other benefits for the old and the poor. Integrated Rural Development Programme (IRDP) Nehru Rozgar Yojana (NRY) assistance may be provided in addition to the family benefit for the families of poor households who suffer the loss of the breadwinner. Maternity assistance can be linked to maternal and child care.

The Welfare Department, Government of Sikkim will be the Nodal Department for the programme. The sanctioning authorities would be as follows:-

1. National Old Age Pension Scheme - Director, Social Welfare
2. National Family Benefit Scheme - District Collectors
   District
3. National Maternity Benefit Scheme - Chief Medical Officer.
6. In accordance with the guidelines of the Programme the Government of Sikkim is pleased to constitute the State Level Committee consisting of :-

1. Chief Secretary     Chairman
   Government of Sikkim
2. Secretary, Finance     Member
3. Development Commissioner     Member
4. Secretary, Rural Development Department     Member
5. Secretary, Land Revenue     Member
6. Secretary, Urban Development & Housing Department     Member
7. Secretary, Women & Child Welfare     Member
8. Secretary, Welfare Department     Member
9. Secretary, Health & F.W. Department     Member
10. Nominee of Ministry of Rural Development, Government of India     Member
11. Nominee of Ministry of Urban Development, Government of India     Member
12. Member of Parliament, Lok Sabha     Member
13. Director, Social Welfare     Member-Secretary

7. The above Committee will be responsible for monitoring and evaluation of the N.S.A.P. and matters connected therewith. They will also ensure that periodical reports are sent to the Government of India.

8. Further the State Government is also please to constitute a District level committee consisting of the following as members :-

1. District Collector     Chairman
2. All MLAs of the concerned Districts     Member
3. Adhakshya, Zilla Panchayat     Member
4. District Development Officer     Member
5. Sub-Divisional Magistrates     Member
6. Chief Medical Officer     Member
7. Welfare Officer     Member
8. Representative of NGO of the District     Member
9. C.D.P.O.     Member-Secretary
10. Nominee of Ministry of Urban Development, Government of India     Member
11. Nominee of Ministry of Rural Development, Government of India     Member
12. Member of Parliament, Lok Sabha     Member
13. Director, Social Welfare     Member-Secretary

9. The District Level Committee should hold regular meetings and also ensure the following :-

   (a) Wide Publicity is given about the Programme.
   (b) Prompt verification is carried out the list of beneficiaries submitted by the Panchayat/ Municipalities.
   (c) List of beneficiaries along with verified application forms are sent to the sanctioning authority on time.
   (d) Quarterly and annual progress reports are submitted timely as per formal prescribed from time to time to the sanctioning authority.
   (e) The implementation of the scheme is in accordance to the guidelines laid down in this notification.

GUIDELINES

(I) National Old Age Pension Scheme – This scheme will be operated on the existing rules governing grant of Old Age Pension prescribed by the State Government.

   Central assistance under the National Social Assistance Programme will be available for old age pension provided strictly according to the conditions below :-

i) The age of the applicant (male or female) shall be 65 years or higher.
ii) The applicant must be a destitute in the sense of having little or no regular means of subsistence from his/her own sources of income or through financial support from family members or other sources. In order to determine destitution, the criteria, if any, currently in force in the State/U.T. Governments may also be followed. The Government of India reserve the right to review these criteria and suggest appropriate revised criteria.

iii) The amount of the old age pension will be Rs-75/- per month for purposes of claiming central assistance.

iv) An amount of Rs. 25/- per beneficiary will be contributed from the State fund to bring the total to Rs. 100/- which is at par with the existing OAP Scheme of the State Government.

Village Panchayats and relevant Municipalities shall report every cash of the death of a pensioner immediately after its occurrence to the appropriate sanctioning authority. The sanctioning authority shall ensure that payments are stopped thereafter.

The sanctioning authority shall have the right to stop/recover payments of any pension sanctioned on the basis of false or mistaken information about eligibility.

As far as possible all benefits payable should be made to the bank account of the beneficiary in the Post Office Savings Bank Account or commercial bank. Where payment is made directly to the beneficiary, endorsement of payment be made in the appropriate page of the identity card of the beneficiary.

All prospective beneficiaries should fill the application form for grant of OAP and ensure endorsement by the Panchayat and MLA of the area.

S.D.Ms are to collect the forms verify the same and forward to the District Level Committee/Sanctioning authority.

(II) National Family Benefit Scheme-Central assistance will be available for a lumpsum family benefit for households under the poverty line on the death of the primary breadwinner in the bereaved family subject to the conditions below:

For purpose of determining central assistance the following criteria shall apply:

i) The ‘primary breadwinner’ will be the member of the household-male or female whose earnings contribute the largest proportion to the total household income.

ii) The death of such a primary breadwinner should have occurred whilst he or she is in the age group of 18 to 64 years i.e. more than 18 years of age and less than 65 years of age.

iii) The bereaved household qualified as one under the poverty line according to the criterion prescribed by the Government of India.

iv) Rs. 5,000/- in the case of death due to natural causes and Rs. 10,000/- in the case of death due to accidental causes will be the ceiling for purposes of claiming central assistance.

The family benefit will be paid to such surviving member of the household of the deceased who, after due local enquiry, is determined to be the head of the household. For the purpose of the scheme, the term ‘household’ would include spouse, minor children, unmarried daughters and dependent parents.

The sanctioning authority shall have the right to recover payments made on the basis of false or mistaken information about eligibility.

III. National Maternity Benefit Scheme-The maternity benefit will provide a lumpsum cash assistance to women of households below the poverty line subject to the conditions below:

For purposes of determining central assistance, the following criteria shall apply:

i) The maternity benefit will be restricted to pregnant women for up to the first two live births provided they are of 19 years of age and above.

ii) The beneficiary should belong to a household below the poverty line according to the criteria prescribed by the Government of India.

iii) The ceiling on the amount of benefit for purposes of claiming central assistance will be Rs.300/-
The maternity benefit will be disbursed in one instalment 12-8 weeks prior to the delivery. It is desirable that the child receives one dose of oral polio and BCG vaccination at birth and the first dose of DPT and polio in the sixth week.

The sanctioning authority shall have the right to stop/recover payments made on the basis of false or mistaken information about eligibility.

Release of central assistance for the financial year will be in two instalments during the year to the separate NSAP accounts.

Instalments will be released only after receipt of utilization certificates and audited figures of the actual expenditure.

By order and in the name of Governor,

K.A. VARADAN
CHIEF SECRETARY
(F.No. 179 (156) 95-96/SW)
NOTIFICATION

In exercise of the powers conferred by article 243-I and article 243-Y of the Constitution of India read with Chapter X of the Sikkim Panchayat Act, 1993 (6 of 1993) and section 185 of the Sikkim Municipalities Act, 1995 (6 of 1995) the State Government hereby makes the following rules regulating the constitution of a Finance Commission in the State of Sikkim, namely :-

Short title and Commis- 1. (1) These rules may be called the Sikkim (Constitution of Finance

(2) They shall come into force at once.

Definitions. 2. (1) In these rules, unless the context otherwise requires,-

(a) “Act” means either the Sikkim Panchayat Act, 1993 (6 of 1993) or the Sikkim Municipalities Act, 1995 (6 of 1995) as the case may be;

(b) “Commission” means the Finance Commission constituted under rule 3.

(2) The expressions used in these rules and not otherwise defined shall have the same meaning as respectively assigned to them in the above two Act.

Constitution of Finance Commission. 3. (1) The Governor shall within one year from the commencement of the Constitution (Seventy third) Amendment Act, 1992 and thereafter at the expiration of every fifth year constitute a Finance Commission for the purpose of the provisions as laid down in Chapter X of the Act,

(2) The Governor shall, by notification, appoint one person as Chairman and two other persons as members of the Commission who are citizens of India and have attained the age of 35 years and also have the requisite qualification as laid down in section 97 of the Sikkim Panchayat Act, 1993:

Provided that if any officers of the Central or State Government or of Autonomous Bodies are appointed as Chairman or members of the Commission, he shall not be below the rank of Secretary of the State Government and shall not be below the rank of Joint Secretary of the State Government respectively.
2

(3) The Commission shall submit its recommendations to the Governor within six months of its constitution unless the Governor extends the period for the purpose.

(4) The term of the Commission shall expire immediately after the submission of its final report.

(5) The State Government shall, by notification, Appoint an officer of the State Government not below the rank of Deputy Secretary to act as the Secretary to the Comission. The Officers so appointed shall be relieved of Governmental duties so long he performs the duty of the Secretary to the Commission.

Headquarters, accommodation, etc. for the Commission.

Headquarters of the Commission shall be at Gangtok. The State Government shall provide office accommodation, necessary staff and officers and also such other amenities as may be required by the Commission ofr its functioning.

Conditions of service, salaries and allowances and other facilities.

(1) The Chairmain and Member-Secretary shall be render full time service and either members shall render part time service,

(2) The Chairman shall be paid consolidated pay of Rs. 10,000 (Ten thousand) per month and T.A./D.A, at the scale payable to Commissioneer-cum Secretary to the State Government :

Provided that shall not prevent the Chairman from drawing pay in the scale of his last pay drawn on the date of retirement, or immediately before his appointment as such, in lieu of the consolidated pay prescribed for Chairman.

Option once exercised shall be final :

Provided further that the Chairman who was in service of the central or any State Government, Local Body, University or any orther body wholly or substantially owned or controlled by the Central or State Government immediately before his appointment as member and was drawing a pay more than the consolidated pay prescribed, his pay shall be fixed in the same stage of pay he would have drawn had he not been so appointment as a member :

Provided further that in the case of an appointment,as the Chair- man,a person who has retired from service under the Central or a State Government, a Local Body, a University or any orther body wholly or substantially owned or controlled by the Central or a State Government and who is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, in respect of previous service, the pay in that event plus gross amount of pension ( including any proton of the pension which may have been commuted ) shall not exceed the last pay drawn at the time of retirement as the case may be.

(3) The Chairman shall be entitled to free furnished governmenal accommodation and conveyance as admissible to Commissioner-cum-Secretary to the State Government.
(4) The members shall be paid such allowances as may be fixed by the Government.

Function of the Commission.

6. (1) The Commission shall review the financial position of the Zilla Panchayats, Gram Panchayats, Municipalities and Municipal Councils and make recommendations to Governor as to –

(a) determination of the principals which should govern.

(i) the distribution between the State Government and the Zilla Panchayats, Gram Panchayats, Municipalities and Municipal Councils of the net proceeds of the taxes, duties, tolls and fees levied by the Government which will be divided between them and the allocation between the Zilla Panchayats Gram Panchayats, Municipalities and Municipal Councils of their respective shares of such proceeds:

(ii) the determination of the taxes, duties, tolls and fees which may assigned to, or appropriated by the Zilla Panchayats, Gram Panchayats, Municipalities Municipal and Councils.

(iii) the grants-in-aid to the Zilla Panchayats, Gram Panchayats Municipalities and Municipal Councils from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the Zilla Panchayats, Gram Panchayats, Municipalities and Municipal Councils;

(C) the Commission shall also–

(i) examine and make suggestions on the extent to which and the manner in which the resources available to the local bodies could best be utilised for meeting the expenditure of the bodies;

(ii) Make a detailed analysis of the repayment of loans and advances extended by the Government from time to time to the local bodies and make suitable recommendation for repayment of Government dues and make the possibility of adjusting these dues against future devolution of revenues from Government to these bodies;

(d) in making its recommendations, the Commission shall have regard to, among other things, resources of the State Government and the demands thereon on account of expenditure on civil administration debt servicing, development and other Committee expenditure.

Removal of difficulties.

7. If any difficulties arises in giving effect to the provision of these rules, as occasion may arise, the State Government may be order, do anything not inconsistent with the provisions of the Act or of these Rules, which appears to be necessary for the purpose of removing the difficulties.

Secretary,
Rural Development Department.
GOVERNMENT OF SIKKIM  
HOME DEPARTMENT  

No. 61/Home/95. 


NOTIFICATION

The State Government hereby notifies that the nominated chairman shall not directly or indirectly by himself or by his partner or employee undertake any contract work under the State Government so long as he holds such office of Chairman.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

K.V. VARADAN,  
Chief Secretary.  
No. 54 213) Home/95.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

NO.64 Home/95. Dated : Gangtok, the 20\textsuperscript{th} November, 1995.

NOTIFICATION

SANCTIONED LIST OF HOLIDAYS FOR 1996

The Government of Sikkim is pleased to declare that the following days shall be the public holidays for the year 1996 A.D. In addition, all Sundays and Second Saturdays 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 the Week</th>
<th>No. of days</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>New Year’s Day</td>
<td>1.1.1996</td>
<td>Monday</td>
<td>1 day</td>
</tr>
<tr>
<td>4.</td>
<td>Losar</td>
<td>19.2.1996</td>
<td>Friday</td>
<td>1 day</td>
</tr>
<tr>
<td>5.</td>
<td>Id-ul-Fiter</td>
<td>20.2.1996</td>
<td>Monday</td>
<td>1 day</td>
</tr>
<tr>
<td>6.</td>
<td>Holi</td>
<td>5.3.1996</td>
<td>Tuesday</td>
<td>1 day</td>
</tr>
<tr>
<td>7.</td>
<td>Ramnawami (Chait Dashain)</td>
<td>28.3.1996</td>
<td>Thursday</td>
<td>1 day</td>
</tr>
<tr>
<td>8.</td>
<td>Good Friday</td>
<td>5.4.1996</td>
<td>Friday</td>
<td>1 day</td>
</tr>
<tr>
<td>9.</td>
<td>Labour Day</td>
<td>1.5.1996</td>
<td>Wednesday</td>
<td>1 day</td>
</tr>
<tr>
<td>10.</td>
<td>State Day</td>
<td>16.5.1996</td>
<td>Thursday</td>
<td>1 day</td>
</tr>
<tr>
<td>11.</td>
<td>Saga Dawa</td>
<td>1.6.1996</td>
<td>Saturday</td>
<td>1 day</td>
</tr>
<tr>
<td>12.</td>
<td>Bhanu Jayanti</td>
<td>13.7.1996</td>
<td>Saturday</td>
<td>1 day</td>
</tr>
<tr>
<td>13.</td>
<td>Drukpa Tseshi</td>
<td>19.7.1996</td>
<td>Friday</td>
<td>1 day</td>
</tr>
<tr>
<td>15.</td>
<td>Pang Lhabsol</td>
<td>28.8.1996</td>
<td>Wednesday</td>
<td>1 day</td>
</tr>
<tr>
<td>16.</td>
<td>Janamasthami</td>
<td>5.9.1996</td>
<td>Thursday</td>
<td>1 day</td>
</tr>
<tr>
<td>17.</td>
<td>Gandhi Jayanti</td>
<td>2.10.1996</td>
<td>Wednesday</td>
<td>1 day</td>
</tr>
<tr>
<td>18.</td>
<td>Durga Puja (Dasain)</td>
<td>19.10.1996 to 23.10.1996</td>
<td>Saturday to Wednesday</td>
<td>5 days</td>
</tr>
<tr>
<td>No.</td>
<td>Festival/Event</td>
<td>Date Range</td>
<td>Day of Week</td>
<td>Duration</td>
</tr>
<tr>
<td>-----</td>
<td>------------------------------</td>
<td>--------------</td>
<td>-------------</td>
<td>----------</td>
</tr>
<tr>
<td>19</td>
<td>Lhabab Duechen</td>
<td>2.11.1996</td>
<td>Saturday</td>
<td>1 day</td>
</tr>
<tr>
<td>20</td>
<td>Laxmi Puja (Tyohar)</td>
<td>11.11.1996 to 13.11.1996</td>
<td>Monday to Wednesday</td>
<td>3 days</td>
</tr>
<tr>
<td>21</td>
<td>Kagyed Dance</td>
<td>9.12.1996</td>
<td>Monday</td>
<td>1 day</td>
</tr>
<tr>
<td>22</td>
<td>Lossong</td>
<td>11.12.1996 to 15.12.1996</td>
<td>Wednesday to Sunday</td>
<td>5 days</td>
</tr>
<tr>
<td>23</td>
<td>Nyempa Guzom</td>
<td>16.12.1996 to 17.12.1996</td>
<td>Monday to Tuesday</td>
<td>2 days</td>
</tr>
<tr>
<td>24</td>
<td>Christmas</td>
<td>25.12.1996</td>
<td>Wednesday</td>
<td>1 day</td>
</tr>
</tbody>
</table>

**Total 36 days**

By Order and in the name of the Governor.

K.A.VARADAN  
CHIEF SECRETARY TO THE GOVT. OF SIKKIM  
(F.No. 38 (9) Home/87/Pt. II)
NOTIFICATION

In exercise of the powers conferred by articles 243K and 243ZA of the Constitution of India, read with section 103 of the Sikkim Panchayats Act, 1993 and section 186 of the Sikkim Municipalities Act, 1995 the State Government, hereby makes rules for the constitution of a State Election Commission for the superintendence, direction and control of the preparation of electoral rolls for and the conduct of election to the Panchayat bodies and Municipalities in this States, namely:-

short title and Commencement.
1. (1) These rules may be called the Sikkim (State Election Commission) Rules, 1995.
(2) They shall come into force on and from the date of their publication in the Official Gazette.

Definition
2. (1) In these rules, unless the context other wise requires,-
(a) “Act” means either the Sikkim Panchayats Act, 1993 (6 of 1993) or the Sikkim Municipalities Act, 1995 (6 of 1995) as the case may be :
(b) “Commission” means the State Election Commission constituted under rule 3;
(c) “Commission” means the State Election Commissioner appointed under rule 3:
(d) “Governor” means the Governor of Sikkim;
(e) “Section means section of the above two Acts;
(f) “State Government” means the State Government of Sikkim.
(2) The expression used in these rules and not otherwise defined shall have the same meaning as respectively assigned to them in the above two Acts.

Constitution of Election Commission
3. (1) The Governor shall constitute a State Election Commission for the superintendence direction and control of the preparation, revision and correction of electoral rolls for and conduct of all elections to the Panchayats and the Municipalities in the State;

(2) The Governor shall, on the recommendation of the State Government, by notification, appoint a State Election Commissioner;

(3) The State Election Commissioner shall hold office for a period not exceeding five years from the date of his appointment as Commissioner or unto he attains the age of sixty-seven years, whichever is earlier;

Provided that the Governor may reappoint the same Officer for another term with the recommendation of the State Government if he is otherwise not disqualified for reappointment.

Resignation and removal.
4. (1) The State Election Commissioner may, by a letter addressed to the Governor, resign his office ;
(2) The State Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the High Court and the condition of service of the State Election Commissioner shall not be varied to his disadvantage after his appointment.

(3) A person shall be ineligible for reappointment to the post of State Election Commissioner if he has been removed from that office before the expiry of his tenure.

Qualification and eligibility.  
5. A person to be eligible for appointment to the post of the Commissioner must be or have been and officer of the level of Joint Secretary or above in the Central Government or Secretary in the State Government.

pay and Allowance.
6. The Commissioner shall receive a pay of Rs. 8000/- per month and allowances in the scale of Rs. 8000/-

Provided that in the case of an appointment, of a person who has retired from service under the Central or a State Government and who is in receipt of, or has received or has become entitled to receive any retirement benefits by way of pension, gratuity, in respect of previous service, the pay in that event plus gross amount of pension (including any portion of the pension which may have been commuted) shall not exceed the last pay drawn at the time of retirement as the case may be.

Headquarters, administrative infrastructure etc. for State Election Commissioner.  
7. (1) The headquarters of the State Election Commissioner shall be at Gangtok, and the State Government shall provide office accommodation and such other administrative infrastructure as may be required by the State Election Commissioner for discharging his duties.

8. (2) The Commissioner shall have the facility or rent free accommodation and if such accommodation is not available or provided he shall be entitled to house rent allowance at the rate fixed by the Government from time to time in respect of its Secretary/Commissioner.

Provided that facility of rent free accommodation shall be available till the Commissioner holds his office, such, and he shall be bound to vacate the accommodation within a period of one month on his ceasing to hold such office.

Leave  
8. The Commissioner shall be entitled to all such leave as is admissible to Secretary/Commissioner to the State Government.

Pension.
9. The Commissioner on attaining the age of superannuation shall be entitled to retirement benefits as admissible to him under the rules or regulation applicable to his parent department.

Medical Facilities.
10. The Commissioner shall be entitled to such medical facilities as are admissible to Secretary/Commissioner to the State Government.

Regulation of other matters.
11. In regard to the matters not specifically covered by these rules, the Commissioner shall be governed by the rules, regulations and orders for the time being applicable generally to Secretary/Commissioner to the State Government serving in connection with the affairs of the State.

Removal of Difficulties.  
12. If any difficulties arise in giving effect to the provisions of these rules, the State Government may, as occasion may require, by order, do anything not inconsistent with the provisions of the Sikkim Panchayat Act, 1993 or of these rules, which appears to be necessary for the purpose of removing the difficulties.

Secretary  
Rural Development Department.

Dated: Gangtok, the 20th November, 1995.

The following Act of the Sikkim Legislative Assembly Secretariat having received the assent of the Governor on 11th day of October, 1995 is hereby published for general information:-

THE SIKKIM PANCHAYAT (AMENDMENT) ACT, 1995

( ACT NO.10 OF 1995)

AN

ACT

to amend the Sikkim Panchayat Act, 1993

Be it enacted by the Legislative of Sikkim in the Forty-Sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Sikkim Panchayat (Amendment) Act, 1995.

(2) It shall come into force at once.

2. In section 12 of the Sikkim Panchayat Act, 1993 (hereinafter referred to as the principal Act), in sub-section (1) the following proviso shall be inserted, namely :-

“Provided however, that in the case of the two villages of Lachen and Lachung in the North District of the State, the areas comprised in the two villages shall be deemed to be the Grams for the purpose of section 3 of the Act and the traditional institutions of Dzumsas existing in these two villages for many centuries shall be deemed to be Gram Panchayat constituted under this section.”

3. In section 13 of the principal Act,

(i) In sub-section (1) the following proviso shall be inserted, namely :-

“Provided however, that no person whose name does not appear in the electoral roll pertaining to the area comprised in the Gram as indicated above shall be eligible to contest the election for such Gram Panchayat.”

(ii) in sub-section (5), for the words "as may be prescribed” the words “as the State Government may, by notification, from time to time specify” shall be substituted;

(iii) after sub-section (5), the following sub-section shall be inserted, namely :-

“(5a) The State Government shall, by notification, reserve such number of seats which as nearly as may be one-third of the total number of seats of the Gram Panchayat for the persons belonging to the Backward Classes”;

(iv) in sub-section (7) for the words “as may be prescribed”, the words as the State Government may, by notification, from time to time, specify” shall be substituted.
Amendment 4. In section 17 of the principal Act,-
of section 17 (i) in sub-section (2), after clause (a), the following clause shall be inserted:

“(aa) such number of offices of Sabhapati and Up-Sabhapati of Gram Panchayats which shall as nearly as may be one-third of the total number of offices of Sabhapati and Up-Sabhapati in the State for the persons belonging to the Backward Classes”;

(ii) in sub-section (2) in the proviso to clause (b), for words “as may be prescribed”, the words “as the State Government may, by notification, from time to time, specify” shall be substituted.

Amendment 5. In section 27 of the principal Act, for the words “by the majority of the members of the Gram Panchayat present,” the words “by the two-third majority of the members of the Gram Panchayat” shall be substituted.

Amendment 6. In section 34 of the principal Act, in clause (v), for the words “as may be entrusted to it by the State Government from time to time”, the words “not enumerated specifically in the above clauses but enumerated in the Eleventh Schedule to the Constitution” shall be substituted.

Amendment 7. In section 49 of the principal Act, in sub-section (2), after the existing proviso, of section 49 the following proviso shall be inserted:

“Provided further that if a person is elected to one or more seats in a Gram Panchayat and or a seat in a Zilla Panchayat than, unless within the prescribed time he resigns all but one of the seats by writing under his hand addressed to the State Election Commissioner, one but all seats in the Gram Panchayat or a seat or seats in the Gram Panchayat, as the case may be shall become vacant.”

Amendment 8. In section 50 of the principal Act,-
of section 50 (a) in sub-section (1),

(i) for clause (a), the following clause shall be substituted, namely:

“(i) directly elected members from amongst those whose names are included in the electoral roll of the Sikkim Legislative Assembly for the time being in force pertaining to the area comprised in the respective territorial constituency of the district;”

(ii) for clause (b), the following clause shall be substituted, namely:

“(b) Twenty per cent of the Sabhapatis of the Gram Panchayats within the district by rotation annually to be specified by the State Government by notification;”

(iii) in clause (c), after the word “and” and before the word “the” the words “twenty per cent of the members of” and after the word “thereof and before the full stop the words “by rotation annually to be specified by the State Government by notification” shall be inserted;

(b) in sub section (4), for the words, “as may be prescribed” the words “as the State Government may, by notification, from time to time, specify” shall be substituted;

(c) after sub-section (4), for the words, “as may be prescribed” the words “(4a) The State Government shall by notification, reserve such number of seats which shall as nearly as may be one-third of the total number of seats in a Zilla Panchayat for the persons belonging to the Backward Classes;”

(d) in sub-section (6), for the words “as may be prescribed”, the words “as the State Government may, by notification, from time to time, specify” shall be substituted.

Amendment 9. In section 54 of the principal Act,-
of section 54 of section 54 (a) in sub-section (1), the following sub-section shall be substituted, namely:

“The directly elected members of every Zilla Panchayat shall, as its first meeting at which a quorum is present, elect in such manner as may be prescribed, from among themselves one of the directly elected members to be the Adhakshya and another to be the Up-Adhakshya of the Zilla Panchayat;”

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

“…”
“(aa) such number of offices of Adhakshya and Up-Adhakshya in the State which shall as nearly as may be one-third of the total number of offices of Adhakshya and Up-Adhakshya in the State for the persons belonging to the Backward Classes”.

Amendment of section 64

10. In section 64 of the principal Act, in sub-section (1) for the words “by major-

ity of the members of the Zilla Panchayat present and voting, ” the words “by two-third majority of the directly elected members of the Zilla Panchayat” shall be substituted.

Amendment of section 69

11. In section 69 of the principal Act, after clause (1), the following clause shall be inserted, namely :-

“(m) such other duties not enumerated specifically in the above clauses but enu-

merated in the Eleventh Schedule to the Constitution”.

Amendment

12. In section 114 of the principal Act, in clause (b0, for the words “the maxi-

of section 114 mum period of one year as may be specified in the order ”, the words “six months” shall be substituted.

Amendment

13. In section 119 of the principal Act,-

(i) sub-section (5) shall be omitted;

(ii) the existing sub-section (6) shall renumbered as sub-section (5).

Insertion of a new section 119A.

14. After section 119, the following section shall be inserted, namely :-

“Appeal. 119A. Any person aggrieved by an order of the Prescribed Authority under section 119 may appeal to the Appellate Authority to be appointed by the State Government within such time and in such manner as may be prescribed.”

15. After section 119 so inserted, the following section shall be inserted, namely :-

“Bar to 1193. Save as otherwise provided, the following section shall be inserted, new section suits and lie in any court, tribunal or before any other authority to challenge, procee-

ings under section 119 or the Appellate Authority under section 119A vary or to set-aside any order passed by the Prescribed Authority under this Chapter”.

Amendment

16. For section 127 of the principal Act, the following section shall be substitu-

of section ted, namely :-

“127. The District Planning Committee as provided under article 243 ZD of the Constitution read with Section 184 of the Sikkim Municipalities Act, 1995 shall be the District Planning Committee for the purposes of this Act.”

Amendment

17. In section 130 of the principal Act,-

of section 130

(i) in sub-section (2), after clause (ix), the following clause shall be inserted, namely:-

“(ix)a manner of election of the Adhakshya and Up-Adhakshya of Zilla Panchayat:”

(ii) after sub-section (2), the following sub-section shall be inserted, namely:-
“(3) Every rule made under this section shall immediately after it is made, be laid before the State Legislature if it is in session, and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiration of the session in which it is so laid, or the sessions immediately following, the House agrees in making any modification in the rules or in the annulment of the rules, the rules shall thereafter have effect only in such modified form or shall stand annulled, as the case may be, so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”

By Order of the Governor,

B.R. PRADHAN
Secretary to the Government of Sikkim.
Law Department.

F.No.16 (82) LD/79-95.
The Government of Sikkim has decided that in the notified bazaar areas which are not covered under Notification No. 54/Home/95 dated 25th September, 1995, all works up to a final estimated cost Rs. 11.00 lakhs shall be executed through process of limited tender confined to those contractors whose names are included in the list of contractors of the particular notified bazaar areas.

By Order and in the name of the Governor Sikkim.

K.A. VARADAN
Chief Secretary
F.No 54 (170) Home/ 95
In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim is hereby pleased to make the following rules to amend the Sikkim State Agriculture Service Rules, 1994 namely:

1. (i) These rules may be called the Sikkim State Agriculture Service (Amendment) Rules, 1995.
(ii) They shall come into force with effect from the date of publication in Official gazette.

2. In the Sikkim State Agriculture Service Rules, 1994 (hereinafter referred to as “the said rules”) in schedule – 1

   (i) after serial number 35, the following shall be inserted namely :
   “36. Development Officer-4-
   (Feed and Fodder)
   Junior Grade II-Rs. 1820-3200.”
   (ii) for the figure “122” of the total strength, the figure “126 shall be substituted.

3. In schedule II of the said rules, in serial number 1, after the word “Chemist” the words “ Development Officer (Feed and Fodder)” shall be inserted.

R.S.BASNET
Secretary to the Govt. of Sikkim
Deptt. of Personnel, Adm. Reforms & Trg.
NOTIFICATION

In exercise of the powers conferred by article 22 and 24 of the Association of the Sikkim Hatcheries Limited, the Governor of Sikkim is pleased to appoint the following to Board of Directors of the above Company with immediate effect:-

1. Chairman
   Commissioner-cum-Secretary, Department of Animal Husbandry and Veterinary Services, Government of Sikkim.

2. Director
   Secretary, Department of Co-operation, Government of Sikkim.

3. Director
   Chief Accounts Officer, Department of Finance, Government of Sikkim.

4. Director
   Planning Officer, Department of Planning and Development, Government of Sikkim.

5. Director
   Managing Director, Sikkim Poultry Development Corporation Limited who would also act as Managing Director, Sikkim Hatcherise Limited.

6. Director
   Dr.R.S.Manhas, Representing Venkateshwara Hatcheries Limited, Pune.

7. Director
   Dr.S.S.Rao, Representing Venkateshwara Hatcheries Limited, Pune.

By order and in the name of the Governor.

K.A.VARADAN
CHIEF SECRETARY
(F.No.11 (37) 93-94/SPDC/AH & VS)
NOTIFICATION

In supersession of the Memorandum No.5 (92) 229/GEN/EST, dated 25th September 1976, Notification No. 285/GEN/EST, dated 28th January, 1980, Memorandum No5 (92) 5/GEN/EST, dated 9th April, 1981 and Circular No. 339/HS/87, dated 17th March, 1987, the State Government is hereby pleased to authorize the District Collectors, Sub-Divisional Officers and Revenue Officers within their respective jurisdiction to issue Certificate of Identification to the persons falling in the different categories as indicated below on the recommendations Of the Gram Panchayat and being duly satisfied with such recommendation:-

1. A person whose name is found recorded in the Old Sikkim Subject Register or

2. A person whose name is not found registered in the Old Sikkim Subject Register but he/she has established beyond doubt that the name of his/her father/husband/paternal grandfather/brother from the same father has been recorded in the Old Sikkim Subject Register or

3. A person who has or had agricultural land in rural areas and has been ordinarily residing in the State of Sikkim or

4. A person who is holder of Indian Citizenship Certificate issued by the District Collector, Government of Sikkim under the Sikkim (Citizenship) Order, 1975 as amended vide the Sikkim (Citizenship) Amendment order, 1989 or

5. A person whose father/husband has/had been in Sikkim Government Service on or before 31.12.1969. Certificate or Indentification obtained by such persons shall be for the purpose of employment only.

The Form prescribed for submission by Gram Panchayats to District Collectors/Sub-Divisional Officers/ Revenue Officers for issue of Certificate of Identification is at Annexure 1. Certificate of Identification henceforth shall be issued on the basis of verification report and recommendations of Gram Panchayats. Gram Panchayats have to be very careful in respect of verification and recommending such cases. In case Certificate of Indentification is issued to wrong person on the recommendations of Gram Panchayat , such Gram Panchayat shall be liable for punishment under appropriate Acts or Rules.

For issue of Certificate of Indentification to the applicants of notified bazaar areas necessary verification shall be done by the concerned Police Station and Sub-Divisional Officers on the basis of guidelines indicated above.

Certificate of Indentification shall be issued to the applicant by the issuing authorities.

By order and in the name of the Governor,

K.A. VARADAN
CHIEF SECRETARY
(F.No. 103/90-91/L.R.)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT


NOTIFICATION

The State Government is Pleased to declare that the Tuesday, 12th December, 1995 shall be observed as a public holiday throughout the State in all Government Offices/State Government Undertakings only.

However, all educational institutions will remain open in view of the ongoing examinations.

By Order and in the name of the Governor.

K.A.VARADAN
CHIEF SECRETARY
(F.No.38 (9) Home/87)
FORM TO BE FILLED UP AFTER VERIFICATION BY GRAM PANCHAYATS
FOR ISSUE OF CERTIFICATION OF IDENTIFICATION

PHOTO
OF
APPLICANT

1. Name: ..............................................................................................................................
   son/daughter/wife of: ...........................................................................................................
   resident of: ...........................................................................................................................

2. Age: .................................................................................................................................

3. Whether the applicant is a Sikkim Subject Certificate holder or name of his/her father/
   husband/paternal grandfather/brother from the same father are found recorded in the Old
   Sikkim Subject Register.
   Yes/No
   If answer is yes, details thereof may be given and supporting documents be enclosed.

4. Whether the applicant has/had agricultural land in his/her name or his/her father/husband/
   paternal grandfather’s name in the rural areas.
   Yes/No
   If answer is yes, plot number etc. may be mentioned and supporting documents be enc-
   closed.

5. Whether the applicant is holder of Indian Citizenship Certificate issued by the District
   Collector, Government of Sikkim under the Sikkim (Citizenship) Order, 1975 as amend-
   ded vide the Sikkim (Citizenship) Amendment Order, 1989.
   Yes/No
   If answer is yes supporting documents be enclosed.

6. Whether the applicant’s father/husband has/had been in State Government Service on
   or before 31.12.1969.
   Yes/No
   If answer is yes, supporting documents be enclosed.

   Above facts have been carefully verified and are true to our knowledge. Accordingly
   it is recommended to issue Certificate of Indentification to the person whose name, ad-
   dress and photograph are given above.

   SIGNATURES

   1. Panchayat Sabhapati
   2. Panchayat Sachiva
   3. Gram Panchayat Member
   4. Gram Panchayat Member
   5. Panchayat Member

   (SEAL OF GRAM PANCHAYAT)
GOVERNMENT OF SIKKIM
DEPT. OF HEALTH & FAMILY WELFARE
GANGTOK


NOTIFICATION

In supersession of Notification No. 625/H & F.W./94-95 dated 24.5.94, the Government of Sikkim has been pleased to review and sanction an outright one time grant of Rs.5000/- by Director Health Services as partial assistance for any illness to the members of the General Public for treatment of special cases referred by the Medical Board of Sikkim Subject to verification of Bonafide of the Claimant by the Health Department. The Claimant is required to give a declaration in the prescribed form meant for the purpose that he/she is not a regular employee or dependent under the Government of Sikkim.

A maximum outright one time grant upto Rs.10,000/- as partial assistance may be sanctioned by the Secretary Health on recommendation of the Medical Board for the following selected diseases :-

1. Cancer
2. Organ Transplant Surgery.
4. Selected Neurosurgery Cases.

However, Chief Minister and Minister Health may, at their discretion in exceptional cases, sanction upto Rs.20,000/- and Rs.15,000/- respectively as one time grant.

Secretary
to the Government of Sikkim
Health & Family Welfare Deptt.
F.No. 101/Actt/TOS/95-96.
GOVERNMENT OF SIKKIM
DEPARTMENT OF WOMEN AND CHILD WELFARE
GANGTOK

No. 36/DWCW         Dated : 6-9-95.

NOTIFICATION

In order to review and monitor the progress of implementation of mahila Samriddhi Yojna (MSY) in the State, the Govt. of Sikkim is pleased to constitute the following State Level and District Level Review Committees:

(A) State Level Review Committee.
(1) Chief Secretary, Govt. of Sikkim, Gangtok - Chairperson.
(2) Post Master General, North Bengal and Sikkim Region - Vice Chairperson.
(3) Secretary, Welfare, Govt. of Sikkim, Gangtok - Member
(4) Secretary, Women and Child Welfare, Govt. of Sikkim, Gangtok - Member
(5) Director, Special Secretary, Information & Publication Deptt, Govt. of Sikkim - Member
(6) Joint Director/Field Publicity Officer (Seniormost) Govt. of India - Member
(7) Regional Dordaarshan officer, Sikkim - Member
(8) Station Director, All India Radio, Gangtok - Member
(9) Joint Secretary, Women and Child Welfare - Member-Secretary

(B) District Level Review Committee
(1) District Magistrate - Chairperson.
(2) Director, Postal Services - Vice Chairperson.
(3) Project Director, S.R.D.A. - Member
(4) District Information Officer - Member
(5) Field Publicity Officer, Sikkim - Member
(6) Station Director, All India Radio, Gangtok - Member
(7) Social Welfare Officer, Directorate of Social Welfare - Member
(8) Director, Women and Child Welfare, Social Welfare - Member
(9) Child Development project Officer - Member-Secretary.
In exercise of the powers conferred by section 28 of the Legal Service Authorities Act, 1987 (39 of 1987), the Government of Sikkim in consultation with the Chief Justice of the High Court hereby makes the following rules, namely:–

1. Short title and commencement :- (1) These rules may be called the Sikkim State Legal Services Authority Rules, 1995.
   (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 Legal Services Authorities Act, 1987;
   (b) “Chairman” means the Executive Chairman of the State Authority or, as the case may be, the Chairman of the District Authority;
   (c) “District Authority” means the District Legal Services Authority constituted under section 9 of the Act;
   (d) “High Court Legal Service Committee” means a High Court Legal Services Committee constituted under section 8A of the Act;
   (e) “Member” means the members of the State Authority appointed under clause (c) of sub-section (2) of section 6 of the Act;
   (f) “Secretary” means the Member-Secretary of the State Legal Service Authority constituted under section 6 of the Act or, as the case may be, the Secretary of the High Court Legal Services Committee constituted under section 8A of the Act, or as the case may be, Secretary of the District Legal Services Authority constituted under section 9 of the Act;
   (g) “State Authority” means the State Legal Services Authority constituted under section 6 of the Act;
   (h) all other words and expressions used in these rules but not defined shall have the meaning respectively assigned them in the Act;

3. The number, experience and qualifications of other member of the State Authority under clause (c) of sub-section (2) of section 6.-
   (1) The State Authority shall not have more than fifteen members.
   (2) The following shall be ex-officio members of the State Authority :-
      (i) Advocate General of Sikkim;
      (ii) the Secretary in the Department of Finance;
      (iii) the Secretary in the Department of Law and Judiciary;
      (iv) The Director General of Police;
      (v) Chairman, Sikkim State Schedule Castes and Schedule Tribes Commission;
      (vi) two Chairman of the District Authority, as may be nominated by the State Government, in consultation with the Chief Justice of the High Court;
(3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the experience and qualifications prescribed in sub-rule (4) of the rule.

(4) A person shall qualified for nomination as a members of the State Authority unless he is –
   (a) an eminent social worker who in engage in the upliftment of the weaker sections of the people, including the Schedule Castes, the Schedule Tribes, Woman, Children, rural and urban labour; or
   (b) an eminent person in the field of law; or
   (c) a person of repute who is specially interested in the implementation of Legal Services Scheme.

4. The powers and functions of the Members-Secretary of the State Authority under sub-section (3) of section 6.- The powers and functions of the Member-Secretary of the State Authority, inter alia, shall be-
   (a) to give free legal services to the eligible and weaker section;
   (b) to work out modalities of the Legal Services Scheme and programmes approved by the State Authority and ensure their effective monitoring and implementation;
   (c) to exercise the powers in respect of Administrative, House-keeping finance and budget matter as Head of the Department in the State Government;
   (d) to manage the properties, records and funds of the State Authority;
   (e) to maintain true and proper accounts of the State Authority including checking and auditing in respect thereof periodically;
   (f) to prepare annual income and expenditure account and balance-sheet of the said Authority;
   (g) to liaise with the Social Action Groups and District Legal Service Authority;
   (h) to maintain up-to-date and complete statistical information including progress made in the implementation of various Legal Service Programmes from time to time;
   (i) to process proposals for financial assistance and issue Utilisation Certificates thereof;
   (j) to organise various Legal Services Programmes as approved by the State Authority and convene meetings, seminars and workshops connected with legal service programmes preparation of peoples and follow-up action thereon;
   (k) to produce proposals video/documentary films, publicity materials, literature and publication to informs general public about the various aspects of the legal services Programmes;
   (l) to lay stress on the resolution of rural disputes and to take extra measures to draw schemes for effective and meaningful legal services for setting rural disputes at the door-steps of the rural people;
   (m) to perform such of the functions as are assigned to him under the Scheme formulated under clause (b) of Section 4 of the Act; and
   (n) to perform such other functions as may be expedient for efficient for functioning of the State Authority;

5. The terms of office of other conditions relating thereto, of members and Member-Secretary of the State Authority under sub-section (4) of section 6.-
   (1) The members of the State Authority nominated under sub-rule (3) of rule 3 by the State Government shall continue for a term of two years from date of such nomination and shall be eligible for renomination.
   (2) A member of the State Authority nominated under sub-rule (3) of rule 3 may be removed by the State Government if in the opinion of the State Government he is not desirable to continue as a member.
   (3) If any member nominated under sub-rule (3) of rule 3 ceases to be a member of the State Authority for any reason, the vacancy shall be filled up in the same manner as the original nomination and the person so nominated shall continued.
   (4) All members nominated under sub-rule (3) of rule 3 shall be entitled to payment of travelling allowance and daily allowance in respect of journeys performed in connection with the work of the State Authority and shall be paid by the State Authority in accordance with the rules as are applicable to the Secretaries of the State Government as amended from time to time.
   (5) If the nominated members is a government employee, he shall be entitled to only one set of travelling allowance and daily allowance either from his parent department, or, as the case may be, from the State Authority.
   (6) The Members-Secretary of the State Authority shall hold office for a term not exceeding five years.
3

(7) In all matters like age of retirement, pay and allowances, benefits and entitlements, and disciplinary matters, the Member-Secretary shall be governed by the State Government rules relating to those matters and he shall be on deputation to the state Authority.

6. The number of officers and other employees of the State Authority under sub-section (5) of sections 6.- The State Authority shall have such number of officers and other employees for rendering secretarial assistance and for its day to day functions as may be notified by the State Government from time to time.

7. The conditions of service and the salary and allowances of officers and other employees of the State Authority under sub-section (6) of section 6.-

(1) The officers and other employees of the State Authority shall be entitled to draw pay and allowances in the scale of pay at per with the State Government employees holding equivalent posts.

(3) The officers and other employees of the State Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

8. The experience and qualifications of Secretary of the High Court Legal Services Committee under sub-section (3) of section 8.A-A person shall not be qualified for appointment as secretary of the High Court Legal Services Committee unless he is an officer of the High Court not below the rank of Deputy Registrar.

9. The number of officers and other employees of the High Court Legal Services Committee under sub-section (5) of section 8A. and the condition of service and the salary and allowances payable to them under sub-section (6) of section 6.-

(1) The High Court Legal Services Committee shall have such number of officers and other employees for rendering secretarial assistance and for its day-to-day functions as may be notified by the State Government from time to time.

(2) The officers and other employees of the High Court Legal Services Committee shall be entitled to draw pay and allowance in the scale of pay at per with the State Government employees holding equivalent posts.

(3) In all matters like age of retirement, leave, other service benefits and entitlements and disciplinary matters, the officers and other employees of the High Court Legal Services Committees shall be governed by the State Government rules as are applicable to persons holding equivalent posts.

(4) The officers and other employees of the High Court Legal Service Committee shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government form time to time.

10. The number, experience and qualifications of members of the District Authority under clause (b) of sub-section (2) of section 9.-

(1) The District Authority shall have not more than eight member.

(2) The following shall be ex-officio member of the District Authority :-

(i) District Magistrate;
(ii) Superintendent of Police of the District;
(iii) Judicial Magistrate having jurisdiction over the district ; and
(iv) District Government Pleader.

(3) The State Government may nominate, in consultation with the Chief Justice of the High Court, other members from amongst those possessing the qualifications and experience prescribed in sub-rule (4) of this rule.

(4) A person shall not be qualified for nomination as a members of the District Authority unless he is-

(a) an eminent social worker who is engaged in the upliftment of the weaker sections of the people, including the Schedule Castes, the Schedule Tribes, women, children and rural labour ;
(b) an eminent person in the field of law ; or
(c) a person of repute who is specially interested in the implementation of the Legal Services Schemes.

11. The number of officers and other employees of the District Authority under sub-section (5) of section 9.- The District Authority shall have such numbers of officers and other employees for rendering secretarial assistance and for its day to day function as may notified by the State Government from time to time.

12. The condition of service and the salary and allowances of the officers and other employees of the District Authority under sub-section (6) of section 9.
(1) The officers and other employees of the District Authority shall be entitled to draw pay and allowance in the scale of pay at par with the State Government employees holding equivalent posts.

(2) In all other matter like age of retirement, leave, other service benefits and entitlements and disciplinary matters, the officers and other employees of the District Authority shall be governed by the State Government rules as are applicable to person holding equivalent posts.

(3) The officers and other employees of the District Authority shall be entitled to such other facilities, allowances and benefits as may be notified by the State Government from time to time.

13. The Upper limits of annual income of a person entitling him to legal service under clause (h) of section 12, if the case is before a court, other than the Supreme Court-Any citizen of India whose annual income from all sources does not exceed Rs. 15,000/- (Rupees fifteen thousand) or such higher amount as may be notified by the State Government from time to time, shall be entitled to legal service under clause (h) of section 12 of the Act.

14. The experience and qualification of other person of the Lok Adalats other than those referred to in sub-section (4) of section 19.- A person shall not be qualified to be included in the Bench of Lok Adalats unless he is –

(a) an eminent social worker who is engaged in the upliftment of the weaker section of the people including the Scheduled Castes, the Schedule Tribes, women, children, rural and urban labour ; or

(b) a lawyer of standing ; or

(c) a person of repute who is specially interested in the implementation of the Legal Service Scheme and programmes.

B. C. SHARMA,
Joint Legal Remembrancer and
Joint Secretary, Law.
(F. No. 9(15) SSLA &AB/LD/87-95)
NOTIFICATION

WHEREAS it has become necessary to absorb the Electrical Engineers presently working in Workcharged establishment of Power Department in view of the judgement of the Hon’ble Supreme Court to the effect that persons working for two years or more ought to be regularized on regular establishment through the agency of Sikkim Public Service Commission.

AND

WHEREAS the Sikkim State Electrical (Civil, Electrical and Mechanical) Rules, 1989 do not provide for the method of regularization. It has become expedient on the part of the State to regularize the services of these Engineers on work-charged establishment.

AND

With a view to give opportunity to B.E. (Electrical) Engineers serving in the temporary establishment under the Department of Power, the Government of Sikkim, in exercise of powers conferred by Rule 30 of the Sikkim Engineering (Civil, Electrical and Mechanical) Service Rules, 1989, is hereby pleased to relax the provision of Sub-rule (1) of Rule 7 of the said rules and decide that the existing vacancies to be filled in accordance with Clause (a) and (b) of Sub-rule (1) of Rule 7 in respect of the post of Assistant Engineer (Electrical) shall be by the method of service regularization of these work charged Engineers already employed under the temporary establishment as one time relaxation.

BY ORDER.

R. S. BASNET
Secretary
Department of Personnel,
A. R. and Training.
GOVERNMENT OF SIKKIM
HOME DEPARTMENT


NOTIFICATION

The Governor of Sikkim is pleased to re-constitute the Sikkim Rajya Sainik Board with immediate effect as follow:-

1. Shri Pawan Kumar Chamling
   Chief Minister of Sikkim - President
2. GOE-in Eastern Command - Vice President
3. ADC-in-C HQ EAC, IAR - Vice President
4. Chief Secretary, Government of Sikkim -
5. Director General of Police, Sikkim -
6. Home Secretary, Government of Sikkim - Ex-Officio
7. Finance Secretary, Government of Sikkim - Members
8. GOE 17 Mtn. Div. -
9. Shri Gopal Lamichaney, MLA -
10. Managing Director, State Bank of Sikkim -
11. Branch Manager, State Bank of India - Non-Official
12. Officer-in-Charge, NABARD - Member
13. Officer-in-Charge, SIDBI -
14. Sub. B.B. Dahal, Rumtek (East Sikkim) -
15. Sub. Maj P.B. Gurung, Hee-Bermiok (West Sikkim) -
16. Sub. Chaiing Tshering Lama, Ravangla (South Sikkim) - Ex-Servicemen
17. Sub. Kharka Bahadur Rai, Temi (South Sikkim) - Members
18. Nb/Sub. Bir Bahadur Mangar -
Kabi (North Sikkim) -
19. Secretary, Sikkim Rajya Sainik Board - Secretary to the Board.

By Order and in the name of the Governor.

K. A. VARADAN
CHIEF SECRETARY
(F. NO. RSB(Spl-09-95)

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK S
The Governor of Sikkim is pleased to re-constitute the Managing Committee of Special Func of Sikkim Rajya Sainik Board as under with immediate effect:-

1. His Excellency the Governor - Chairman
2. Chief Secretary, Government of Sikkim - Vice-Chairman
3. Home Secretary, Government of Sikkim - Member
4. GOC 17 Mtn. Div. - Member
5. Secretary, Finance Department - Member
6. Secretary, Education Department - Member
7. Director Resettlement, Eastern Zone - Member
8. Maj. Tashi Wangdi Phumpo (Retd) - Ex-Servicemen
9. Hony Capt. Ganju Lama, VC.MM.PD. - Member
10. Additional Secretary, Ministry of Defence) - Special
11. Director General Resettlement, - Invitees
   Ministry of Defence
12. Secretary, Kendriya Sainik Board - Member
13. Secretary, Rajya Sainik Board - Secretary

By Order and in the name of the Governor.

K. A. VARADAN
CHIEF SECRETARY
(F. NO. RSB (Spl. 90-95)
The Government of Sikkim is pleased to constitute with immediate effect a State Level Expert Committee with responsibilities to oversee the implementation of the Sikkim Municipalities Act, 1995 (Act No. 6 of 1995), consisting of the following:

1. Adviser to the Government of Sikkim - Chairman
2. Secretary, Law Department, Government of Sikkim - Member
3. Secretary, Land Revenue Department, Government of Sikkim - Member
4. Secretary, Rural Dev. Department, Government of Sikkim - Member
5. Secretary, Urban Dev. & Housing Deptt. Government of Sikkim - Secretary.

By order and in the name of the Governor.

K. A. VARADAN
CHIEF SECRETARY
(F. No. 6 (35) UN & HD/93)
NOTIFICATION

The following Act of the Parliament having received the assent of the President on 18th September, 1991 and published in the Gazette of India, Extraordinary, Part II, Section I, is hereby republished for general information:

THE PLACES OF WORSHIP (SPECIAL PROVISIONS) ACT, 1991 (ACT NO. 42. OF 1991)

AN ACT
to prohibit conversion of any place of worship and to provide for the maintenance of the religious character of any place of worship as it existed on the 15th day of August, 1974, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:-

1. (1) This Act may be called the Places of Worship (Special Provisions) Act, 1991.
   (2) It extends to the whole of India except the State of Jammu and Kashmir.
   (3) The provisions of sections 3, 6 and 8 shall come into force at once and the remaining provisions of this Act, shall be deemed to have come into force on the 11th day of July, 1991.

2. In this Act, unless the context otherwise requires,-
   (a) “commencement of the this Act” means the commencement of this Act on the 11th day of July, 1991;
   (b) “conversion” with its grammatical variations, includes alteration or charge of whatever nature;
   (c) “place of worship” means a temple, mosque, gurudwara, church, monastery or any other place of public religious worship or any religious denomination or any section thereof, by whatever name called.

3. No person shall convert any place of worship or any religious denomination or any section thereof into a place or worship of a different section of the same religious denomination or of a different religious denomination or any section thereof.

4. (1) It is hereby declared that the religious character of a place of worship existing on the 15th day of August, 1974 shall continue to be the same as it existed on that day.
   (2) If, on the commencement of this Act, any suit, appeal or other proceeding with respect to the conversion of the religious character of any place of worship, existing on the 15th day of August, 1974, is pending before any court, tribunal or other authority, the same shall abate, and on suit, appeal or other proceeding with respect to any such matter shall lie on or after such commencement in any court, tribunal or other authority.
Provided that if any suit, appeal or other proceeding, instituted or filed on the ground that conversion has taken place in the religious character of any such place after the 15th day of August, 1974, is pending on the commencement of this Act, such suit, appeal or other proceeding shall not so abate and every such suit, appeal or other proceeding shall be disposed of in accordance with the provisions of sub-section (i).

(3) Nothing contained in sub-section (1) and sub-section (2) shall apply to-

(a) any place of worship referred to in the said sub-section which is an ancient and historical monument or an archeological site or remain covered by the Ancient Monuments and Archaeological Sites and Remains Act, 1958 or any other law for the time being in force;

(b) any suit, appeal or other proceeding with respect to any matter referred to in sub-section (2), finally decided settled or disposed of by a court, tribunal or other authority before the commencement of this Act;

(c) any dispute with respect to any such matter settled by the parties amongst themselves before such commencement;

(d) any conversion of any such place effected before such commencement by acquiescence;

(e) any conversion of any such place effected before such commencement which is not liable to be challenged in any court, tribunal or other authority being barred by limitation under any law for the time being in force.

5. Nothing contained in this Act shall apply to the place or place of worship commonly known as Ram Janma Bhumi-Babri Masjid situated in Ayodhya in the State of Uttar Pradesh and to any suit, appeal or other proceeding relating to the said place or place of worship.

6. (1) Whoever contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine.

(2) Whoever attempts to commit any offence punishable under sub-section (1) or to cause such offence to be committed and in such attempt any act towards the commission of the offence shall be punishable with the punishment provided for the offence.

(3) Whoever abets, or is a party to a criminal conspiracy to commit, an offence punishable under sub-section (1) shall, whether such offence or be not committed in consequence of such abetment or in pursuance of such criminal conspiracy, and notwithstanding anything contained in section 116 of the Indian Penal Code, be punishable with the punishment provided for the offence.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any law other than this Act.

8. In section 8 of the Representation of the People Act, 1951, in sub-section (1),-

(a) in clause (i), the word “or” shall be inserted at the end;

(b) after clause (i), as so amended, the following clause shall be inserted, namely :-

“(j) section 6 (offence of conversion of a place of worship) of the Place of Worship (Special Provisions) Act, 1991.”.

SSHANKAR DAYAL SHARMA
PRESIDENT
K. L. MOHANPURIA
Secretary to the Govt. of India.

B. R. Pradhan
Secretary to the Govt. of Sikkim
Law Department,
F. No. 11 (256) LD/81-92
GOVERNMENT OF SIKKIM
HOME DEPARTMENT

No. 52/Home/93                                      Dated : 16th September, 1995.

NOTIFICATION

In partial modification to the Notification No. 7/Home/95, dated 2.2.95, and further to the Notification No. 14/Home/95/15481603, dated 6.4.95, the State Government is pleased to include the following names as members for examination of the officer in respect of implementation of Teesta Hydro Electric Project Stage III under Private or Joint Sector and make suitable recommendations :-

1. Shri Sonam Choda Lepcha, MLA (Dzongu),
2. Shri Namkha Gyaltsen, MLA (Sangha),
3. Shri T. Lachungpa, Ex-Minister,
4. Shri Tseten Lepcha, Chungthang, North Sikkim,
5. Shri Lobzang Tenzing, North Sikkim.

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

K. A. VARADAN
CHIEF SECRETARY

(F. No. 406/P/Gen/91)
In supersession of Notification No. 15/ Fin dated 8th March, 1990, the Board of Directors of State Trading Corporation of Sikkim stands reconstituted as follows with immediate effect:-

1. Secretary, Home Department.
2. Secretary, Finance Department.
3. Secretary, Building & Housing Department.
4. Director, Industries Department.
5. Managing Director, State Trading Corporation of Sikkim.

BY ORDER.

K. A. VARADAN
CHIEF SECRETARY.
(F. No. STC/BMA/2/83)

GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No. 210

NOTIFICATION

The State Government has constituted the Industries Development and Labour Welfare Board vide notification No. 20/ Home/95 dated 18th April, 1995 and appointed Mr. Thutop Bhutia, MLA as Chairman of the Board vide No. 22/ Home/95 dated 18th April, 1995.

2. It is further notified that the State Government has been pleased to appoint the following persons as Members of the Industries Development and Labour Welfare Board with immediate effect.

(i) Finance Secretary - Member
(ii) Secretary, Labour - Member
(iii) Secretary, Industries - Member
(iv) Director Industries - Member Secretary
(v) Managing Director, SIDICO - Member
(vi) Mr. A. Parekh, Managing Director, Sikkim Distilleries Ltd. - Member
(vii) Mr. Biraj adhikari - Member
(viii) Mr. P. D. Rai - Member

3. The function assigned to the Board are as follows:-

(i) To suggest measure for the development and promotion of industrial units in the State with a view to employment generation and economic upliftment of the people.
(ii) To identify different types/ categories of industries that will be viable in the State considering its resources.
(iii) To suggest measure for revival of sick industries.
(iv) To identify areas and specific locations for industrialization.
(v) To explore the possibilities and modalities of setting up export-oriented industrial units.
(vi) To create awareness amongst the public of the agencies/financial institution of Central/State Government from whom funds/loans are available and provide necessary guidance and assistance thereof.
(vii) To suggest scheme for the benefit and welfare of the labour force in the State.
(viii) To examine whether various labour related legislation of Central/State Government have been properly and adequately implemented and to suggest measures thereof.
(ix) Any other related matters.

By order and in the name of the Governor.

K. A. VARADAN
CHIEF SECRETARY
(F. NO. 54/209/HOME/95)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.

No. 50/Home/95.

Dated : 11th Sept. 95.

NOTIFICATION

The State Government is pleased to accord to the Government Chief Whip, Shri K. B. Chamling, the status of and all the facilities admissible to a Minister of Cabinet rank.

K. A. VARADAN,
CHIEF SECRETARY.
In order to take care of the management issues of the Chandmari Workshop and Automobile Limited, the State Government hereby reconstitutes the Board with the following members:

(i) Shri A. K. Pradhan, Chairman-cum-M.D.
(ii) Shri S. C. Gupta, Additional Secretary, Finance Department
(iii) Chief Engineer (Road and Bridges),
(vi) Shri D. K. Gurung, General Manager, SNT
(v) Shri R. P. Chingapa, Joint Secretary, Protocol, Home Department

2. The main functions of the Board shall be-

(a) to consider the question of revamping the Chandmari Workshop and Automobile Limited;
(b) to prepare a plan of action by which they progressively equip the organisation with the working capital and machinery; and
(C) To suggest the kind of repairs that should be entrusted to Chandmari Workshop and Automobile Limited so that ultimate objective of the Government to repair all Government vehicles in Chandmari Workshop and Automobile Limited can realised in a phased manner.

3. The Board shall be serviced by the Chandmari Workshop and Automobile Limited.

By Order and in the name of the Governor.

K.A. VARADAN
CHIEF SECRETARY
(F No. 241/Fin/Adm.)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK


NOTIFICATION

In pursuance of Articles 15 and 18 of the Articles of Association of the Sikkim Poultry Development Corporation Limited, the Governor is pleased to hereby appoint shri D.N. Sherpa as a Director of the Board in place of Minister-in-Charge, Animal Husbandry and Veterinary Services and also to nominate him as Chairman of the said Board with immediate effect.

Notification No. 19/Home/91 dated 30th May, 1991 stands amended to the extent relevant.

By Order and in the name of the Governor,

K.A. VARADAN,
CHIEF SECRETARY

(F. No. 2(1) Home/77/Pt-II)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK


NOTIFICATION

It is hereby notified that the State Government has, with a view to regulate the alienation of Government land, decided that, henceforth, all proposals for alienation of Government land shall be processed through the Land Revenue Department. It is further notified that orders for alienation of any Government land shall be issued exclusively by the Land Revenue Department.

By order and in the name of the Governor.

K. A. VARADAN,
CHIEF SECRETARY

(F. No.  54/(174) Home/95.)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.


NOTIFICATION

In exercise of the powers conferred by clause (s) of Section 2 of the Code of Criminal Procedure 1973 (Act No. 2 of 1974), the State Government hereby declares the place specified in column 2 of the Table below to be a Police Station with local areas specified in column 3 thereof as its jurisdiction.

<table>
<thead>
<tr>
<th>Sl.</th>
<th>Police Station</th>
<th>Jurisdiction.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>HINGDAM SOUTH SIKKIM</td>
<td>Revenue Block- Lamaten, Hingdam, Legship, Lingso, Tingmo, Dalip &amp; Sanganath.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>East - Bounded by the boundary of Kewzing &amp; Mangbro, revenue block of Ravongla</td>
</tr>
<tr>
<td></td>
<td></td>
<td>P.S. and Rayong and Tinkitam revenue block of Namchi P.S.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West - Rangit River</td>
</tr>
<tr>
<td></td>
<td></td>
<td>North - Rangit River</td>
</tr>
<tr>
<td></td>
<td></td>
<td>South - Rangit River</td>
</tr>
</tbody>
</table>

2. The jurisdiction of Namchi P. S. and Rabongla P. S. specified vide Notification No. 18/3.77 HP dated 25.1.78, stands amended to the extent relevant.

K. A. VARADAN,
HOME SECRETARY
GOVERNMENT OF SIKKIM
(F. No. 54(214)Home/95.)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT


NOTIFICATION

On the expiry of the period of validity for carrying out of the field firing and artillery practice as contained in Notification No. 74/Home/90 dated 4th January, 1990, the Government of Sikkim hereby grants permission to the Army for the carrying out of field firing and artillery practice throughout the areas of East District as described in the schedule below during the period commencing on 1st January, 1996 and ending on 31st December, 2000 (both days inclusive).

THE SCHEDULE

<table>
<thead>
<tr>
<th>Range ‘B’</th>
<th>On the Northern side boundary runs along :-</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>170  675  206  666  229  679</td>
</tr>
<tr>
<td></td>
<td>195  674  207  677  250  665</td>
</tr>
<tr>
<td></td>
<td>195  666  229  666  276  672</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>On the Eastern side boundary runs along :-</td>
</tr>
<tr>
<td></td>
<td>276  672  285  640  270  650</td>
</tr>
<tr>
<td></td>
<td>285  624  274  650  290  624</td>
</tr>
<tr>
<td></td>
<td>274  640  290  595</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>On the Southern side boundary runs along :-</td>
</tr>
<tr>
<td></td>
<td>290  595  240  563  211  581</td>
</tr>
<tr>
<td></td>
<td>262  595  240  565  199  601</td>
</tr>
<tr>
<td></td>
<td>260  562  212  569  150  629</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>On the Western side boundary runs along :-</td>
</tr>
<tr>
<td></td>
<td>150  629  170  650  170  675</td>
</tr>
</tbody>
</table>

Explanation

The areas as per grid reference given above coincide roughly with the following places in the clockwise direction:-

Tsongo areas, South of Thekuk (Thegu) South of Sherathang, Menmeitso West of Kupup of Neola, Chhokyatso adjacent to Nathang Jorpokhri through Chuzachen R. F. West of menla in Bhusuk R. F. and East of Kyangnosla.

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

K. A. VARADAN,
CHIEF SECRETARY.
(F. No. 15 (4) Home/81)
GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK.


NOTIFICATION

The Government of Sikkim has been pleased to implement the Rural Housing Scheme throughout Sikkim for the benefit of the rural poor living below the poverty line with immediate effect.

For the purpose of implementation and monitoring of the above scheme, the Governor of Sikkim is pleased to hereby constitute the State and District Level Committees as per the guidelines of Rural Housing Scheme.

State Level Monitoring Committee

1. Shri T. P. Sharma, Advisor to the Government of Sikkim Chairperson
2. Development Commissioner Member
3. Secretary, Land Revenue Member
4. Secretary, Rural Development Member

District Level Committee

1. District Collector of the District concerned.
2. District Development Officer of the District concerned.

The identification of beneficiaries will be done by the District Level Committee as per the guidelines issued. The members of Gram Panchayats and Area MLAs should also be kept, informed.

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

K. A. VARADAN
CHIEF SECRETARY
(F. No. 26(29) 95-96/RDD)
NOTIFICATION

On the expiry of the period of validity for carrying out of the field firing and artillery practice as contained in Notification No. 75/Home/90 dated 4th January, 1990, the Government of Sikkim hereby grants permission to the Army for the carrying out of the firing and artillery practice throughout the areas of East District as described in the schedule below during the period commencing on 1st January, 1996 and ending on 31st December, 1996 (both days inclusive).

THE SCHEDULE

Area bounded by the Grid Reference as under, on the map sheets No. 78 A/11 and 78 A/ 15 Sikkim and Bhutan Meter Grids Scale 1 : 50,000:-

(a) On the Northern side boundary runs along:-
    Point 2425 Grid reference 214 726
    Point 4603 Grid reference 204 755
    Point 3840 Grid reference 188 748
    Point 3590 Grid reference 157 735

(b) On the Eastern side boundary runs along:-
    Point 4245 Grid reference 214 726
    Point 4359 Grid reference 234 712
    Point 4009 Grid reference 230 674

(c) On the Southern side boundary runs along:-
    Point 4009 Grid reference 230 674
    Point 4054 Grid reference 203 675
    Point 4002 Grid reference 194 675
    Byuthang Grid reference 186 691
    Point 3823 Grid reference 159 688

(d) On the Western side boundary runs along:-
    Point 3823 Grid reference 159 688
    Talang in Grid reference 170 719
    Point 3585 Grid reference 157 733

Explanation

The areas as per grid reference above coincides roughly the area bounded (clockwise) by:-
    Naku Cho area, Pemthang Chho area, Tamze Chho, Tsongmo Chho area, Talang and Zethang.

K. A. VARADAN,
CHIEF SECRETARY.
(F. No. 15 (4) Home/81 )
NOTIFICATION

On the expiry of the period of validity for carrying out of the field firing and artillery practice as contained in Notification No. 76/ Home/90 dated 4th January, 1990, the Government of Sikkim hereby grants permission to the Army for the carrying out of field firing and artillery practice in areas in North Sikkim as described in the schedule below during the period from 15th August to 15th February, every year w.e.f. 1st January, 1996 upto 31st December, 1996 (both days inclusive).

THE SCHEDULE

Range ‘D’
Areas bounded by the Grid reference as under on the Map Sheets No. 78 A/11 and 78 A/15 Bhutan, China, Sikkim Meter Grid Scale 1:50,000:-

(a) On the Northern side boundary runs along:-
   081 762 146 798 174 783 205 756
(b) On the Eastern side boundary runs along:-
   205 756 188 748 158 733 169 719 159 688
(c) On the Southern side boundary runs along:-
   159 688 097 660 095 659 089 653 076 654
(d) On the Western side boundary runs along:-
   076 654 077 660 069 667 070 670
   083 675 083 680 084 682 088 678
   092 680 059 694 090 795 083 693
   073 698 064 699 064 703 070 706
   072 707 077 708 085 722 078 735
   071 751 081 762.

Explanation
The areas as per grid reference above coincides roughly with the following places in the clockwise direction :-

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

K. A. VARADAN,
CHIEF SECRETARY,
(F. No. 15 (4) Home/81)
In order to evolve a draft industrial policy, the State Government hereby constitutes a Committee with the following members:

<table>
<thead>
<tr>
<th>No.</th>
<th>Name and Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Mr. L. Bhutia, Secretary, Industries, Chairman</td>
</tr>
<tr>
<td>2.</td>
<td>Mr. P. G. Tenzing, Director, Industries, Member Secretary</td>
</tr>
<tr>
<td>3.</td>
<td>Mr. H. P. Chhetri, Additional Director, Agriculture, Member</td>
</tr>
<tr>
<td>4.</td>
<td>Mr. Tsering Tashi, Senior Geologist, &quot;</td>
</tr>
<tr>
<td>5.</td>
<td>Ms. Saamten Dolma, Deputy Secretary, Land Revenue, &quot;</td>
</tr>
<tr>
<td>6.</td>
<td>Mr. T. P. Koirala, Additional Director, Finance, &quot;</td>
</tr>
<tr>
<td>7.</td>
<td>Mr. D. P. Barsal, Joint Director, Industries, &quot;</td>
</tr>
<tr>
<td>8.</td>
<td>Mr. K. N. Lepcha, Joint Secretary, Rural Development, &quot;</td>
</tr>
<tr>
<td>9.</td>
<td>Mr. R. K. Pradhan, Superintendent Engineer, Power, &quot;</td>
</tr>
<tr>
<td>10.</td>
<td>Mr. M.G. Kiran, Managing Director, Sikkim Industries, Development &amp; Investment Corporation, &quot;</td>
</tr>
<tr>
<td>11.</td>
<td>Mr. K. L. Gyalshen, Planning Officer, Khadi &amp; Development, &quot;</td>
</tr>
<tr>
<td>12.</td>
<td>Mr. L. Dorjee, Deputy Secretary, Tourism, &quot;</td>
</tr>
<tr>
<td>13.</td>
<td>Mr. R.K. Pradhan, Lead Bank Manager, &quot;</td>
</tr>
<tr>
<td>14.</td>
<td>Mr. R.P. Sharma, Deputy Executive Officer, Khadi &amp; Village Industries Board, &quot;</td>
</tr>
<tr>
<td>15.</td>
<td>Ms. B. K. Pradhan, Assistant Director, Directorate of Handicrafts and Handloom, &quot;</td>
</tr>
<tr>
<td>16.</td>
<td>Mr. G. Lachungpa, Association of Small Scale Industries, Sikkim, &quot;</td>
</tr>
</tbody>
</table>

The objectives to be achieved through the new industrial policy shall be broadly:

(i) To substantially step up the rate of growth of Industry though a higher level of investment;
(ii) To provide employment opportunities;
(iii) To ensure that there is a steady growth of investment in Sikkim;
(iv) To create an industrial environment that will lead to sustained growth;
(v) To establish infrastructural facilities which will stimulate faster growth of industry;
(vi) To initiate a process of continuous interaction between Government and Industry to remove possible adverse factors which can inhibit industrial growth.
(vii) To ensure industrial utilization of raw materials available in Sikkim.

The Committee shall submit its report by 1st March, 1996 to the Government.

By order and in the name of the Governor.

K. A. VARADAN,
CHIEF SECRETARY
F. No. 54 (45) Home/88.
In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Sikkim is hereby pleased to make the following rules to amend the Sikkim State Animal Husbandry & Veterinary Services Rules, 1994, namely:

1. (i) These rules may be called the Sikkim State Animal Husbandry & Veterinary Services (Amendment) Rules, 1995.
(ii) They shall come into force with effect from the date of publication in the Official Gazette.

2. In the Sikkim State Animal Husbandry & Veterinary Services Rules, 1994 (hereinafter referred to as "the said rules"), in schedule 1-
   (i) in serial number 1 of column (i), item number (7) shall be omitted.
   (ii) in column (3), for the figure “36” the figure “32” shall be substituted.
   (iii) for the existing Total Cadre strength at the end the following words and the figures shall be substituted

   “Total of 1 Plus 2 Plus 3 Plus 4 Plus 5 Plus 6 Plus7 = 72,
   Leave Reserve 10% of 72 = 7
   Training Reserve 10% of 72 = 7
   Total Cadre Strength =86”

3. In the said rules, in Schedule II, in serial number 1 of column 1, of column 1, item number (10) shall be omitted.

R.S BASNET
Secretary to the Govt. of Sikkim
In exercise of the powers conferred by clause (1) of article 299 of the Constitution of India, the Governor of Sikkim is hereby pleased to direct that all contracts and assurances in respect of the building and out-houses and land of Sikkim House and New Sikkim House located at No. 12, Panchsheel Marg and No. 14, Panchsheel Marg, Chanakyapuri, New Delhi belonging to the Government of Sikkim and all other properties of the Government of Sikkim situated in Delhi made in the exercise of the executive power of the State of Sikkim may be executed on behalf of the Governor by the Resident Commissioner of the Government of Sikkim in New Delhi in the rank of Secretary to the Government of Sikkim.

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

(B. P. PRADHAN)
ADDL. SECRETARY (HOME)
(F. No. 44912) Home/55).
GOVERNMENT OF SIKKIM
WOMEN AND CHILD WELFARE DEPARTMENT
GANGTOK.

No. 49/ WCW                                DATED: 23-9-95.

NOTIFICATION

Notification No. 38/SW dated 25-9-92 issued by the Social Welfare Department. Government of Sikkim is hereby renotified for general information:-

No. 38/SW                                    Dated 25-9-92.

NOTIFICATION

In exercise of the powers conferred by section 5 of the Juvenile Justice Act, 1996 (Central Act of 1996), the State Government hereby constitutes one Juvenile Court for the whole of Sikkim consisting of a Bench of the following Judicial Magistrates and panel of honorary social workers for the purposes of the said Act:-

1. Judicial Magistrate (North) at Gangtok - Principal Magistrate
2. Judicial Magistrate (East) at Gangtok - Magistrate

P. NAMGYAL,
SECRETARY
HEALTH AND SOCIAL WELFARE DEPARTMENT.

By order and in the name of the Governor.

(B. M. SINGH), IAS
SECRETARY
WOMEN, AND CHILD WELFARE

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
Election Commission of India’s notification No. 56/95 (11) dated 16.11. 1995 is hereby republished for general information.

ELECTION COMMISSION OF INDIA

Nirvachan Sadan,
Ashoka Road,
New Delhi-110001

25 Krstika, 1917 (SAKA)

No. 56 /95 (11).- In pursuance of sub-para (2) of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1960, the Election Commission of India hereby makes the following further amendment to its Notification No. 56/92, dated 7th January, 1993, published as O. N. 2 (E) in the Gazette of India, Extraordinary Part-II, Section 3 (iii), dated the 8th January, 1993, and as amended from time to time namely :-

1. In Table III of the said notification.-
   (i) after the existing entries at S. No. 415, the following entries shall be inserted under column (1) and (2) respectively :-

   416. Indian Bahujan Samajwadi Party
   2/3, Ambedkar Nagar, Post- Nagina,  
   Pin Code-246762, Distt. Bijnaur,  
   Uttar Pradesh.

   417. National Congress of Youth
   Post Box No. 6204, 2A/37-38
   Ramesh Nagar New Delhi-110 015.

   418. Matra Bhoomi Vikas Manch
   C/o Shri Kashi Nath Tripathi,  
   Aspathal Road, Mau-Chibee,  
   Bandha-210 Uttar Pradesh.

   419. Bahujan Loktantrik Party
   C 161, J. J. Colony,  
   Wazirpur, Delhi-110052.

   420. Samajwadi Jan Parishad
   Jai Melha Prasad, Reti Bunder  
   Road, Mahagiri, Thana (W)  
   Maharashtra -400 601  
   421. Realist Party of India
   3A, Lal Bazar Street, Ground  
   Floor, Room No-5, Galcutta-1.  
   422. Haryana Democratic Congress
   H. No. 1392 (Top)  
   Sector-22B, Chandigarh.

   423. Jana Priya
   A/2 KASTEL 5, CORNWELL  
   ROAD, BANGALORE-560 025.
424. New India Party
    H. No.-20-314, Vidyanayar,
    Godavarikhani-505 209, Distt.
    Karimnagar, (Andhra Pradesh).
425. Rashtriya Samajwadi Party
    ‘Pragatisheel’
    B-248, Mohan Nagar,
    Thatipur, Merar, Gwalior (Madh-
    Aya Pradesh).
426. Vishal Harana Party
    Rewari Road, Narnaul-123 001,
    Distt. Mahandargarh (Harana).
427. Sadbhav Pichhera Vikas Party
    Village-Jamalpur, P.O. Sonagaon,
    Tehsil Akbarpur Distt. Faizabad
    (U.P.).
428. All India Vakkalar Munnetra Kalagam
    34, Kanagasabai Nagar, Municipal
    Colony, Thanjavur-7.
429. Bharatiya Pragatisheel Party
    H. No. 524/45, Kotda, Puskar Road,
    Ajmer-305 001 (Rajasthan).
430. Bharatiya Labour Party
    B.P. 281, Ravi Nagar, Mughalsarai,
    Varanasi. Uttar Pradesh.
431. Sarvdharam Party (Madhya Pradesh)
    C-44, Padannabh Nagar, Bhopal
    (Madhya Pradesh) -462 101.

(ii) against S. No. 259, relating to Shoshit Samaj Dal, for the existing entry in
column (2) the entry “Central Office, Dakshni Mandiri, Patna-1” shall be sub-
tituted;
(iii) against S.No. 264 relating to Socialist League of India, for the existing entry
in column (2), the entry “40, Fazale Rahemani Society, Part (2), Juhapura,
Ahmedabad-380055” shall be substituted;
(iv) against S.No. 268, relating to Surajya Party, for the existing entry in column (2),
the entry “No. 30/1, II Floor, I Cross, Stephen’s Road, Bangalore-560005” shall
be substituted;
(v) against S.No. 282, relating to United Communist Party of India, for the existing
entry in column (2), the entry “No. 2, Fifteth Sureet, Ashok Nagar, Madras-
600083” shall be substituted;
(vi) the existing entreis at S. No. 370 relating to “Nava Samaj Party” shall be omitted.

By Order.

CHANSHYAM KHOHAR
SECRETARY
D. Samdop,
Deputy Secretary
Election Department, Gangtok.

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

Notification No. 20/L. R. (S) Dated: Gangtok the 8th December, 1995.

DECLARATION UNDER SECTION 6
OF THE LAND ACQUISITION
1894 (1 of 1894)

Whereas the Governor in satisfied that land in needed for public purpose, not being a purpose of the Union, namely for Power Department for construction of Sub-Station of Switchyard is the Block of Tathagchen, East District is hereby declared that a piece of Land comprising cadastral plot No. 95 and 107 measuring more or less 0.78 acres and Bounded as follows:-

EAST:- Jhora and D.F. of Shri Dawgenchen Bhutia and Shri N. Lama.
WEST:- D.F. and House of Shri Nithup Bhutia.
NORTH:- D.F. of Tashi Yangzom.
SOUTH:- Banjo land of Shri Sherap Khendu.

Is needed for the aforesaid public purpose at the public expense within the aforesaid Block of Tathangchen, East Sikkim.

The declaration is made, under the provision of section 6 of 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 East.

G. GOPERMA
Special Secretary,
Land Revenue Department,
Government of Sikkim.
Gangtok.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
NOTIFICATION

In supersession of all the Notification on the subject, the Governor is pleased to make the following rules for the appointment of Law Officers in the Government, Statutory Corporations, Government Aided or controlled undertaking, namely:-

1. Short title, commencement and Application.

1. (1) These rules may be called the Law Officer (Terms and Condition) Rules, 1995.
(2) They shall come into force at once.
(3) They shall apply to Government undertaking under the control of the Government or Statutory Corporation and all undertaking aided by the Government.

2. Definitions.

2. In these rules, unless the context otherwise requires,-
(a) “effective hearing” means the day on which any argument is heard, appeal is submitted/admitted, revision or application for any proceeding is admitted, hearing of bail applications, issues are framed, witness is examined, or cross-examined or charges framed.
(b) “non-effective hearing” means the done on which the suit or case or appeal or revision or application or proceeding is adjourned the Court, the date fixed for supply of copies.
(c) “Law Officers” means Senior Government Advocate, Public Prosecutor, Additional Public prosecutor, Special Public Prosecutor, Government Advocate, Assistant Government Advocate and Assistant Public Prosecutors.
“Standing Council” means all Advocates appointed by different State Government undertaking, or undertakings under the control of the Government or statutory corporations and all undertaking aided by the Government.
(d) “remuneration” means fees paid for a case or part of a case.
3. Terms of the Law-Officer, Standing Counsel

Every Law-Officer/Standing Counsel appointed under these rules will have a minimum tenure of three years from the date of appointment, which may be extended for such period as may be mutually agreed upon.

4. Retainer and other fees.

(1) A Law Officer shall be paid the retainer and such other fees as specified in the Schedule appended to these rules.

(2) A Standing Counsel shall be paid such retainer and other fees that may be agreed to between the undertaking and Standing Counsel.

5. Payment of Bills.

(1) The Law Officer/Standing Counsel shall be paid his retainer on or before the both of every months by the Government or the institution as the case may be.

(2) The Law Officer shall submit the Bill regarding fees as per the rates as specified in the Schedule appended to these rules to the Law Secretary and Legal Remembrancer, in triplicate in the prescribed form.

(3) On receipt of the Bill from the Law Officer, the Law Department shall scrutinize the bills and process the same for timely payment by the department concerned.

(4) The Standing Counsel shall submit the Bill regarding fees to the undertaking concerned and the undertaking will make the payment with the least possible delay.

6. Appointment

(1) A Law Officer/standing Council under these rules shall be appointed by inviting application from the Advocate and through selection by a Committee constituted by the Government for the purpose.

(2) The appointment of the Law Officer for the Government shall be made by the Government from time to time on the recommendation of the Committee referred to in (1) above.

(3) The appointment of Standing Counsel for any institution other than the Government shall be made by the institution concerned on the recommendation of the Government.

7. Qualification for Appointment as a Law Officer / Standing Counsel

(1) No person shall be eligible for appointment as an Assistant Government Advocate unless he holds a degree in law from a recognized university and has been in continuous practice as an Advocate for a period of not less than three years.

(2) No person shall be eligible for appointment as a Government Advocate/Public Prosecutor/Additional Public Prosecutor/Standing Counsel unless he holds a degree in Law from a recognized university and has been in continuous practice as an Advocate for a period of not less than seven years.

(3) The State Government may consider designating any Government advocate who has been in continuous practice for not less than 12 years as Senior Government Advocate.

8. Duties

(1) A Law Officer/Standing Counsel appointed under these rules shall act as Advocate independently in the Courts and the Tribunals assigned to him and also as Junior to the Advocate General in the High Court and if required to any other Senior advocate in any Court or Tribunal.

(2) He shall not accept any brief against the Government or the institution for which he is appointed as a Law Officer/Standing Counsel and also in all cases where the Government or the institution have interest in any case.

(3) A Law Officer/Standing Counsel can appear for an individual or an institution other than the institution for which he is a Law Officer after obtaining written permission from the legal Remem-
brancer and Law Secretary after satisfying him that such an appearance will not be to the detriment of the Government or the institution for which he is the Law Officer/Standing Counsel.

(4) On resignation or termination of the service of a Law Officer/Standing Counsel, he shall hand over all the files with him and also settle all Accounts and obtain clearance to that effect from the Government or the Institution, as the case may be.

(5) No Law Officer/Standing Counsel shall disclose any information which comes to his knowledge in his capacity as such Law Officer/Standing Counsel and shall maintain absolute secrecy.


The Law Officer/Standing Counsel shall submit the following reports to the Government or the institution concern, as the case may be-

- a) monthly report regarding pending cases.
- b) result of the case as and when pronounced with a certified copy of the Judgment/Order.

10. Termination.

The Government or the institution can dispense with the service of a Law Officer/Standing Counsel appointed under these rules by giving three month’s notice, if it is found that the services rendered by such Law Officer/Standing Counsel is not satisfactory:

Provided, however, the State Government shall not dispense with the Services of Law Officer/Standing Counsel without giving him an opportunity of being heard.

11. Resignation

The Law Officer/Standing Counsel appointed under these rules can resign by giving one month notice. His resignation will not be effective till it is accepted or till the expiry of three months from the date of receipt of the resignation, when the resignation will be effective automatically.

12. Appointment to be contractual.

Every appointment of a Law Officer/Standing Counsel under these rules will be an appointment under a contract and these rules form part of the terms and conditions of the contract in addition to the terms and conditions of the appointment order.

Provided, however, no contract of any existing Law Officer/Standing Counsel shall be affected by these rules unless such a Law Officer/Standing Counsel gives his option of being governed by these rules within a period of 30 days from the date of commencement of these rules.

13. Article 309, or rules not to be applicable.

The provisions of Article 309 of the Constitution or the rules applicable to employees of the Government of Sikkim or the Statutory Corporations or Undertaking will not be applicable to such Law Officer/Standing Counsel appointed under these rules.

14. Medical Benefits.

a) The Senior Government Advocate/Government Advocate/Public Prosecutor/Additional Public Prosecutor will be allowed Medical benefits as admissible to Class I Gazetted officers of the Government of Sikkim.

b) The Assistant Government Advocate, Assistant Public Prosecutor will be allowed medical benefits as admissible to Class II Gazetted Officers of the Government of Sikkim.


a) The Senior Government Advocate/Government Advocate/Public Prosecutor/Additional Public Prosecutor is entitled to T.D./D.A. at such rates as may be admissible to Class I Gazetted Officer of the Government of Sikkim, from time to time.

b) The Assistant Government Advocate/Assistant Public Prosecutor is entitled to T. A. D.A. at such rates as may be admissible to Class II Gazetted Officer of the Government of Sikkim, from time to time.
16. **Conveyance and Accommodation.**

The Law Officers appointed under these rules, shall be entitled to transport and accommodation at the rates and scales specified in the Table Below:-

**THE TABLE**

<table>
<thead>
<tr>
<th>SL.No.</th>
<th>GRADE OF LAW OFFICER</th>
<th>ENTITLEMENT OF TRANSPORT AND ACCOMMODATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Senior Government Advocate</td>
<td>(a) a free transport. (b) a free and simply furnished residential accommodation or House rent allowance as entitled to Class I officers of the State Government.</td>
</tr>
<tr>
<td>2.</td>
<td>Government Advocate/ Public Prosecutor/ Additional Public Prosecutor</td>
<td>(a) a free and transport on pool basis. (b) a free and simply furnished residential accommodation or House Rent Allowance.</td>
</tr>
<tr>
<td>3.</td>
<td>Special Public Prosecutor</td>
<td>a) a free transport for official use as and when required.</td>
</tr>
<tr>
<td>4.</td>
<td>Assistant Government Advocate/ Assistant Public Prosecutor</td>
<td>a) Conveyance Allowance at the rate of five hundred rupees per month.</td>
</tr>
</tbody>
</table>

17. **Advocate on Panel.**

1. The State Government may maintain a panel of Advocates for Conducting the cases on behalf of the Government in the High Court and in the Lower Courts.
2. An Advocate on panel will be entitled to varying rates of fees depending upon his length of practice or any other qualifications which the State Government may, by order, lay down from time to time.

18. **Power of the State Government To appoint Law Officers on other Terms.**

Notwithstanding anything contained in these rules, the State Government may, whenever it deems fit and proper appoint a Law Officer on such terms as the State Government may, by order, prescribe from time to time.

19. **Removal of Doubts.**

Where any doubt arises as to the interpretation of these rules, the Law Department may, with the approval of the State Government, interpret Any of provisions of these rules and the decision made therein shall be Final.

20. **Validation of appointment.**

The appointments of the Law Officer/ Standing Counsel made under The rules to superseded shall be deemed to have been made under the corresponding provisions of these rules.
THE SCHEDULE

(See sub-rule (2) of rule 5)

1. Retainer per month
   a) Senior Government Advocate/ Public Prosecutor.. 2000.00
   b) Government Advocate/ Special Public Prosecutor/Public Prosecutor
      Additional Public Prosecutor.. 1500.00
   c) Assistant Government Advocate/ Assistant Public Prosecutor.. 1000.00

2. Fees for appearance fixed per day irrespective of the number of cases and number of Courts subject to a maximum of two fees for effective hearing.

<table>
<thead>
<tr>
<th>SL No.</th>
<th>DESCRIPTION</th>
<th>COURT</th>
<th>FEE FOR EFFECTIVE HEARING</th>
<th>FEE FOR NON-EFFECTIVE HEARING</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Senior Government Advocate-cum-Public Prosecutor</td>
<td>District Court 300/- per day</td>
<td>150/- per day</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tribunal/ other sub-ordinate Courts</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>High Court (a) appearing 400/- “ “</td>
<td>200/- “ “</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>independently (b) assisting Advocate General or other Senior Counsel</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>in all Courts in the State 300/- “ “</td>
<td>150/- “ “</td>
<td></td>
</tr>
<tr>
<td>(2)</td>
<td>Special Public Prosecutor</td>
<td>District Court</td>
<td>300/- per day</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Same fee as admissible to Senior Government Advocate/Public Prosecutor.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3)</td>
<td>Government Advocate Public Prosecutor</td>
<td>Civil Judge or any Magistrate or Tribunal</td>
<td>250/- per day</td>
<td>100/- per day</td>
</tr>
<tr>
<td></td>
<td>Additional Public Prosecutor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(4)</td>
<td>Assistant Government Advocate/Assistant Public Prosecutor</td>
<td>Civil Judge or any Magistrate or Tribunal</td>
<td>150/- per day</td>
<td>100/- per day</td>
</tr>
</tbody>
</table>

3. OTHER CHARGES AND FEES

(1) Senior Government Advocate-cum-Public Prosecutor/Special Public Prosecutor Consultation with Advocate General or any other Senior Advocate Subject to maximum of three Consultation in one case.
For drafting memo of appeal, Counter affidavits, Affidavit-in-Reply, Written statement, written Objection, Plaints, Revisional Application.

Miscellaneous drafting 50/-

(2) Government Advocate Public Prosecutor, Assistant Government Advocate, Standing Counsel and Advocate-On-Panel.

For each consultation with the Advocate General/ or any other Senior Advocate subject to a maximum of three consultations in the case.

For drafting memo of appeal, Counter-affidavit, Cross-appeals Written Statements.

Affidavit-in-reply written Objections. Plaints, Complaints, Revisional Applications 250/-

Miscellaneous drafting 30/-

While appearing as Junior to Advocate General or any Other Senior Counsel. 150/- per day for Appearance.

(4) The Government Advocate/ Public Prosecutor for High Court of Sikkim

6500/- per month (Consoli-Dated).

5. Assistant Government Advocate with atleast Four years standing at The Bar-while working as Junior to Advocate General. Rs. 4500.00 (Consoli-dated).

6. Assistant Government Advocate with a standing Of above one year at the Bar while working as Junior to the Advocate General Rs. 3000.00 (Consoli-dated).

B. R. PRADHAN
LEGAL REMEMBRANCER
AND LAW SECRETARY TO THE GOVERNMENT OF SIKKIM.

PRINTED AT THE SIKKIM GOVERNMENT PRESS, GANGTOK.
GOVERNMENT OF SIKKIM
DEPARTMENT OF EDUCATION
GANGTOK.


NOTIFICATION

In supersession of the Notification No. 181/Gen/Est dated 8.11.1995, the Governor is pleased to prescribe the following minimum qualification for different categories of Language Teachers with immediate effect.

1. PRIMARY LEVEL BHUTIA/ LEPCHA/LIMBOO LANGUAGE TEACHER IN THE SCALE OF RS. 1030-1680.

   (a) A candidate for appointment to this grade must have passed the Secondary Examination (Class X) of recognized Board or its equivalent examination with Bhutia/ Lepcha/ Limboo as vernacular subject.

2. GRADUATE LEVEL (HEAD LAMA/HEAD LEPCHA/HEAD LIMBOO) IN THE SCALE OF RS. 1520-2660

   (a) A candidate for appointment to this grade must have the Educational Qualification of B.A./B. Com./B. Sc. Or equivalent from a recognized university with Bhutia/ Lepcha/ Limboo as vernacular subject in the Senior Secondary (Class XII) of a Recognized board or its equivalent.

   (b) A candidate having Educational Qualification of Senior Secondary/Higher Secondary (Old System) from a recognized Board with Bhutia/ Limboo/ Lepcha as vernacular subject or Old Enchey passed and 7 (seven) years of teaching experience as Primary Language teacher can be considered for the post of Language teacher in this grade.

   (c) Candidate having passed the 5 (five) years Sheda course from the Institute of Higher Nyingma Studies (Sheda) Old Enchey passed, B. A./ Shastri passed candidate with 3 (three) years of teaching experience as Primary language teacher can be considered for a appointment as Head Lama.
3. SENIOR HEAD LANGUAGE TEACHER (POST GRADUATE LEVEL) IN THE SCALE OF RS. 1820-3200.

(a) A candidate for appointment to this grade must have the educational qualification of M.A./ M.Com./ M. Sc./ Acharya from a recognized University with Bhutia/ Lepcha/ Limboo in Senior Secondary Examination (Class – XII) or its equivalent Examination.

(b) A candidate having education qualification of B.A./ B.Com./B. Sc. With Bhutia/ Lepcha/ Limboo in the Senior Secondary (Class- XII) or its equivalent examination from a recognized Board with 5 (five) years of teaching experience as Head Lepcha/ Head Lama/ Head Limboo can be considered for the post of Sr. Head Lepcha/ Sr. Head Lama/ Sr. Head Limboo (PGT).

(c) A candidate having educational qualification of Sr. Secondary (Class- XII) High Secondary (Class –XI) of Old system / Old Enchey passed/ Sheda passed and 10 years of teaching experience as Head Lepcha/ Head Lama/Head Limboo/ Head Bhutia considered for the post of Senior Head Lepcha/ Senior Head Lama/ Senior Head Bhutia/ Senior Head Limboo Language teacher.

(d) A candidate having educational qualification of Shastri from a recognized university with 5 (five) years of teaching experience as Head Lama can be considered an appointment as Senior Head Lama.

T.T. Dorji, IAS
Commissioner-cum-Secretary, Education,